



City of Colleyville City Council Agenda

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

Monday, October 3, 2016

**EXECUTIVE SESSION
4:00 P.M.
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

CALL TO ORDER AND ROLL CALL

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

Section 551.074 - Personnel - Deliberate the appointment, employment, evaluation, and duties of the City Attorney (City Attorney interviews)

**WORKSESSION
5:00 P.M.
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

CALL TO ORDER AND ROLL CALL

- WS-1** Discussion of updates to the tree preservation ordinance
- WS-2** Discussion of Temporary Business Signs - State Highway 26
- WS-3** Discussion of Conflict of Interest forms for vendors
- WS-4** Discussion of the October 3, 2016, City Council regular agenda items

**EXECUTIVE SESSION
6:30 P.M.
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

CALL TO ORDER AND ROLL CALL

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 City Developer Agreement

Section 551.071 - Legal - Consultation with and legal advice from the City Attorney regarding SWPPP and TCEQ issues with Toll Brothers

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

Section 551.074 - Personnel - Deliberate the appointment, employment, evaluation, and duties of the City Attorney

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

RESUME REGULAR MEETING

7:30 P.M.

CITY COUNCIL CHAMBERS

INVOCATION: Pastor Dale Molden, First Baptist Church Colleyville

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-16-4040

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Announcements of civic and charitable events

Presentation of calendar events and updates

Announcements of awards and recognition

Presentation of the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting - Mayor Richard Newton and Chief Financial Officer Brian Hogan

Recognition of employees' years of service and achievements

4. CONSENT: READING AND PUBLIC HEARING - Resolution R-16-4041

- 4a** Approval of the minutes of the regular City Council meeting of September 20, 2016
- 4b** Approval to purchase three (3) Chevrolet Tahoe patrol vehicles, from Caldwell Country Chevrolet, in an amount not to exceed \$144,194, bid through the Texas Local Government Purchasing Cooperative "Buy Board"; approval to purchase three (3) Ford Taurus unmarked vehicles, from Silsbee Ford, in an amount not to exceed \$80,998, bid through the Texas Local Government Purchasing Cooperative "Buy Board"; and authorize the city manager to execute all purchasing documents

5. ORDINANCE(S): FIRST READING AND PUBLIC HEARING**5a Ordinance O-16-1993**

Consideration of a Special Use Permit for an accessory building larger than permitted on Lot 3, Block 1, Hidden Acres Addition, located at 1212 Holly Lane, Case ZC16-012

5b Ordinance O-16-1994

Consideration of a zoning change from the AG-Agricultural district to the R-40 Single Family Residential district on Lot 2, Block 1, Morris Addition, located at 7201 Pleasant Run Road, Case ZC16-014

5c Ordinance O-16-1995

Consideration of a zoning change from the R-40 Single Family Residential district to the R-30 Single Family Residential district on Lot 1R, Block 1, O. Martin Subdivision, located at 5601 Montclair Drive, Case ZC16-017

6. TABLED: RESOLUTION(S)**6a Resolution R-16-4032**

Consideration of filling the Place 1 position on the Zoning Board of Adjustment, with Alternate 1, and filling the Alternate 1 position with the Alternate 2

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

Historical Preservation Committee Meeting Minutes - April 14, 2016

9. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR OCTOBER 3, 2016 - READING AND PUBLIC HEARING - RESOLUTION R-16-4042

10. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards Friday, September 30, 2016 by 4:00 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
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number WS-1

Agenda Date 10/03/2016

Type Worksession

Department Community Development

Title

Discussion of updates to the tree preservation ordinance

Strategy Map Connection

B2- Proactively seek process improvements and sustainable solutions

Explanation

Project Scope

Administrative amendments were proposed to the Tree Code on July 21, 2015 with the intent of resolving discrepancies in code language and to minimally alter wording to clarify intent. The proposed strategy for amending the Tree Preservation regulations was two tiered: the first, to amend the administrative items; followed by the consideration of substantive code changes upon the hiring of the Planner and Urban Forester positions. With these positions filled, staff is requesting approval from the City Council to amend Chapters 2 (Definitions) and 5 (Tree Preservation) of the Land Development Code (LDC) to revise the Tree Preservation regulations in a manner to provide clarity for staff, citizens, and the development community.

Explanation

The main purpose and intent of tree preservation in the City of Colleyville is to encourage site planning which furthers the preservation of trees and natural areas; to protect trees during construction; to facilitate site design and construction which contribute to the long term viability of existing trees; and to control the removal of trees when necessary. It is the further intent of Chapter 5 to achieve the following broader objectives:

- Protect healthy trees and preserve the natural ecological, environmental, and aesthetic qualities of the City.
- Protect and increase the value of residential and commercial properties within the City.
- Prohibit the indiscriminate clear cutting of property.

Administration of Chapter 5 of the LDC has been difficult and at times unclear, thus highlighting the need for a substantial revision to the Tree Preservation Ordinance. Over the past year, several issues have been identified and include, but are not limited to: ultimate responsibility for tree preservation; application of the tree coverage

preservation requirement; application of exempt areas toward tree preservation; and enforcement of mitigation policies. An outline of these issues is provided in the associated attachments to give City Council an idea of what types of issues are present with the administration of the Tree Preservation Ordinance.

History

Chapter 5 was adopted in 2000, and then revised in 2009 and 2014. Definitions associated with the Tree Preservation chapter are also contained within Chapter 2 (Definitions) of the LDC. The substantive amendments made in 2014, coupled with recent opportunities to implement the regulations put in place, have resulted in staff and customer identification of some code language that needs to be revised to clarify intent, administration, and legibility.

Some of the changes identified are not necessarily a result of the 2014 amendments to the Tree Preservation Ordinance. As new situations arise and the regulations are applied in different project scenarios, unclear provisions and conflicting language are discovered. Staff has kept track of these items as they have come up, but additional proactive analysis is necessary to identify other administrative clarifications as needed.

Administration Snapshot

The Tree Preservation Ordinance is applied at several points throughout the development process. Initially, customers (homeowners, developers, realtors, builders, etc.) contact the Community Development Department to ask for permission to remove a tree, inquire about a tree that has been taken down, or to perform preliminary due diligence for a project. After the inquiry/due diligence phase, they either proceed to submit a Tree Removal Permit or to attain entitlements (rezoning to Planned Unit Development where required buffers are established, requesting waivers to the Tree Preservation Ordinance, attaining variances for hardships, etc.). After entitlements, the standard site plan, permits, and plats are submitted and processed where actual tree preservation fencing and tree removals are assessed in detail. At the end of the development process, after permits have been issued, inspections are made for Tree Code compliance through construction and project finalization (ex. installing irrigation, paying mitigation fees, etc.).

Staff must apply the Tree Preservation Ordinance at all of these different stages of development. The same provision or definition can be applied throughout the development process in different ways. For example, the definition of "Critical Root Zone" relates to several regulations in Chapter 5 (Tree Preservation). It is necessary to establish where tree preservation is needed and what work can be done in which areas. It is the intent of staff to ensure that all provisions and definitions are consistent and better understood.

Objective

The proposed amendments to the Tree Preservation Ordinance that were presented to the City Council last year will be retained and included in the future revisions. Staff

identified changes generally related to the following four categories:

1. Updating, adding, or combining relevant definitions;
2. Rectifying discrepancies between similar regulatory provisions in various places within the Code;
3. Enforcement clarification; and
4. Rewording or rearranging for legibility.

In addition, more substantial changes addressing the issues identified previously will be reviewed and presented at a future City Council meeting.

Staff is seeking permission to develop proposed ordinance amendments, in a timely manner and with City Council direction, regarding the potential amendments to improve the understanding and administration of the Tree Preservation regulations for the City of Colleyville.

Attachments

1. Tree Preservation Presentation- October 3, 2016
2. Sample Issues in Adminstrating the Tree Code
3. Chapter 2: Definitions
4. Chapter 5: Tree Preservation
5. Council Presentation: July 21, 2015

Ordinance Amendment – Tree Preservation (Ch. 5)

Discussion about possible revisions to Chapter 5 (Tree Preservation) of the Land Development Code

**City Council Worksession
October 3, 2016**

Objectives

1. Discuss the difficulties in administration of the Tree Code
2. Receive permission to bring back ordinance amendments to the Tree Code

Purpose of Tree Preservation

The main purpose and intent of tree preservation in the City of Colleyville is to encourage site planning which furthers the preservation of trees and natural areas; to protect trees during construction; to facilitate site design and construction which contribute to the long term viability of existing trees; and to control the removal of trees when necessary. It is the further intent of Chapter 5 (Tree Preservation) of the Land Development Code to achieve the following broader objectives:

- Protect healthy trees and preserve the natural ecological environmental and aesthetic qualities of the City.
- Protect and increase the value of residential and commercial properties within the City.
- Prohibit the indiscriminate clear cutting of property.

Development Scenario

When Tree Preservation Plan (TPP) is required:

- New subdivision
- New commercial construction
- New home construction on existing platted lot
- Other situations as needed

Sample Problem #1

Who is ultimately responsible for tree preservation?

- At any point in the development process, staff deals with any of the following:
 - o Developer
 - o Home builder
 - o Commercial builder
 - o Home owner
- The responsibility does not currently transfer to another entity
 - o The developer of a new residential subdivision is still responsible for tree preservation even though all the lots have been sold to home builders
 - o Likewise home builders after the new resident has moved into the house

Documented Example

- While inspecting compliance with a new house, tree on adjacent vacant lot is observed to be dying/dead
- Contact is made with property owner (home builder) for corrective action
- Home builder contests responsibility for preservation due to no activity being performed on the lot
- Contact is made with previous owner (developer)
- Developer contests responsibility for preservation due to sale of property to home builder and no longer owns the property

Tree Coverage Preservation

- Protected trees are all trees with a 6" trunk diameter or larger
- Must preserve a minimum amount of canopy tree coverage per table

Existing Tree Coverage Preservation Requirements:

<i>Percentage of existing protected canopy tree coverage</i>	<i>Minimum percentage of the existing protected canopy tree coverage to be preserved</i>
0% – 20%	70%
20.1 – 40%	60%
40.1% - 60%	50%
60.1% - 80%	40%
80.1% - 100%	30%

Sample Problem #2

Existing Tree Coverage Preservation Requirement chart

- Difficult to enforce for individual lots
 - o The preservation standard applies to the entire area of a subdivision, not individual lots
 - o The intervals in the chart are too large
- No flexibility with the chart except through variance requests heard by the P&Z Commission

Documented Example

- New subdivision receives approval of a Tree Preservation Plan (TPP)
- Majority of the existing trees are located to the rear of the subdivision
- The approved TPP preserves the minimum amount
- Permit for new house is applied for one of the affected lots
- Removal of any trees on lot brings the subdivision out of compliance
- Only remedy is to seek variance from the P&Z Commission
- Variance is denied and therefore building permit is denied

Mitigation

- Protected trees that are removed, destroyed, or more than 50% damaged shall be mitigated
- Replace trees (1:1 ratio of diameter replacement), pay mitigation fee, or combination of both
- Replacement trees shall be 6" min diameter size & on approved species list
- Location of replacement trees not allowed in exempt areas
- Replacement trees are to be planted on same site as removed protected tree
- 75% of replacement trees shall be medium & large trees
- Protected/mitigated trees must survive a minimum of 3 years

Sample Problem #3

Mitigation

- Replacement trees must be located on same property as removed 'protected' tree
 - Not allowed in exempted areas
 - Not always sufficient space/area for appropriate planting
- Fee for mitigation may be too costly and contributes to over-planting of property

Documented Example

- Property has approved Tree Preservation Plan (TPP)
- During construction of home, 2 trees designated for preservation dies
- Total diameters lost = 30 inches
- Replacement trees = 5 trees, 6-inch diameter/tree
- Small front yard area, not enough suitable area to ensure full mature growth of each tree
- Cheaper to plant trees than to pay mitigation fee
- Trees planted rather than payment of mitigation fee

Exemptions

- Exempted areas can count toward the % of existing protected canopy tree coverage but not the mitigation/replacement regulations
 - ROW
 - Easements
 - Setback envelope (residential)
 - Footprint + 5' (commercial)
 - Driveways (residential – only when approved by City Council)
- If trees within the exempted areas are preserved, only can obtain credit up to 50% of the exempted area to include in the required canopy tree preservation
- Certain tree species exempted
- Alternate street layout and grading plan may be required by P&Z Commission

Sample Problem #4

Exempt Areas

- Exempt areas are identified but do not apply to the preservation calculation or mitigation regulations
- Building setback envelop is too large of an area, should be building footprint (+ 6'-10')

Documented Example

- Building permit applied for large lot with only a few trees
- Proposed home will not require removal of any existing trees
- All existing trees are located within an exempted area
- Chart requires minimum 70% of existing canopy to be preserved
- Only can obtain credit up to 50% of the exempted area
- Lot does not comply with tree preservation requirement

Summary

1. Administration of the Tree Code has been difficult and at times unclear thus highlighting the need for a substantial revision to the Tree Code.
2. Staff is seeking permission to develop proposed ordinance amendments, in a timely manner and with Council direction, regarding the potential amendments to improve the understanding and administration of the Tree Preservation regulations for the City of Colleyville.

Sample Issues in Administrating the Tree Code

Who is ultimately responsible for tree preservation?

- At any point in the development process, staff deals with any of the following:
 - Developer
 - Home builder
 - Commercial builder
 - Home owner
- The responsibility does not currently transfer to another entity
 - The developer of a new residential subdivision is still responsible for tree preservation even though all the lots have been sold to home builders
 - Likewise home builders after the new resident has moved into the house.

Existing Tree Coverage Preservation Requirement chart:

- Difficult to enforce
 - The preservation standard applies to the entire area of a subdivision, not individual lots
 - The intervals in the chart are too large
- Should exempted areas/trees be removed prior to calculations?
 - Only enforce exempted areas/trees
 - Tighten standards for exempted areas/trees
- No flexibility with the chart except through variance requests heard by the P&Z Commission

Exempt areas:

- Exempt areas are identified but do not apply to the preservation calculation or mitigation regulations
- Building setback envelop is too large of an area, should be building footprint (+ 6'-10')

Mitigation:

- Replacement trees must be located on same property as removed 'protected' tree
 - Not always sufficient space/area for appropriate planting
- Fee for mitigation may be too costly and contributes to over-planting of property

Chapter 2

Definitions

Rev. 05/04/2010

Section 2.1 Purpose of This Chapter

The purpose of this Chapter is to define words, terms and phrases contained within this Land Development Code.

Section 2.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the following authority:

1. *Chapter 211 – Municipal Zoning Authority of the Texas Local Government Code*, which authorizes a municipality to divide a municipality into districts and, within each district, regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.
2. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 2.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request an interpretation of the definitions contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 2.4 General Construction of Language

In the interpretation of this Land Development Code, the provisions and rules of this section shall be observed and applied, except as otherwise noted or when the context clearly requires otherwise.

1. Words used or defined in one tense or form shall include other tenses and derivative forms.
2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
3. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
4. The word *person* includes individuals, firms, associations, organizations, partnerships, trusts, limited liability companies, corporations and any other similar entities.

5. The word *shall* is always mandatory. The word *should* is discretionary. The word *may* is permissive.
6. The word *used* or *occupied* includes the words *intended*, *designed*, or *arranged to be used or occupied*.
7. The word *lot* includes the words *plot*, *parcel* or *tract of land*.
8. The word *City* means the City of Colleyville, Texas.
9. The words *City Council* or *Council* mean the City Council of the City of Colleyville, Texas.
10. The words *Planning & Zoning Commission* or *Commission* mean the Planning & Zoning Commission of the City of Colleyville, Texas.
11. The word *Board* means the Zoning Board of Adjustment of the City of Colleyville, Texas.
12. In case of any differences of meaning or implication between the text of this Land Development Code and any caption, illustration or table, the text shall control.
13. For words not defined in this Chapter, the definitions contained in *The American Heritage Dictionary of the English Language*, latest edition, are hereby adopted.

Section 2.5 Definitions

Aa

Accessory Building or Use. A subordinate building enclosed on three or more sides, but not a carport, having a use customarily incident to and located on the same lot occupied by the principal building, or a use customarily incident to the main or principal use of the property. A building housing an accessory use is considered an integral part of the principal building when it has any part of a wall in common with the principal building, or is under an extension of the main roof and designed as an integral part of the main building.

Administrative Official. A person assigned by the City Manager responsible for the administration of this LCD or a particular portion of the Code.

Aggrieved Person. A person or group of people with an immediate, pecuniary and substantial interest in an action taken by the Administrative Official or Zoning Board of Adjustment under this Land Development Code, as opposed to a remote or indirect interest. A person is also aggrieved if the person suffers a denial of some personal or property right or imposition of a burden or obligation different from that suffered by the public in general.

Alley. A public right-of-way that affords a secondary means of access to abutting property, typically used for secondary vehicular service access to the back or side of properties that abut on a street or highway.

Amendments. Changes made in the text of the Land Development Code or to the zoning map.

Animation. Any visible mechanical movement in any sign, or apparent movement achieved by electrical pulsation or by other means, such as sequential light phasing.

Antenna Support Structure. Any tower, mast, pole, tripod, box frame, or other structure utilized for the purposes of transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals.

Antenna. A metallic apparatus used for the sending or receiving of radio, television, electromagnetic, or microwave signals. An antenna includes microwave reflectors/antennas and satellite dishes.

Apartment. A room or suite of rooms in an apartment building arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

Approving Body. The Planning and Zoning Commission, City Council or staff member authorized by this Land Development Code to approve a subdivision plat.

Assessment. The determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this Land Development Code.

Assisted Living Facility. A congregate residence facility for ten or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation and social or recreational services may be provided or associated with the assisted living facility. Units may be attached or detached, single or double occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis, e.g. visiting nurses.

Automobile Dealership. A commercial business which conducts the retail sales of new or used automobiles.

Automobile Repair & Service. Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; mufflers; automobile washing, steam cleaning, and polishing; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air conditioning systems, and other similar minor services for motor vehicles except heavy load vehicles, or any other similar use. Major repair, rebuilding, or reconditioning of engines or transmissions for motor vehicles; wrecker service with vehicle storage; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; and other similar uses.

Automobile. A motor vehicle as defined by the Texas Motor Vehicle Laws published by the Texas Department of Public Safety.

Awning. A roof-like structure, usually made of canvas, that serves as a shelter, as over a storefront, window, door or deck. Also, an architectural projection that provides weather protection, identity or decoration, and is supported by the building to which it is attached.

Bb

Banner. A temporary sign made of cloth, canvas or other light fabric.

Basement or Cellar. A story wholly or partly underground and having more than one-half of its height from floor to ceiling, below the level of the finished grade at the front of the building. A basement or cellar is not counted when measuring the height of a building.

Bed & Breakfast. A tourist lodging service within the rooms of a single family, owner occupied principal residence located on a property served by a single utility meter and single water and wastewater service.

Block. A tract of land or a lot or group of lots, bounded by streets, public parks, railroad rights of way, water courses or foreshores, unsubdivided land, or a city limit line, or by any combination of the above. In cases where platting is incomplete or disconnected, the administrative official shall determine the boundary of the block.

Breezeway. A covered passage one story in height and six (6) feet or more in width connecting a main structure and an accessory building.

Build. To erect, convert, enlarge, reconstruct, or alter a building or structure.

Buildable Area. The portion of a residential lot which includes: all property between the front yard setback and the rear property line; and all the property which lies under a single driveway not greater than twenty (20) feet in width, extending from the front property line to the garage. Applicable only to tree preservation requirements in residential developments.

Building. A structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind.

Building Envelope. The maximum buildable area remaining on a lot after the front, side and rear yard setbacks are met.

Building Line. A line which coincides with the perimeter of the building envelope, over which any part of a building is not allowed to extend unless otherwise permitted in this Land Development Code.

Building Line, Front. A line located a minimum horizontal distance from a front lot line and parallel thereto, over which any part of a building is not allowed extend unless otherwise permitted in this Land Development Code.

Building Line, Rear. A line located a minimum horizontal distance from a rear lot line, if any, and parallel thereto, over which any part of a building is not allowed to extend unless otherwise permitted in this Land Development Code.

Building Line, Side. A line located a minimum horizontal distance from a side lot line, if any, and parallel thereto, over which any part of a building is not allowed to extend unless otherwise permitted in this Land Development Code.

Building Official. The Building Inspector or Administrative Official of the City of Colleyville charged with responsibility for issuing permits and enforcing the zoning ordinance and building code.

Building Permit. Written permission issued by the City for the construction, repair, alteration or addition to a structure.

Cc

Caliper. See *Diameter*.

Canopy. A canopy is a roof-like structure that shelters a use such as, but not restricted to, a gasoline pump island, and is supported by either one or more columns or by the building to which it is accessory and is open on two or more sides.

Capital Construction Cost of Service. Costs of constructing capital improvements or facility expansions, including and limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and the fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the City.

Capital Improvements Advisory Committee (Advisory Committee). Advisory committee, appointed by the City Council, consisting of at least five members, not less than 40 percent of which shall be representatives of the real estate, development, or building industries who are not employees of the City, and, if impact fees are to be applied within the extraterritorial jurisdiction of the City, including one member representing the extraterritorial jurisdiction; or consisting of the Planning and Zoning Commission, including one regular or ad hoc member who is not an employee of the City and which is representative of the real estate, development, or building industry, and, if impact fees are to be applied within the extraterritorial jurisdiction of the City, one representative of the extraterritorial jurisdiction area; which committee is appointed to regularly review and update the capital improvements program in accordance with the requirements of Chapter 395 of the Texas Local Government Code, and its successors.

Capital Improvements Program (CIP). Plan that identifies water, wastewater and roadway capital improvements or facility expansions pursuant to which impact fees may be assessed.

Carport. A structure or part thereof, but not an accessory building, either detached or attached to a principal building, and which is open on two or more sides, consisting of a roof and either walls or columns for the purpose of temporary parking of vehicles, boats or trailers.

Cellular Communication Tower, Monopole. A low-power radio transmitting structure, consisting of a single pole, which sends and receives radio signals from mobile telephones, linked to one central call-processing point.

Cemetery. Land used or intended to be used for the interment of human and pet remains, and dedicated for cemetery purposes including crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Certificate of Occupancy. An official certificate issued by the City upon completion of construction, alteration or change in occupancy of a building. The certificate acknowledges conformance with the requirements of the Land Development Code and/or building codes.

City Engineer (Engineer). City Engineer of the City of Colleyville.

City Manager. The chief professional city administrative officer of the City of Colleyville, Texas.

City Official. Any person, elected or appointed, or any board or committee authorized or constituted by City ordinance or state law to act in behalf of the municipality.

Clinic. A building or part of a building used solely for the purpose of consultation, diagnosis and treatment of patients by one or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors, or drugless practitioners, together with their qualified assistants. Without limiting the generality of this definition, the building may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care, rooms for the abiding of patients, or operating rooms for major surgery.

Collector Street. A street which carries traffic from local streets to the system of major streets, including the principal entrance street or streets into a subdivision development, and streets designed primarily to provide traffic circulation within or between one (1) or more subdivisions.

Commercial Building Footprint. The portion of the lot which lies beneath the building pad. Applicable only to tree preservation requirements in commercial developments.

Commercial Use. An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee for the purpose of engaging in the exchange, buying or selling or services or products.

Common Area. Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use of the residents and their guests of the development, and may include such complementary structures and improvements as are necessary and appropriate.

Common Ownership. Ownership by the same person, corporation, firm, entity, partnership, or association.

Community Center. A building dedicated to social or recreational activities, serving the City or a neighborhood and owned and operated by the City or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the City.

Community Home for Disabled Persons. A community-based residential home operated by the Texas Department of Mental Health and Mental Retardation, a community center organized under Section 3.01 of the Texas Mental Health and Mental Retardation Act, a non-profit corporation, or an entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation, which otherwise meet the requirements of the Community Homes for Disabled Persons Location Act, Article 1011n, Tex. Rev. Civ. Stat. Ann.

Such facilities provide to the disabled residents food and shelter, personal guidance, care, habilitation services or supervision. Not more than six disabled persons, regardless of their legal relationship to one another, and two supervisory personnel may reside in such facility at the same time. Such facilities shall meet all applicable licensing requirements of the State of Texas, shall not be located within one-half mile of a previously existing community home for disabled persons, and shall meet all applicable requirements of this and other pertinent ordinances of the City of Colleyville.

Comprehensive Plan. The official document and long-range plan, adopted by the City Council, which is intended to guide the growth and development of the City, which includes analysis, recommendations and proposals for the City regarding such topics as population, economy, housing, transportation, community facilities and land use.

Court. An open, unoccupied space bounded on (3) or more sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

Credit. The amount of the reduction of a impact fee for fees, payments or charges for the same type of capital improvements for which the fee has been assessed. Applicable to impact fees.

Critical Root Zone. The area of undisturbed natural soil around a tree defined by a concentric circle with a radius in feet equal to the number of inches of trunk diameter. The Critical Root Zone is used by plan reviewers to determine compliance with design standards and construction specifications, and is considered the minimum portion of a tree's extensive root system that must be protected during construction. Applicable to tree preservation.

Cul-de-sac. A local street having one (1) outlet and terminated on the opposite end by a vehicular turn-around.

Dd

Day Care Center. A child-care facility that provides care for more than twelve (12) children under fourteen (14) years of age for less than twenty-four (24) hours a day. This definition shall not include kindergartens, prekindergartens, and schools listed elsewhere in this Chapter.

Dedication. The act of conveying property to the public for use by the public for streets, parks, drainage, utility, or other public purposes.

Density. The ratio of the total number of dwelling units to the land area of the total site area, less any right-of-way dedication. Commonly expressed as "dwelling units per acre."

Development. All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. Also, the construction or reconstruction of a building or road; the placement of a structure on land; the excavation, mining, dredging, grading, or filling of land; the removal of vegetation from land; or the deposit of refuse or waste on land. Development does not include: (a) lawn and yard care, including mowing, gardening, tree care, and maintenance of landscaped areas; (b) removal of trees or vegetation damaged by natural forces; (c) agricultural activity that is not prohibited by this Land Development Code; or (d) the repair, maintenance, or installation of a utility, drainage or street system that does not disturb land or increase impervious cover.

Development Review Committee. The committee designated by the City Manager that serves as an advisory committee to the Planning & Zoning Commission and has responsibility for providing comments and recommendations on subdivision plats, zoning change applications, site plan proposals and other development related requests. The Development Review Committee (DRC) may also submit comments and recommendations on the vacation of public rights-of-way and easements.

Dilapidated or Deteriorated Condition. For the purposes of sign regulations, a situation where the structural support or frame members are visibly bent, broken, dented, deteriorated or torn to such an extent that a danger of injury to persons or property is created; or where the sign or the structure is not in compliance with a building or construction code adopted by the City.

Director of Public Services. The chief executive responsible for administration of this Land Development Code, or his designee.

Diameter. The thickness of a tree trunk measured perpendicular to its axis at four and one-half feet (4½) above the surrounding grade, measured, if the tree is on a slope, from the high side of

the slope and measured above or below unusual swells in the trunk. For replacement trees, diameter is measured at a point one foot (1) above the soil line of the tree. Applicable to tree preservation and landscape requirements.

To determine the diameter of a multi-trunk tree, add the diameter of the largest trunk to one half ($\frac{1}{2}$) the diameter of each additional trunk. A multi-trunk tree is distinguished from individual trees growing from common rootstock if there is a visible connection between the trunks above ground.

Dripline. The ground area on which an imaginary vertical line which runs through the outermost portion of the crown of a tree extends to the ground.

Dwelling Unit. A room, suite or set of rooms occupied, or suitable for occupancy, as a family residence, and having sleeping, kitchen and bathroom facilities, together with appropriate appurtenances and designed for use and used as a permanent residence for one family.

Dwelling Unit Size. The living area of a dwelling unit, expressed in square feet, and typically being the heated and air conditioned areas exclusive of breezeways, basements, open and closed porches, common corridors, parking areas, parking garages and accessory buildings.

Dwelling, Attached. A dwelling unit which is joined to another dwelling unit sharing one or more common walls.

Dwelling, Duplex. A structure that contains two attached dwelling units that share a common wall and are designed exclusively for the use and occupancy of two families living independent of each other.

Dwelling, Multi-Family. A building or portion thereof arranged, intended or designated for occupancy by three or more families, including, but not limited to, apartment houses, townhouses, row houses, tenements, apartment hotels, flats, condominiums, fraternity and sorority houses and other group quarters.

Dwelling, Single Family Detached. A structure containing one dwelling unit, other than a mobile home, which is entirely surrounded by open space on the same building lot and is designed for the use and occupancy by one family.

Dwelling. A building or portion thereof designed and used exclusively for residential occupancy, but not including motels, hotels, lodging houses or house trailers.

Ee

Easement. A right given by the owner of land to another party for specific limited use of that land without actual ownership of the land.

Engineer. A person a person who has been duly licensed by the Texas Board of Professional Engineers to engage in the practice of engineering in Texas. Engineer shall include *professional engineer, registered engineer, registered professional engineer, licensed professional engineer, or licensed engineer.*

Erect or Erection. To build, construct, attach, hang, place, suspend or affix a sign to or paint a sign on the exterior surface of a building or structure. The term includes the repair or alteration of a sign where the cost of repair is more than sixty- percent (60) of the cost of erecting a new sign of the same type at the same location. Applicable to sign regulations.

Existing Development. For water and wastewater impact fees, all development within the service area which has a water or wastewater tap on the City's water or sewer system or on another centralized water or sewer system, as of the date of the adoption of this Chapter; and for roadways, all development within the service area for which a building permit has been issued and which has not expired.

Extraterritorial Jurisdiction. The unincorporated area that is contiguous to the corporate boundaries of the municipality as defined in Chapter 42 of the Texas Local Government Code.

Ff

Facility Expansion. The expansion of the capacity of an existing facility which serves the same function as an otherwise necessary new capital improvement in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

Facing or Surface. The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

Family. One or more persons who are related by blood, marriage, or adoption living together and occupying a single housekeeping unit with single kitchen facilities. Also, a group of not more than fifteen (15) persons, excluding servants, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

Family Home. A home that provides regular care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six (6) additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed twelve (12) at any given time, and is duly registered by the State of Texas as required by Chapter 42 of the Human Resources Code. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker. *Children who are related to the caretaker* includes the children, grandchildren, siblings, great-grandchildren, first cousins, nieces, or nephews of the caretaker, whether by affinity or consanguinity or as the result of a relationship created by court decree.

Fence. A barrier closing or bordering a field, yard, etc., usually made of posts, wire or wood, used to prevent entrance, to confine, or to mark a boundary. An open fence is one in which the vertical surface is not less than seventy (70) percent open. A solid fence is one in which the vertical surface is not greater than thirty- (30) percent open, and may be considered as a screening element.

Fire Lane. An all weather hard-paved surface which an emergency or fire-fighting vehicle may pass without obstruction or interference.

Flag. A piece of cloth, usually rectangular, of distinctive color and design, used as a symbol, a standard, a signal or an emblem.

Flag Lot. A lot which does not meet the minimum frontage requirements and is accessed by a narrow portion of land.

Flood Plain. The land adjacent to a river, stream, or watercourse or other area that is susceptible to being inundated by flood waters from any source.

Gg

Garage, Private. A detached accessory building or portion of a dwelling that is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed. The term does not include carport.

Garage, Public. A building or place other than a private garage where motor vehicles are kept or stored for remuneration or repair.

Grade. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall adjoining the street. For buildings having walls facing more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the street. For buildings having no walls facing the street, the average level of the finished surface of the ground adjacent to the exterior wall of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as facing the street. Where no sidewalk has been constructed, the Building Official shall establish such sidewalk level or its equivalent for the purpose of establishing the grade.

Gross Floor Area. The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, attics, carports or garages that are not designed for residential or business occupancy.

Gross Surface Area. The entire area within a single continuous perimeter forming a rectangle enclosing the extreme limits of each sign. In the event two or more signs share a single structure, each sign or panel may be considered separately for the square footage purposes, provided that each sign or panel has no relationship to the other, except that the combined footage of such signs may not exceed the total square footage allowed for the sign. Applicable to sign regulations.

Ground Cover. Low growing, dense spreading plants typically planted from containers.

Growth-Related Costs. Capital construction costs of service related to providing additional service units to new development, either from excess capacity in existing facilities, from facility expansions or from new capital facilities. Growth-related costs do not include (a) construction, acquisition, or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan; (b) repair, operation, or maintenance of existing or new capital improvements or facility expansions; (c) upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards; (d) upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development, (e) administrative and operating costs of the City; and (f) principal payments and interest or other finance charges on bonds or other indebtedness, except for such payments for growth-related facilities contained in the capital improvements program.

Gymnastics School. A privately operated facility that provides special physical training in gymnastic arts, martial arts, dance, and other indoor sports to students enrolled for the purpose of learning such skills and which is not open to the general public for the purpose of providing entertainment or amusement for a fee, but which may be opened to the general public during competitive exhibitions in which students of the gymnastics school are registered.

Hh

Height of Buildings. The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (a) the highest point of the roof surface for a flat roof; (b) to the deck line of mansard roofs; or (c) to the mean height level between eaves and ridge for hip and gable roofs. The height of a building shall exclude chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

Height of Signs. The vertical distance measured from the surrounding grade to the top of the sign.

Home Occupation. Any use customarily conducted entirely within a dwelling, provided that such use is carried on solely by residents of the dwelling, is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character of the dwelling, and shows no external evidence of such use.

Hotel. A building or group of buildings, of which the main function is to provide rooms for temporary lodging where entrance to each room is gained from a completely enclosed area and which structure shall also contain a restaurant and conference rooms, and may also include various personal service shops.

Ii - Jj

Illuminated Sign. A sign which has characters, letters, figures, designs or outlines illuminated by electrical lights, luminous tubes or other means.

Illumination, Direct. Lighting by means of an unshielded light source, including neon tubing, strobes, etc., which is effectively visible as part of the sign, where the light travels directly from the source to the viewers eye.

Illumination, Indirect. Lighting by means of a light source, not itself visible, which is directed at a reflecting surface in such a way as to illuminate the sign, or a light source which is primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination, e.g., parking lot lights or lights inside a building which may silhouette a window sign but which are primarily installed to serve as inside illumination.

Illumination, Internal. Lighting by means of a light source which is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.

Impact Fee. Charge or assessment to be imposed by the City upon new development to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to new development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction, and any other fee that functions as described by this definition. Impact fees do not include dedication of rights-of-way or easements, or construction or dedication of site-related water distribution or wastewater collection facilities, or streets, sidewalks, or curbs if the dedication or construction is

required by other valid ordinances of the City and is necessitated by and attributable to the new development; or lot or acreage fees placed in trust for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines.

Institution. Buildings, land or structures used by an organized body, religious group or society for a non-profit, non-commercial purpose. The term may include hospital, library, college, university, convent, monastery or similar use.

Irrigation System. A method of providing the proper amount of water for the particular type of plant material used.

Junk. Material including, but not limited to, scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, scrap zinc and other metals and their alloys; bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton, or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobile or airplane parts, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

Junk or Salvage Yard. A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes an automobile wrecking yard and automobile parts yard.

K k

Kenel. A place where dogs, cats or other domesticated animals are housed, groomed, bred, boarded, trained, harbored, kept or sold for commercial purposes, including pet stores or municipal animal shelters.

Kindergarten. A school for children of preschool age, the work of which is purely preliminary to the work of the public and private school, and which could include a planned program of games, songs, social exercises and object lessons.

Kiosk. A nonresidential commercial accessory building which provides a retail function by serving walk-up or drive-up traffic rather than inside sales service or drive-in service.

L l

Land Planner. A person skilled in the art and science of arranging and designing the layout of land so as to create adequate and desirable building sites, a coordinated street system and space appropriate to the efficient removal of storm water and the provision of public services and utilities all consistent with the long-range goals and the objectives of the city plan.

Land Use Assumptions. Description of the service area and projections of changes in land uses, densities, intensities, and population therein over at least a 10-year period, adopted by the City, as may be amended from time to time, upon which the capital improvement plan is based.

Landscaping. Any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

Large Commercial Building. A building containing one or more commercial businesses and having a building footprint of forty thousand (40,000) square feet, or more. (O-00-1249 / 11/08/00)

Lawn Grasses. Thin blade surface growing plants typically planted from seed, sprigs, plugs or sod.

Legal Non-conforming Use, Building or Lot. A use, building or lot existing legally at the time of the passage of this Land Development Code which does not by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. A use, building, or lot established after the passage of this Land Development Code, which does not conform to regulations of the district in which it is situated, shall be considered an illegal nonconforming use, building or lot.

Light Sources. Neon lights, fluorescent lights, incandescent lights, and any reflecting surface, which, because of its construction and/or placement becomes in effect a source of light emission.

Living Unit Equivalent (LUE). For water and wastewater, basis for establishing equivalency among and within various customer classes based upon the relationship of the continuous duty maximum flow rate in gallons per minute for a water meter of a given size and type compared to the continuous duty maximum flow rate in gallons per minute for a 3/4" diameter simple water meter, using American Water Works Association C700-C703 standards.

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Logo. A design or insignia of an organization, individual, company, product which is commonly used in advertising to identify that organization, individual, company or product.

Lot Area. The gross area of the lot, expressed in square feet or acres, which is bounded by its perimeter property lines.

Lot Coverage. The percentage of the total lot area occupied by the footprint of the buildings located on the lot.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line of a building lot measured perpendicular to the front lot line at the center of the lot or on a radial when the front line is curved.

Lot Line, Front. The boundary between a lot and the street on which it fronts.

Lot Line, Rear. The boundary line that is opposite and most distant from the front street line; except that in the case of uncertainty the Building Official shall determine the rear line.

Lot Line, Side. Any lot boundary line not a front or rear line thereof. A side line may be a common lot line, a line bordering on an alley or place or side street line.

Lot Line. The property boundary of a building lot.

Lot of Record. A lot which is part of a subdivision the plat of which has been recorded in the office of the County Clerk of Tarrant County, Texas. Also, a lot or parcel described by metes and bounds, the description of which has been so recorded prior to May 16, 1978.

Lot Width. The minimum distance between the side lot lines of a building lot measured at the front building line or chord length when the front of the lot is curved.

Lot, Adjacent. Any lot, parcel or piece of land that shares with the lot under consideration a common lot line, alley or any point of tangency.

Lot, Corner. A lot abutting upon two or more streets. A corner lot shall front on that street on which it has its least dimension, unless otherwise specified by the Building Official.

Lot, Double Frontage. A lot, other than a corner lot, which adjoins two streets that are opposite each other and which are parallel or within forty-five degrees of being parallel to each other. On a double frontage lot, both street lines shall be deemed front lot lines, except as otherwise provided.

Lot, Interior. A lot other than a corner lot with frontage on only one street.

Lot. A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, area, and open space, which is identified by a lot number or symbol in an approved subdivision plat which has been properly filed of record in Tarrant County.

M m

Major Street. A street designated on the adopted city plan as a thoroughfare, boulevard, freeway, highway, expressway, parkway or scenic route or any other traffic artery having regional continuity.

Master Plan. See *Comprehensive Plan*.

Mausoleum. A building or other structure used as a place for the interment of the dead in sealed crypts or compartments.

Mini-Warehouse. A building wherein household goods, vehicles, furniture and similar items are temporarily stored in separately occupied, secured storage areas or lockers which are generally accessible by means of individual loading doors.

Mobile Home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system. Travel trailers, pick-up coaches, motor homes, camping trailers and recreational vehicles are not included in this definition.

Mobile Home Park. A unified development of mobile home sites, plots or stands as arranged on a large tract under single ownership, meeting the area and setback requirements of this Land Development Code, and designed to accommodate mobile homes for a permanent duration. A trailer park is a mobile home park.

Mortuary. A facility in which dead bodies are prepared for burial or cremation or funeral services are conducted.

Motorcycle. A usually two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this ordinance, motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

Nn

New Development. Subdivision of land; or the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units. New development includes the sale of water taps resulting from the conversion of an individual well to the City's water utility and the sale of wastewater taps resulting from the conversion of an individual septic or other individual waste disposal system to the City's wastewater utility.

Nonconforming Lot. A lot or tract of land which does not conform to the width, depth, or area requirements of this Land Development Code and which lawfully existed at the time the regulations with which it does not conform became effective.

Nonconforming Structure. A building, structure or portion thereof which does not conform to the height, area or yard regulations of this Land Development Code and which lawfully existed at the time the regulations with which it does not conform became effective.

Nonconforming Use. A building or structure or use of land lawfully occupied by a use at the time of the effective date of this Land Development Code or amendments thereto, which does not conform to the regulations of the district in which it is situated.

Non-Residential Zoning District. The zoning districts designated as AG, CPO, CN, CC1, CC2, CC3, ML, PUD-C, or PUD-I zoning district, the primary use of which is for non-residential purposes, as shown on the official zoning map of the City of Colleyville.

Non-Structural Trim. The retainer, battens, capping, nailing strips, latticing and platforms which are attached to the sign structure. Applicable to sign regulations.

Oo

Office. A facility for the regular transaction of business, wherein services are performed involving predominantly administrative, professional or clerical operations not specifically listed elsewhere in this Land Development Code. Office activities include professional offices, financial institutions, employment agencies and medical offices.

Off-Premise Sign. A sign which is used or intended to be used to attract attention to activities, commodities, services or other endeavors not offered on the premises on which the sign is located.

Offset. The amount of the reduction of an impact fee designed to fairly reflect the value of system-related facilities, pursuant to rules herein established or administrative guidelines, provided and funded by a developer pursuant to the City's subdivision regulations or requirements.

On-Premise Sign. A sign which promotes or advertises activities, commodities, services or endeavors which are offered on the premises on which such sign is located.

Open Space. A space not occupied by a structure, open to the sky except for the ordinary projections of cornices, eaves or porches, and on the same lot with the building or structures.

Outdoor Display of Merchandise. Any display of merchandise outside of the structure on the property in which such merchandise is sold, stored, or maintained, whether said display is for the purposes of sale or advertisement.

Outdoor Storage or Open Storage. The storage of any equipment, machines, commodities, raw or semi-finished materials, and building materials, which are not within a fully enclosed building.

Pp - Qq

Package Store. A retail establishment that sells “liquor”, as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.

Park. Land dedicated to or purchased by the City for the purpose of providing public recreational and/or open areas. A facility or area for recreational, cultural or aesthetic uses owned or operated by a public agency and available to the general public.

Parking Space, Off-Street. An enclosed or unenclosed all-weather surfaced area of not less than one hundred eighty square feet not on a public street or alley, together with an all weather surfaced driveway connecting the area with a street or alley, permitting free ingress and egress without encroachment on the street or alley.

Pennant. A wind device, usually triangular in shape and attached to a single cord.

Planned Development. Development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development, and is developed with special zoning standards that are unique to a particular site and which usually vary from those standards required for other zoning districts.

Planning and Zoning Commission. The advisory body appointed by the City Council which is authorized to develop a comprehensive plan, recommend changes in the Land Development Code, review and approve subdivision plats, and otherwise perform the duties authorized by the City Charter.

Plat. A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Colleyville. Reference to a plat in the ordinance means an official plat of record that has been approved by the City and filed in the plat records of Tarrant County.

Plat, Amending. A map, drawing, or chart prepared to show a minor change of an existing subdivision to a lot line or correction of an error such that the changes are not substantive, and no new lots are created.

Plat, Final. A map, drawing, or chart prepared according to the provisions of this Land Development Code, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the maps and plats records of the county.

Plat, Minor. A subdivision of not more than four lots, which fronts on an existing street and does not require the creation of any new street or the extension of municipal facilities, which allows a short form process that eliminates the need for a preliminary plat.

Plat, Preliminary. A map, drawing, or chart showing the proposed arrangement of streets, lots, easements, and other public spaces in the subdivision.

Platted Property. Property that has been divided into lots and blocks, rights-of-way dedicated and shown on a map that has been filed in the plat records of Tarrant County.

Porch. An open, covered or enclosed gallery or room on the outside of a building.

Porte-cochère. A roof-like structure usually extending over a circular driveway at the entrance of a building, which provides an entrance and an exit for automotive vehicles. A porte-cochère is generally designed as an integral part of the principal structure, is not used for the storage of automotive vehicles, and differs from a carport.

Premises. Land together with any buildings or structures occupying all or any portion of the land.

Principal Building. The building or buildings on a lot which are occupied by the primary use.

Private or Parochial School. An institution of learning having a curriculum equivalent to public schools, and which meets the same license and certification as required of public schools. A private or parochial school does not include specialty schools such as dance, music, beauty, mechanical, trade, swim or commercial schools.

Public Utility. Any corporation or authority franchised by the City of Colleyville to provide water, sewer, solid waste collection, natural gas, electricity, telecommunication or similar services on a community-wide basis.

Rr

Registered Public Surveyor. An individual registered as a professional land surveyor by the Texas Board of Professional Land Surveying.

Religious Institution. A facility or area for people to gather together for public worship, religious training, or other religious activities, including a church, temple, mosque, synagogue, convent, monastery or other structure, together with its accessory structures, including a parsonage, manse or rectory. This definition does not include home meetings or other religious activities conducted in a privately occupied residence.

Residential Districts. A zoning district designated as RE, R40, R30, R20, RI 5, RD, RMF or any PUD-R, or any residential zoning district, the primary purpose of which is residential in nature as shown on the official zoning district map of the City of Colleyville.

Residential Setback Envelope. The portion of a residential lot which lies between the front setback and rear setback of a residential lot. Applicable only to tree preservation plans and grading/drainage plans for residential subdivisions.

Restaurant. A business serving unpackaged food and beverages to customers seated primarily inside the building and including cafes, tea rooms, bistros and cafeterias. Restaurants do not include lounges, bars, taverns or night clubs.

Right-of-Way. A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

Roadway Facility. Arterial or collector streets or roads that have been designated on an officially adopted roadway plan of the City, together with all necessary appurtenances. Roadway facilities do not include any roadways or associated improvements designated on the federal or Texas highway system. Roadway facility also excludes dedication of rights-of-way or easements or construction or dedication of on-site streets, sidewalks or curbs required by valid ordinances of the City and necessitated by and attributable to the new development.

Roadway Facility Expansion. Expansion of the capacity of any existing roadway improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing roadway facility to serve existing development.

Roadway Improvements Plan. Portion of the CIP, as may be amended from time to time, which identifies the roadway facilities or roadway facility expansions and their associated growth-related costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of roadway impact fees pursuant to this Chapter.

Ss

School. A public or private facility having an academic curriculum approved by the Texas Education Agency.

Screening Element. A solid material constructed of brick, masonry, or of a concrete or metal frame, or wood, or base that supports a permanent type material, the vertical surface of which is not more than thirty (30) percent open. Also, any dense evergreen hedge or plant material suitable for providing a visual barrier. Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in combination with a fence, wall, hedge or other dense planting material.

Search Light. An apparatus for projecting a beam or beams of light, in excess of 2,000,000 peak candlepower or 250,000 lumen.

Servant's Quarters. An accessory dwelling not rented or otherwise used as a separate domicile in a residential district for the sole use and occupancy of a member of the immediate family or persons employed on the premises by the occupant on a full-time basis as domestic help, such as a maid, chauffeur, cook or gardener.

Service Area. For water and wastewater facilities, the area within the corporate boundaries of the City and within the extraterritorial jurisdiction as defined by the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), and for roadway facilities, the area within the corporate boundaries of the City, to be served by the water, wastewater or roadway capital improvements or facilities expansions specified in the capital improvements program applicable to the service area.

Service Unit. Standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions; for water and wastewater facilities, the service unit is a living unit equivalent, for roadway facilities, the service unit is the (vehicle) trip.

Setback, Building. See *Building Line*.

Shrubs. Woody plants which grow vertically in a multi-branched pattern.

Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. A sign may include, but is not limited to, flag, banner, pennant, beacon, light, logo, insignia, name, number, identification, illuminated strip or accent, and outdoor display of merchandise.

Sign Ground. A sign that is erected on a vertical framework consisting of two or more uprights supported by the ground.

Sign, A-Frame. A freestanding sign constructed of two panels in the form of an A or inverted V, with a maximum angle between the panels of forty-five degrees.

Sign, Agricultural. A sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry that are raised, quartered or sold thereon.

Sign, Amenity. A sign advertising options, features, or conveniences offered by a business and installed in a temporary manner.

Sign, Apartment. A sign identifying an apartment building or complex of apartment buildings.

Sign, Awning. An awning displaying a business name or logo.

Sign, Billboard. A sign that promotes or advertises commodities or services, and the erection or maintenance of the sign is the primary use of the land upon which the sign is located. A billboard sign shall include, but is not limited to, those signs whose message space is available for lease, rent or hire, separate and apart from any commodity or service which is not limited to being offered solely on the premises on which such sign is located.

Sign, Changing (Automatic). A sign such as an electronically or electrically controlled public service time, temperature, and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

Sign, Construction. A temporary, sign identifying the property owner, architect, contractor subcontractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premises on which the sign is located.

Sign, Development. A temporary, on-site promotional sign pertaining to the development of land or construction of buildings on the site where the sign is erected. In residential districts, the intent of the sign shall be to promote a sub-division and not any particular builder.

Sign, Directory. A sign listing the occupants within a shopping center, industrial site, retail district, office districts, and commercial sites located on the same premises.

Sign, Fence. A sign which is affixed or attached to a fence, whether permanent or temporary.

Sign, Flashing. A sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or any externally mounted light source.

Sign, General Business. A sign which is used to identify a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located.

Sign, Ground (Temporary). A sign which has a display surface comprised of non-permanent letters which allows a change of copy by adding or removing letters and is temporarily fixed to a vertical framework consisting of two or more uprights and which is designed to be readily movable from site to site.

Sign, Identification. A sign that is used to identify shopping centers, industrial sites, retail districts, commercial subdivisions and commercial sites.

Sign, Illegal Non-conforming. A sign which was in violation of any of the ordinances of the City of Colleyville governing the erection or construction of such a sign at the time of its erection, and which has never been erected or displayed in conformance with all such ordinances, including this code, and which shall include signs which are pasted, nailed, painted or otherwise unlawfully displayed upon structures, utility poles, trees, fences or other structures.

Sign, Inflatable. A hollow sign expanded or enlarged by the use of air or gas.

Sign, Institutional. A sign used to identify schools, churches, hospitals or similar public or quasi-public institutions.

Sign, Legal Non-conforming. A sign which was lawfully erected and maintained prior to the enactment of the Sign Code and any amendments thereto, and which does not conform to all of the applicable regulations and restrictions of the Sign Code.

Sign, Marquee. A permanent structure which is attached to and supported by a building and which projects outward from the building.

Sign, Model Home. A temporary sign identifying a new home, either furnished or unfurnished, as being the builder or contractors model open to the public for inspection.

Sign, Monument. A sign mounted on a solid base or pedestal with no visible space between the sign and the base or pedestal. The sign is not mounted on visible poles, struts, wires, or other visible structures. The sign base or pedestal may be constructed of any solid material. The sign shall be a minimum of 4-1/2 inches thick, and the base or pedestal shall be a minimum of 6 inches thick.

Sign, Multi-Purpose. An identification sign combined with a directory sign and/or a reader board sign.

Sign, Nameplates. A sign which identifies only the name of an individual, firm, or corporation, which is attached to a structure and may contain the suite number or other directory information concerning the location of the individual, firm or corporation within the building.

Sign, Obsolete. A sign that previously was a legal sign, or a legal, non-conforming sign but the commodity and/or service promoted or advertised by said sign is no longer offered in accordance with the content of the sign.

Sign, Pole. A sign supported by a single, free-standing pole, and having no guys or braces.

Sign, Political. A sign which promotes a political issue or a particular candidate for public office. Also, a sign of any political party, group, or idea; or a sign announcing the candidacy of any individual for any public office.

Sign, Portable. A sign that is not attached or affixed to the ground, a building or other fixed structure or object. Portable signs include those signs installed on wheels, trailers, skids and similar mobile structures.

Sign, Private Sale. A temporary sign used to announce a sale on a private homeowner's property. The following include, but are not limited to estate sales, garage sales, porch sales, rummage sales, sample sales, and yard sales.

Sign, Projecting. A sign, except an awning, which projects from a building, and has one end attached to a building or other permanent structure.

Sign, Pylon. A sign supported by two or more free-standing poles, and having no guys or braces.

Sign, Reader Board. A sign comprised of non-permanent letters that allows a change of sign copy by adding or removing letters.

Sign, Real Estate. A temporary or permanent sign pertaining to the sale or rental of property, and advertising property only for use for which it is legally zoned.

Sign, Roof. A sign erected upon or above a roof or parapet of a building or structure.

Signs, Seasonal/Special Sales. A sign which is temporary and is limited to a specific activity or in the celebration of holidays or other special events.

Sign, Subdivision Directional. A sign which is both temporary and directional in nature. Such signs may be placed during the weekends only, from 12:00 noon on Friday to 12:00 noon on Monday. Such signs may be located on or off premise. Text on such signs may only contain the name of the subdivision, which must be located within the City of Colleyville, Texas.

Sign, Subdivision Wall Plaque. A permanently affixed sign attached to the entryway or perimeter wall of a subdivision to identify the subdivision by a name or logo

Sign, Temporary. A sign which includes, but is not limited to, a sign, banner, pennant, flag, searchlight, inflatable, outside display of merchandise or similar device which is to be displayed for a limited period of time.

Sign, Vehicle Mounted. A sign displayed upon a trailer, van, truck, automobile, bus, railroad car, tractor, semi-trailer or other vehicle, whether or not such vehicle is in operable condition.

Sign, Wall. A sign erected flat against an exterior wall, supported by the wall, and having the sign face parallel to and not more than twelve inches from the wall surface. Neon tubing attached directly to a wall surface shall be considered a wall sign.

Sign, Window. A sign, banner, poster, or display located on the internal and/or external surface of the window of any establishment which advertises services, products or sales available within said establishment or which announces the opening of said establishment.

Site Plan. A detailed drawing clearly describing a project and showing sufficient information to determine the nature of the proposed development and providing adequate information to determine compliance with applicable codes and ordinances.

Site-related Facility. Improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of water, wastewater or roadway facilities to serve the new development, and which is not included in the capital improvements plan, and for which the developer or property owner is solely responsible under subdivision and other applicable regulations.

Spa or Hot Tub. A pool type facility that incorporates water jets or an aeration system for hydro massage and includes such industry terminology as whirlpool or hot tub.

Special Exception. A use that would not be generally appropriate or without restriction throughout the zoning district but which, if controlled as to number, area, location, intensity or relation to the neighborhood, would or could be compatible therein and promote the public health,

safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as special exceptions by the Zoning Board of Adjustment.

Special Use Permit. A permit authorized by the City Council for the use of land or structure. All Special Use Permits are subject to the conditions and standards specified in each amending ordinance as enacted by the City Council.

Spot Zoning. A small parcel of land singled out for special treatment or privileges not in harmony with the other use classifications in the area and without any apparent circumstances that call for different treatment.

Story. That part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is considered a halfstory when the main line of the eaves is not higher than the middle of the interior height of the attic. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level established or mean street grade or average ground level.

Street. A thoroughfare or public driveway, other than an alley, which has been dedicated or deeded to the public for general use and affords a principal means of vehicular or other access to property abutting thereon.

Street Line. A dividing line between a lot, tract or parcel and a contiguous street.

Street, Private. A street that has no publicly dedicated right-of-way.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls, excepting such repair or replacement as may be required for the safety of the building, but not including, openings in bearing walls as permitted by the city building code.

Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but without limiting the generality of this definition, buildings, signs, fences, flagpoles, radio towers and light poles

Subdivision. The division of any lot, tract, or parcel of land into two (2) or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes re-subdivision, but does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more and not involving any new street, alley, or easement of access. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided.

Swimming Pool. Any constructed or prefabricated pool that is twenty-four or more inches in depth and used for swimming or bathing.

System-related Facility. A capital improvement or facility expansion which is designated in the Capital Improvements Plan and which is not a site related facility. A system-related facility may include a capital improvement that is located offsite, within or on the perimeter of the development site.

Tt - Uu

Tap Purchase. The filing with the City of a written application for a water or wastewater tap and the acceptance of applicable fees by the City. The term "tap purchase" shall not be applicable to a meter purchased for and exclusively dedicated to fire protection.

Telecommunication Tower. A structure of greater than thirty-five feet in height built solely for supporting airwave transmission and/or receiving equipment.

Temporary Construction Office. A structure for shelter used in connection with a development or building project for housing or the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

Tent. A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents it protects. (O-02-1330 – 02/26/02)

Travel Trailer. A mobile vehicle built on a chassis and designed and used as a temporary place of dwelling and of such size and design as to be subject to licensing for towing on the highway by passenger motor vehicle or other prime mover and not requiring special permit for moving on the highway, as contrasted to a mobile home.

Tree (Heritage). Any existing tree listed as an approved replacement tree in Chapter 5 and whose diameter is at least 50% of the diameter of its representative species on the *Big Tree Registry*, as published by the Texas Forest Service.

Tree (Protected). A self-supporting woody perennial plant which has attained a trunk diameter of six (6) inches or more when measured at a point four and one-half (4½) feet above the surrounding grade and normally having an overall height of at least fifteen (15) feet at maturity, usually with a single elongated main stem with few or no branches on its lower part. Tree species that do not meet this definition include: Mesquite, Hackberry and Chinese Tallow.

Trip. The single operation of a single vehicle which has as its origin or destination a point within the service area. The operation of a vehicle that travels from an origin outside the service area to a destination outside the service area without leaving the public right of way is not counted as a trip.

Use by Right. A land use allowed by the Table of Permitted Uses in one of the various zoning districts without any special conditions or requiring additional action by the City Council.

Use. The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, as described in the Table of Permitted Uses.

Vv - Xx

Vacation. To cancel or rescind, an act, which has the effect of voiding a subdivision plat as recorded in the Tarrant County Plat Records.

Variance. An adjustment in the application of a specific zoning regulation to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Vehicle Sales Area. An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or sale or keeping of used car parts or junk on the premises.

Veterinarian Clinic. A facility for the prevention, treatment, minor surgery, cure or alleviation of disease and/or injury in animals, specifically domestic animals, where animals remain overnight inside the clinic for recovery only, and no overnight boarding of animals is conducted.

Waiver. An action by the City that provides relief from the Land Development Code to the degree determined by the City in the action, as provided for within the Code. A waiver is not considered a variance.

Warehouse. A structure primarily used for the storage of merchandise or commodities.

Wastewater Facility. Improvement for providing wastewater service, including, but not limited to, land or easements, treatment facilities, lift stations, or interceptor mains. Wastewater facility excludes wastewater lines or mains which are constructed by developers, the costs of which are reimbursed from charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Wastewater facilities also exclude dedication of rights-of-way or easements or construction or dedication of onsite wastewater collection facilities required by valid ordinances of the City and necessitated by and attributable to the new development.

Wastewater Facility Expansion. Expansion of the capacity of any existing wastewater improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing wastewater facility to serve existing development.

Wastewater Improvements Plan. Portion of the CIP, as may be amended from time to time, which identifies the wastewater facilities or wastewater facility expansions and their associated growth-related costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of wastewater impact fees pursuant to this Chapter.

Water Facility. Improvement for providing water service, including, but not limited to, land or easements, water supply facilities, treatment facilities, pumping facilities, storage facilities, or transmission mains. Water facility excludes water lines or mains that are constructed by developers, the costs of which are reimbursed from charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Water facilities also exclude dedication of rights-of-way or easements or construction or dedication of on-site water distribution facilities required by valid ordinances of the City and necessitated by and attributable to the new development.

Water Facility Expansion. Expansion of the capacity of any existing water improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing water facility to serve existing development.

Water Improvements Plan. Portion of the CIP, as may be amended from time to time, which identifies the water facilities or water facility expansions and their associated growth-related costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of water impact fees pursuant to this Chapter.

Yy - Zz

Yard, Front. The area extending across the entire width of the lot between the front lot line and the front building line. The depth of front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case

of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

Yard, Rear. The area extending across the entire width of the lot and situated between the rear lot line and the rear building line. The depth of a rear yard shall be measured in such a manner that the yard established is a strip of land with the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Side. The area lying between the side lot line and the side yard building line, and extending from the front yard to the rear yard. The width of a side yard shall be measured in such a manner that the yard established is a strip of land with the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Street. The lot area which lies between the street right of way and the actual front wall line of the building and as imaginatively extended from the outward corners of the building, parallel to the street to the side lot lines. Steps and unenclosed porches shall be excluded, but such wall line shall include any irregular building indentations. On corner lots, the street yard shall consist of all lot area between both streets and their corresponding actual front building wall lines, as such lines are imaginatively extended in the manner described above. When there are multiple buildings on a lot, the street yard shall consist of all the area between the street right of way and any imaginary line beginning at one side of the lot, running parallel to the street, connecting to the foremost corner of the building wall fronting the street and nearest such side lot line, then following and connecting the foremost walls of all buildings fronting the street, and then extending parallel to the street side lot line. If a building has a rounded front, the front building wall corners shall be the points closest to the side boundaries. Isolated buildings (e.g. fast food restaurants in a shopping center, photo processing drop-offs, bank drive through, etc.) shall not be considered in delineating street yards. On land used only for off-street parking purposes, the street yard shall consist of the entire lot.

Yard. An open space on the same building lot with a building, unoccupied and unobstructed from the ground upward, except for fences or walls.

Zoning District Map. The official certified map or maps upon which the boundaries of the various zoning districts are drawn, and which is an integral part of the Land Development Code.

Zoning District. Contiguous areas containing one or more parcels of land having the same zoning classification. Also, a section of the City for which the regulations governing the area, height and use of buildings and land are uniform.

Zoning. Control on the use and development of land, whether improved or not, by the City for the supposed benefit of citizens in the community and the public welfare. Control is accomplished through zoning restrictions and development standards.

Section 2.6 Amendments to This Chapter

Ord. Number	Date	Subject
O-00-1249	11/08/00	Added Large Commercial Building definition
O-02-1330	02/26/02	Tents
O-09-1734	11/4/09	Amended Tree related definitions as part of Chapter 5 amendments
O-10-1750	05/04/10	Addition of Definition of Package Store

Chapter 5

Tree Preservation

(10/6/2014)

Section 5.1 Purpose of This Chapter

The intent of this Chapter is to encourage site planning which furthers the preservation of trees and natural areas; to protect trees during construction; to facilitate site design and construction which contribute to the long term viability of existing trees; and to control the removal of trees when necessary. It is the further intent of this Chapter to achieve the following broader objectives:

Protect healthy trees and preserve the natural ecological environmental and aesthetic qualities of the City.

Protect and increase the value of residential and commercial properties within the City.

Prohibit the indiscriminate clear cutting of property.

Section 5.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality. This Chapter is also adopted under the authority of *the Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 5.3 Variances and Appeals

Except where provided in this chapter, any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 5.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 5.5 Tree Removal Permit

No person directly or indirectly shall cut down, destroy, remove, move, or effectively destroy through damaging the roots, trunk or canopy, any tree situated on property regulated by this Chapter without first obtaining a tree removal permit, unless otherwise exempted by the provisions of this Chapter.

Section 5.6 Applicability

The terms and provisions of this Chapter shall apply to real properties, persons and trees as follows:

- A. Properties which are regulated by this Chapter:
 - 1. Any real property upon which any protected tree is located.
 - 2. All municipal / public domain property.

Section 5.7 Permit and Fee Requirements

The Administrative Official is responsible for the review and approval or disapproval of all requests for tree removal permits. The request shall be submitted in accordance with the requirements specified herein.

- A. Tree Removal Permit: A request for a tree removal permit must be submitted and approved prior to the removal of any tree. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a tree removal permit has been issued.
- B. Fees: All tree removal permits shall be accompanied by a check made payable to the City of Colleyville per the following schedule:
 - 1. The resident of a single family home removing all or a portion of a tree which exists on the lot of record on which the single family home is built:.....*no fee required. Exception: For properties larger than two acres in size, if more than five protected trees are removed as part of a tree removal permit, the administrative official may require payment of a fee per sub-section two below only if the Administrative Official determines an intent to "clear cut" the property as described in Section 5.10(A)1b.*
 - 2. All other properties including rights-of-way:.....*\$50.00, plus \$25.00 per protected tree on the property, right-of-way, or development site. For residential subdivisions, the entire subdivision shall be considered the development site. Upon application submittal, the total number of protected trees on the site, including exempted areas, shall be indicated on the application form in order to determine the fee, which shall be paid at the time of submittal. If, upon review of the application and/or tree preservation plan, it is determined that the amount of protected trees tallied is incorrect, the difference in the fee calculation shall be paid, or refunded, prior to the issuance of the tree removal permit.*

Section 5.8 Submittal Requirements for Tree Removal Permits

Any tree removal permit request that requires the removal of a protected tree shall be accompanied by a tree preservation plan. As determined by the Administrative Official, tree removal permit applications that require no fee as listed in Section 5.7(B) above or require the removal of a minimal amount of trees on existing developed properties or within existing rights-of-way may not require a complete tree preservation plan and may only require a description of the trees to be removed showing a limited portion of a site or right of way may be based on an exhibit showing only that portion of the site.

- A. TREE PRESERVATION PLAN – Note: a tree preservation plan shall be submitted with a tree removal permit application form including payment of the required fee. The items required on a tree preservation plan shall, at a minimum, include the following:
 - 1. Title Block: includes street address; legal description (lot and block, subdivision name); date or revised date, north arrow; graphic (and written) scale; name, address, telephone number of owner and of person preparing the exhibit.

2. Location of all existing or proposed structures, improvements and site uses including pavement and landscaping, setback, easements and service connections, all properly dimensioned and referenced to property lines,
3. Existing and proposed site elevations, grades and major contours. Construction details of permanent grade changes around all trees.
4. Location of trunks, canopies and species of all existing protected trees, graphically differentiating between the trees to remain and those to be removed. A plus (+) character shall indicate trunk location and concentric circle shall indicate the size and canopy configuration. All protected trees shall be assigned a unique number classification.
5. Proposed general areas or locations of the replacement trees.
6. Locations of all critical root zones as defined in Chapter 2 – Definitions.

Additionally, tree information required shall be summarized in tabular form on the mitigation table in a format matching the example below and shall include:

7. The detailed list of trees to be removed including the classification number, exempt or non-exempt status, and whether the tree is to be saved or removed.
8. The total diameter of trees to be removed.
9. Replacement trees listed by species name, quantity, size and total diameter required for replacement of trees. (See Section 5.15 for replacement tree list.)
10. The tree preservation plan must be prepared and sealed by a registered landscape architect in the State of Texas.

Example of Tree Survey and Mitigation Table to Be Inserted on Preservation Plan							
Tree Species	Number of Trees on Site	Total Caliper Inches	Number of Exempt Trees Removed	Caliper Inches Exempt to be Removed	Number of Non-Exempt Trees Removed	Caliper Inches Non-Exempt to be Removed	Replacement Trees to be Planted (3" Caliper)
Red Oak	12	108	3	42	1	12	4
Post Oak	35	350	18	168	2	24	8
Cedar	10	89	1	12	0	0	0
Pecan	5	75	0	0	5	75	25
TOTAL	62	622	22	222	8	111	37

- B. Permit Validity: Permits for tree removal issued in connection with a building permit, subdivision plat and site plan shall be valid for the period of that plat's, building permit's or site plan's validity. Permits for tree removal not issued in connection with a building permit, subdivision or a site plan shall become void thirty (30) days after the issue date on the permit.
- C. Timing of Submittal: The tree preservation plan shall be submitted as follows:
 1. New subdivisions that include new streets and/or significant public improvements – submitted on or before the subdivision plat application submittal.

2. New commercial construction – submitted on or before the submittal of the required administrative site plan application.
 3. New home construction on existing platted lots – submitted on or before the building permit application submittal.
 4. All other situations – as required by the Administrative Official.
- D. Construction Plan Notations - The following notes shall be required to be shown on all construction plans:
1. All trees shown on this plan to be preserved shall be protected during construction with temporary fencing. Tree protection fences shall be installed prior to the commencement of any site preparation work (clearing, grubbing or grading).
 2. Fences shall completely surround the tree or clusters of trees. The fence shall be located at the outermost limits of the tree branches or critical root zone. The fence will be maintained throughout the construction project in order to prevent the following.
 - a. Soil compaction in the critical root zone resulting from vehicular traffic or storage of equipment or materials.
 - b. Critical root zone disturbances due to grade changes greater than two inches (2") cut or fill or boring which was not authorized by the City.
 - c. Wounds to the trunk, limbs or exposed roots by mechanical equipment.
 - d. Other activities detrimental to trees such as chemical storage, cement truck cleaning, and fires.
 3. In cases of area constraints where the protective fence is closer to the trunk than four feet (4'), the trunk must be protected with strapped-on planking to a height of eight feet (8') or to the limits of the lower branching.
 4. All grading within critical root zones of protected trees shall be performed by hand or small equipment to minimize damage. Prior to grading, relocate the protective fencing to two feet (2') behind the grade change area.
 5. Trees most heavily impacted by construction activities should be watered deeply once a week during periods of hot and dry weather. Tree crowns should be sprayed with water periodically to reduce dust accumulation on the leaves.
 6. Trenching for landscape irrigation shall be located as far from the existing trunks as possible.
 7. Pruning to provide clearance for structures, vehicular traffic and equipment shall take place before construction begins.

Section 5.9 Minimum Tree Preservation Requirements

- A. Whenever a new residential subdivision plat is submitted for review, the Planning and Zoning Commission may evaluate whether an alternate street layout and grading plan which complies with all City subdivision standards would result in substantially greater compliance with the minimum tree preservation requirements of this section. In the event

such an alternate layout is determined by the Commission to be a reasonable use of the land then the applicant may substitute said alternative plan without being required to submit a new plat application. If, however, the applicant does not substitute said alternate layout or another acceptable plat to the Commission, failure of the applicant to do so shall be a basis for denial of the applicant's plat application.

- B. Minimum Existing Tree Preservation Requirements: When any new construction occurs, there shall be a minimum number of trees protected on the property. For new residential subdivisions, the entire boundary of the subdivision shall be considered as one property for the purpose of this section. The chart below shall be used to determine the minimum protection requirements:

Existing Tree Coverage Preservation Requirements:

<i>Percentage of existing protected canopy tree coverage</i>	<i>Minimum percentage of the existing protected canopy tree coverage to be preserved</i>
0% – 20%	70%
20.1 – 40%	60%
40.1% - 60%	50%
60.1% - 80%	40%
80.1% - 100%	30%

For the purpose of this section, canopy coverage shall be calculated based on the formula for the area of a circle with the individual tree radii equaling the diameter inches of the trunk of each protected tree measured at 4.5 feet above the base of the tree where it meets the ground. This calculation method may apply to developments approved, but not finalized, prior to October 6, 2014. Protected trees located within any of the exempted areas specified in Section 5.10(B) below may be credited toward the minimum existing preservation coverage requirements in the above table such that no more than 50% of the existing protected trees may be credited within an exempt area. NOTE: The minimum preservation coverage requirements listed above shall not be eligible for mitigation as described in Section 5.12.

- C. Exemption Provisions for Preserving Native Tree Stands: Given the requirements of Section B above, as an incentive for preserving groups of native trees in place, a development may be exempted from the mitigation requirements of Section 5.12. The purpose of the exemption would be to reward a more context sensitive approach in preserving native tree clusters such that the root systems of the trees to be preserved are not disturbed and the tree clusters left in their natural condition. In order to meet this exemption, the development must meet the following conditions:

1. The preservation area(s) shall, at a minimum, meet the requirements of Section B above with the following exception: the 50% credit provision shall not apply to the exemption provisions of this section;
2. The proposed preservation area(s) shall be identified on the tree preservation plan;
3. A minimum of 80% of the trees identified within the preservation area on the plan shall be regionally native trees, not classified as exempt, with emphasis given to native oak species;
4. Where possible, preserved trees should be grouped together with as few detached, designated preservation areas on the tree preservation plan as possible;
5. Final approval of the exemption provisions of this section shall be required by the Administrative Official. If approved, notwithstanding the requirements of Section D below, then all trees not located within a preservation area on the tree preservation

plan shall be classified as exempt from the mitigation provisions of Section 5.12 and the protection provisions of this chapter.

6. Approved preservation areas shall contain a perimeter fence, meeting the requirements of this chapter, around the entire preservation area until the development construction receives approval of a final inspection from the City. Said fence shall be placed a minimum of five feet from the outside edge of the drip line of any tree within said area. No earthwork, vehicle and equipment storage, or encroachments of any kind are permitted within the preservation area. No undergrowth shall be removed from a preservation area.
- D. Preservation of Heritage Trees: Heritage Trees, as defined in Chapter 2 - Definitions, may not be classified as exempted trees, regardless of whether or not they are located in any exempted area.

Section 5.10 Exempt and Non-Exempt Provisions

A. Exempted Persons

1. Exempted Persons: The following persons are exempt from the provisions of this Chapter only to the extent of their control over the particular class of properties and trees described below. Persons exempt from these provisions shall not be required to obtain tree removal permits.
 - a. An employee of the City of Colleyville, a public utility or an authorized contractor working in a dedicated public right-of way may in the course of business, may remove or prune that portion of a tree which prohibits the safe construction, repair or maintenance of a service line or facility.
 - b. The resident of a single family home may remove all or a portion of a tree which exists on the lot of record on which the single family home is built. Exception: For properties larger than two acres in size, if more than five protected trees are removed as part of a tree removal permit, the administrative official may require the resident to comply with the mitigation and preservation provisions of this chapter if it is deemed that an attempt to "clear-cut" all or a portion of the property in being made where no new accessory building, pool, building addition or other similar construction, not involving a principal permitted use, is being proposed as part of a submitted active building permit application. Any decision of the Administrative Official may be appealed per the provisions in Section 5.13. As it relates to this sub-section only, any appeal request shall not require payment of an application fee and said request shall be scheduled on the next available meeting.
 - c. A property owner or his authorized contractor, employee or tenant may remove a tree which has become severely diseased or damaged to the extent that it is beyond the point of recovery or is in danger of falling, as determined by the Administrative Official.
 - d. All landscape nurserymen shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the nursery premises which are planted and grown for the sale or intended sale to the general public.
 - e. Any person may remove all or a portion of a tree which has disrupted a public utility service due to tornado, storm, flood, or other act of God, but only that portion of the tree which is necessary to safely restore normal utility service.

- f. The following persons shall be exempt from the tree replacement provisions of this Chapter. However, such persons shall provide tree protection and replacements as per this Chapter for all remaining trees in non-exempt areas.
 - (1) A person performing work authorized by a building permit in the residential buildable area (building setback envelope).
 - (2) A person performing work authorized by an approved site plan in the commercial building footprint.
 - (3) A person performing work authorized by the approved grading and drainage plan in the residential setback envelope as part of the construction of a new subdivision only.
 - (4) An employee of the City of Colleyville and a public utility. Persons specifically performing work on a public improvement as part of a new subdivision plat or a separate dedication instrument in a dedicated public right-of-way, drainage or utility easement are hereby exempt. For the purpose of this sub-section, public improvements shall include any drainage facilities, utilities or streets/sidewalks/trails. Fences, gates and open space amenities are not considered public improvements.

B. Exempted Areas

- 1. New Residential Subdivisions that include public or private street dedications: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:
 - a. Rights-of-way of newly dedicated streets; lots containing private streets.
 - b. Easements, only where new public improvements or facilities are being constructed
 - c. Residential setback envelope
 - d. Residential driveway: Note: this area may only be declared exempt by the City Council in a situation where no reasonable alternative driveway placement exists on the property such that protected trees may be avoided. The City Council determination process shall be through the submittal of an appeal request. As it relates to this sub-section only, any appeal request shall not require payment of an application fee and said request shall be scheduled on the next available meeting.
- 2. Existing Platted Residential Lots and New Residential Subdivisions with no new public or private street Dedications: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:
 - a. Residential setback envelope
 - b. Residential driveway: Note: this area may only be declared exempt by the City Council in a situation where no reasonable alternative driveway placement exists on the property such that protected trees may be avoided. The City Council determination process shall be through the submittal of an appeal request. As it relates to this sub-section only, any appeal request shall not require payment of

an application fee and said request shall be scheduled on the next available meeting.

3. Platted Commercial/Institutional Lots: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:

- a. Trees located within the new commercial/institutional building footprint and any tree located within five feet of said building footprint.

C. Exempted Tree Species

1. Exempted Tree Species: The following tree species shall be exempt from the tree preservation requirements of this chapter:

- a. Mesquite
- b. Hackberry
- c. Chinese Tallow
- d. Cottonwood Trees under 18 inches in diameter width
- e. Cedar trees (Cupressaceae family) - Exceptions: Any species of cedar utilized for required landscape screening as required by the Land Development Code or the provisions of any other City ordinance and/or conditional variance shall not be considered as exempt. Additionally, any Eastern Red Cedar planted as a replacement tree per the provisions of this chapter shall not be considered as exempt. Otherwise, any eastern red cedar that does not meet the above exceptions shall be considered exempt only if the tree is less than 13 inches in diameter width.
- f. Other regionally non-native tree species not listed on the tree replacement list in Section 5.14 and as determined by the Administrative Official based on the written recommendation of a certified arborist and/or landscape architect contracted or employed by the City. Said written recommendation shall kept on file in the appropriate development records for the property for which the determination is made.

Section 5.11 Tree Protection

A major purpose of this Chapter is to protect all trees which are not removed and to allow approved construction to occur. The following procedures shall apply to all types of construction projects, public and private, which involve development around trees.

The following procedures are deemed appropriate in the situations noted; however, unique circumstances may allow modifications if deemed necessary by the Administrative Official.

- A. Prohibited Activities: The following activities shall be prohibited within the limits of the critical root zone of any tree which is subject to the requirements of this Chapter.

1. Material Storage: No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the critical root zone of any tree.

2. Equipment Cleaning / liquid disposal: No equipment may be cleaned or other liquids deposited within the limits of the critical root zone of a tree. This would include but not be limited to, paint, oil, solvents, asphalt, concrete, mortar or other materials.
 3. Tree Attachments: No signs, wires or other attachments, other than those of a protective nature shall be attached to any tree.
 4. Vehicular Traffic: No vehicular and construction equipment traffic or parking is allowed within the limits of the critical root zone of trees.
- B. Pre-Construction: The ensuing procedures shall be followed prior to construction.
1. Tree Flagging: All trees to be removed from the construction site shall be flagged with bright red vinyl tape wrapped around the main trunk at a height of four feet (4') or more such that the tape is visible to workers on foot or driving equipment.
 2. Tree Identification: All protected trees shall be tagged with the unique classification number described in Section 5.8. Said number shall correspond to the number listed on the tree protection plan and shall be clearly visible and legible on a metallic surface located between four and five feet above the base of the tree. The classification number shall remain on the tree until all construction is complete and final approval has been obtained by the City.
 3. Protective Fencing: All protected trees shall have protective fencing located at the tree's critical root zone. The protective fencing shall be comprised of orange vinyl construction fencing, with a minimum of four-foot (4') approximate height. The protective fencing may be located within the critical root zone of the specimen tree for approved construction only as determined by the Administrative Official. The fencing shall follow the delineation of the approved construction. In order to protect the trunk, the trunks of all protected trees shall be wrapped with orange vinyl construction fencing such that the trunk will be easily visible during construction activities.
 4. Bark Protection: in situations where a tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree's trunk with lumber encircled with wire or other means that does not damage the tree.
 5. Construction Pruning: In a case where a low hanging limb may be broken during the course of construction, the obtrusive limb may be cut. The limb shall be cut either flush to the trunk on or at the next joint of the limb. The wound shall then be sealed with pruning paint.

In no instance shall pruning involve a portion of the trunk or thirty percent (30%) of the entire canopy without the Administrative Official's prior approval.
 6. Site Signage: Prior to, and during, construction activities, a sign(s), clearly visible from any adjacent roadways, shall be placed by the developer stating the following: "All trees located within an orange fenced area are considered protected. To report any tree protection violations, please contact (phone number designated by the Administrative Official)". The Administrative Official may require the addition of more specific contact information to the sign. Lettering shall be a minimum of 8 inches in height, shall be legible and able to be read from a passing vehicle on any adjacent roadway. The sign dimensions shall, at a minimum, be five feet in width and height. The overall sign height shall be a minimum of eight (8) feet in height measured from the ground to the top of the sign. The sign colors shall be as follows: lettering shall be black, the sign background shall be fluorescent green.

- C. Improvement within the Critical Root Zone of a Tree: Design constraints often dictate that trees slated for preservation have some encroachment on their critical root zone, as defined in Chapter 2 - Definitions. The following is the minimum design criteria, which is allowed within the critical root zone of a tree. Development exceeding the criteria would put the tree at risk and therefore no longer be considered a preserved tree. In such a case replacement trees shall also be required.
1. Grade Changes: In the event that grade changes must be made around a tree or group of trees, the following shall be implemented in order to maintain oxygen and water exchange within the tree's critical root zone.
 - a. A minimum of seventy-five percent (75%) of the critical root zone must be preserved at natural grade with natural ground cover or landscaping for the tree to be considered a preserved tree.
 - b. No cut or fill greater than two inches (2") shall be located closer to the tree trunk than one half (1/2) of the radius of the critical root zone radius distance.
 - c. Increase Grade: Provide an aeration system just outside the tree's critical root zone. A dry well located a minimum of one-half (1/2) of the radius of the critical root zone.
 - d. Decrease Grade: Provide retaining walls outside the critical root zone to mitigate cuts.
 2. Boring of Utilities: May be permitted under protected trees in certain circumstances. The minimum length of the bore shall be the width of the tree's canopy and shall be a minimum depth of forty-eight inches (48").
 3. Trenching: irrigation systems shall be designed to avoid trenching across the critical root zone of any tree.
 4. Paving: A maximum of twenty five percent (25%) of the critical root zone of a tree may be covered with impervious paving. The pavement and the cut and fill for the pavement is to not exceed one-half (1/2) of the critical root zone radius distance.
- D. Special Designated Tree Protection Areas by Other Ordinances and Plats: Any specifically classified tree, landscape or other similar type of classification that prescribes that trees and/or existing landscaping shall be protected within a specifically defined area as a condition of a zoning ordinance such as PUD or SUP, variance and/or plat shall, at a minimum, meet the following provisions:
1. During any construction activities, said area shall be completely contained within a fenced area meeting the tagging and fencing requirements for tree protection in this chapter.
 2. Unless authorized as part of the original approving language for said area, or where another code requirement applies to the maintenance and upkeep of high grass, weeds and other related nuisances, no trees, landscaping, soil or vegetation of any kind may be removed, or otherwise disturbed, within said area and no construction of any kind may occur except
 3. Unless noted as part of the original approving language for said area, the exemption provisions for the resident of a single family home shall apply regarding the provisions of this section.

Section 5.12 Mitigation Requirements

Any protected tree which is six inches (6") or greater that is removed, destroyed or more than 50% damaged and does not meet the exemption provisions of this chapter shall be mitigated per the requirements of this section. In the event that the loss of a protected tree requires mitigation, the party responsible for mitigation shall either replace the protected tree(s) by planting new trees, pay a mitigation fee or a combination of both. For the purpose of this Chapter, trees removed within any City right-of-way or other City owned property by anyone not exempted by the provisions of this chapter shall be mitigated per the requirements of this section and other applicable City ordinances.

The mitigation authorized by this section is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives which could save more existing trees have been evaluated.

A. Mitigation Through Planting New Replacement Trees: A sufficient number and diameter of replacement trees shall be planted in order to equal the total diameter inches or fraction thereof of trees six inches (6") or greater and slated for removal.

1. All medium and large, and palm replacement trees shall be a minimum of six inches (6") diameter when measured one foot (1') above the soil line and a minimum of 12 feet in height when planted. All screening and ornamental trees shall be a minimum of three inches (3") diameter when measured one foot (1') above the soil line and a minimum of eight (8) feet in height when planted.

Examples-

- a. A total of 18" diameter to be removed shall be replaced with 3 – 6" diameter medium, large or palm trees.
 - b. A total of 18" diameter to be removed shall be replaced with 6 – 3" diameter screening and ornamental trees.
2. All replacement trees shall be a species listed on the replacement tree list and guaranteed for three years from the date of the final inspection and acceptance of the project. In instances where a replacement tree satisfies a landscaping requirement as regulated in Chapter 4-Landscaping and Buffering, then said tree shall be maintained per the provisions of Chapter 4.
 3. The location of replacement trees is restricted from utility easements and rights-of-way. The location shall not be in an area such that the mature canopy of the tree will interfere with overhead utility lines. No trees shall be planted within ten feet (10') of a fire hydrant.
 4. Replacement trees should be planted on the site from which existing trees are to be removed. If this is not feasible, an applicant may initiate a proposal to plant trees off-site. This may be approved if the planting site is no more than one-half mile from the site where the original trees were removed.
 - a. Replacement trees shall be planted prior to the issuance of the Certificate of Occupancy or project release. Optimum planting times do not always correspond to project completion. For that reason, replacement tree plantings may take place after the project is released by the City; provided, that before project release, a fiscal security is posted in the amount equal to the prevailing rate for installed trees with a three (3) year guarantee, plus fifteen percent (15%) to cover administrative cost.

- b. A minimum of 75 percent of all replacement trees planted as part of the required mitigation for a development under the provisions of this section shall be classified as a medium and large tree as listed on the replacement tree list
- B. Mitigation Through Payment of Fee: A monetary fee of \$250.00 per diameter inch of the tree(s) removed or damaged shall be assessed and paid to the City of Colleyville. All mitigation fees shall be deposited into the City's Tree Preservation Fund. All funds shall be paid prior to the final approval and/or issuance of the Certificate of Occupancy.
- C. Mitigation of Heritage Trees: Heritage Trees, as defined in Chapter 2 – Definitions and noted in Section 5.8:
 - 1. A monetary fee of \$500.00 per diameter inch of the Heritage Tree removed or damaged shall be assessed and paid to the City of Colleyville and deposited into the City's Tree Preservation Fund. All funds shall be paid prior to the final approval and/or issuance of the Certificate of Occupancy. or;
 - 2. If replacement trees are to be planted, the total amount of replacement inches to be planted shall be in an amount that is twice the diameter inches of the Heritage Tree(s) removed and shall, otherwise, meet the requirements of Section A above.
- D. Colleyville Tree Preservation Fund: All mitigation fees and non-criminal penalties mentioned below shall be paid into the Colleyville Tree Preservation Fund. The fund shall be administered by the City Manager or his/her designee and shall only be used for the planting of new trees on City owned or leased properties, rights-of-way and other public properties such as public schools, county and State properties located within the City of Colleyville.
- E. If any protected tree dies within three (3) years of the issuance of the certificate of occupancy, final inspection or acceptance of public improvements and is brought to the attention of the city manager or his/her designee, the original permit applicant shall be subject to the replacement/mitigation requirements for protected trees per this section.

Section 5.13 Penalties and Violations

- A. Civil Penalties: If any protected tree is removed from any real property without a tree removal permit, or if a protected tree is injured during construction where an active tree removal permit has been issued because of failure to follow required tree protection measures of this chapter such that the tree dies or may reasonably be expected to die, the City shall have the authority to impose the following penalty:
 - 1. The violator shall plant new trees at a rate that is three times the diameter inches of tree(s) removed. All plantings shall meet the requirements of Section 5.12. For example, if a 20 inch diameter width tree is removed in violation of this Chapter, then a minimum of 60 inches of new trees shall be planted. A planting plan for the new trees shall be provided to the Administrative Official no later than 30 days from the date of the offense. The new trees shall be planted no later than 90 days from the date of the offense or, if the site is under construction, the new trees shall be planted when all other required landscaping and/or mitigation is planted. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is addressed through the submittal of an approved planting plan and/or the planting of new trees. In the event that the trees are not planted within the prescribed timeframe, the City may delay any related administrative approvals for the property and may impose a lien on the property until such time the trees are planted.

2. If the violator, due to property constraints or other impediments, cannot plant the required new trees mentioned in Section One, the violator may petition the City Council through the appeal process mentioned in Section 5.14 to allow a monetary penalty in lieu of the above planting requirements. Said monetary penalty shall be a minimum of \$750.00 per caliper inch of diameter width of the protected tree(s) removed or damaged, payable to the tree preservation fund mentioned above. If a tree is removed without authorization and the size of the tree cannot be determined given the lack of a tree survey or other official documentation, then the minimum penalty shall be \$15,000.00 per tree. If approved by the City Council, said penalties shall be paid no later than 30 days from the action of the City Council. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is paid. In the event that the penalty is not paid within the prescribed timeframe, the City may impose a lien on the property until such time the penalty is paid.

- B. **Criminal Penalty:** In addition to the civil penalties of this chapter, any person violating or failing to comply with any provision or requirement of this Chapter, including but not limited to the mitigation requirements of this section, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall, without exception, be fined the maximum amount of \$2,000.00. A separate offense shall be deemed committed upon each day during or on which each separate violation or failure to comply occurs or continues to occur and shall be punishable as such.

Section 5.14 Appeals

Any appeal to the provisions of this chapter and/or any appeal to a decision of the Administrative Official relative to the provisions of this chapter shall be heard by the City Council.

Section 5.15 Replacement Tree List

The following is the list of appropriate and approved replacement trees which have been selected on the basis of their suitability in the urban environment of North East Tarrant County.

REPLACEMENT TREE LIST			
<u>SCREENING TREES</u>	<u>ORNAMENTAL TREES</u>	<u>MEDIUM AND LARGE TREES</u>	<u>PALMS</u>
ARBORVITAE	BLUE POINT JUNIPER	AMERICAN ELM	CALIFORNIA FAN PALM
BLUE POINT JUNIPER	CAROLINA BUCKTHORN	ARISTOCRAT PEAR	MEXICAN FAN PALM
CHINESE PHOTINIA	CAROLINA CHERRY LAUREL	ARIZONA CYPRESS	NEEDLE PALM
CAROLINA CHERRY LAUREL	CRAPE MYRTLE	BALD CYPRESS	SABAL PALM
EAST PALATKA HOLLY	DECIDUOUS HOLLY	BOIS D' ARC	WINDMILL PALM
EASTERN RED CEDAR	DESERT WILLOW	BUR OAK	
LITTLE GEM MAGNOLIA	EAST PALATKA HOLLY	CEDAR ELM	
NELLIE R. STEVENS HOLLY	FIG	CHINESE PISTACHE	
SAVANNAH HOLLY	ITALIAN CYPRESS	CHINQUAPIN OAK	
WAX MYRTLE	JAPANESE MAPLE	DEODAR CEDAR	
YAUPON HOLLY	LACEY OAK	EASTERN RED CEDAR	
	MEXICAN BUCKEYE	EVE'S NECKLACE	
	NELLIE R. STEVENS HOLLY	FOREST PANSY REDBUD	
	OKLAHOMA REDBUD	GINKGO BILOBA	

	SAVANNAH HOLLY	LACEBARK ELM	
	SUMAC	LITTLE GEM MAGNOLIA	
	TEXAS MOUNTAIN LAUREL	LIVE OAK	
	VITEX	PECAN	
	WAX MYRTLE	PERSIMMON	
	YAUPON HOLLY	SHANTUNG MAPLE	
		SHUMARD RED OAK	
		SOUTHERN MAGNOLIA	

Section 5.16 Amendments

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1214	4-18-00	Adoption of Tree Preservation in Land Development Code
O-09-1734	11-4-09	Amendments to Chapter 5 based on recommendations of consultant
O-14-1933	10/6/2014	Comprehensive amendments including incentives for preserving native tree stands, addition of fees, changes to penalties and other modifications

City of Colleyville

Tree preservation

Chapter 2 - Definitions

Chapter 5 - Tree Preservation

July 21, 2015

Project Scope

- Rectify discrepancies in code language and to minimally alter wording to clarify intent for administration purposes
- Substantive changes not proposed with this scope

Categories

There are four categories for potential changes to Chapters 2 and 5:

1. Updating, adding, or combining relevant definitions;
2. Rectifying discrepancies between similar regulatory provisions in various places within the Code;
3. Enforcement clarification; and
4. Rewording or rearranging for legibility.

1. Relevant Definitions

- Section 5.8
 - Canopy configuration, critical root zone, and dripline are all used interchangeably, but are not the same
 - Add definition for “Tree Species”
- Section 5.8.A.4
 - Add a definition for “Tree Survey Table”
 - Add a definition for “Tree Mitigation Table”
 - Add a definition for “Registered Landscape Architect”
- Section 5.9.C
 - Add a definition for “Native Tree Stand”

1. Relevant Definitions

- Section 5.10
 - Compare definitions for the following:
 - Buildable area
 - Building envelope
 - Building footprint
 - Commercial building footprint
 - Residential setback envelope
 - Determine which is best to use in each section of ordinance and revise where necessary.

2. Providing Clarity and Consistency

Chapter 2



- “Critical Root Zone” should also refer to “Dripline” and vice versa. Determine how to account for irregular canopies.
- Move “Diameter” so it precedes “Dilapidated.”
- “Tree, Protected” should add the Cottonwood and Cedar exceptions.
- “Tree Preservation Plan” wording needs to be added re: preparation by registered landscape architect.
- “Tree Removal Permit” refers to “this Ordinance.”
- “Tree Survey” definition should be renamed to “Tree Survey Table.”

2. Providing Clarity and Consistency

Chapter 5 continued



- Section 5.5
 - Is this covered enough in subsequent sections:
 - When is a tree removal permit required
 - When is mitigation required
- Section 5.7
 - Fees related to permits
 - Fee categories for different property types (single family vs. multi-family, i.e., duplex)
 - Developer vs. builder fees
 - Permit validity

2. Providing Clarity and Consistency

Chapter 5 continued



- Section 5.8
 - What is a “minimal amount of trees”?
 - What needs to be included in the description?
 - What is a “limited portion” of the site?
 - Timing of fee due date
 - Canopy configuration, critical root zone and dripline are all used interchangeably, but are not the same. Review definitions.
 - How are irregular canopies accounted for? Necessity of having an accurate canopy.
 - Include wording regarding the metal tag to be placed on each protected tree and appropriately marked in field conditions.

2. Providing Clarity and Consistency

Chapter 5 continued



- Section 5.8 continued
 - Tree Survey Table. What are the requirements? Provide an example.
 - Proposed locations for replacement trees on each lot. What constitutes a lot? Provide clarity.
 - Remove critical root zone requirement. This is asking for duplicate information.
 - Tree mitigation table explanation needs enhancing.
 - Definition of “tree species”. **Genus** and species name should be provided.
 - Tree mitigation table shows 3” caliper replacements, not 6” caliper as stated in later section. Should this be updated to show replacement “tree caliper inches” instead of quantity of trees?

2. Providing Clarity and Consistency

Chapter 5 continued



- Section 5.8.B
 - Permit validity moved up
- Section 5.8.C
 - Construction plan – protection fencing is not described in detail until Section 5.11. Should the wording be cross-referenced here?
 - Also, details showing protection fencing should be required.
 - Grading within protective fencing in the grade change area - wording not clear. Is fencing moving closer to or further away from tree?

2. Providing Clarity and Consistency

Chapter 5 continued



- Section 5.8.C continued
 - Need clarification for wording regarding the watering of trees
 - “most heavily impacted by construction activities”
 - “watered deeply”
 - “during periods of hot and dry weather”
 - “periodically”
 - Is trenching allowed inside fencing? Clarify – no damage to root systems. Graphic example may be necessary.
 - Pruning wording needs to include requirement to seal. Add wording “Proper pruning techniques shall be observed.” Reference TNLA standards? This is detailed in Section 5.11.B.5

2. Providing Clarity and Consistency

Chapter 5 continued



- Section 5.9.A
 - Alternate plans. This clause may need to be revisited.
- Section 5.9.B
 - Minimum existing tree preservations.
 - When is the requirement triggered? Commercial vs. residential and development vs. individual lot.
 - Calculations must be shown in detail for verification purposes. Consider re-wording.
- Section 5.9.C
 - Native tree stands. Definition needs to be added.
 - Clarify regional – city, county, state, etc.
 - What constitutes “minor removal of underbrush”?

2. Providing Clarity and Consistency

Chapter 5 continued



- Section 5.10.A
 - Exempted persons wording vs. Section 5.7 regarding single family owner
 - Appeal request meeting. Further definitions of appeal process necessary.
 - Large setback or building footprint = more exempt trees removed = less trees preserved
- Section 5.10.B
 - Residential driveway – how/when is this going to be monitored, especially if it is a new subdivision that is built out by private builders?
 - Platted commercial lots. Trees restricted to within 5' of footprint, but definition "building footprint" allows 6'?
 - Coordinate definitions of building footprint, setback, buildable area, etc.

2. Providing Clarity and Consistency

Chapter 5 continued



- Section 5.10.C.
 - Exempted tree species
 - What types of cedar – just Eastern Red or Deodar (also on approved replacement tree list)?
 - Clarification of “regionally, non-native species”. Indigenous?
- Section 5.11
 - Clarify what constitutes development “around” trees. Should this just be “any lot which contains protected trees?”
 - Add wording to the bark protection section to keep it consistent with Section 5.8.
- Section 5.11.B
 - Protection fencing should follow the canopy limits or critical root zone, not the approved construction delineation.

2. Providing Clarity and Consistency

Chapter 5 continued



- Section 5.11.B continued
 - Tree trunks are not typically wrapped in orange fencing to increase visibility once they are enclosed in the protection fencing limits.
 - Add wording to the bark protection section to keep it consistent with Section 5.8.
- Section 5.11.C
 - Wording regarding maximum allowed encroachment for grading and paving of 25% should be consistent. Not listed as minimum of 75% preservation for one and 25% maximum allowed for the other.

2. Providing Clarity and Consistency

Chapter 5 continued



- Section 5.11.D
 - Incomplete sentence regarding specially designated tree preservation areas.
- Section 5.12
 - Mitigation plan agreement between developer and builder. Who is evaluating the agreement post-builder? What are the penalties for non-compliance? Can this be enforced?
 - Design alternatives. Who is responsible for identifying, providing and reviewing? Subjectivity.
- Section 5.12.A
 - Replacement trees of 6" vs. 3". Many trees on replacement list are not available in that size.

2. Providing Clarity and Consistency

Chapter 5 continued



- Section 5.12.A continued
 - Industry standard guarantee is one year, not three. For residential subdivisions, three years could be tricky. When does responsibility pass to the homeowner and what if there have been multiple homeowners? Who/how would follow-up occur after three years?
- Section 5.13.A
 - Violator planting should include trees that are injured/damaged, not just removed.

3. Enforcement Clarification



- Section 5.9
 - If applicant does not submit an alternate layout to Commission when required, can the plat application be denied?
- Section 5.12
 - Mitigation plan agreement between developer and builder.
 - What if builder does not comply?
 - What about individual residential owner and three year guarantee?

4. Rewording for Legibility



- Example: Move “Permit Validity” provision from Submittal Requirements for Tree Removal Permits Section to Permit and Fees Requirements Section.



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-2

Agenda Date 10/03/2016

Type Pre Council

Department City Manager

Title

Discussion of Temporary Business Signs - State Highway 26

Strategy Map Connection

C2- Deliver high quality and unique customer service

F3- Forecast needs and plan for the future, balancing priorities with resources

Explanation

The purpose of a temporary business sign is to provide advertising for specific periods of time, to identify the name of a business, profession, service, product, or activity conducted, sold, or offered on the premises where the sign is located. Modifying temporary sign regulations to provide businesses with additional marketing options during major construction projects is a best practice. In some cases, cities simply relax the enforcement of sign regulations during construction projects, but this can lead to non-equitable treatment and other issues when regulations are enforced post-construction.

To ensure uniform application, safety, and aesthetic standards, staff has reviewed Chapter 7 – Sign Regulations in the Land Development Code and is seeking City Council input on taking action to temporarily modify the sign regulations for businesses within the State Highway 26 – Phase 2 project limits, approximately John McCain Road to Brown Trail. The proposed modifications are based on the goal of providing businesses with additional means for effectively marketing their operations throughout construction. Staff worked directly with the property management company responsible for one of the City’s largest retail shopping centers to ensure the proposed modifications are consistent with its anticipated needs.

The proposed recommendations will not change the sign regulations contained in Chapter 7 of the Land Development Code, but would offer a few exemptions from the Code along with establishing an amendment and additional regulations.

Summary of Current Regulations

Per attached Section 7-190.K - Temporary Business Signs, there are three types of temporary business signs:

1. Flexible Banner Signs
2. A-Frame Signs
3. Stake Signs

Businesses with a valid certificate of occupancy are able to place one (1) of these types of signs on their premises for display so long as they are in a zoning district that allows temporary business signs. The signs may not be illuminated and the permit is valid for thirty (30) consecutive days, which must be followed by a thirty (30) day non-display period. No more than three temporary business sign permits shall be issued per calendar year per business occupancy. The fee for a temporary business sign is \$50.

Temporary Business Signs are also subject to the conditions in attached Section 7-130 - General Conditions Applicable to All Signs

Summary of Proposed Recommendations

The following recommendations are for temporary signs placed on the premises of businesses with frontage and/or direct access to State Highway 26 within the State Highway 26 – Phase 2 project limits:

Exemptions

1. Section 7-130.L – No sign shall be constructed within the limits of a parking area that results in a reduction of required parking spaces.

Amendments

1. Permit Requirements: The following regulation shall be established in lieu of the standards in Section 7-190.K.1.c:

- a. A temporary sign permit shall be valid for a period of one (1) calendar year. There is no non-display period under this Ordinance.

Additional Regulations

1. Stake signs may be installed using a perpendicular cross support at ground level to support the sign.
2. Temporary signs shall not block vehicular visibility.
3. All other standards applicable to temporary business signs in Chapter 7 – Sign Regulations shall apply.

Conclusion

The proposed recommendations do not include the addition of any sign types or make modifications to the existing types. The proposed recommendations are to extend the display period for temporary signs, allow businesses to place stake signs in required parking spaces, and allow stake signs to be supported using a base in lieu of embedding them into the ground.

Staff believes the above mentioned temporary modifications would allow businesses to market more effectively, while maintaining a high level of aesthetic standards throughout the reconstruction of State Highway 26.

Attachments

1. Temporary Business Sign Presentation
2. Land Development Code - Section 7-190.K
3. Lane Development Code - Section 7-130

Discussion of Temporary Business Signs - State Highway 26

City Council Worksession
October 3, 2016

Overview and Purpose

The purpose of a temporary business sign is to provide advertising for specific periods of time, to identify the name of a business, profession, service, product, or activity conducted, sold, or offered on the premises where the sign is located.

Section 7-190(K)

Staff is seeking City Council direction on a proposed ordinance to allow for an exemption to Chapter 7 – *Sign Regulations* in the Land Development Code.

Serve approximately 350 businesses within the State Highway 26 – Phase 2 project limits



Current/Proposed

Section 7-130 – General Conditions Applicable to All Signs

L. Loss of Required Parking – No sign shall be constructed within the limits of a parking area that results in a reduction in the number of required parking spaces.

- ***Proposed exemption from this section***



Current/Proposed

Section 190(K) - Temporary Business Signs

1. Requirements: Temporary business signs shall conform to the following additional regulations:

- a. *Maximum number:* One per business occupancy holding a valid certificate of occupancy.
- b. *Illumination:* None allowed.
- c. *Permit Requirements:* A temporary business sign permit shall not be valid for more than 30 consecutive days and there shall be a thirty (30) day non-display period between permits. No more than three temporary business sign permits shall be issued per calendar year per business occupancy.
 - **Proposed Amendment:** A temporary sign permit shall be valid for a period of one (1) calendar year. There is no non-display period under this Ordinance.
- d. *Permit Fee:* A permit fee shall be charged for a temporary business sign. The permit fee shall be established by City Council.
- e. *District Allowed:* Temporary business signs shall be allowed in zoning districts in accordance with Table 7-4.

1. Flexible Banner Signs

No changes proposed

Regulations

Section 7-190(K)(2)(a)

- Must be secured to the face of a building, but the lower edge may hang lower than the building over a covered walkway, provided that the banner is firmly secured to the columns supporting the building
- Maximum size fifty (50) square feet and six (6) feet in height



2. A-Frame Signs

No changes proposed

Regulations

Section 7-190(K)(2)(b)

- Only displayed during business hours
- Only allowed on private property, but may be placed on a public sidewalk, provided that a width of four (4) feet remains free from intrusion

Maximum heights and areas of A-Frame Signs		
	Max. Area	Max. Height
Located on a sidewalk	8 s. f.	4 feet
Located in a yard	24 s. f.	6 feet

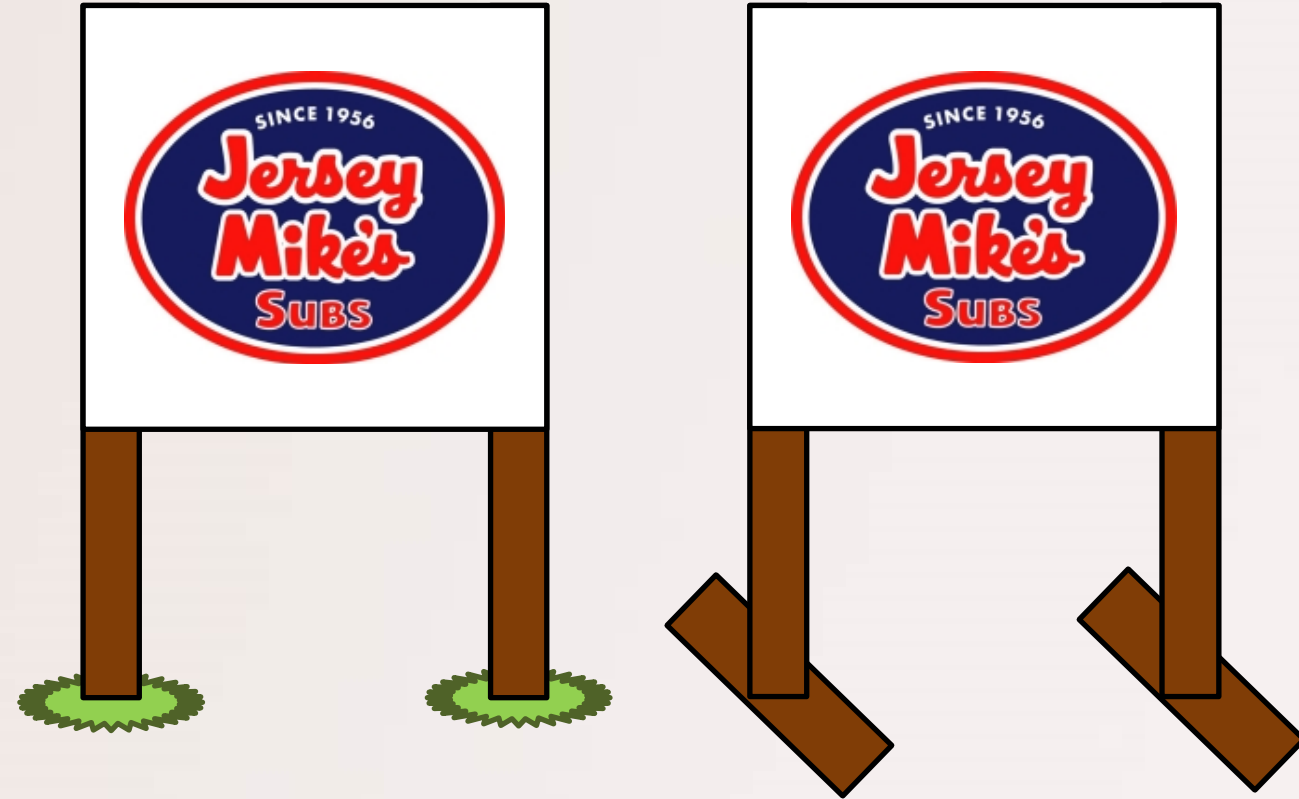


3. Stake Signs

Regulations

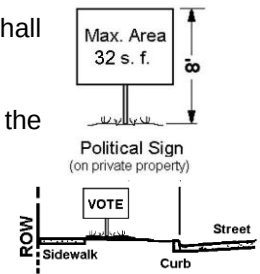
Section 7-190(K)(2)(c)

- A stake sign shall not exceed sixteen (16) square feet, nor exceed six (6) feet in height
- ***Proposed regulation:*** Stake signs may be installed using a perpendicular cross support at ground level to support the sign

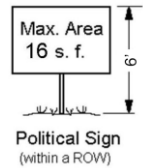


Questions and Discussion

2. **Political Signs on Private Property** – A political sign situated on private property shall not exceed thirty-two (32) square feet, nor exceed eight (8) feet in height.
3. **Political Signs within a public right-of-way** – A political sign may be placed within the public right-of-way, provided no portion of the sign shall be closer than three (3) feet from the edge of the street pavement and further provided no part of the sign extends over any sidewalk. A political sign situated within a public right-of-way shall not exceed sixteen (16) square feet in area nor exceed six (6) feet in height.

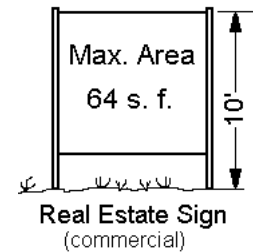


- a. A political sign shall not be erected within a public right-of-way more than thirty (30) days prior to the date of the official election and shall be removed within seven (7) days after said election.
- b. A political sign shall not be placed on any private property, or within public right-of-way adjacent to private property without the private property owner approval.
- c. A political sign shall not be placed within a roadway median or block vehicular visibility.

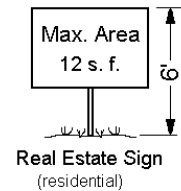


4. No permit or fee shall be required for a political sign.

- I. **Real Estate Signs (Commercial)** – The purpose of a commercial real estate sign is to advertise the sale, rental or lease of the premises on which said sign is located. A commercial real estate sign shall be allowed in accordance with Table 7-4. A commercial real estate sign shall not be illuminated. The maximum area and height of a commercial real estate sign shall conform to the requirements contained in Table 7-5. Commercial real estate signs shall be removed within seven (7) days following the completion of the sale, rental or lease of the premises. No permit or permit fee shall be required for a commercial real estate sign.



- J. **Real Estate Signs (Residential)** – The purpose of a residential real estate sign is to advertise the sale, rental or lease of the premises on which said sign is located. A residential real estate sign shall not be illuminated. A residential real estate sign shall be allowed in a residential district in accordance with Table 7-4. The maximum area and height of a residential real estate sign shall conform to the requirements contained in Table 7-5. All signs shall be removed within seven (7) days following the completion of the sale, rental or lease of the premises. No permit or permit fee shall be required for a residential real estate sign.



- K. **Temporary Business Signs** – The purpose of a temporary business sign is to provide advertising for specific periods of time to identify the name of a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located.

1. **Requirements:** Temporary business signs shall conform to the following additional regulations:

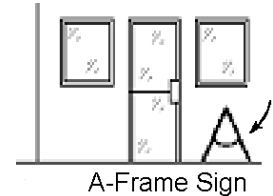
- a. **Maximum number:** One per business occupancy holding a valid certificate of occupancy.
- b. **Illumination:** None allowed.
- c. **Permit Requirements:** A temporary business sign permit shall not be valid for more than 30 consecutive days and there shall be a thirty (30) day non-display period between permits. No more than three temporary business sign permits shall be issued per calendar year per business occupancy.
- d. **Permit Fee:** A permit fee shall be charged for a temporary business sign. The permit fee shall be established by City Council.
- e. **Districts Allowed:** Temporary business signs shall be allowed in zoning districts in accordance with Table 7-4.

2. **Types of Temporary Business Signs:** A business tenant may choose any one of the following types of sign structures:

- a. **Flexible Banner Signs:** Banners shall be kept in good repair and remain firmly anchored or secured to the face of the building or may be suspended below the apparent lower edge of an overhanging covered walkway, provided the banner is firmly secured to the columns supporting the building. A flexible banner sign may not be freestanding. A flexible banner sign shall not exceed fifty (50) square feet nor exceed six (6) feet in height.
- b. **A-Frame Signs:** The purpose of an A-frame sign is to provide temporary advertising during business hours of a commercial occupancy.

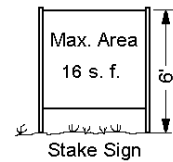
(1). *Maximum height and area shall conform to the following table:*

Maximum heights and areas of A-Frame Signs		
	Max. Area	Max. Height
Located on a sidewalk	8 s. f.	4 feet
Located in a yard	24 s. f.	6 feet



(2). *Time duration:* Only displayed during business hours.

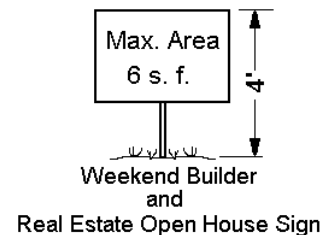
(3). *Placement:* Only allowed on private property, but may be located on a public sidewalk, provided a width of four feet (4) shall remain free from intrusion.



- c. **Stake Signs:** A stake sign shall not exceed sixteen (16) square feet, nor exceed six (6) feet in height.

L. **Weekend Builder / Real Estate Open House Signs –** The purpose of Weekend Builder / Real Estate Open House Signs is to assist the general public by providing direction to available residential properties in Colleyville. Signs that advertise developments located outside the corporate limits of Colleyville shall be prohibited.

1. **Open House Sign Definition:** A means of advertising and marketing a property that is for sale. A period of time during which a builder, developer, or real estate agency markets the home by inviting buyers in for a public viewing to see the interior without making an appointment.
2. Weekend builder / real estate open house signs may be placed on private property or in the public right-of-way with the approval of the adjacent property owner, provided the advertiser has a valid annual permit required by these regulations. Signs placed within the public right-of-way shall be situated not more than five (5) feet from the right-of-way line and shall be no closer than three (3) feet from the edge of the sign to the edge of the street pavement. No weekend builder / real estate open house sign shall block vehicular visibility. Approval of an annual permit does not grant unlimited access or use of the public right-of-way, therefore, it shall be the responsibility of the builder, owner, or real estate agency to secure permission of the property owner for placement of the signs on private property or in the adjacent street right-of-way.



Open house signs shall not be posted within visibility triangles. No sign shall be located or placed where it obstructs the vision of motor vehicle drivers approaching any street intersection. At all street intersections, clear vision shall be maintained across the lot for a distance of twenty-five (25') feet back from the property corner along both streets. Within this triangle, vision shall be clear at elevations between thirty inches (30") and nine feet (9') above the average curb grade.

3. A builder, developer, or real estate agency must be registered with the City of Colleyville to qualify and participate as a weekend advertiser or for open house signs. An annual permit is required for

Section 7-125 Violations and Penalties

Any person, firm or corporation violating any provision of this Chapter shall be guilty of a misdemeanor and shall be subject to the penalty provision contained in *Chapter 1-General Provisions* of this Land Development Code.

Section 7-130 General Conditions Applicable to All Signs

The following general conditions shall be applicable to all signs, except where a provision contained elsewhere in this Chapter specifies a different requirement.

- A. Compliance Required – No person, firm or corporation shall erect a new sign, or alter an existing sign, or sign structure, unless said sign conforms to the provisions of this Chapter.
- B. Sign Area – No sign shall exceed the maximum area provided for in this Chapter. The sign area permitted in this Chapter shall apply to the maximum size of a single sign face, except where a provision allows an alternate method for calculating sign area. When the two faces of a sign are separated by an angle of twenty (20) degrees or more, the maximum sign area shall be the total of all non-parallel sign faces.
- C. On-Premises Requirement – All signs shall be located on the same premises where the product or merchandise being advertised is located, except where a specific provision in this Chapter provides for off-premises advertising.
- D. Maximum Height – No sign shall exceed the maximum height provided for in this Chapter. In determining the maximum height of a sign, no sign shall be located on a mound where the surrounding grade has been altered by more than eighteen (18”) inches for purposes of artificially increasing the overall height of a sign above that allowed by the height regulations in this Chapter.
- E. Wind Pressure and Dead Load Requirements – All permanent signs shall be designed and constructed to withstand a wind pressure of not less than 35 pounds per square foot of area.
- F. Sign Contractor Registration – It shall be unlawful for any person, firm or corporation to engage in the business of erecting permanent signs in the city unless such person, firm or corporation is the holder of a valid registration with the City to perform such work. In extending the rights and privileges of such registration, the City of Colleyville makes no statement of the technical competency of those registered, and no manner of license is proffered.
- G. Engineering Requirements and Construction Standards – The construction of all signs shall comply with the structural requirements of the City of Colleyville Building Code. Where required by the enforcement official, the construction plans shall be signed and sealed by a professional engineer registered in the State of Texas. Any electrical installations shall comply with the City of Colleyville Electrical Code. No unfinished metal shall be allowed on the exterior surface of a sign or sign support.
- H. Signs in Right-of-Way Prohibited – No sign shall be erected in, extend into or over, a public right-of-way, except where a provision in this Chapter allows such location, or with the approval by the City Council of a *Right-of-Way Encroachment Agreement*.
- I. Interference with Safety Provisions – No sign shall be erected in such a manner that any portion of its surface or supports will interfere with the free ingress or egress of any fire escape, exit, standpipe, or window, or obstruct any required ventilator or door stairway.
- J. Illumination – Illumination of a sign shall only be allowed where a provision contained in this Chapter allows illumination for a specific sign classification or construction type. No sign located in a residential zoning district shall be illuminated, except where illumination is provided by a provision in this Chapter. Such sign illumination shall not produce glare or direct illumination across the property lines of the premises.

- K. Electronic Message Signs Along State Highways: – Electronic signs placed along state highways shall be allowed to change messages at a minimum of every ten (10) seconds. The display of time and/or temperature may change at an interval of every three (3) seconds. Only one electronic sign shall be allowed per property. These provisions shall only be considered for commercial and institutional signs that are located on properties adjacent to Precinct Line Road, State Highway 26, or State Highway 121.
- L. Loss of Required Parking – No sign shall be constructed within the limits of a parking area that results in a reduction in the number of required parking spaces.
- M. Signs in Planned Unit Developments and property with a Special Use Permit – All signs shall comply with the regulations in this Chapter, unless an ordinance for a Planned Unit Development (PUD) or a Special Use Permit (SUP) contains a provision that authorizes a variation from the regulations in this Chapter.

Section 7-135 Permits, Fees and Inspections

- A. Permit Required – It shall be unlawful for any person to erect a new sign, relocate, enlarge or replace an existing sign, or sign face, regulated by this Chapter without first obtaining a permit from the Building Permit Office, except where an exemption is provided for in this Chapter. No permit shall be issued unless the proposed sign complies with the requirements of this Chapter.
- B. Permit Fee – Where a permit is required by this Chapter, no application for a sign permit shall be approved which is not accompanied by a permit fee in accordance with the applicable fee schedule. Said fee schedule shall be established by separate ordinance by the City Council. The enforcement official shall not issue a sign permit to any person who has previously failed or refused to pay any fees or costs assessed against him under the provisions of this Chapter, until such fees are paid.
- C. Application for Sign Permit – Application for a sign permit shall be made in writing upon forms furnished by the enforcement official. Such application shall contain sufficient information as determined by the enforcement official, including plans of the proposed sign, whereby the enforcement official may determine that the proposed sign is in conformance with the requirements of this Chapter.
- D. Permit Expiration – No sign permit shall be valid for more than 180 days from the date of issuance of the permit, except where a specific time period is provided elsewhere in this Chapter.
- E. Temporary Sign Permit – Where required by this Chapter, a sign permit for a temporary sign shall be valid only for the period specified by the enforcement official. A temporary sign which has not been removed on or before the last day authorized by the sign permit shall be deemed a violation of this Chapter.
- F. Permit Revocable – The enforcement official may suspend or revoke any sign permit issued in error or on the basis of incorrect or false information supplied, or whenever such permit was issued in violation of any provision of this Chapter. Any sign constructed that is the subject of a revoked permit shall be removed by the person in control of the sign or premises upon which the sign is located within ten (10) days of written notice of revocation. Notice of revocation shall be deemed to have been received when deposited in the mail, addressed to the owner of the premises, the owner of the sign, and/or the tenant for whose benefit the sign is erected as listed on the permit application.
- G. Inspections – All signs shall be subject to inspection by the enforcement official. The building official shall establish inspection procedures and provide copies of such procedures upon request.
- H. Investigation Fees – Whenever any work for which a permit is required by this Chapter has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected, whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee.



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-3
Type Pre Council
Department City Manager

Agenda Date 10/03/2016

Title

Discussion of Conflict of Interest forms for vendors

Strategy Map Connection

B4- Cultivate a culture of transparency and consistent communication

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

Explanation

This item is placed on the agenda at the request of Councilmember Bobby Lindamood.

Background

Chapter 176 of the Texas Local Government Code (attached) requires disclosure of certain relationships with local government officers by completion of conflict of interest questionnaires (attached) and conflicts disclosure statements (attached) and filing of such with the records administrator of the local government entity.

A local government officer is required to file a conflicts disclosure statement with respect to a vendor that has or is considering entering into a contract with the entity and IF:

- the vendor has an employment or other business relationship with the local government officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that a vendor that has or is considering entering into a contract with the entity; or
- the vendor has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date that the officer becomes aware that a vendor that has or is considering entering into a contract with the entity (this is prohibited by the City of Colleyville Purchasing Policy as explained below); or
- the vendor has a family relationship with the local government officer.

A vendor is required to file a conflict of interest questionnaire if the vendor has a business relationship with a local government entity and IF:

- the vendor has an employment or other business relationship with a local government officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the vendor has or is considering entering into a contract with the entity; or
- the vendor has given to a local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date that the vendor has or is considering entering into a contract with the entity (this is prohibited by the City of Colleyville Purchasing Policy as explained below); or
- the vendor has a family relationship with the local government officer.

Vendors are further required to file an updated completed questionnaire with the entity not later than the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in the questionnaire incomplete or inaccurate.

If none of the preceding conditions exist, the forms are not completed and recorded with the local government entity. The City of Colleyville website features a Conflict Disclosure section on the Finance Department page and includes a list of City of Colleyville Principal Officials (attached).

Additionally, City of Colleyville employees are subject to the City of Colleyville purchasing policy ethics, which state:

Conflict of Interest: It is the responsibility of each employee to give written notification to the City Manager regarding any conflicts of interest. With the exception of contracts issued by the State of Texas, employees shall not participate directly or indirectly in procurement when the employee knows that:

- The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
- A business or organization in which the employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
- Any other person, business or organization with which the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

Gratuities and Personal Gain: All employees, regardless of position, are prohibited from accepting, soliciting, demanding or agreeing to gifts, gratuities or other personal gain (e.g. money, entertainment, food, gift baskets, etc.) from individuals or firms with which the City does business. Any employee offered one of these items MUST reject the offer in writing and return the item.

Influence of a Public Employee: It shall be a breach of ethics to influence City employees to violate the standards of conduct set forth by the City.

Kickbacks: Payments, gratuities or offers of employment are prohibited from being made by or on behalf of individuals or firms with which the City does business as an inducement for award of a contract, sub-contract or order.

Purchase of Materials, Equipment and Supplies for Personal Use: A City employee shall not purchase City property for his/her own personal use.

Private Purchases Through City Facilities: Employees shall not use the purchasing power of the City to make private purchases.

Finally, Section 2252.908 of the Texas Government Code (attached) requires a business entity to submit a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. This disclosure is done through Form 1295 (attached) and includes a list of each interested party for the contract of which the contracting business entity is aware and the signature of the authorized agent of the contracting business entity, acknowledging that the disclosure is made under oath and under penalty of perjury.

The form is required for all purchases approved by the Colleyville City Council and are included with each applicable Council agenda item. Completed forms are maintained by the Texas Ethics Commission and can be searched at:

https://www.ethics.state.tx.us/dfs/search_1295.htm.

Discussion

Staff seeks City Council direction on this item.

Attachments

1. Chapter 176 Texas Local Government Code
2. Conflict of Interest Questionnaire
3. Conflicts Disclosure Statement
4. City of Colleyville Principal Officers
5. Section 2252 Texas Government Code
6. Form 1295

LOCAL GOVERNMENT CODE

TITLE 5. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES

SUBTITLE C. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES OF MORE THAN
ONE TYPE OF LOCAL GOVERNMENT

CHAPTER 176. DISCLOSURE OF CERTAIN RELATIONSHIPS WITH LOCAL GOVERNMENT
OFFICERS; PROVIDING PUBLIC ACCESS TO CERTAIN INFORMATION

Sec. 176.001. DEFINITIONS. In this chapter:

(1) "Agent" means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person. The term includes an employee.

(1-a) "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

(A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;

(B) a transaction conducted at a price and subject to terms available to the public; or

(C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

(1-b) "Charter school" means an open-enrollment charter school operating under Subchapter D, Chapter 12, Education Code.

(1-c) "Commission" means the Texas Ethics Commission.

(1-d) "Contract" means a written agreement for the sale or purchase of real property, goods, or services.

(2) "Family member" means a person related to another person within the first degree by consanguinity or affinity, as described by Subchapter B, Chapter 573, Government Code.

(2-a) "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

(2-b) "Gift" means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest. The term does not include a benefit offered on account of kinship or a

personal, professional, or business relationship independent of the official status of the recipient.

(2-c) "Goods" means personal property.

(2-d) "Investment income" means dividends, capital gains, or interest income generated from:

(A) a personal or business:

(i) checking or savings account;

(ii) share draft or share account; or

(iii) other similar account;

(B) a personal or business investment; or

(C) a personal or business loan.

(3) "Local governmental entity" means a county, municipality, school district, charter school, junior college district, water district created under Subchapter B, Chapter 49, Water Code, or other political subdivision of this state or a local government corporation, board, commission, district, or authority to which a member is appointed by the commissioners court of a county, the mayor of a municipality, or the governing body of a municipality. The term does not include an association, corporation, or organization of governmental entities organized to provide to its members education, assistance, products, or services or to represent its members before the legislative, administrative, or judicial branches of the state or federal government.

(4) "Local government officer" means:

(A) a member of the governing body of a local governmental entity;

(B) a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or

(C) an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor.

(5) "Records administrator" means the director, county clerk, municipal secretary, superintendent, or other person responsible for maintaining the records of the local governmental entity or another person designated by the local governmental entity to maintain statements and questionnaires filed under this chapter and perform related functions.

(6) "Services" means skilled or unskilled labor or professional services, as defined by Section 2254.002, Government Code.

(7) "Vendor" means a person who enters or seeks to enter into a contract with a local governmental entity. The term includes an agent of

a vendor. The term includes an officer or employee of a state agency when that individual is acting in a private capacity to enter into a contract. The term does not include a state agency except for Texas Correctional Industries.

Added by Acts 2005, 79th Leg., Ch. 1014 (H.B. [914](#)), Sec. 1, eff. June 18, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 226 (H.B. [1491](#)), Sec. 1, eff. May 25, 2007.

Acts 2015, 84th Leg., R.S., Ch. 989 (H.B. [23](#)), Sec. 1, eff. September 1, 2015.

Sec. 176.002. APPLICABILITY TO VENDORS AND OTHER PERSONS. (a) This chapter applies to a person who is:

- (1) a vendor; or
- (2) a local government officer of a local governmental entity.

(b) A person is not subject to the disclosure requirements of this chapter if the person is:

- (1) a state, a political subdivision of a state, the federal government, or a foreign government; or
- (2) an employee or agent of an entity described by Subdivision (1), acting in the employee's or agent's official capacity.

Added by Acts 2005, 79th Leg., Ch. 1014 (H.B. [914](#)), Sec. 1, eff. June 18, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 226 (H.B. [1491](#)), Sec. 2, eff. May 25, 2007.

Acts 2015, 84th Leg., R.S., Ch. 989 (H.B. [23](#)), Sec. 2, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 989 (H.B. [23](#)), Sec. 3, eff. September 1, 2015.

Sec. 176.003. CONFLICTS DISCLOSURE STATEMENT REQUIRED. (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (1) the vendor enters into a contract with the local governmental entity or the local governmental entity is considering entering into a contract with the vendor; and

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor; or

(C) has a family relationship with the local government officer.

(a-1) A local government officer is not required to file a conflicts disclosure statement in relation to a gift accepted by the officer or a family member of the officer if the gift is:

(1) a political contribution as defined by Title 15, Election Code; or

(2) food accepted as a guest.

(a-2) A local government officer is not required to file a conflicts disclosure statement under Subsection (a) if the local governmental entity or vendor described by that subsection is an administrative agency created under Section [791.013](#), Government Code.

(b) A local government officer shall file the conflicts disclosure statement with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement under Subsection (a).

(c) Repealed by Acts 2015, 84th Leg., R.S., Ch. 989 , Sec. 9(1), eff. September 1, 2015.

(d) Repealed by Acts 2015, 84th Leg., R.S., Ch. 989 , Sec. 9(1), eff. September 1, 2015.

(e) The commission shall adopt the conflicts disclosure statement for local government officers for use under this section. The conflicts disclosure statement must include:

- (1) a requirement that each local government officer disclose:
 - (A) an employment or other business relationship described by Subsection (a)(2)(A), including the nature and extent of the relationship; and
 - (B) gifts accepted by the local government officer and any family member of the officer from a vendor during the 12-month period described by Subsection (a)(2)(B) if the aggregate value of the gifts accepted by the officer or a family member from that vendor exceeds \$100;
- (2) an acknowledgment from the local government officer that:
 - (A) the disclosure applies to each family member of the officer; and
 - (B) the statement covers the 12-month period described by Subsection (a)(2)(B); and
- (3) the signature of the local government officer acknowledging that the statement is made under oath under penalty of perjury.

Added by Acts 2005, 79th Leg., Ch. 1014 (H.B. [914](#)), Sec. 1, eff. June 18, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 226 (H.B. [1491](#)), Sec. 3, eff. May 25, 2007.

Acts 2015, 84th Leg., R.S., Ch. 989 (H.B. [23](#)), Sec. 4, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 989 (H.B. [23](#)), Sec. 5, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 989 (H.B. [23](#)), Sec. 9(1), eff. September 1, 2015.

Sec. 176.006. DISCLOSURE REQUIREMENTS FOR VENDORS AND OTHER PERSONS; QUESTIONNAIRE. (a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section [176.003\(a\)\(2\)\(A\)](#);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts

with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

(b) The commission shall adopt a conflict of interest questionnaire for use under this section that requires disclosure of a vendor's business and family relationships with a local governmental entity.

(c) The questionnaire adopted under Subsection (b) must require, for the local governmental entity with respect to which the questionnaire is filed, that the vendor filing the questionnaire:

(1) describe each employment or business and family relationship the vendor has with each local government officer of the local governmental entity;

(2) identify each employment or business relationship described by Subdivision (1) with respect to which the local government officer receives, or is likely to receive, taxable income, other than investment income, from the vendor;

(3) identify each employment or business relationship described by Subdivision (1) with respect to which the vendor receives, or is likely to receive, taxable income, other than investment income, that:

(A) is received from, or at the direction of, a local government officer of the local governmental entity; and

(B) is not received from the local governmental entity; and

(4) describe each employment or business relationship with a corporation or other business entity with respect to which a local government officer of the local governmental entity:

(A) serves as an officer or director; or

(B) holds an ownership interest of one percent or more.

(d) A vendor shall file an updated completed questionnaire with the appropriate records administrator not later than the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in the questionnaire incomplete or inaccurate.

(e) A person who is both a local government officer and a vendor of a local governmental entity is required to file the questionnaire required by Subsection (a)(1) only if the person:

(1) enters or seeks to enter into a contract with the local governmental entity; or

(2) is an agent of a person who enters or seeks to enter into a contract with the local governmental entity.

(f) Repealed by Acts 2015, 84th Leg., R.S., Ch. 989 , Sec. 9(3), eff. September 1, 2015.

(g) Repealed by Acts 2015, 84th Leg., R.S., Ch. 989 , Sec. 9(3), eff. September 1, 2015.

(h) Repealed by Acts 2015, 84th Leg., R.S., Ch. 989 , Sec. 9(3), eff. September 1, 2015.

(i) The validity of a contract between a vendor and a local governmental entity is not affected solely because the vendor fails to comply with this section.

Added by Acts 2005, 79th Leg., Ch. 1014 (H.B. [914](#)), Sec. 1, eff. June 18, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 226 (H.B. [1491](#)), Sec. 6, eff. May 25, 2007.

Acts 2007, 80th Leg., R.S., Ch. 226 (H.B. [1491](#)), Sec. 9, eff. May 25, 2007.

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. [1969](#)), Sec. 15.005, eff. September 1, 2009.

Acts 2015, 84th Leg., R.S., Ch. 989 (H.B. [23](#)), Sec. 6, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 989 (H.B. [23](#)), Sec. 9(3), eff. September 1, 2015.

Sec. 176.0065. MAINTENANCE OF RECORDS. A records administrator shall:

(1) maintain a list of local government officers of the local governmental entity and shall make that list available to the public and any vendor who may be required to file a conflict of interest questionnaire under Section [176.006](#); and

(2) maintain the statements and questionnaires that are required to be filed under this chapter in accordance with the local governmental entity's records retention schedule.

Added by Acts 2007, 80th Leg., R.S., Ch. 226 (H.B. [1491](#)), Sec. 8, eff. May 25, 2007.

Redesignated and amended from Local Government Code, Section 176.011 by Acts 2015, 84th Leg., R.S., Ch. 989 (H.B. [23](#)), Sec. 7, eff. September 1, 2015.

Sec. 176.008. ELECTRONIC FILING. The requirements of this chapter, including signature requirements, may be satisfied by electronic filing in a form approved by the commission.

Added by Acts 2005, 79th Leg., Ch. 1014 (H.B. [914](#)), Sec. 1, eff. June 18, 2005.

Sec. 176.009. POSTING ON INTERNET. (a) A local governmental entity that maintains an Internet website shall provide access to the statements and to questionnaires required to be filed under this chapter on that website. This subsection does not require a local governmental entity to maintain an Internet website.

(b) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 847, Sec. 3(b), eff. January 1, 2014.

Added by Acts 2005, 79th Leg., Ch. 1014 (H.B. [914](#)), Sec. 1, eff. June 18, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 226 (H.B. [1491](#)), Sec. 7, eff. May 25, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1163 (H.B. [2702](#)), Sec. 76, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 847 (H.B. [195](#)), Sec. 3(b), eff. January 1, 2014.

Sec. 176.010. REQUIREMENTS CUMULATIVE. The requirements of this chapter are in addition to any other disclosure required by law.

Added by Acts 2005, 79th Leg., Ch. 1014 (H.B. [914](#)), Sec. 1, eff. June 18, 2005.

Sec. 176.012. APPLICATION OF PUBLIC INFORMATION LAW. This chapter does not require a local governmental entity to disclose any information that is excepted from disclosure by Chapter [552](#), Government Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 226 (H.B. [1491](#)), Sec. 8, eff. May 25, 2007.

Sec. 176.013. ENFORCEMENT. (a) A local government officer commits an offense under this chapter if the officer:

(1) is required to file a conflicts disclosure statement under Section [176.003](#); and

(2) knowingly fails to file the required conflicts disclosure statement with the appropriate records administrator not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement.

(b) A vendor commits an offense under this chapter if the vendor:

(1) is required to file a conflict of interest questionnaire under Section [176.006](#); and

(2) either:

(A) knowingly fails to file the required questionnaire with the appropriate records administrator not later than 5 p.m. on the seventh business day after the date on which the vendor becomes aware of the facts that require the filing of the questionnaire; or

(B) knowingly fails to file an updated questionnaire with the appropriate records administrator not later than 5 p.m. on the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in a questionnaire previously filed by the vendor incomplete or inaccurate.

(c) An offense under this chapter is:

(1) a Class C misdemeanor if the contract amount is less than \$1 million or if there is no contract amount for the contract;

(2) a Class B misdemeanor if the contract amount is at least \$1 million but less than \$5 million; or

(3) a Class A misdemeanor if the contract amount is at least \$5 million.

(d) A local governmental entity may reprimand, suspend, or terminate the employment of an employee who knowingly fails to comply with a requirement adopted under this chapter.

(e) The governing body of a local governmental entity may, at its discretion, declare a contract void if the governing body determines that a vendor failed to file a conflict of interest questionnaire required by Section [176.006](#).

(f) It is an exception to the application of Subsection (a) that the local government officer filed the required conflicts disclosure statement not later than the seventh business day after the date the officer received notice from the local governmental entity of the alleged violation.

(g) It is an exception to the application of Subsection (b) that the vendor filed the required questionnaire not later than the seventh business day after the date the vendor received notice from the local governmental entity of the alleged violation.

Added by Acts 2015, 84th Leg., R.S., Ch. 989 (H.B. [23](#)), Sec. 8, eff. September 1, 2015.

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;
or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

- (a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

- (a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

- (1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

- (2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

2 Office Held

3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code

4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.

5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 AFFIDAVIT

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

Signature of Local Government Officer

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day
of _____, 20 _____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Affidavit.** Signature of local government officer.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

City of Colleyville
Principal City Officials
September 1, 2016

Elected Officials

Mayor <i>*term expires May 2019</i>	Richard Newton
Mayor Pro Tem <i>*term expires May 2017</i>	Chris Putnam
Councilmember, Place 1 <i>*term expires May 2019</i>	Tammy Nakamura
Councilmember, Place 2 <i>*term expires May 2019</i>	Bobby Lindamood
Councilmember, Place 4 <i>*term expires May 2017</i>	Jody Short
Councilmember, Place 5 <i>*term expires May 2018</i>	Nancy Coplen
Councilmember, Place 6 <i>*term expires May 2018</i>	Mike Taylor

City Attorney

City Attorney	Matthew Boyle
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Municipal Court Judge

Judge	Sara Jane Del Carmen
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City Staff

City Manager	Jennifer Fadden
Deputy City Manager	Chris Fuller
Assistant City Manager/Dir. Public Safety	Mike Holder
Assistant Police Chief	Robert Hinton
Fire Chief	Brian Riley
Communications and Marketing Coordinator	Dustin Dangli
Chief Financial Officer	Brian Hogan
City Secretary	Amy Shelley
Public Works Director	Jeremy Hutt
Economic Development Director	<i>vacant</i>
Community Development Director	Ben Bryner
Principal Planner	Shane Pace

Human Resources Director
Recreation and Library Director
SH26 Coordinator
City Engineer
Accounting Manager
Colleyville Center Manager
Parks Manager
Information Systems Manager
Strategic Services Manager
Executive Secretary
Assistant City Secretary
Utility Billing Supervisor
Human Resources Manager
Building Official
Library Secretary
Recreation/City Events Manager
Municipal Court Administrator
Fire Marshal
Fire Department Office Assistant
Fire Department Battalion Chief
Fire Department Battalion Chief
Fire Department Battalion Chief
Public Works Streets/Drainage Manager
Public Works Water/Wastewater Mgr.
Public Works Administrative Asst.
Public Works Administrative Asst.
Public Works Operations Supervisor
Assistant to the Public Works Director
Construction Manager
Building Services Facilities Manager

Rachel Huitt
Mary Rodne
James Hubbard
Cheryl Taylor
Karen Hines
Leslie Hill
Heather Dowell
Chris Pena
Adrienne Lothery
Joyceinne Williams
Christine Loven
Theresa Scott
Jesse Perez
Eddie Wilson
Kristi Isbell
Lisa Escobedo
Karen Randolph
Rob McKeown
Dorcas Kirk
Mark Cantrell
Roy Fergason
Tim Folden

David Smyth
Dixie Smith
Petite Kirkendoll
Jon Escamilla
Beth Wimpy
Craig Knight
Jaime Gutierrez

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT

CHAPTER 2252. CONTRACTS WITH GOVERNMENTAL ENTITY

SUBCHAPTER A. NONRESIDENT BIDDERS

Sec. 2252.001. DEFINITIONS. In this subchapter:

- (1) "Governmental contract" means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment.
- (2) "Governmental entity" means:
 - (A) the state;
 - (B) a municipality, county, public school district, or special-purpose district or authority;
 - (C) a district, county, or justice of the peace court;
 - (D) a board, commission, department, office, or other agency in the executive branch of state government, including an institution of higher education as defined by Section [61.003](#), Education Code;
 - (E) the legislature or a legislative agency; or
 - (F) the Supreme Court of Texas, the Texas Court of Criminal Appeals, a court of appeals, or the State Bar of Texas or another judicial agency having statewide jurisdiction.
- (3) "Nonresident bidder" refers to a person who is not a resident.
- (4) "Resident bidder" refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Text of section as amended by Acts 2013, 83rd Leg., R.S., Ch. 1404 (H.B. [3648](#)), Sec. 2

For text of section as amended by Acts 2013, 83rd Leg., R.S., Ch. 1127 (H.B. [1050](#)), Sec. 2, see other Sec. 2252.002.

Sec. 2252.002. AWARD OF CONTRACT TO NONRESIDENT BIDDER. A governmental entity may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the greater of the following:

(1) the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located; or

(2) the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which a majority of the manufacturing relating to the contract will be performed.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1404 (H.B. [3648](#)), Sec. 2, eff. June 14, 2013.

Text of section as amended by Acts 2013, 83rd Leg., R.S., Ch. 1127 (H.B. [1050](#)), Sec. 2

For text of section as amended by Acts 2013, 83rd Leg., R.S., Ch. 1404 (H.B. [3648](#)), Sec. 2, see other Sec. 2252.002.

Sec. 2252.002. AWARD OF CONTRACT TO NONRESIDENT BIDDER. A governmental entity may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in:

(1) the state in which the nonresident's principal place of business is located; or

(2) a state in which the nonresident is a resident manufacturer.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1127 (H.B. [1050](#)), Sec. 2, eff. September 1, 2013.

Sec. 2252.003. PUBLICATION OF OTHER STATES' LAWS ON CONTRACTS. (a) The comptroller annually shall publish in the Texas Register:

(1) a list showing each state that regulates the award of a governmental contract to a bidder whose principal place of business is not located in that state; and

(2) the citation to and a summary of each state's most recent law or regulation relating to the evaluation of a bid from and award of a contract to a bidder whose principal place of business is not located in that state.

(b) A governmental entity shall use the information published under this section to evaluate the bid of a nonresident bidder. A governmental entity may rely on information published under this section to meet the requirements of Section [2252.002](#).

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 937 (H.B. [3560](#)), Sec. 1.74, eff. September 1, 2007.

Sec. 2252.004. CONTRACT INVOLVING FEDERAL FUNDS. This subchapter does not apply to a contract involving federal funds.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 9.011, eff. Sept. 1, 2001.

SUBCHAPTER B. INTEREST ON RETAINED PUBLIC WORKS CONTRACT PAYMENTS

Sec. 2252.031. DEFINITIONS. In this subchapter:

(1) "Governmental entity" means:

(A) the state, a county, or a municipality;

(B) a department, board, or agency of the state, a county, or a municipality;

(C) a school district or a subdivision of a school district; or

(D) any other governmental or quasi-governmental authority authorized by statute to make a public works contract.

(2) "Prime contractor" means a person or persons, firm, or corporation contracting with a governmental entity for a public work.

(3) "Public works" includes the construction, alteration, or repair of a public building or the construction or completion of a public work.

(4) "Public works contract payment" means a payment by a governmental entity for the value of labor, material, machinery, fixtures, tools, power, water, fuel, or lubricants used or consumed, ordered and delivered for use or consumption, or specially fabricated for use or consumption but not yet delivered, in the direct performance of a public works contract.

(5) "Retainage" means the part of a public works contract payment withheld by a governmental entity to secure performance of the contract.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 2252.032. RETAINAGE. A governmental entity shall:

(1) deposit in an interest-bearing account the retainage of a public works contract that provides for retainage of more than five percent of the periodic contract payment; and

(2) pay the interest earned on the retainage to the prime contractor on completion of the contract.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 2252.033. EXEMPTIONS. This subchapter does not apply to:

(1) a public works contract executed before August 31, 1981;

(2) a public works contract in which the total contract price estimate at the time of execution of the contract is less than \$400,000; or

(3) a public works contract made by the Texas Department of Transportation under Subchapter A, Chapter [223](#), Transportation Code.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.201, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 1420, Sec. 9.012, eff. Sept. 1, 2001.

SUBCHAPTER C. PRIVATE AUXILIARY ENTERPRISE PROVIDING SERVICES TO STATE AGENCIES OR INSTITUTIONS OF HIGHER EDUCATION

Sec. 2252.061. DEFINITIONS. In this subchapter:

(1) "Auxiliary enterprise" means a business activity that is conducted at a state agency, provides a service to the agency, and is not paid for with appropriated money.

(2) "Contractor" means an individual, association, corporation, or other business entity that operates an auxiliary enterprise or performs a service of the auxiliary enterprise.

(3) "State agency" includes a state-supported institution of higher education.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 2252.062. FINANCIAL STATEMENT. A contractor must present at the time of contracting with a state agency a financial statement prepared by a certified public accountant.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 2252.063. PAYMENT STATEMENT. (a) A contractor must provide to the contracting state agency payment statements derived from sales tax reports.

(b) The contractor annually must provide the payment statements in accordance with the requirements of the state agency.

(c) A payment statement must be certified by a certified public accountant licensed in this state.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 2252.064. PERFORMANCE BOND. (a) A contractor shall execute a bond issued by a surety company authorized to do business in this state in an amount determined by the contracting state agency, but not to exceed the contract price.

(b) The bond must be payable to the state and conditioned on the faithful performance of the terms of the contract.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

SUBCHAPTER D. REAL PROPERTY HELD IN TRUST

Sec. 2252.091. DEFINITION. In this subchapter, "governmental entity" means a state agency or a political subdivision of the state.

Added by Acts 1997, 75th Leg., ch. 1271, Sec. 1, eff. Sept. 1, 1997.

Sec. 2252.092. IDENTIFICATION OF TRUST PROPERTY REQUIRED. (a) A governmental entity may not purchase real property held in trust until the trustee submits to the governing body of the governmental entity a copy of the trust agreement identifying the true owner of the property. The trustee shall identify the true owner of the property to a governmental entity.

(b) A governmental entity may not sell real property to a trustee until the governmental entity receives from the trustee a copy of the trust agreement identifying the person who will be the true owner of the property. The trustee shall identify the person who will be the true owner of the property to the governmental entity.

Added by Acts 1995, 74th Leg., ch. 913, Sec. 1, eff. Aug. 28, 1995.

Redesignated from Local Government Code Sec. 280.002(a), (b) and amended by Acts 1997, 75th Leg., ch. 1271, Sec. 1, eff. Sept. 1, 1997

Sec. 2252.093. NONCOMPLIANCE CREATES VOID CONVEYANCE. A conveyance of property subject to this subchapter is void if a governmental entity fails to comply with Section [2252.092](#).

Added by Acts 1995, 74th Leg., ch. 913, Sec. 1, eff. Aug. 28, 1995.

Redesignated from Local Government Code Sec. 280.002(c) and amended by Acts 1997, 75th Leg., ch. 1271, Sec. 1, eff. Sept. 1, 1997.

Sec. 2252.094. TRUST AGREEMENT CONFIDENTIAL. A trust agreement submitted to the governing body of the governmental entity under this subchapter is confidential information excepted from the requirements of Section [552.021](#), Government Code.

Added by Acts 1995, 74th Leg., ch. 913, Sec. 1, eff. Aug. 28, 1995.

Redesignated from Local Government Code Sec. 280.002(d) and amended by Acts 1997, 75th Leg., ch. 1271, Sec. 1, eff. Sept. 1, 1997.

SUBCHAPTER E. PUBLIC CONTRACTS WITH DISADVANTAGED OR HISTORICALLY UNDERUTILIZED BUSINESSES

Sec. 2252.121. DEFINITIONS. In this subchapter:

(1) "Contractor" means a person who submits a bid for a public contract. The term includes a general contractor, a prime contractor, and a subcontractor.

(2) "Disadvantaged or historically underutilized business" means an entity that meets the definition of a historically underutilized business under Section 2161.001 and in which the owners of the business participate in the control, operation, and management of the business in a manner proportionate to their ownership so that the business is clearly controlled by the economically disadvantaged owners.

(3) "Governmental entity" means a state agency or political subdivision of this state.

(4) "Person" means an individual, partnership, association, corporation, or other private legal entity.

(5) "Political subdivision" means a county, municipality, school district, or other special district or authority of this state.

(6) "Public contract" means a purchasing contract or public works contract awarded by a governmental entity.

(7) "State agency" means a board, commission, office, department, or other agency in the executive, judicial, or legislative branch of state government. The term includes an institution of higher education as defined by Section 61.003, Education Code.

Added by Acts 2001, 77th Leg., ch. 1420, Sec. 9.013(a), eff. Sept. 1, 2001.

Sec. 2252.122. APPLICABILITY. This subchapter applies to each public contract entered into by a governmental entity and a contractor in which the contractor claims to be a disadvantaged or a historically underutilized business.

Added by Acts 2001, 77th Leg., ch. 1420, Sec. 9.013(a), eff. Sept. 1, 2001.

Sec. 2252.123. PROHIBITED ACT. A contractor may not claim disadvantaged or historically underutilized business status in bidding on a public contract unless the contractor meets the definition of a disadvantaged or historically underutilized business and that contractor will personally execute the terms of the contract.

Added by Acts 2001, 77th Leg., ch. 1420, Sec. 9.013(a), eff. Sept. 1, 2001.

Sec. 2252.124. SPECIFIC REQUIREMENTS. To qualify as a contractor claiming disadvantaged or historically underutilized business status under this subchapter:

(1) the general contractor will perform all of the estimating and contract administration functions with the employees of that contractor;

(2) subcontractors will perform all of their work of their trade with their own employees or, if the subcontractor uses an employee leasing firm for the purpose of providing salary and benefit administration, with employees who in all other respects are supervised and perform on the job as if they were employees of the subcontractor; and

(3) a prime contractor who intends to subcontract specific trades may do so if:

(A) the dollar value of the subcontracts does not exceed 75 percent of the original value of the contract; and

(B) all work in the trade of the prime contractor is accomplished by employees of that contractor or, if the prime contractor uses an employee leasing firm for the purpose of salary and benefit administration, with employees who in all other respects are supervised and perform on the job as if they were employees of the prime contractor.

Added by Acts 2001, 77th Leg., ch. 1420, Sec. 9.013(a), eff. Sept. 1, 2001.

Sec. 2252.125. CIVIL PENALTY. (a) The attorney general or a district, county, or municipal attorney may institute an action in district court to recover a civil penalty against a person who claims disadvantaged or historically underutilized business status and a general contractor who knowingly contracts with a person claiming the disadvantaged or historically underutilized business status in violation of Section [2252.123](#).

(b) A civil penalty imposed under this section may not exceed \$1,000 for each violation and may not exceed \$100,000, in the aggregate, for all violations arising from a single action. Each day a violation occurs constitutes a separate violation for purposes of imposing the penalty.

(c) A civil penalty recovered in an action brought by the attorney general shall be deposited in the state treasury. A civil penalty recovered in an action brought by a political subdivision shall be deposited in the general fund of that political subdivision.

(d) A civil penalty imposed under this section is in addition to any other criminal, civil, or administrative penalty that may be imposed by the state or a political subdivision and to which a person in violation of Section [2252.123](#) may be liable.

Added by Acts 2001, 77th Leg., ch. 1420, Sec. 9.013(a), eff. Sept. 1, 2001.

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 2252.901. CONTRACTS WITH FORMER OR RETIRED AGENCY EMPLOYEES.

(a) A state agency may not enter into an employment contract, a professional services contract under Chapter [2254](#), or a consulting services contract under Chapter [2254](#) with a former or retired employee of the agency before the first anniversary of the last date on which the individual was employed by the agency, if appropriated money will be used to make payments under the contract. This section does not prohibit an agency from entering into a professional services contract with a corporation, firm, or other business entity that employs a former or retired employee of the agency within one year of the employee's leaving the agency, provided that the former or retired employee does not perform services on projects for the corporation, firm, or other business entity that the employee worked on while employed by the agency.

(b) and (c) Repealed by Acts 2001, 77th Leg., ch. 715, Sec. 3(3), eff. Sept. 1, 2001.

(d) In this section:

(1) "Employment contract" includes a personal services contract regardless of whether the performance of the contract involves the traditional relationship of employer and employee. The term does not apply to an at-will employment relationship that involves the traditional relationship of employer and employee.

(2) "Retired agency employee" means a person:

(A) whose last state service before retirement was for the state agency with which the retiree contracts to perform services; and

(B) who is a retiree of:

(i) the employee class of membership of the Employees Retirement System of Texas; or

(ii) the Teacher Retirement System of Texas, the majority of whose service was credited in that system in a position with a state agency.

(3) "State agency" includes a "public senior college or university," as that term is defined by Section [61.003](#), Education Code.

Added by Acts 1997, 75th Leg., ch. 1306, Sec. 2, eff. Sept. 1, 1998.

Amended by Acts 1999, 76th Leg., ch. 1499, Sec. 1.36, eff. Sept. 1, 1999;

Acts 2001, 77th Leg., ch. 715, Sec. 3(3), eff. Sept. 1, 2001.

Sec. 2252.903. CONTRACTING WITH PERSONS WHO HAVE CERTAIN DEBTS OR DELINQUENCIES. (a) Each state agency shall determine whether a payment law prohibits the comptroller from issuing a warrant or initiating an electronic funds transfer to a person before the agency enters into a written contract with that person. The agency shall make this determination not earlier than the seventh day before and not later than the date of entering into the contract. The determination must be made in accordance with the comptroller's requirements.

(b) This subsection applies if the agency determines that a payment law prohibits the comptroller from issuing a warrant or initiating an electronic funds transfer to the person. The agency may not enter into a written contract with the person unless:

(1) the contract requires the agency's payments under the contract to be applied directly toward eliminating the person's debt or delinquency; and

(2) the requirement described in Subdivision (1) specifically applies to any debt or delinquency, regardless of when it arises.

(c) The comptroller may determine the order in which a person's multiple types of debts or delinquencies are reduced or eliminated under this section.

(d) The comptroller may adopt rules and establish procedures to administer this section.

(e) In this section:

(1) "Debt or delinquency" means a debt, tax delinquency, student loan delinquency, or child support delinquency that results in a payment law prohibiting the comptroller from issuing a warrant or initiating an electronic funds transfer.

(2) "Payment law" means:

(A) Section [57.48](#), Education Code;

(B) Section [231.007](#), Family Code;

(C) Section [403.055](#); or

(D) any similar law that prohibits the comptroller from issuing a warrant or initiating an electronic funds transfer to a person.

(3) "State agency" has the meaning assigned by Section [403.055](#).

(4) "Written contract" does not include a contract the payments for which must be made through the comptroller's issuance of warrants or initiation of electronic funds transfers under Section [404.046](#), [404.069](#), or [2103.003](#).

Added by Acts 2001, 77th Leg., ch. 1158, Sec. 71, eff. June 15, 2001.

Amended by Acts 2003, 78th Leg., ch. 1310, Sec. 62, eff. Sept. 1, 2003.

Sec. 2252.904. ATTORNEY'S FEES. (a) In this section:

(1) "Governmental contract" means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment.

(2) "Governmental entity" means:

(A) the state;

(B) a municipality, county, public school district, or special-purpose district or authority;

(C) a district, county, or justice of the peace court;

(D) a board, commission, department, office, or other agency in the executive branch of state government, including an institution of higher education as defined by Section [61.003](#), Education Code;

(E) the legislature or a legislative agency; or

(F) the Supreme Court of Texas, the Texas Court of Criminal Appeals, a court of appeals, or the State Bar of Texas or another judicial agency having statewide jurisdiction.

(b) A governmental contract may not provide for the award of attorney's fees to the governmental entity in a dispute in which the entity prevails unless the contract provides for the award of attorney's fees to each other party to the contract if that party prevails in the dispute.

(c) A contract provision that violates this section is void and unenforceable.

Added by Acts 2007, 80th Leg., R.S., Ch. 466 (H.B. [1268](#)), Sec. 1, eff. September 1, 2007.

Sec. 2252.905. CERTAIN RULES OR POLICIES OF STATE AGENCIES. (a) In this section:

(1) "Contract" means a contract awarded by a state agency for general construction, an improvement, a service, or a public works

project, including a contract subject to Section [201.112](#), Transportation Code.

(2) "Private design professional" means an individual registered as an architect under Chapter [1051](#), Occupations Code, or an individual licensed as an engineer under Chapter [1001](#), Occupations Code, who provides professional architectural or engineering services.

(3) "State agency" means a board, commission, office, department, or other agency in the judicial or executive branch of state government.

(b) A rule or policy adopted by a state agency relating to the recovery of costs arising from an engineering or architectural error or omission by a private design professional on a project must:

(1) provide that the private design professional be notified at the time a problem with project plans or specifications is identified by the agency;

(2) provide an opportunity for the private design professional to be involved in the resolution of a problem identified under Subdivision (1);

(3) provide guidelines for distinguishing an error or omission from other reasons for the submission of a change order;

(4) provide a process for determining the cost of errors or omissions by private design professionals;

(5) provide for an evaluation of the totality of project services provided by private design professionals, including the level of quality, performance, and value provided over the term of the entire project;

(6) provide that an internal management review of the agency's claim for costs may be used, if available, without requiring that the claim be paid before the internal management review may be used;

(7) provide a process for tracking the cost of errors or omissions by agency employees; and

(8) recognize that some errors, omissions, or changes are likely to occur during a design and construction project.

Added by Acts 2007, 80th Leg., R.S., Ch. 979 (S.B. [924](#)), Sec. 1, eff. September 1, 2007.

Renumbered from Government Code, Section [2252.904](#) by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. [1969](#)), Sec. 27.001(47), eff. September 1, 2009.

Sec. 2252.906. DISCLOSURE PROTECTIONS FOR CERTAIN CHARITABLE ORGANIZATIONS, CHARITABLE TRUSTS, AND PRIVATE FOUNDATIONS. (a) In this section:

(1) "Charitable organization" means an organization that is exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt organization in Section 501(c) of that code. The term does not include a property owners' or homeowners' association.

(2) "Grant-making organization" means an organization that makes grants to charitable organizations but is not a private foundation, private foundation trust, or split interest trust.

(3) "Private foundation" has the meaning assigned by Section 509 (a), Internal Revenue Code of 1986.

(4) "Split interest trust" means an irrevocable trust in which the income is first dispersed to the beneficiaries of the trust for a specified period and the remainder of the trust is donated to a designated charity.

(b) Unless the individual has given written consent to the disclosure, a governmental entity may not require a charitable organization, private foundation trust, split interest trust, or private foundation to disclose the race, religion, gender, national origin, socioeconomic status, age, ethnicity, disability, marital status, sexual orientation, or political party registration of an employee, officer, director, trustee, or member of the organization, trust, or foundation.

(c) Unless the individual has given written consent to the disclosure, a governmental entity may not require a private foundation, private foundation trust, split interest trust, or grant-making organization to disclose the race, religion, gender, national origin, socioeconomic status, age, ethnicity, disability, marital status, sexual orientation, or political party registration of:

(1) a person who receives money or in-kind contributions from or contracts with the foundation, trust, or organization; or

(2) an employee, officer, director, trustee, member, or owner of an entity that receives money or in-kind contributions from or contracts with the foundation, trust, or organization.

(d) A governmental entity may not:

(1) require that the governing board or officers of a charitable organization, private foundation trust, split interest trust, or private foundation include an individual of any particular race, religion, gender,

national origin, socioeconomic status, age, ethnicity, disability, marital status, sexual orientation, or political party registration;

(2) prohibit an individual from serving as a board member or officer of the organization, trust, or foundation based on the individual's familial relationship to:

(A) another board member or officer of the organization, trust, or foundation; or

(B) a donor to the organization, trust, or foundation; or

(3) require the governing board or officers of the organization, trust, or foundation to include one or more individuals who do not share a familial relationship with the board members or officers or with a donor.

(e) Except as a condition on the expenditure of particular funds imposed by the donor of the funds, a governmental entity may not require a charitable organization, private foundation trust, split interest trust, or private foundation to distribute its funds to or contract with a person or entity based on the race, religion, gender, national origin, socioeconomic status, age, ethnicity, disability, marital status, sexual orientation, or political party registration of:

(1) the person or of an employee, officer, director, trustee, member, or owner of the entity; or

(2) the populations, locales, or communities served by the person or entity.

(f) This section does not limit the authority of the attorney general to investigate or enforce laws of this state in accordance with the attorney general's duty to protect the public interest in charity.

Added by Acts 2011, 82nd Leg., R.S., Ch. 355 (H.B. [3573](#)), Sec. 1, eff. September 1, 2011.

Sec. 2252.907. CONTRACTS INVOLVING EXCHANGE OR CREATION OF PUBLIC INFORMATION. (a) A contract between a state governmental entity and a nongovernmental vendor involving the exchange or creation of public information as defined by Section [552.002](#) that the state governmental entity collects, assembles, or maintains or has a right of access to must:

(1) be drafted in consideration of the requirements of Chapter [552](#); and

(2) contain a provision that requires the vendor to make the information not otherwise excepted from disclosure under Chapter [552](#) available in a specific format that is:

(A) agreed upon in the contract; and

(B) accessible by the public.

(b) This section may not be waived by contract or otherwise.

(c) A request for public information regarding a contract described by this section must be submitted to the officer or employee responsible for responding to open records requests for the state governmental entity that executed the contract.

(d) In this section, "state governmental entity" means a state agency, board, commission, office, department, or other agency in the executive or legislative branch of state government.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1204 (S.B. [1368](#)), Sec. 3, eff. September 1, 2013.

Sec. 2252.908. DISCLOSURE OF INTERESTED PARTIES. (a) In this section:

(1) "Business entity" means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation.

(2) "Governmental entity" means a municipality, county, public school district, or special-purpose district or authority.

(3) "Interested party" means a person who has a controlling interest in a business entity with whom a governmental entity or state agency contracts or who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity.

(4) "State agency" means a board, commission, office, department, or other agency in the executive, judicial, or legislative branch of state government. The term includes an institution of higher education as defined by Section [61.003](#), Education Code.

(b) This section applies only to a contract of a governmental entity or state agency that:

(1) requires an action or vote by the governing body of the entity or agency before the contract may be signed; or

(2) has a value of at least \$1 million.

(c) Notwithstanding Subsection (b), this section does not apply to:

(1) a sponsored research contract of an institution of higher education;

(2) an interagency contract of a state agency or an institution of higher education; or

(3) a contract related to health and human services if:

(A) the value of the contract cannot be determined at the time the contract is executed; and

(B) any qualified vendor is eligible for the contract.

(d) A governmental entity or state agency may not enter into a contract described by Subsection (b) with a business entity unless the business entity, in accordance with this section and rules adopted under this section, submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency.

(e) The disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission that includes:

(1) a list of each interested party for the contract of which the contracting business entity is aware; and

(2) the signature of the authorized agent of the contracting business entity, acknowledging that the disclosure is made under oath and under penalty of perjury.

(f) Not later than the 30th day after the date the governmental entity or state agency receives a disclosure of interested parties required under this section, the governmental entity or state agency shall submit a copy of the disclosure to the Texas Ethics Commission.

(g) The Texas Ethics Commission shall adopt rules necessary to implement this section, prescribe the disclosure of interested parties form, and post a copy of the form on the commission's Internet website.

Added by Acts 2015, 84th Leg., R.S., Ch. 1024 (H.B. [1295](#)), Sec. 3, eff. September 1, 2015.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

OFFICE USE ONLY

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

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

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

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

4 Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary

5 Check only if there is NO Interested Party.

☐

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day
of _____, 20 _____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

ADD ADDITIONAL PAGES AS NECESSARY



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-4

Agenda Date 10/03/2016

Type Pre Council

Department City Secretary

Title

Discussion of the October 3, 2016, City Council regular agenda items



City of Colleyville City Council Agenda Briefing

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

Agenda Number 1

Agenda Date 10/03/2016

Type Executive Session

Department City Secretary

Title

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

Section 551.071 - Legal - Consultation with City Attorney regarding City Developer Agreement

Section 551.071 - Legal - Consultation with and legal advice from the City Attorney regarding SWPPP and TCEQ issues with Toll Brothers

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

Section 551.074 - Personnel - Deliberate the appointment, employment, evaluation, and duties of the City Attorney

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-16-4040

**A RESOLUTION APPROVING COUNCIL ACTION REGARDING
EXECUTIVE SESSION ITEMS AT THE
REGULAR CITY COUNCIL MEETING OF OCTOBER 3, 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 3RD DAY OF OCTOBER 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



City of Colleyville City Council Agenda Briefing

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

Agenda Number 3

Agenda Date 10/03/2016

Type Announcements, Proclamations, and Presentations

Department Finance

Title

Presentation of the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting - Mayor Richard Newton and Chief Financial Officer Brian Hogan

Recognition of employees' years of service and achievements

Attachments

1. GFOA - Certificate of Achievement for Excellence in Financial Reporting
2. Employees' Years of Service



Government Finance Officers Association

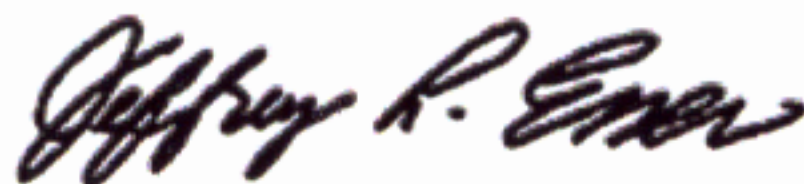
**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**City of Colleyville
Texas**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

September 30, 2015



Executive Director/CEO

Employee Years of Service Fourth Quarter – FY 2016

1 YEAR

Byron Osgood
Public Works

Glynn Miller
Public Works

Stephanie Jenkins
Human Resources

Cheryl Taylor
Public Works

Shane Pace
Community Development

5 YEARS

Kyle Franco
Fire

Dustin Eason
Police

Erik Uplegger
Colleyville Center

10 YEARS

Joanne Caniano
Library

Joshua Large
Parks

William Savage
Fire

RESOLUTION R-16-4041

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
OCTOBER 3, 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 on September 20, 2016
 - b. Approval to purchase three (3) Chevrolet Tahoe patrol vehicles, from Caldwell Country Chevrolet, in an amount not to exceed \$144,194 bid through the Texas Local Government Purchasing Cooperative "Buy Board"; approval to purchase three (3) Ford Taurus unmarked vehicles, from Silsbee Ford, in an amount not to exceed \$80,998, bid through the Texas Local Government Purchasing Cooperative "Buy Board"; and authorize the city manager to execute all purchasing documents

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS
ON THIS THE 3RD DAY OF OCTOBER 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



City of Colleyville City Council Minutes - Draft

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

Tuesday, September 20, 2016

Mayor Richard Newton called the Executive Session meeting of the Colleyville City Council to order on Tuesday, September 20, 2016, at 3:15 p.m.

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

Mayor Newton explained the Executive Session had been called in accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.074 Personnel. He further explained there would be no decisions made or action taken during this time.

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

Section 551.074 - Personnel - Deliberate the appointment, employment, evaluation, and duties of the City Attorney (City Attorney interviews)

Executive session was recessed at 5:15 p.m.

Mayor Richard Newton called the worksession of the Colleyville City Council to order on Tuesday, September 20, 2016, at 5:32 p.m.

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

City Manager Jennifer Fadden, Deputy City Manager Chris Fuller, Assistant City Manager/Director of Public Safety Mike Holder, Fire Chief Brian Riley, Assistant Police Chief Robert Hinton, Chief Financial Officer Brian Hogan, Human Resources Director Rachel Huitt, Public Works Director Jeremy Hutt, City Engineer Cheryl Taylor, Community Development Director Ben Bryner, Recreation and Library Director Mary Rodne, Colleyville Center Manager Leslie Hill, Accounting Manager Karen Hines, Parks Manager Heather Dowell, SH26 Coordinator James Hubbard, Strategic Services Manager Adrienne Lothery, Information Systems Manager Chris Pena, Assistant City Attorney Ben Stool, and City Secretary Amy Shelley

WS-1 Communications overview and website demonstration

Communications and Marketing Coordinator Dustin Dangli presented this item and briefed the City Council.

Mayor Pro Tem Putnam asked staff how to register for CodeRed. Coordinator Dangli replied you can register online.

Mayor Pro Tem Putnam asked staff if people sign up through the City's website. Coordinator Dangli replied yes.

Mayor Newton asked staff if this tool can target specific areas. Fire Chief Brian Riley replied they can target specific areas within the City.

Mayor Newton asked staff how they are able to target specific areas. Coordinator Dangli replied citizens register their contact information which helps to target specific areas, when necessary.

Mayor Newton asked staff if this was the first year there were other items at the State of the City event. City Manager Jennifer Fadden replied the same open house format has been taking place every year, except for the first year.

City Manager Jennifer Fadden asked City Council if they would like to continue with the same format that was done in 2016. City Council replied yes.

Councilmember Nakamura asked staff how many people came last year. Coordinator Dangli replied staff did not do head counts, but he estimated there were 100 to 140 each year.

Mayor Newton asked staff how much effort it takes. City Manager Jennifer Fadden replied a lot. Councilmember Coplen stated it is a good presentation, and sorry that it is a lot of work.

Councilmember Nakamura asked City Manager Jennifer Fadden if she presented last year. City Manager Jennifer Fadden replied it was videographed through a professional producer; however, we wrote the script and staged the shots.

Councilmember Nakamura asked staff if any input has been received on whether people liked the video or just want staff to present. City Manager Jennifer Fadden replied people liked both formats.

Mayor Newton asked staff about the philosophy and strategy to communicate to the community, and how the tools are used for those objectives. Coordinator Dangli replied our goal is to use the resources we have and work closely with the other departments to take care of the initiatives of City Council.

Mayor Newton asked City Council about their desire to communicate with citizens. Councilmember Nakamura stated she wants to reach as many people as we can. Councilmember Coplen stated there are elements to communicate such as this is what is going on; this is what we are doing the next three months; the overall vision of the community; branding; and how to communicate this all the time. Councilmember Short stated he would like for the City's communication modes to be seen and viewed as the source of the actual and accurate information, rather than through others. Mayor Newton agreed.

Councilmember Nakamura asked staff if everyone likes for you to present or use the video. City Manager Jennifer Fadden replied there was some feedback that the video was not very personable. Councilmember Nakamura stated citizens will probably want something more personable.

Councilmember Taylor suggested using a blend of both ways, video and personal presentation, but shorten the video component.

Mayor Newton stated he liked the question and answer session, and a snapshot in time, which provides a review and a summary.

Mayor Pro Tem Putnam stated we have communicated, on a regular basis, the priorities, policy, public safety, and bringing staff into the context of connecting staff to the community. He added we have also amped up the communication efforts in other ways besides the *Communicator*.

Councilmember Nakamura asked staff how they monitor what the citizens are giving as far as feedback. Councilmember Short added, do we monitor the Facebook and Twitter platforms? Coordinator Dangli replied yes, and they are all very good about getting the data, but they do not tell you what that data means.

Councilmember Short asked staff if the video was available in other places. City Manager Jennifer Fadden replied there were three other events in the community where the video was shown.

Mayor Newton stated he would like to capture the vision, strategy, and objectives on paper to better understand how the content is being selected to go into the tools.

Councilmember Nakamura asked Mayor Newton if he sees the content before the *Communicator* goes out. Mayor Newton replied not previously, but he sees them now.

Mayor Pro Tem Putnam asked staff if the visitors to the website are unique. Coordinator Dangli replied about 53 percent are unique visitors to the website.

Councilmember Taylor asked staff if they have a way to see the unique visitors. Coordinator Dangli replied 53 percent of our visitors are unique, which is noted through the IP address through Google analytics.

Mayor Pro Tem Putnam stated he is concerned about the small content frame for the new website format. Coordinator Dangli replied the website has a responsive design depending on what monitor, tablet, or mobile device you are using.

Councilmember Lindamood stated the view is a little confusing on the laptop. Coordinator Dangli replied he will ask the website developer about this.

Mayor Newton stated it seems a little cluttered; the fonts are not consistent. Councilmember Taylor agreed about the font.

Councilmember Lindamood stated he would like for there to be a link available for the agenda for that night's meeting in the calendar of events, and maybe a link for the live feed so that everyone can click once. Coordinator Dangli replied he is currently working on those links. Mayor Pro Tem Putnam suggested having the meetings live stream on the home page.

Mayor Pro Tem Putnam asked staff if the access to public documents will be the same. Coordinator Dangli replied yes, and staff is working with Laserfiche

WS-2 Discussion of sign ordinance relative to directory signage

Due to the lack of time, this item will be presented at a future worksession.

WS-3 Discussion of the September 20, 2016, City Council regular agenda items

Mayor Newton stated he believes to ratify the tax rate it redundant. He stated he would like all Councilmembers to choose two people for the Water and Wastewater Rate Advisory Committee, and he will be going last, and he would only be taking 11 applicants for the committee.

Mayor Newton adjourned the worksession at 6:32 p.m.

Mayor Richard Newton reconvened the Colleyville City Council Executive Session on Tuesday, September 20, 2016, at 6:32 p.m. in the Executive Conference Room.

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

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, Section 551.074 Personnel and Section 551.087,

Economic Development. He further explained there would be no decisions made or action taken during this time.

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

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

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

Section 551.074 - Personnel - Deliberate the appointment, employment, evaluation, and duties of the City Attorney

Section 551.074 - Personnel - Deliberate the appointment, employment, evaluation, and duties of the economic development director

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

Executive session was adjourned at 7:28 p.m.

Mayor Richard Newton called the regular City Council meeting to order in the Council Chambers at 7:34 p.m.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Chris Putnam, and Councilmembers Tammy Nakamura, Bobby Lindamood, Nancy Coplen and Mike Taylor

Absent: Councilmember Jody Short

City Manager Jennifer Fadden, Deputy City Manager Chris Fuller, Assistant City Manager/Director of Public Safety Mike Holder, Fire Chief Brian Riley, Assistant Police Chief Robert Hinton, Chief Financial Officer Brian Hogan, Human Resources Director Rachel Huitt, Public Works Director Jeremy Hutt, City Engineer Cheryl Taylor, Community Development Director Ben Bryner, Principal Planner Shane Pace, Recreation and Library Director Mary Rodne, Colleyville Center Manager Leslie Hill, Finance Manager Karen Hines, 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

INVOCATION: Pastor Martin Richardson, Crown of Life 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-16-4034**

This resolution was not needed.

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

Councilmember Lindamood announced the Lion's Club Hole-in-One Shoot Out on September 23, 24, and 25, 2016.

Councilmember Lindamood stated he is wearing pink in honor of his cousin, Rhonda, who is celebrating her sixth year anniversary of surviving cancer.

Mayor Newton announced the National Night Out event scheduled for Tuesday, October 4, 2016, beginning at 6:30 p.m., and ending the evening with a softball game between police and fire. Assistant City Manager/Director of Public Safety Mike Holder added all of the proceeds from that evening will go to benefit the police and fire citizens' alumni associations.

Mayor Newton announced the Coffee with Colleyville's First Responders. Assistant City Manager/Director of Public Safety Mike Holder explained the event would be held on Friday, September 23, 2016, at 8:30 a.m. at Market Street.

Mayor Newton announced the Colleyville Chamber of Commerce is seeking nominations for its First Responder of Distinction awards, which will honor one firefighter and one police officer. He encouraged people to submit a nomination to the Chamber.

Mayor Pro Tem Putnam encouraged citizens to apply for the boards, commissions, and committee current openings.

Recognition of the Charter Review Committee - Mayor Richard Newton

Mayor Newton expressed his appreciation to the Charter Review Committee: Frank Carroll, Chairman; Michael Muhm, Vice Chairman; members Claudia Bevill, Vince Hawkins, Rich Hendler, David Medlin, Shirley Schollmeyer, Nelson Thibodeaux,

Steve Waltens, and Tim Weymouth, and presented those in attendance with a *Colleyville Now and Then* history book.

In recognition of Colleyville's Featured Business of the Month - O'Reilly Auto Parts, 4501 Colleyville Boulevard, Store Manager Tommie Thomas - Mayor Richard Newton and SH26 Project Coordinator James Hubbard

Mayor Richard Newton and SH26 Project Coordinator James Hubbard welcomed Tommie Thomas, Store Manager, O'Reilly Auto Parts, 4501 Colleyville Boulevard, and recognized O'Reilly Auto Parts as the featured Business of the Month.

4. CONSENT: READING AND PUBLIC HEARING- Resolution R-16-4035

- 4a** Approval of the minutes of the City Council worksession on August 23, 2016
- 4b** Approval of the minutes of the City Council worksession on August 24, 2016
- 4c** Approval of the minutes of the Special City Council meeting on August 25, 2016
- 4d** Approval of the minutes of the City Council worksession on August 25, 2016
- 4e** Approval of the minutes of the regular City Council meeting on September 6, 2016
- 4f** Approval of the minutes of the City Council worksession on September 8, 2016
- 4g** Approval of Professional Service Agreements with Beacon Emergency Services Team, P.A. d/b/a BEST EMS for a medical director and instructional services, in a combined total amount not to exceed \$21,473, and authorize the city manager to execute the agreements
- 4h** Approval of the Grounds Maintenance Mowing Contract with Whitmore and Sons, Inc., in an amount not to exceed \$167,372.50, and authorize the city manager to execute same, and any associated change orders, in an amount not to exceed 25 percent of the original contract price, subject to the approval of funding in the Fiscal Year 2017 (FY 2017) budget
- 4i** Approval of a contract renewal for the Horticultural Grounds Maintenance Contract to the Lawn Firm, in an amount not to exceed \$162,324, and authorize the city manager to execute the contract, and

any associated change orders, in an amount not to exceed 25% of the original contract amount, subject to the approval of funding in the Fiscal Year 2017 (FY 2017) budget

- 4j** Approval of an Interlocal Purchasing Agreement between the City of Colleyville and the North Central Texas Council of Governments (NCTCOG) for the purchase of products and services through the North Texas SHARE Program, and authorize the city manager to execute the agreement
- 4k** Approval to renew the annual license agreement with Incode Court software, with Tyler Technologies, for the Joint Municipal Courts of Colleyville and Keller with a first year cost of \$28,943, and authorize the city manager to execute the agreement

Mayor Newton read Resolution R-16-4035 in its entirety.

Fire Chief Brian Riley briefed the City Council on item 4g.

Mayor Newton asked staff if it is a multi-year contract. Chief Riley replied it is an annual contract.

Parks Manager Heather Dowell briefed the City Council regarding items 4h and 4i.

Mayor Newton asked staff about how the price is determined in the out-years. Manager Dowell replied they are able to request a CPI increase, at the going rate for the metroplex, and in the past staff has not seen an increase unless the properties or cycles were increased.

Councilmember Lindamood asked staff about the conflict of interest questionnaires and if they are necessary. City Manager Jennifer Fadden replied based on the previous discussion, the City Council was satisfied with vendors submitting the Form 1295; however, if City Council wishes for staff to do something different, that was not understood.

Councilmember Lindamood stated he believed it was understood that the forms would be completed for the public to view.

Councilmember Lindamood asked staff about the contingency fee of 25 percent of the original contract, and if that is necessary. Manager Dowell replied the contingency would cover the addition of properties during this cycle or for the increase in cycles; however, it is not always utilized.

Public Works Director Jeremy Hutt briefed the City Council regarding item 4j.

Mayor Newton asked staff if the contracts are competitively bid through the SHARE process. Director Hutt replied yes.

Mayor Newton asked staff if we have access to the bids. Director Hutt replied yes; SHARE has a website with all of the information.

Councilmember Lindamood asked staff if there are just a few contractors on the website, which have already gone through the bidding process. Director Hutt replied correct, they are working with the adjacent cities to bid these, and it is a relatively new service. Councilmember Lindamood added he is not big on big co-ops.

Mayor Newton asked staff if there is no cost to be a part of this, or use these contractors. Director Hutt replied correct.

Information Systems Manager Chris Pena briefed the City Council on item 4k.

Mayor Newton asked staff why the maintenance fee is so high, and what the services are. Manager Pena replied there are two major services, support and nightly back-up of the software onsite.

Mayor Newton asked staff if the vendor is managing the software on the server. Manager Pena replied yes.

Mayor Newton asked staff if this is to buy the perpetual license. Manager Pena replied yes, and we will own it, but the annual cost will be for support and maintenance of the software modules.

Mayor Pro Tem Putnam asked staff if the total perpetual license cost is \$28,943. Manager Pena replied it is a higher number, but there is a discount within the contract.

Mayor Newton asked staff what the cost would be if sold to a new customer. Manager Pena replied he does not have that number.

Councilmember Taylor asked staff about the protection if the onsite server is lost. Manager Pena replied the company will run an internal service to back-up each night.

Councilmember Taylor asked staff if there is a redundant system. Manager Pena replied yes.

Mayor Newton opened the public hearing at 8:19 p.m.

Kathy Hadley, 204 Timberline Drive North, spoke about items 4h and 4i, and stated being concerned about the contractor using the sidewalks for the mowers.

She stated she believes the five foot sidewalk requirement is just for contractors to drive on. She added she would like for the City to use local businesses for lawn services.

George Dodson, 7309 Balmoral Drive, spoke in opposition to item 4k, with concerns about the high maintenance percentage, and recommended City Council should table this item.

There were no others present wishing to speak, and Mayor Newton closed the public hearing at 8:24 p.m.

Mayor Newton asked staff about the mowing contractor requiring the sidewalk to be built. Manager Dowell replied the mowing company has nothing to do with the sidewalk issue. She explained how the carts used in the Parks Department are eroding the sides of the sidewalk, and that is why the sidewalks are being repaired.

Mayor Newton asked staff if one of the contractors is a Colleyville business. Manager Dowell replied yes.

Councilmember Taylor made a motion to approve Resolution R-16-4035 and Councilmember Coplen seconded the motion.

Councilmember Nakamura asked Mayor Newton if any items will be removed from consent. Mayor Newton replied nobody has asked for items to be removed; however, if they would like, they can do so.

Councilmember Nakamura questioned City Council if there are going to be issues with the software, relative to item 4k. Mayor Pro Tem Putnam replied he is good with the contract, especially with a 70 percent discount on the code.

The motion carried with the following vote:

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

Absent: 1 – Jody Short

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

5a Ordinance O-16-1987

Adoption of the Colleyville Economic Development Corporation Fiscal Year 2017 (FY 2017) Budget

Mayor Newton read the caption of Ordinance O-16-1987.

Strategic Services Manager Adrienne Lothery presented this item and briefed the City Council.

Mayor Newton opened the public hearing at 8:33 p.m.

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

Councilmember Taylor made a motion to approve Ordinance O-16-1987 and Councilmember Lindamood 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, Nancy Coplen, and Mike Taylor

Absent: 1 – Jody Short

5b Ordinance O-16-1988

Amending Ordinance O-15-1967 relating to the Fiscal Year 2016 budget

Mayor Newton read the caption of Ordinance O-16-1988.

Strategic Services Manager Adrienne Lothery presented this item and briefed the City Council.

Mayor Newton opened the public hearing at 8:38 p.m.

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

Councilmember Coplen made a motion to approve Ordinance O-16-1988 and 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, Nancy Coplen, and Mike Taylor

Absent: 1 – Jody Short

5c Ordinance O-16-1989

Adoption of the proposed Fiscal Year 2017 (FY 2017) budget

Mayor Newton read the caption of Ordinance O-16-1989.

Strategic Services Manager Adrienne Lothery presented this item and briefed the City Council.

Mayor Newton opened the public hearing at 8:41 p.m.

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

Councilmember Lindamood made a motion to approve Ordinance O-16-1989 and Mayor Pro Tem Putnam seconded the motion.

Mayor Newton asked staff if the budget reduction impacts the ability to do infrastructure projects in the CIP program. Manager Lothery replied for the five year period, we have enough fund balance to continue the commitments with the five year CIP.

Mayor Pro Tem Putnam asked staff if we are going to do far more infrastructure redevelopment than in previous years. Public Works Director Jeremy Hutt replied the proposed 2017 CIP does include more linear footage than in the past years because we are using different techniques. Mayor Pro Tem Putnam stated there is a philosophical shift about how we will manage road infrastructure in the future, and by changing techniques, we will be able to redevelop at a much lower cost.

The motion carried with the following vote:

Aye: 5 – Mayor Richard Newton, Mayor Pro Tem Chris Putnam, and Councilmembers Tammy Nakamura, Bobby Lindamood, and Nancy Coplen

Nay: 1 – Councilmember Mike Taylor

Absent: 1 – Councilmember Jody Short

5d Ordinance O-16-1990

Adoption of the Ad Valorem Tax Rate for Fiscal Year 2017 (FY 2017)

Mayor Newton read the caption of Ordinance O-16-1990.

Strategic Services Manager Adrienne Lothery presented this item and briefed the City Council.

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.

Mayor Newton moved that the property tax revenue be increased by the adoption of a tax rate of 0.339130, which is effectively a 3.04 percent increase in the tax rate and Councilmember Lindamood 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, Nancy Coplen, and Mike Taylor

Absent: 1 – Councilmember Jody Short

5e Ordinance O-16-1991

Approval to amend Sec. 2-26 of the Colleyville, Texas, Code of Ordinances, setting fees and charges for City services

Mayor Newton read the caption of Ordinance O-16-1991.

Mayor Newton opened the public hearing at 8:56 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 8:56 p.m.

Mayor Pro Tem Putnam made a motion to approve Ordinance O-16-1991 and 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, Nancy Coplen, and Mike Taylor

Absent: 1 – Jody Short

5f Ordinance O-16-1992

Approval of an ordinance to reappoint Judge Sara Jane Del Carmen as the Regional Municipal Court Judge, reappointing an Associate Municipal Court Judge, and approving the Second Amendment to the Regional Municipal Court Judge Agreement

Mayor Newton read the caption of Ordinance O-16-1992.

Mayor Newton opened the public hearing at 8:58 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 8:58 p.m.

Councilmember Lindamood made a motion to approve Ordinance O-16-1992 and Mayor Newton 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, Nancy Coplen, and Mike Taylor

Absent: 1 – Jody Short

6. RESOLUTION(S): READING AND PUBLIC HEARING

6a Resolution R-16-4036

Approval of a resolution to ratify the property tax increase as reflected in the Fiscal Year 2017 Budget

Mayor Newton read Resolution R-16-4036 in its entirety.

Mayor Newton stated he believes this is a redundant resolution and stated he did not believe this is needed.

Councilmember Taylor asked Mayor Newton if this is a legal requirement. Mayor Newton read the code: *"Adoption of the budget that will require raising more revenue from the property taxes than from the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget."* He stated the budget and tax rate have been passed separately by ordinance. He believes approving and ratifying it are the same. Assistant City Attorney Ben Stool replied it is not exactly the same thing, and if you do not do this, you leave yourself open to a challenge of the budget and the tax rate. He stated there is no reason not to comply with it. Mayor Newton stated it is purely administrative. Assistant City Attorney Ben Stool added his inclination is to always follow it exactly as it is because there are other things you cannot avoid.

Mayor Pro Tem Putnam asked staff if this was done last year. Manager Lothery replied there are certain laws that may be triggered relative to the effective roll back tax rate, and in the years past, those items were not triggered. She stated in an effort to have a straight and plain reading of state law requirements, staff believed it was most conservative to include this.

Strategic Services Manager Adrienne Lothery presented this item and briefed the City Council.

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

There was no one present wishing to speak and Mayor Newton closed the public hearing at 9:05 p.m.

Councilmember Lindamood made a motion to approve Resolution R-16-4036 and Councilmember Coplen seconded the motion.

The motion carried with the following vote:

Aye: 5 – Mayor Richard Newton, Mayor Pro Tem Chris Putnam, and Councilmembers Bobby Lindamood, Nancy Coplen, and Mike Taylor

Nay: 1 – Councilmember Tammy Nakamura

Absent: 1 – Councilmember Jody Short

6b Resolution R-16-4037

Adoption of the Fiscal Year 2017 to 2021 Capital Improvement Program (CIP)

Mayor Newton read Resolution R-16-4037 in its entirety.

Strategic Services Manager Adrienne Lothery presented this item and briefed the City Council.

Mayor Newton opened the public hearing at 9:10 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 9:10 p.m.

Mayor Newton made a motion to approve Resolution R-16-4037 and Councilmember Coplen 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, Nancy Coplen, and Mike Taylor

Absent: 1 – Jody Short

6c Resolution R-16-4038

Approval of a resolution to appoint citizens to the Water and Wastewater Rate Advisory Committee

Mayor Newton read Resolution R-16-4038 in its entirety.

Mayor Newton presented this item and briefed the City Council.

Mayor Newton opened the public hearing at 9:20 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 9:20 p.m.

Councilmember Nakamura nominated the following: Samuel van Bever and George Dodson.

Councilmember Lindamood nominated the following: Thomas Bauch and Jeff Pistor.

Mayor Pro Tem Putnam nominated the following: Jeff Gilstrap and Tim Raine.

Councilmember Coplen nominated the following: Michael Deakin and Joe Moore.

Councilmember Taylor nominated the following: Raymond Allee and James Dove.

Mayor Newton nominated the following: Gerald Gibson and Susan Mathisen.

Mayor Newton made a motion to approve Resolution R-16-4038 appointing the following persons to the committee: Samuel van Bever, George Dodson, Thomas Bauch, Jeff Pistor, Jeff Gilstrap, Tim Raine, Joe Moore, Raymond Allee and James Dove, and naming Susan Mathisen Chair, and Gerald Gibson Vice Chair. Councilmember Nakamura seconded the motion.

The motion carried with the following vote:

Aye: 5 – Mayor Richard Newton, Mayor Pro Tem Chris Putnam, and Councilmembers Tammy Nakamura, Bobby Lindamood, and Mike Taylor

Nay: 1 – Councilmember Nancy Coplen

Absent: 1 – Councilmember Jody Short

7. TABLED: RESOLUTION(S):**7a Resolution R-16-4032**

Consideration of filling the Place 1 position on the Zoning Board of Adjustment, with Alternate 1, and filling the Alternate 1 position with the Alternate 2

Mayor Newton asked if there was a motion to remove this item from the table. There was none, therefore, this item remained tabled.

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

Karl Meek, 6204 Rock Dove Circle, spoke about a recent pep rally at the Colleyville Heritage High School and social media posts. He provided his speaking points to the city secretary.

Kathy Hadley, 204 Timberline Drive North, stated being happy about the discussions being held this evening.

Mike Sartain, 7113 Cedar Court, spoke about his property on 1104 Glade, stated he believed the proposed appraisal for his property should include the three large trees. He added the proposed gas line will interfere with those trees.

Mike Sexton, 3612 Greenbriar Court, expressed his appreciation to the first responders at Bransford Elementary School today for the air conditioner issue. He suggested those who speak at the podium should not bring problems to the surface without a solution.

Mark Harrison, 1421 Douglas Avenue, suggested that the City Council should consider a resolution recognizing that the Grapevine-Colleyville Independent School District should make the policy decisions relative to the school district. He provided the resolution to the city secretary.

9. REPORTS

Planning and Zoning Commission Minutes - August 8, 2016

Zoning Board of Adjustment Minutes - August 9, 2016

Monthly Financial Report - August 2016

There was no discussion of this item.

10. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR SEPTEMBER 20, 2016 - READING AND PUBLIC HEARING - RESOLUTION R-16-4039

This resolution was not needed.

11. ADJOURNMENT

Mayor Pro Tem Putnam made a motion to adjourn by acclamation

The motion carried with the following vote:

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

Absent: 1 – Jody Short

There being no further business before the City Council, Mayor Newton adjourned the City Council meeting at 9:42 p.m.

APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE 3RD DAY OF OCTOBER 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

Agenda Number 4b

Agenda Date 10/03/2016

Number Resolution R-16-4041

Type Resolution

Department Police

Title

Approval to purchase three (3) Chevrolet Tahoe patrol vehicles, from Caldwell Country Chevrolet, in an amount not to exceed \$144,194, bid through the Texas Local Government Purchasing Cooperative "Buy Board"; approval to purchase three (3) Ford Taurus unmarked vehicles, from Silsbee Ford, in an amount not to exceed \$80,998, bid through the Texas Local Government Purchasing Cooperative "Buy Board"; and authorize the city manager to execute all purchasing documents

Strategy Map Connection

C2- Deliver high quality and unique customer service

C5- Achieve the highest standards of safety & security

Explanation

Reading and Public Hearing

This item is for the approval to purchase two (2) marked and four (4) unmarked police vehicles as designated in the City Council approved Fiscal Year 2017 Colleyville Crime Control and Prevention District.

The current fleet management plan for the Colleyville Police Department was enacted in 2013 to ensure that the department's vehicles were efficiently managed due to the extensive use and high mileage they accrue. All fleet purchases for the Police Department are funded by the Colleyville Crime Control and Prevention District (CCCPD).

The Fiscal Year 2017 Colleyville Crime Control and Prevention District budget was unanimously approved by the Board of Directors on June 21, 2016, and unanimously approved by the City Council on July 12, 2016. The budget approved included \$234,500 for the purchase of two (2) marked and four (4) unmarked police vehicles. The current cost for a marked Police Chevrolet Tahoe is \$31,589; the estimated cost to outfit each marked patrol vehicle, including labor and equipment, will be \$21,500 for a total cost of \$53,089 per marked vehicle. The equipment will include a police radio and computer installation, new prisoner restraint cages, emergency warning equipment, graphics, and other law enforcement and safety related items. Staff will individually price the equipment and installation in an effort to reduce the overall cost. This method has proven to save significantly over using a turnkey vendor.

The current cost for the unmarked Police Chevrolet Tahoe is \$31,966; the cost to outfit this unmarked vehicle, including labor and equipment, will be \$6,050 for a total cost of \$38,016. The equipment includes a police radio and emergency lights. Staff will also individually price the equipment and installation in an effort to reduce the overall cost.

Staff recommends the purchase of three (3) Police Chevrolet Tahoe vehicles at a cost of \$144,194 from PSS/Defender, an approved vendor, through the Cooperative Purchasing Program with the State of Texas "Texas Smart Buy".

Staff also recommends the purchase of three (3) Ford Taurus unmarked vehicles from Silsbee Ford, an approved state vendor, bid through the Texas Local Government Purchasing Cooperative "Buy Board". Per the attached quote, the cost of each Ford Taurus is \$21,149, which includes a single \$400 Buy Board fee; the cost to outfit each unmarked vehicle, including labor and equipment, will be \$5,850 for a total cost of \$26,999. The equipment includes a police radio and emergency lights. The total cost to purchase the three (3) Ford Taurus unmarked vehicles will be \$80,998.

In addition to reviewing the Texas Local Government Purchasing Cooperative, staff also sought bids from several regional dealerships. The attached quote represents the lowest price and best value.

The total purchase price for all vehicles will be \$225,192 which is within the budgeted amount of \$234,500 approved in the CCCPD Budget. The replaced vehicles will be sold following the City's obsolete equipment policy, including attempting to sell the replaced marked vehicles to other municipalities.

Financial Impact

The City Council approved \$234,500 in the FY 2017 CCCPD Budget for this purchase. The 3 Chevrolet Tahoes with equipment are \$144,194 and the 3 Ford Taurus vehicles with equipment are \$80,998, for a total cost of \$225,192. This is within the budgeted amount allotted for vehicle purchases.

Recommendation

Approve

Attachments

1. Ford Taurus Bid - Silsbee Ford Buy Board Contract Pricing
2. PSS/Defender Bid

SILSBEE, TX 77656

O.	TOTAL PURCHASE PRICE INCLUDING BUYBOARD FEE	\$ 63,448.00
-----------	--	---------------------



PSS/Defender

7235 BAKER BLVD RICHLAND HILLS TEXAS 76180
817-595-3432 VOICE 817-590-0650 FAX

Quotation

Customer **Colleyville Police Department - Vehicle Quote**
 Attention **Chuck Tinsman**
 Address
 Telephone
 Contract **Texas Smart Buy**

Qty	Description	Unit Price		Extension	
1	ADMIN: 2017 Chevrolet Tahoe PPV, Solid Color, 2 WD, No Spotlight, Aluminum Wheels, Factory Console, Cloth Rear Bench, Carpet Floor, Deep Tint, Keyless Entry, Rear Vision Camera, OEM Trailer Tow Package, Single Keys Fleet 6E2 System, Four Keys Total, Content Theft Alarm	31,966	62	31,966	62
2	PATROL: 2017 Chevrolet Tahoe PPV, Solid Color, 2 WD, LH Spotlight, Deep Tint, Cloth Bucket/Vinyl Rear Bench, Full Rubber Flooring, Keyless Entry, Rear Vision Camera, OEM Trailer Tow Package, Single Keys Fleet 6E2 System, Four Keys Total, Content Theft Alarm	31,589	47	63,178	94
WARRANTY: Lifetime on labor Equipment carries manufacturers warranty. Quotation Good For <u>90</u> Days		Other			
		TOTAL		95,145	56

Prepared By: Ramon Goheen Date: September 27, 2016



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5a

Agenda Date 10/03/2016

Number Ordinance O-16-1993

Type Ordinance

Department Community Development

Title

Consideration of a Special Use Permit for an accessory building larger than permitted on Lot 3, Block 1, Hidden Acres Addition, located at 1212 Holly Lane, Case ZC16-012

Strategy Map Connection

There is no strategy map connection for this item.

Explanation

First Reading and Public Hearing

Ed and Joan Palluth, the applicants, have submitted a request for a Special Use Permit (SUP) to construct a 1,120 square foot accessory building (garage/storage building) at 1212 Holly Lane. The SUP is being requested because the total square footage for all accessory buildings on the subject property will exceed the maximum square footage allowed.

Existing Conditions/Background: The subject property is zoned RE - Single Family "Estate" Residential district and generally located on the south side of Holly Lane and north of John McCain Road. The subject property is a platted lot of the Hidden Acres Addition and currently developed with one single family home and one 1,466 square foot accessory building.

Proposed Special Use Permit Request:

Request – The applicant is requesting approval of a Special Use Permit to allow for the construction of a second accessory building. The proposed building will cause the cumulative total square footage for all accessory buildings to exceed the amount permitted.

Ordinance – Section 3.27 Accessory Buildings and Residential Carport Regulations of the Land Development Code establishes the maximum size and number of accessory buildings permitted on a residential lot:

"2. Maximum Size and Number of Buildings:

- 1. The maximum number of accessory buildings allowed per lot shall be three (3) buildings. In addition, the combined square footage of all accessory buildings shall not exceed the maximum square footage specified in the following table.*

Maximum Square Footage of all Accessory Buildings				
Lot Size	Under .5 ac	.5– .99 ac.	1 – 2.99 ac.	3+ ac.
Total s. f.	750 s. f.	1,000 s. f.	1,750 s. f.	2,500 s. f.

1. *For the purpose of this Section, the size of an accessory building shall be the square footage of the building footprint.*
2. *An application to exceed the total square footage shown in the above table may be approved as a Special Use Permit (SUP)."*

Analysis – The proposed accessory structure does not comply with the following provisions of the Land Development Code:

1. Section 3.27(A)2 – Maximum Size and Number of Buildings:

For lots ranging from one acre to 2.99 acres in size, the maximum size allowed for all accessory buildings on the site is 1,750 square feet. The subject property is 2.35 acres and currently contains one 1,466 square foot accessory building. The proposal up for consideration requests to construct a second accessory building, 1,120 square feet in size. The total for both accessory buildings will be 2,586 square feet. This total exceeds the maximum 1,750 square footage allowed by 836 square feet.

The applicant plans to construct the accessory building on the rear portion of the property, approximately 148 feet from the front property line, 146 feet from the rear property line, and 38 feet from the eastern side property line. The accessory building will be located entirely behind the primary residence and access will be provided via a new extension to the existing gravel driveway. The proposed height is 12 feet to the highest roof ridge. The proposed accessory structure complies with the RE district's required 25 foot and 40 foot side and rear yard setbacks, respectively.

The proposed accessory building complies with all other requirements of Section 3.27. The site plan, floor plan, and elevations have been included as attachments.

Surrounding Development: The table below reflects the surrounding zoning and existing land uses for the subject property, as further illustrated on the attached location map:

RE-Single Family "Estate" Residential (Single Family Home)	RE-Single Family "Estate" Residential (Single Family Home)	RE-Single Family "Estate" Residential (Single Family Home)
RE-Single Family "Estate" Residential (Single Family Home)	<i>Subject Property</i> RE-Single Family "Estate" Residential (Single Family Home)	RE-Single Family "Estate" Residential (Single Family Home)
R-20 Single Family Residential (St. Mary's Coptic Orthodox Church)	AG Agricultural (Single Family Home)	R-40 Single Family Residential (Single Family Home)

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. At the September 12, 2016 Planning and Zoning Commission meeting one citizen registered their support and wished to speak.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of this request at the September 12, 2016 meeting by a vote of 6-0.

Staff Recommendation: The applicant proposes to construct a detached accessory building which will exceed the total combined square footage allowed by the Land Development Code. Given the size of the subject property (2.35 acres), proposed location, limited height, and distance from adjacent property lines, the accessory building should not adversely impact the surrounding properties. Staff recommends approval of the Special Use Permit.

Financial Impact

There is no financial impact to the City.

Recommendation

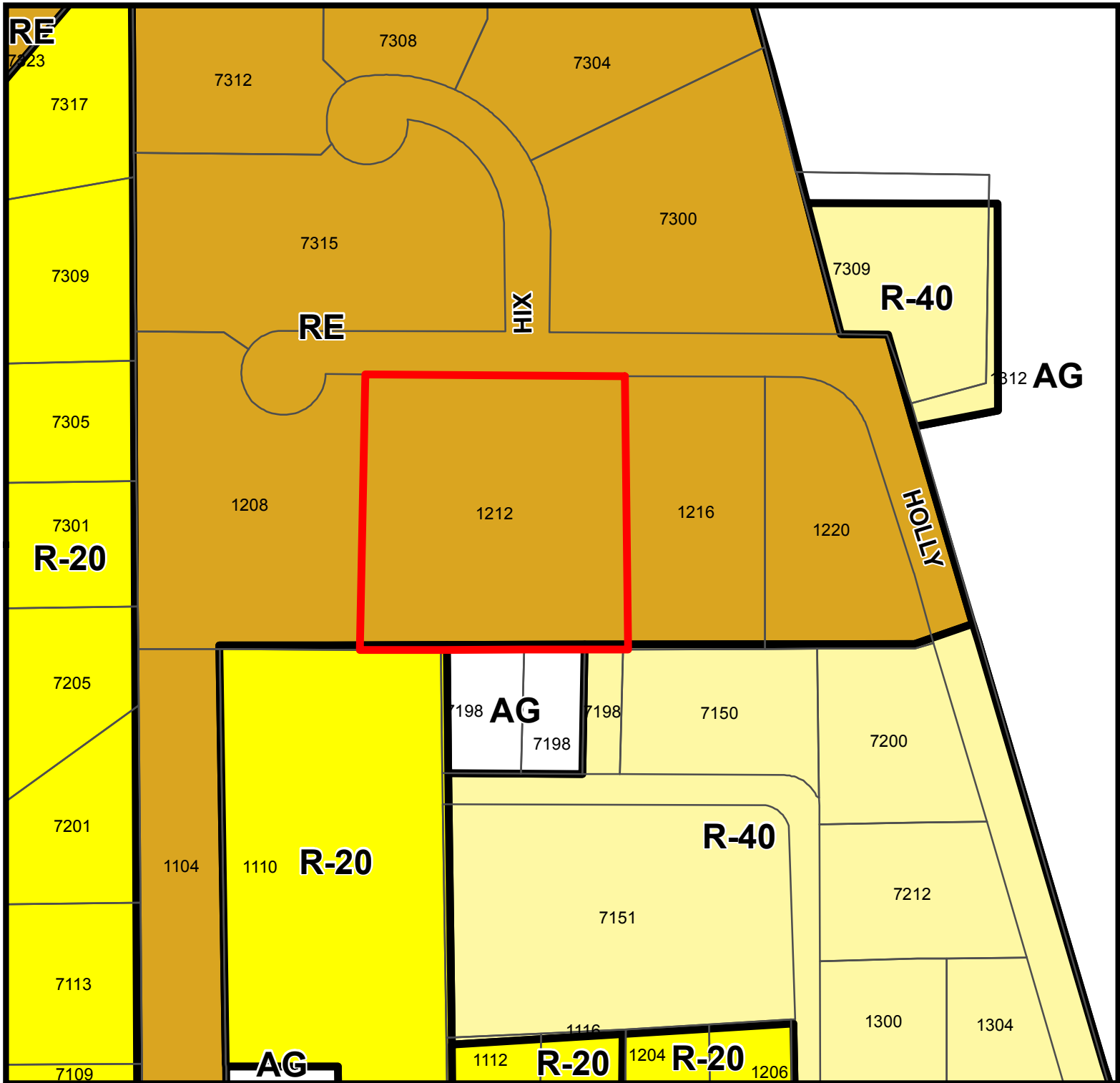
Approve

Attachments

1. Zoning Map
2. Aerial Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Site Plan
6. Building Elevations
7. Speaker Card- Support
8. Notification Map

9. Notification List
10. Ordinance O-16-1993

ZONING MAP



ZC16-012

1212 HOLLY LANE

Legend

 Subject Property



1 inch = 167 feet

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



ZC16-012

1212 HOLLY LANE

Legend

 Subject Property



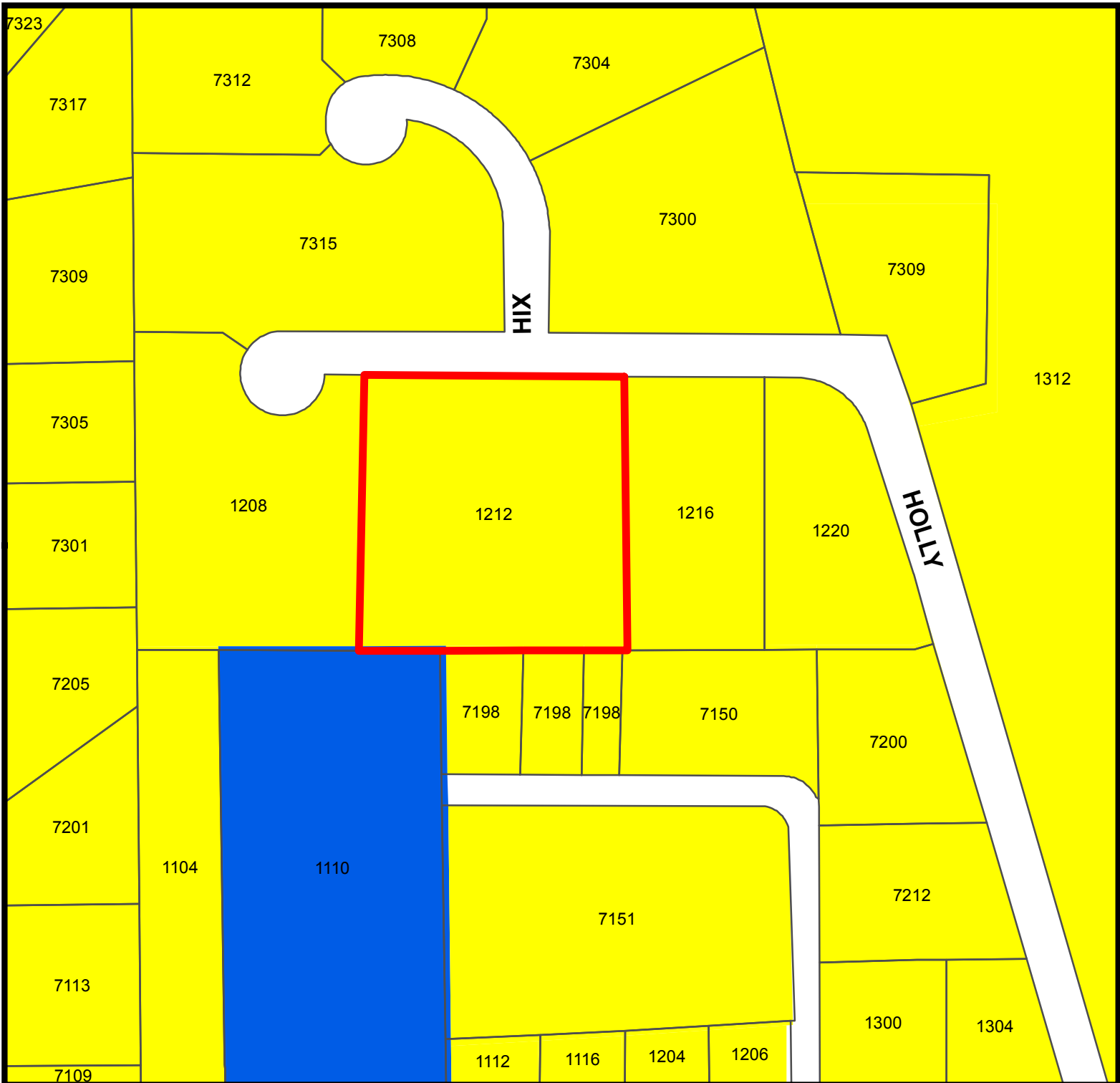
1 inch = 167 feet

Vicinity Map



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FUTURE LAND USE MAP



ZC16-012

1212 HOLLY LANE

Legend

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

Vicinity Map



1 inch = 167 feet

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.

Statement of Planning Objectives

August 19, 2016

To Whom it May Concern:

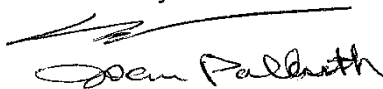
We are requesting a Special Use Permit to build a garage/storage building on our property at 1212 Holly Lane, Colleyville (Legal Address: Hidden Acres Addition Block 1 Lot 3). We are requesting this variance since the proposed garage would put us in excess of the allowable square footage for accessory buildings.

Our property currently has one accessory building of 1466 sq feet that was built as a guest house. The additional building will be constructed on a pre-existing foundation and will be 1120 sq feet and put us 836 sq feet over the allowable amount. All required building setbacks and city code will be met.

The questions raised by the DRC committee concerning confusion of site plan/survey and access to new structure are addressed with attached revised site plan. The new site plan is much clearer and includes the access to the building from the existing driveway. In addition as stated before, no trees will be removed for the construction of this building and no drip line of any tree will be infringed upon.

Please consider our request for this variance.

Sincerely

A handwritten signature in black ink, appearing to read "Joan Palluth", with a long horizontal line extending to the left.

Edward Palluth
Joan Palluth

Statement of Planning Objectives

July 25, 2016

To Whom it May Concern:

We are requesting a Special Use Permit to build a garage/storage building on our property at 1212 Holly Lane, Colleyville (Legal Address: Hidden Acres Addition Block 1 Lot 3). We are requesting this variance since the proposed garage would put us in excess of the allowable square footage for accessory buildings. Our property currently has one accessory building of 1466 sq feet that was built as a guest house. The additional building will be 1120 sq feet and put us 836 sq feet over the allowable amount.

When we purchased our home on March 30, 2016, two large concrete slabs (60' x 16') were pre existing. From our understanding the slabs were originally aviaries for exotic birds. One of the slabs was converted by a previous owner into a type of sports court with a basketball hoop and fence. The other large slab has been unused. The slab is situated in front of the guest house and is setback 110' from front, 60' from left, 215' from right and 155' from rear of property. No other storage building or shed exists on the property.

Rather than have a very large, unusable slab of concrete on our property, we would like to build a 2 car garage with additional space for storage on it. The building will blend in with the current landscape and other homes in the area. We will not need to remove or infringe upon any existing trees in completing the building.

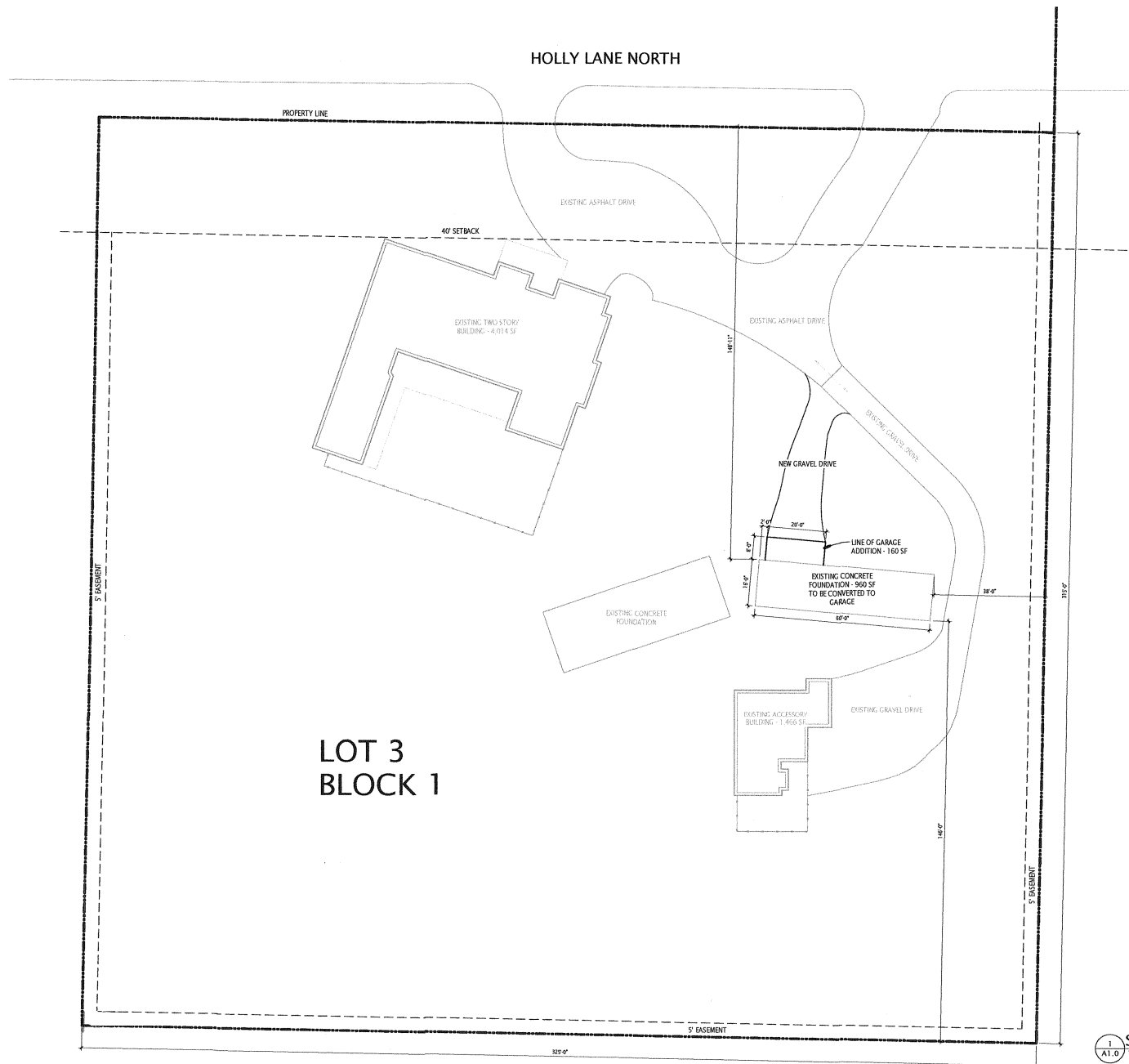
Please consider our request for this variance.

Sincerely



Edward Palluth
Joan Palluth

Site Plan



FOR REFERENCE ONLY



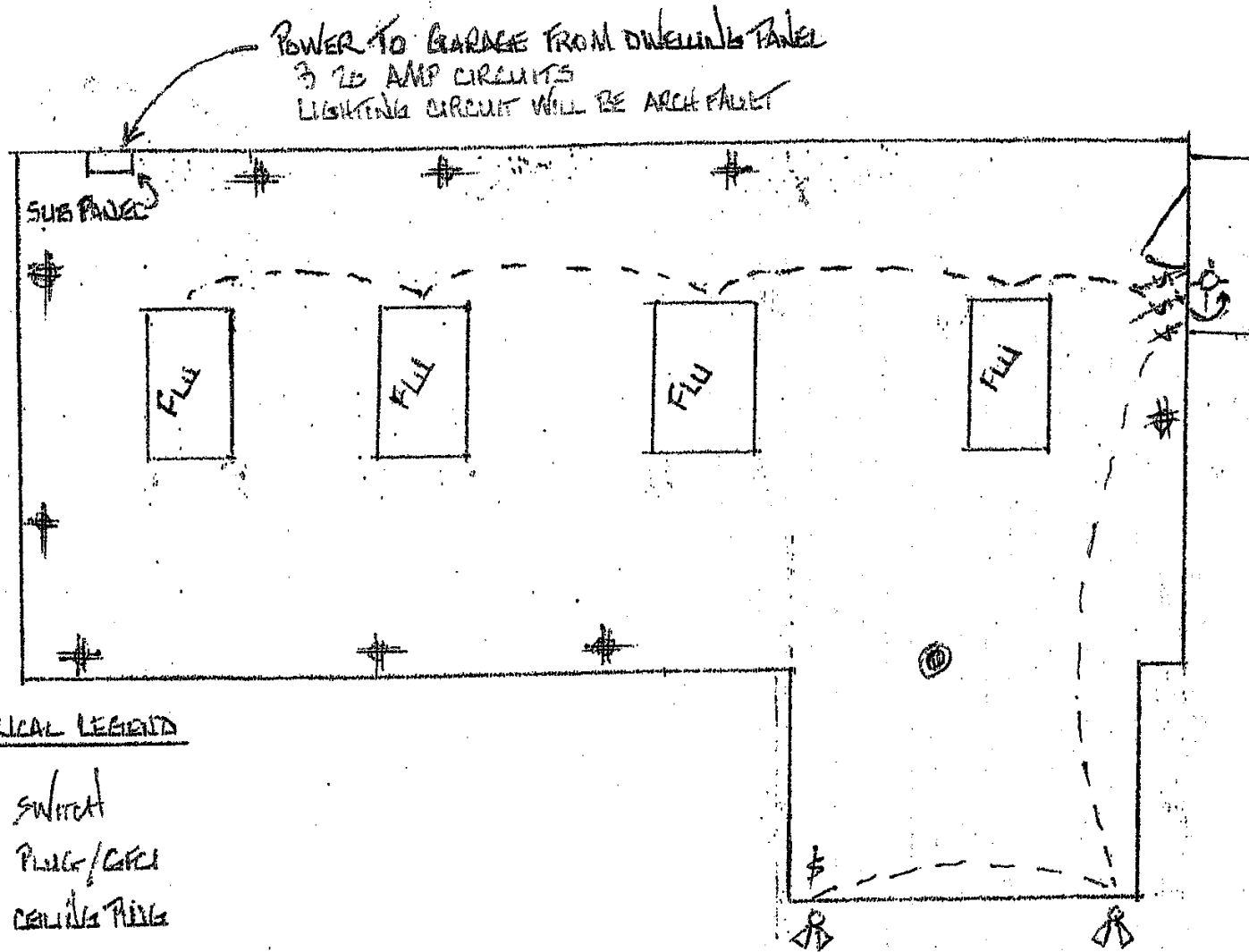
GARAGE ADDITION

EDWARD AND JOAN PALLUTH

1212 Holly Lane, Colleyville, TX 76034
OWNER PROJECT NO.:
GSBS PROJECT NO.: 000.001
ISSUED DATE: 08.18.2016
SITE PLAN

SITE PLAN
1/16" = 1'-0"

Building Elevations

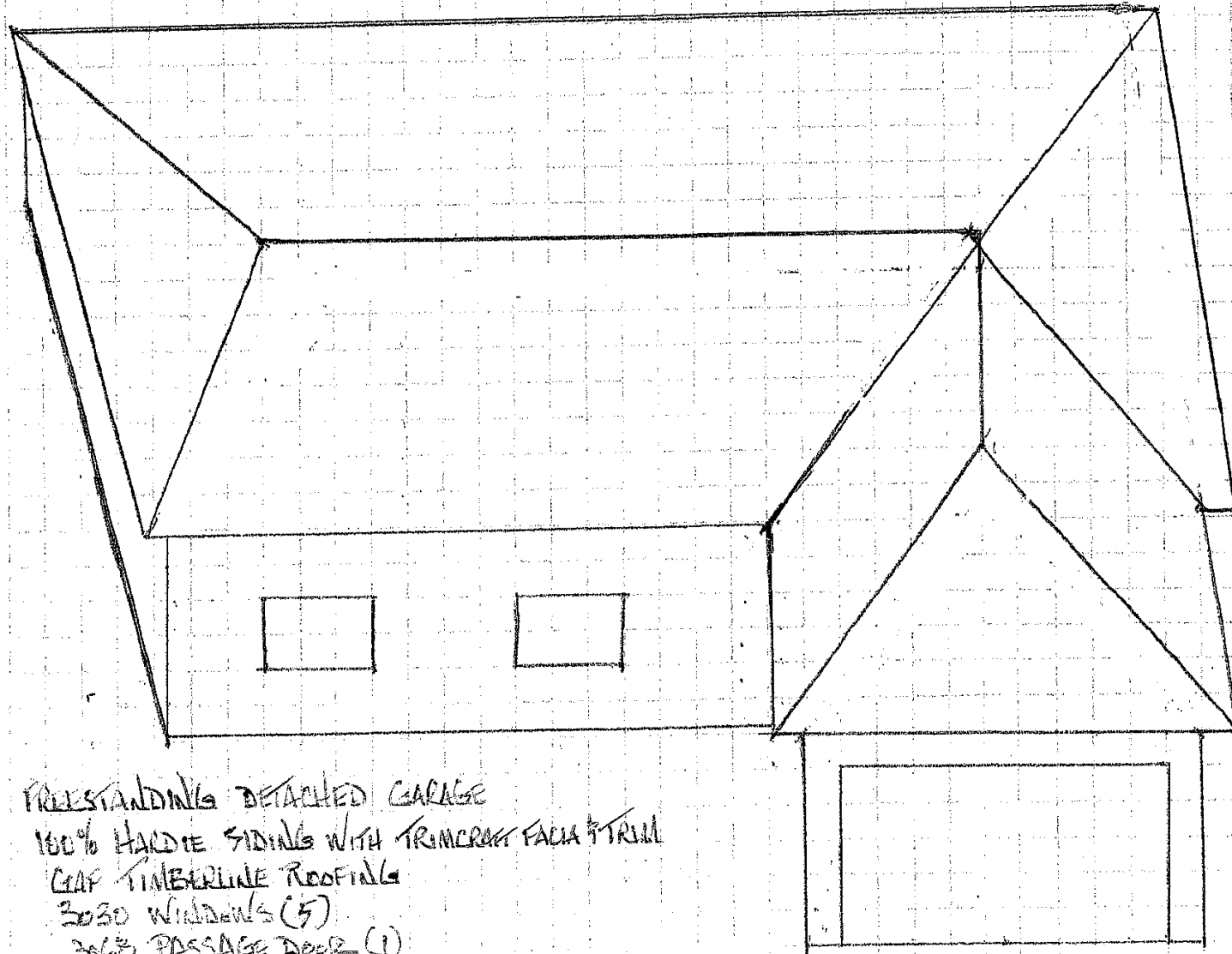


ELECTRICAL LEGEND

- \$ SWITCH
- ⚡ PLUG/GFCI
- ⊙ CEILING FAN
- FLU FLUORESCENT
- ⊕ LIGHT FIXTURE
- ⦿ DOUBLE HEAD FLOOD FIXTURE

Building Elevations

ALL EXTERIOR WALLS WRAPPED WITH DSB SHEATHING



PRESTANDING DETACHED GARAGE

100% HARDIE SIDING WITH TRIMCRACK FACIA & TRIM

GAF TIMBERLINE ROOFING

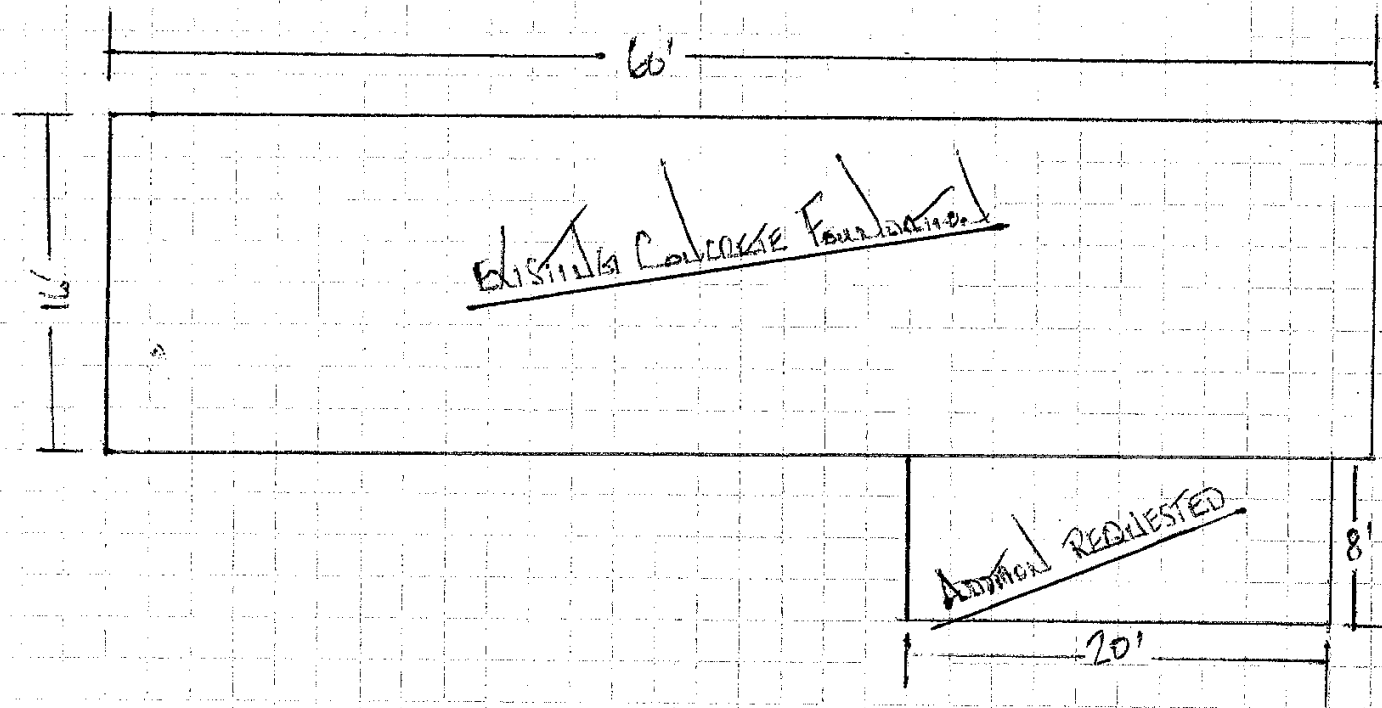
2030 WINDOWS (5)

2060 PASSAGE DOOR (1)

12'x7' STEEL GARAGE DOOR

ALL INTERIOR SHEETROCK & TEXTURED W/ 1/2" TEXT PAINT

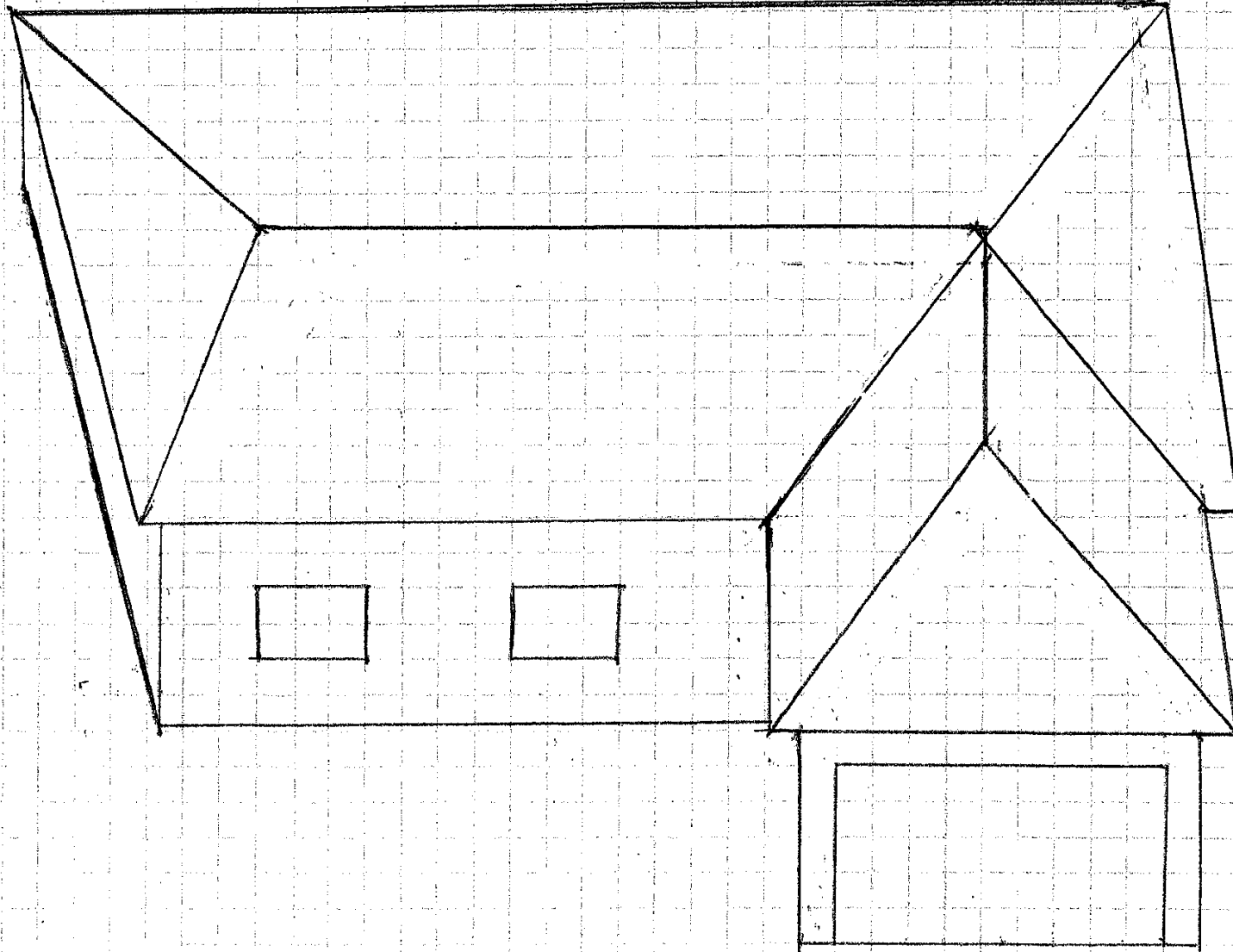
Building Elevations



PERMIT APPLICATION FOR 8' X 20' CONCRETE ADDITION TO EXISTING FOUNDATION
EXISTING FOUNDATION IS FREE STANDING AND NOT ATTACHED TO DWELLING
ADDITION WILL BE PER CITY SPECIFICATIONS OR ENGINEER SPECIFICATIONS

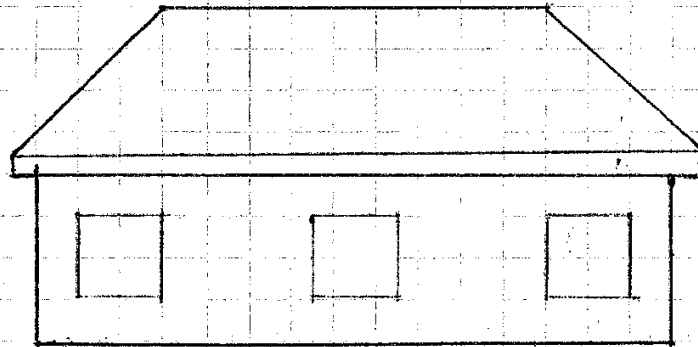
Building Elevations

ELEVATION

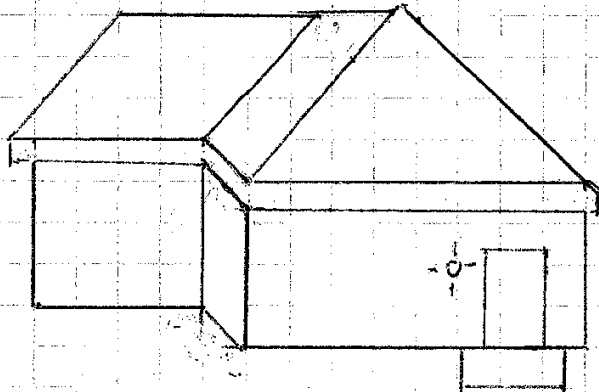


Building Elevations

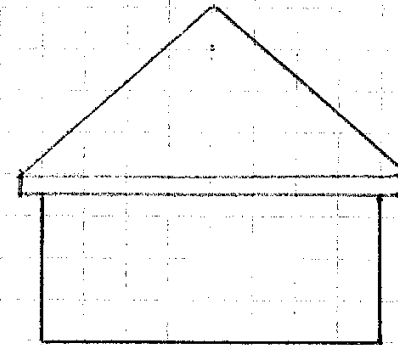
REAR ELEVATION



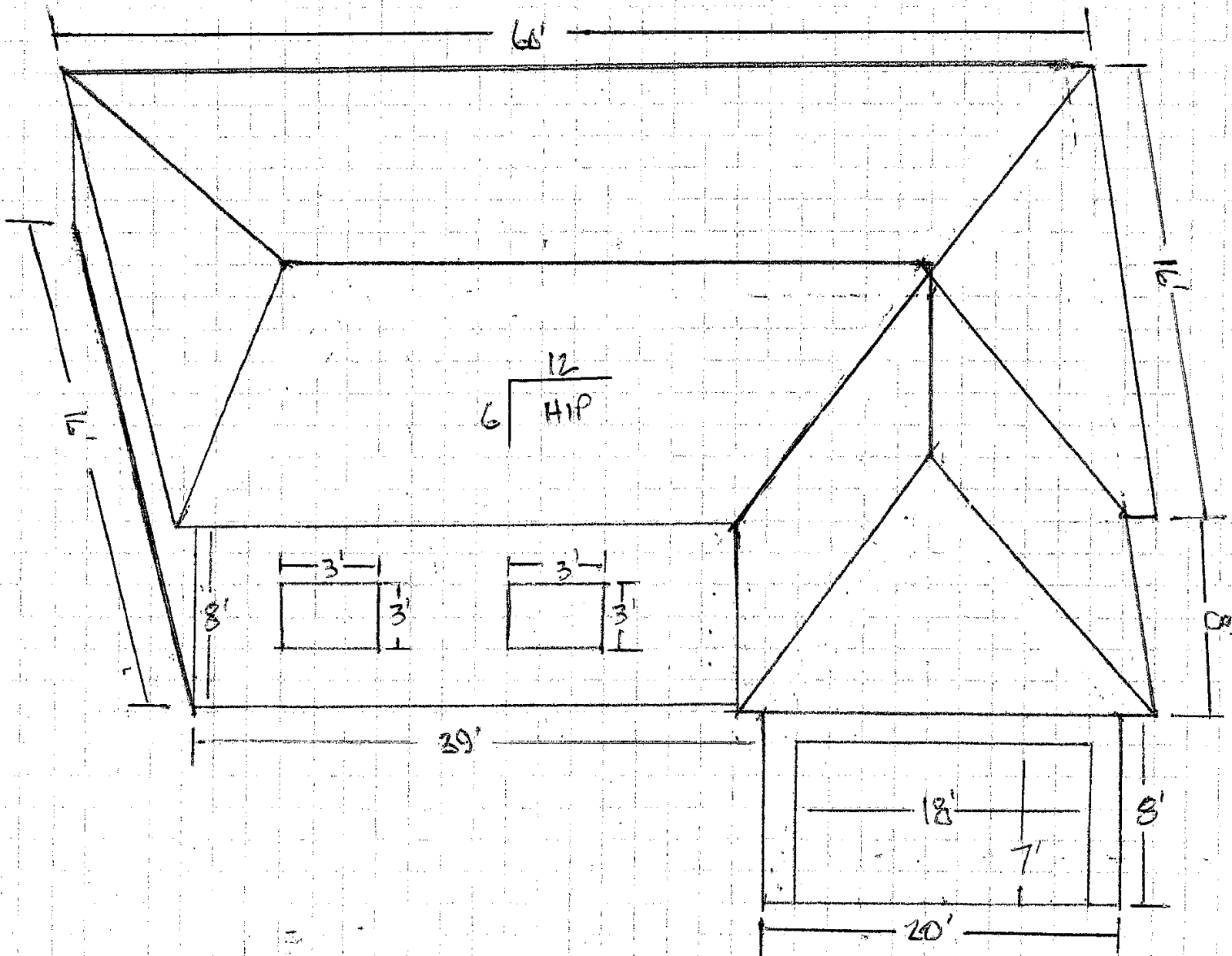
RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



Building Elevations



Speaker Card- Support

Date: 9-12-16

SPEAKER CARD

☒ I will speak In **Support** of this item.

☐ I will speak In **Opposition** to this item.

☐ I do not wish to speak, but please record my: ☐support ☐opposition

Agenda Item Number: 4A

Name: John PERONE

Address: 1212 Holly Lane

City: Colleyville State: TX Zip Code: 76034

Telephone Number: 8174213057 Representing: Self
(organization/self)

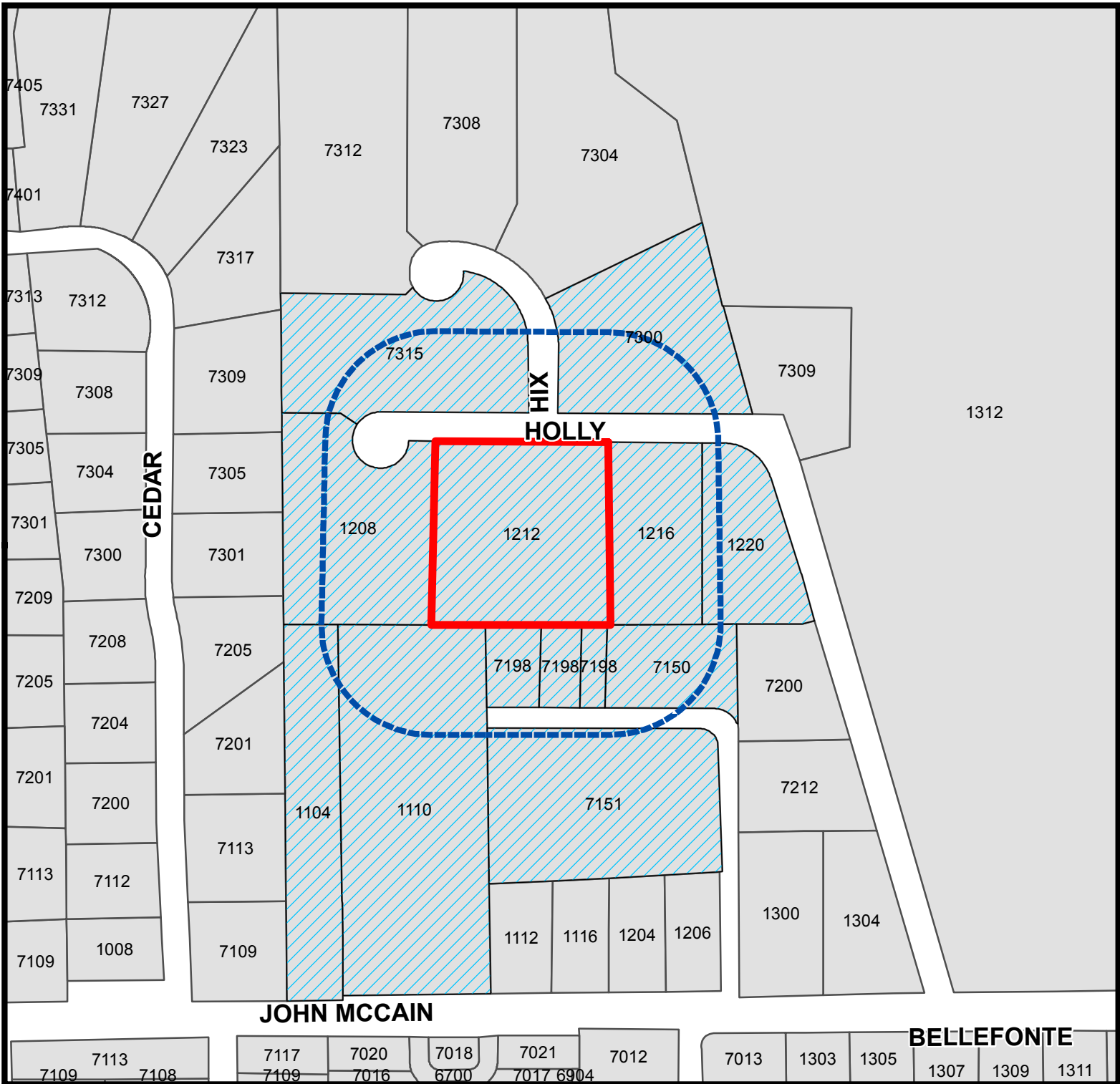
I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: John Perone

This information is a Public Record.

NOTIFICATION MAP



ZC16-012

1212 HOLLY LANE



1 inch = 250 feet



Subject Property

200 ft Buffer

Properties within 200ft

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.

Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
KAUFFMAN, KURT H	1208 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	7198 EVANS RD
KAUFFMAN, KURT H	1208 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	7198 EVANS RD
WASHINGTON, DAVID	7300 HIX CT	COLLEYVILLE, TX	76034	7300 HIX CT
KAUFFMAN, KURT H	1208 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	7198 EVANS RD
ST MARY'S COPTIC ORTHODOX CH	1110 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1110 JOHN MCCAIN RD
KAUFFMAN, KURT H	1208 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	7150 EVANS RD
UNIQUE LANDSCAPING DESIGN &	7111 COLLYVILLE BLVD # TX	COLLEYVILLE, TX	76034	7151 EVANS RD
EKSTAM, CHRISTOPHER L	7315 HIX CT	COLLEYVILLE, TX	76034	7315 HIX CT
PERONE, JOHN A	1216 HOLLY LN	COLLEYVILLE, TX	76034	1220 HOLLY LN N
NEWTON, RICHARD W	1208 HOLLY LN	COLLEYVILLE, TX	76034	1208 HOLLY LN N
KIRKHUFF, JEFFREY K	1212 HOLLY LN	COLLEYVILLE, TX	76034	1212 HOLLY LN N
PERONE, JOHN A	1216 HOLLY LN	COLLEYVILLE, TX	76034	1216 HOLLY LN N
GENCO, FRANK R	1104 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1104 JOHN MCCAIN RD

CALDWELL'S CREEK HOA	P.O. BOX 682	COLLEYVILLE, TX	76034	COURTESY NOTICE
SHALIMAR HOA	6916 SHALINAR COURT	COLLEYVILLE, TX	76034	COURTESY NOTICE
WARWIC PARC HOA	4113 GATEWAY DR, STE 100	COLLEYVILLE, TX	76035	COURTESY NOTICE
EDWARD PALLUTH	1212 HOLLY LN	COLLEYVILLE, TX	76034	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed
Friday, July 22, 2016 by Araceli
Botello

ORDINANCE O-16-1993

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING OF LOT 3, BLOCK 1, OF THE HIDDEN ACRES ADDITION, LOCATED AT 1212 HOLLY LANE, BY AUTHORIZING A SPECIAL USE PERMIT FOR AN ACCESSORY BUILDING; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a Special Use Permit for and accessory building under Case No. ZC16-012; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

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

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

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by authorizing a Special Use Permit for an Accessory Building on Lot 3, Block 1, of the Hidden Acres Addition, located at 1212 Holly Lane, as depicted on the attached as Exhibit "A".
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The Special Use Permit shall apply to the construction of an accessory building.
- b. The accessory building shall not exceed 1,120 square feet in size.
- c. The accessory building may not be used as an accessory dwelling unit.
- d. The accessory building shall be generally consistent with the Exhibit "C".

e. All requirements of the Land Development Code shall be met, except where amended herein.

- Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 3rd day of October 2016.

The second reading and public hearing being conducted on the 18th day of October 2016.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE ____ DAY OF _____ 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

Exhibit "A" - Location and Zoning Map

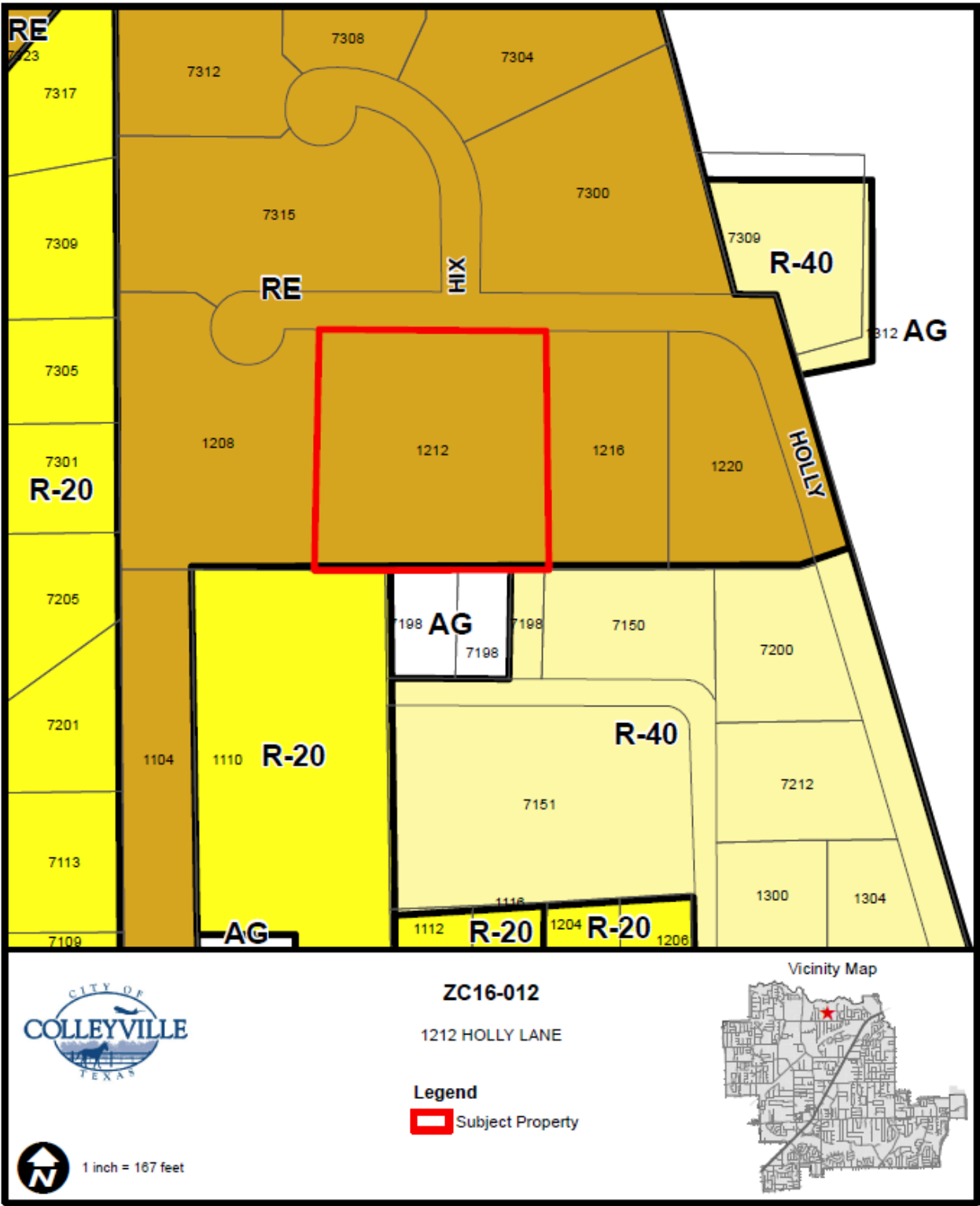


Exhibit "B" – Site Plan

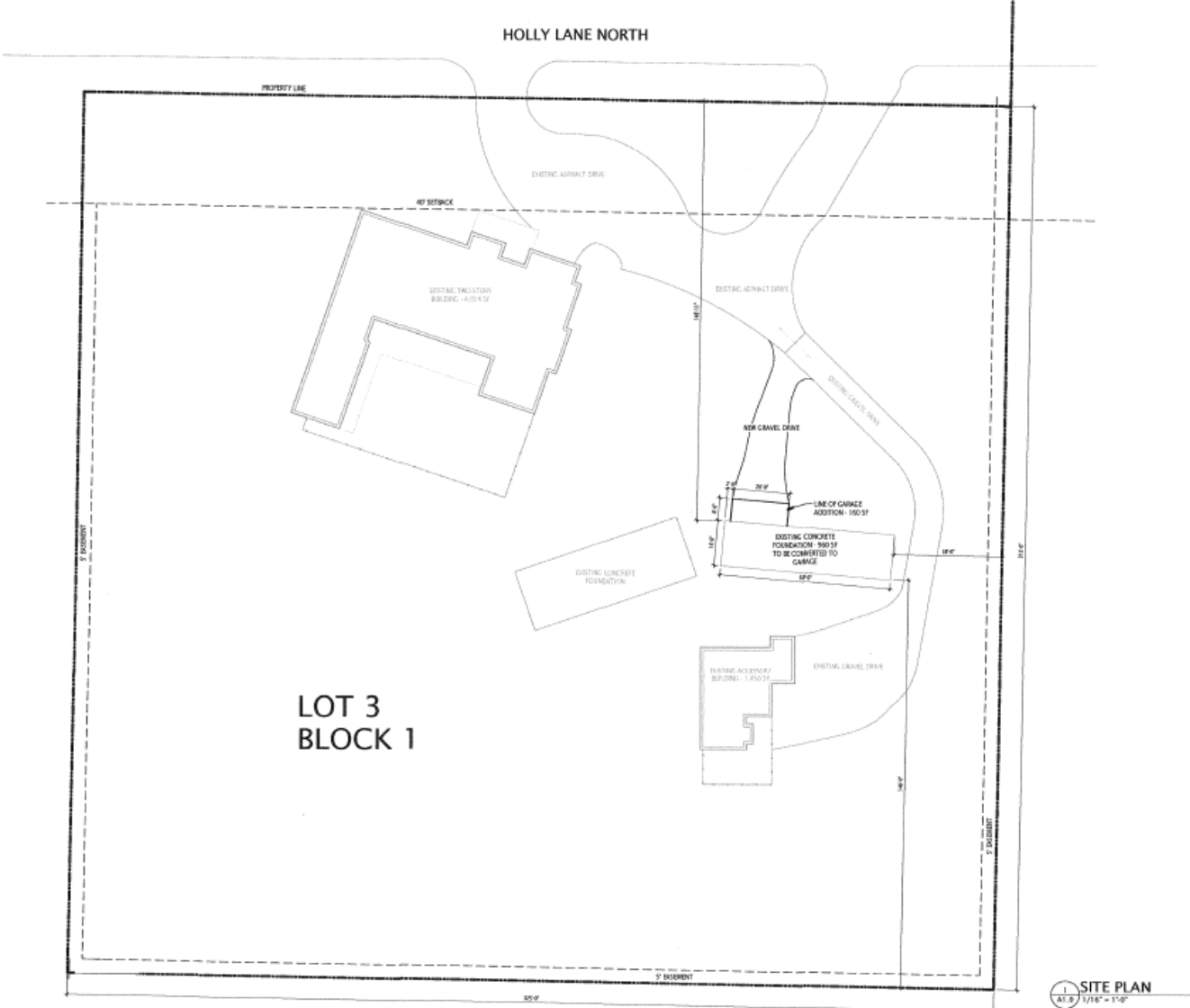
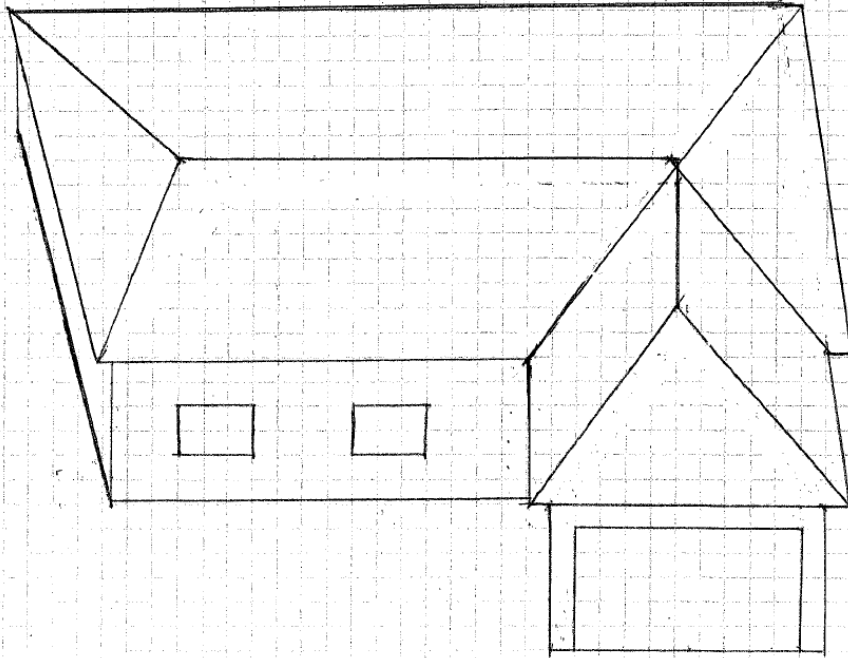
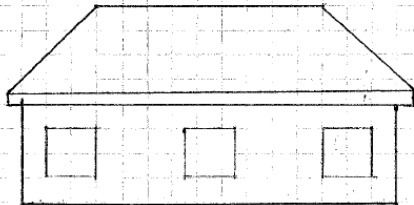


Exhibit "C" – Elevations

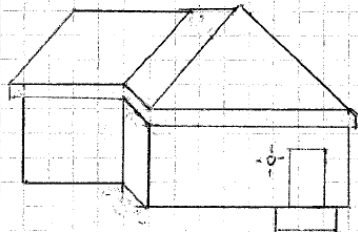
ELEVATION



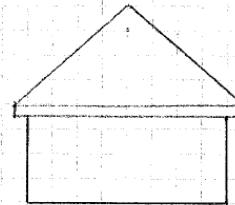
REAR ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION





City of Colleyville City Council Agenda Briefing

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

Agenda Number 5b

Agenda Date 10/03/2016

Number Ordinance O-16-1994

Type Ordinance

Department Community Development

Title

Consideration of a zoning change from the AG-Agricultural district to the R-40 Single Family Residential district on Lot 2, Block 1, Morris Addition, located at 7201 Pleasant Run Road, Case ZC16-014

Strategy Map Connection

There is no strategy map connection for this item.

Explanation

First Reading and Public Hearing

Waguih Guirguis, the applicant, has submitted a request to rezone approximately 6.48 acres, located at 7201 Pleasant Run Road, from the AG- Agricultural district to the R-40 Single Family Residential district. The applicant is seeking a zoning change in order to subdivide the subject property into three lots for future residential development.

Existing Conditions/Background: The subject property is currently a platted lot of the Morris Addition. A subsequent replat will be required if the applicant wishes to subdivide the property, should the rezoning request be approved.

Proposed Zoning Change:

Request – The applicant is requesting a zoning change from the AG- Agricultural district to the R-40 Single Family Residential district to subdivide a single lot into three individual lots. The applicant has indicated the intent to preserve the existing home and construct two new single family homes.

Ordinance – Per Section 3.24 G, Schedule of District Regulations in the Land Development Code, the R-40 zoning regulations require the following standards:

Minimum Lot Area: 40,000 square feet
Minimum Lot Width: 150 feet
Minimum Lot Depth: 150 feet
Minimum Front Yard Setback: 40 feet
Minimum Side Yard Setbacks: 15 feet
Minimum Rear Yard Setback: 25 feet
Maximum Lot Coverage: 20 percent

The applicant has provided a zoning exhibit which is conceptual in nature and not up

for consideration as part of the zoning request. However, the conceptual exhibit proposes three lots of 1.805 acres, 1.800 acres, and 2.875 acres in size respectively. This conceptual plan appears to meet the R-40 zoning district's minimum lot area of 40,000 square feet and other standards as listed above. Chapter 3 (Land Use) of the Land Development Code identifies the purpose and intent of the R-40 zoning district as primarily oriented toward low-density residential purposes and open space uses. Additionally, it states the principal uses shall be moderately low-density detached single family homes.

Analysis – Although the zoning designations for the majority of the adjacent properties are AG-Agricultural, the proposed conceptual zoning exhibit maintains large estate lots which are generally consistent with the development pattern in the area.

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

AG Agricultural District (Single Family Home)	AG Agricultural District (Single Family Home)	AG Agricultural District (Single Family Home)
R-40 Single Family Residential (Single Family Home)	Subject Property AG Agricultural District (Single Family Home)	AG Agricultural District (Single Family Home)
R-40 Single Family Residential (Single Family Home)	AG Agricultural District (Single Family Home)	AG Agricultural District (Single Family Home)

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, identifies the subject property for single family residential uses. The proposed rezoning request does not seek to change the use on the subject property from single family residential uses. The comprehensive plan's Residential Density Policy states that the maximum density of each residential project shall be 1.8 dwelling units per acre. The proposed density is 0.46 dwelling units per acre. The requested zoning change is consistent with the comprehensive plan.

Fees: Park Land Dedication fees are required for each of the undeveloped lots in the amount of \$1,802 per residential lot. Park Land Dedication fees are due prior to filing the plat for record. Impact Fees are also required per Chapter 13 (Impact Fees) of the Land Development Code and are due prior to the issuance of a Building Permit.

Tree Preservation: Any future subdivision of the subject property must comply with Chapter 5 (Tree Preservation) of the Land Development Code. Where any tree is slated for removal, no site grading, dirt disturbance, or new construction may occur on the property until a Tree Removal Permit has been issued that is associated with an approved Tree Preservation Plan.

In addition to the requirements for submittal of a Tree Removal Permit and Tree Preservation Plan, future development on the site must maintain the minimum existing protected tree canopy coverage as required in Chapter 5.

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. At the September 12, 2016 Planning and Zoning Commission meeting two citizens registered their support, but did not wish to speak.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of this request at the September 12, 2016 meeting by a vote of 6-0.

Staff Recommendation: The proposed zoning change is consistent with the City's comprehensive plan. Although the requested R-40 is not the same as the surrounding AG-Agricultural district designations, the R-40 is generally consistent with the surrounding properties and development pattern. Staff recommends approval of the proposed rezoning request.

Financial Impact

There is no financial impact to the City.

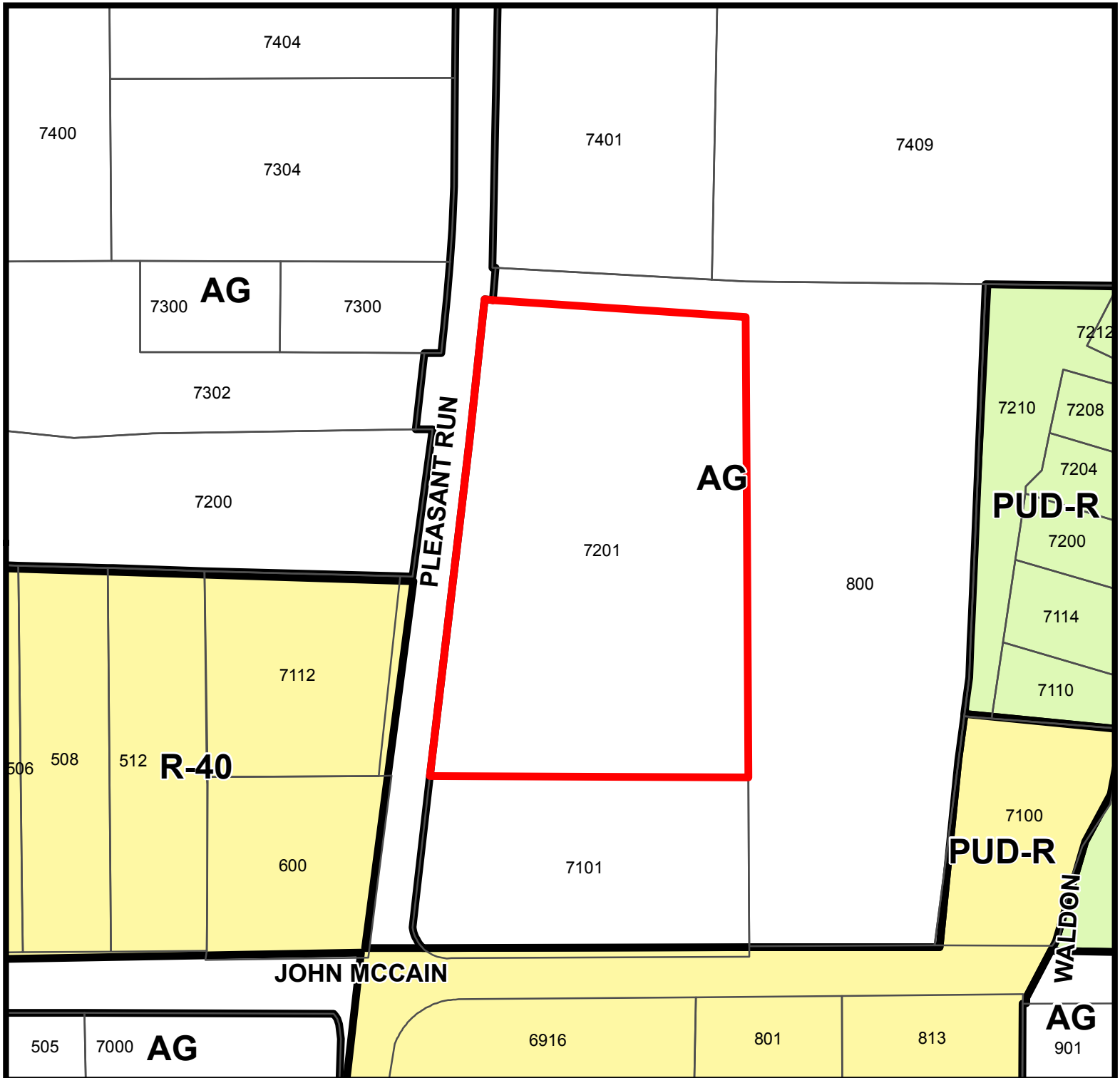
Recommendation

Approve

Attachments

1. Zoning Map
2. Aerial Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Existing Plat
6. Conceptual Zoning Exhibit
7. Speaker Cards- Support
8. Notification Map
9. Notification List
10. Ordinance O-16-1994

ZONING MAP



ZC16-014

7201 PLEASANT RUN RD

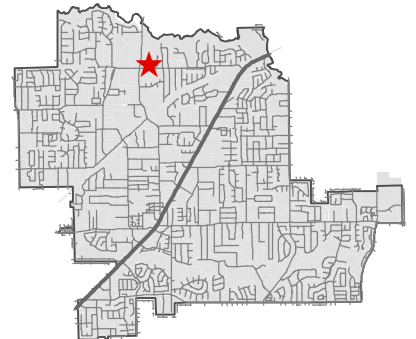
Legend

 Subject Property



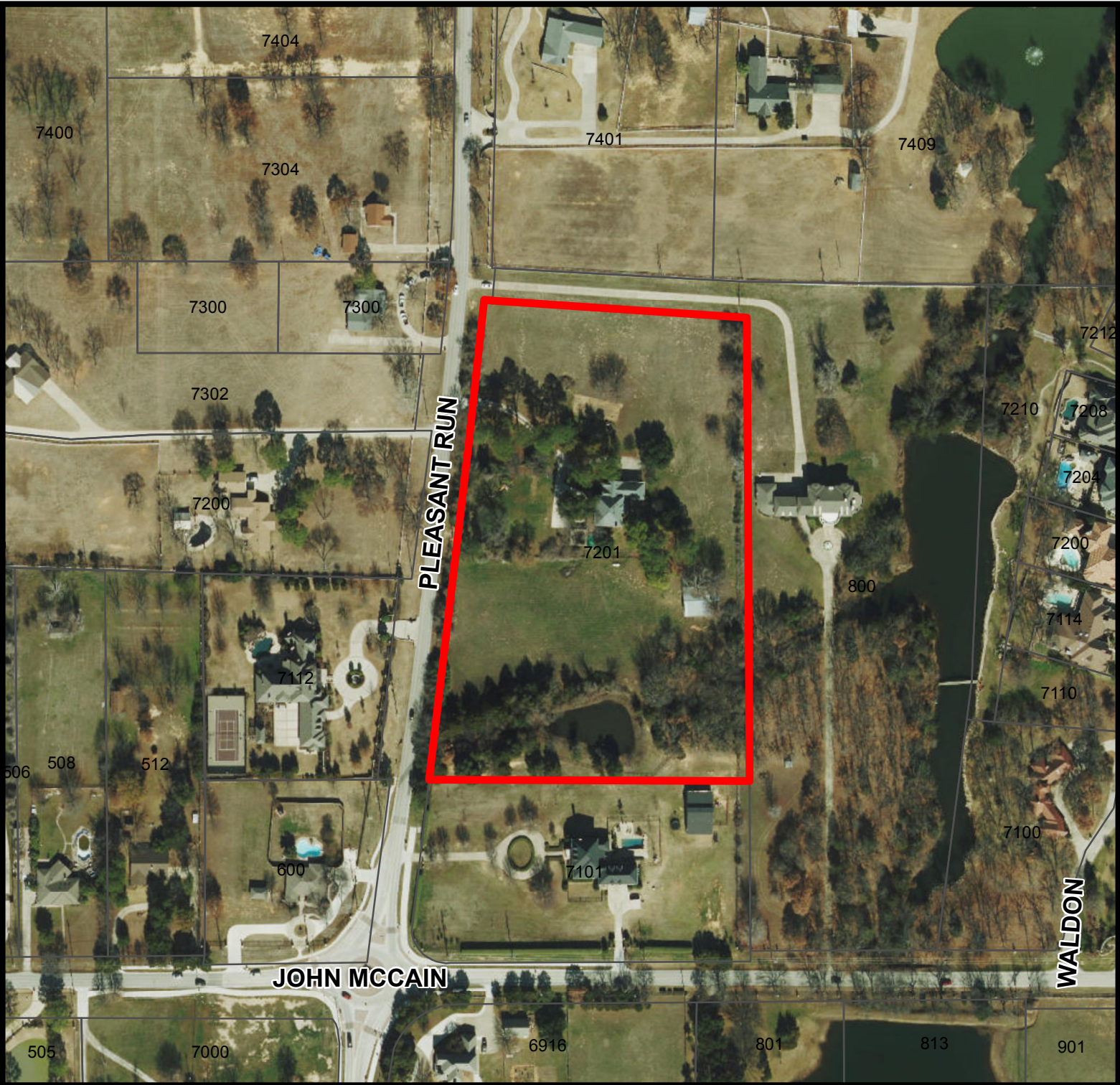
1 inch = 208 feet

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



ZC16-014

7201 PLEASANT RUN RD

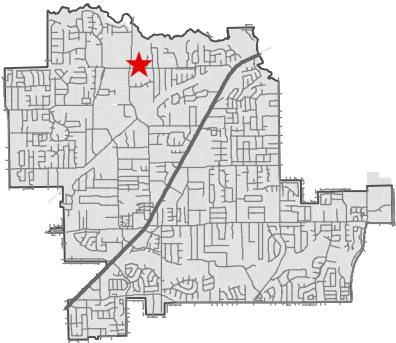
Legend

 Subject Property



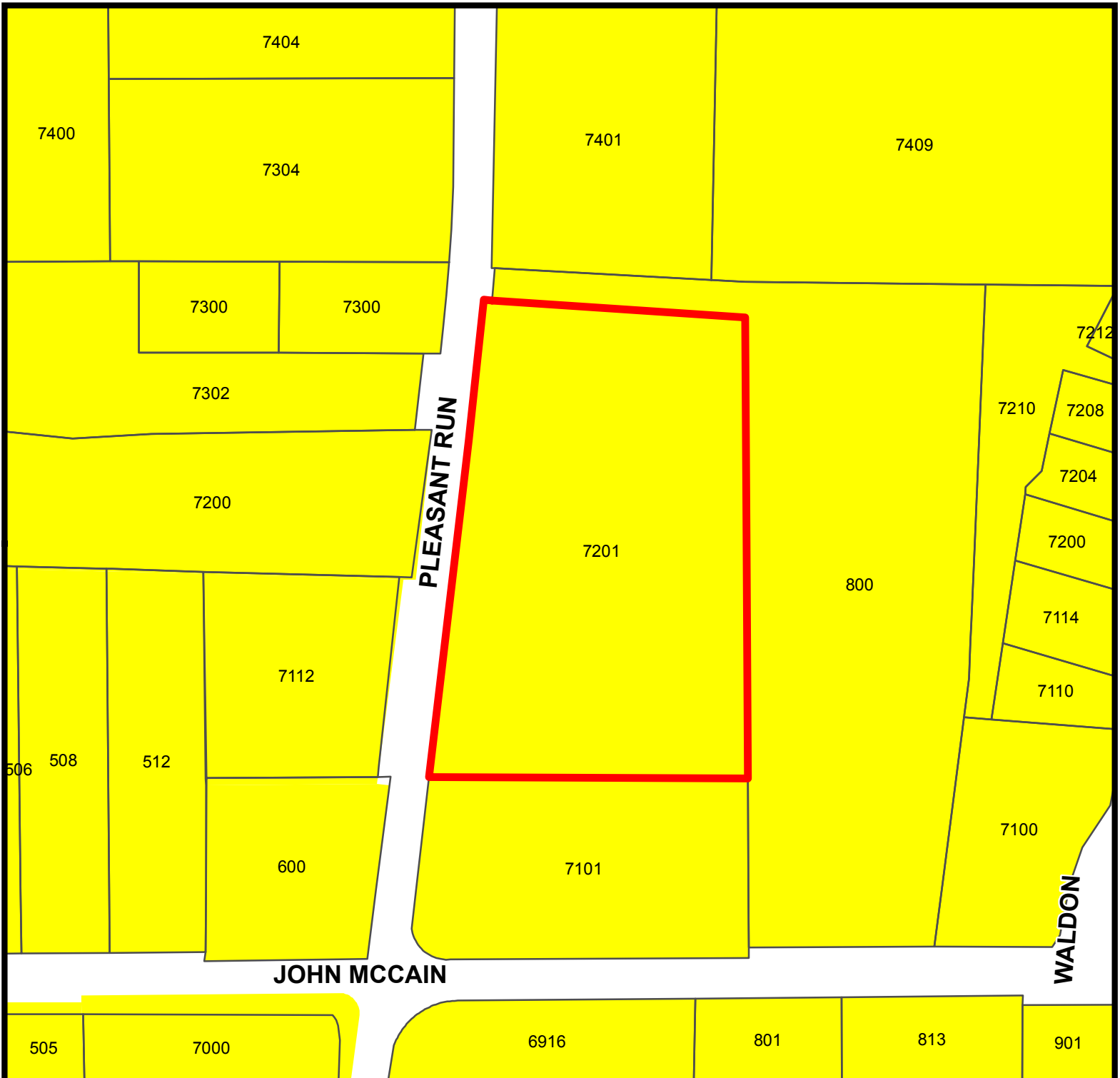
1 inch = 208 feet

Vicinity Map



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FUTURE LAND USE MAP



ZC16-014

7201 PLEASANT RUN RD

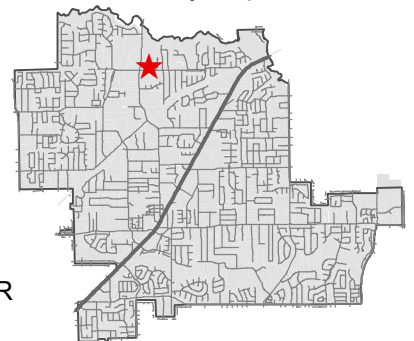
Legend

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



1 inch = 208 feet

Vicinity Map



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Statement of Planning Objectives of Morris Addition for

7201 Pleasant Run Lot 2, Block 1 Morris Addition
Rezoning Request from AG and R-40



Statement of Planning Objectives

**Statement of Planning Objectives
of
Morris Addition
for
7201 Pleasant Run Road Lot 2, Block 1 Morris Addition

Rezoning Request from AG and R-40

Colleyville, Texas 76034**

INTRODUCTION

Mr. Stephen Morris being the property owner and Mr. Waguih Guirguis applicant (Prospective Buyer), hereby requests the property described herein to be rezoned from AG and R-40. The 6.48-acre tract will be re-platted into three (3) lot single-family residential lots with a minimum area of 1 acre each.

The Statement of Planning Objectives to the City of Colleyville will document and provide information in three areas:

1. Review of the existing site with its current ownership, and use, and review of surrounding conditions such as, adjacent zoning, land uses, etc;
2. Description of the proposed re-plat concept for the requested R-40;

PROJECT LOCATION AND DESCRIPTION

7201 Pleasant Run Road is an existing platted lot (Lot 2, Block 1) that is located in the **Morris Addition**, which is situated on the east side of Pleasant Run Road, approximately one tenth of mile of John McCain Road in the City of Colleyville, Tarrant County, Texas.

The property is bordered to the south by one (1) single family residential lots at the corner of Pleasant Run Road and John McCain Road, which is zoned AG. The property is bordered to the north and east by one (1) lot, which is zoned AG. The properties to the west on the west side of Pleasant Run Road are zoned R-40 and AG.

OWNERSHIP

The property is currently owned by:

Mr. Stephen Morris who resides at 7201 Pleasant Run Road.

Statement of Planning Objectives

PROPOSED SITE ZONING AND LAND USE

The proposed zoning classification for the 6.48 acres is “R-40”. The proposed land use for 7201 Pleasant Run Road Lot 2, Block 1 of **Morris Addition** is for single-family, detached residential units with a maximum density of 0.46 units per acre or approximately 3 residential lots.

DEVELOPMENT CONCEPT

The development concept of 7201 Pleasant Run Road Lot 2, Block 1 of **Morris Addition** is to subdivide this property into large lots that will preserve the integrity of the existing surrounding land use and property zoning with R-40 type lots in the immediate area.

DEVELOPMENT STANDARD

The development standards set forth for 7201 Pleasant Run Road Lot 2, Block 1 of **Morris Addition** will meet zoning district standards for R-40 per the City of Colleyville, Texas Land Development Code.

DRAINAGE

7201 Pleasant Run Road Lot 2, Block 1 of **Morris Addition** naturally drains from west to east and from south to north.

The property is not impacted by any FEMA floodplain or floodway designation and will not require a flood study or submittal of any applications to FEMA. The existing pond will be retained and will be maintained on the southern lot.

WATER DISTRIBUTION SYSTEM

There is an existing water line within the right-of-way of Pleasant Run Road on the east side of the right-of-way that runs along the entire frontage of 7201 Pleasant Run Road Lot 2, Block 1 of **Morris Addition**.

SANITARY SEWER SYSTEM

7201 Pleasant Run Road Lot 2, Block 1 of **Morris Addition** will sewer to an existing 8-inch line within Pleasant Run Road right-of-way.

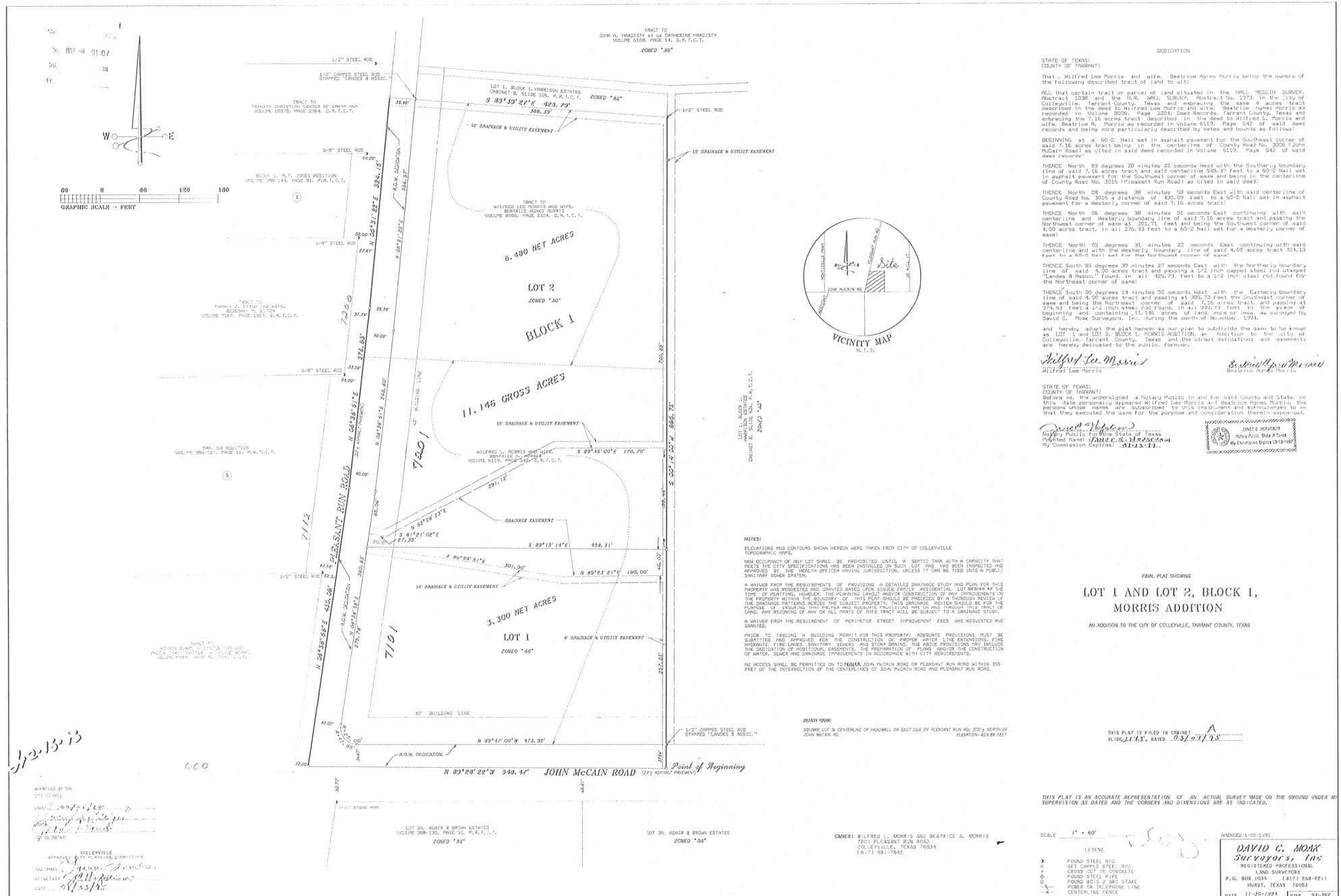
SUMMARY

This rezoning will allow for the re-platting 7201 Pleasant Run Road Lot 2, Block 1 of **Morris Addition** to provide three (3) large lots with an overall density of 0.46 lots/acre. The estimated home values built these new lots is expected to be between \$1,000,000 and \$3,000,000 range.

Statement of Planning Objectives

We feel that this re-zoning and re-platting will be an attractive addition to this area of Colleyville. We respectfully request the City of Colleyville Planning and Zoning Commission and City Council to consider and approve a change in zoning from AG and R-40.

Existing Plat



2:10:09 PM
8/10/2016

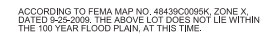


A.N.A. PROJECT NO.:
16-0450

CASE NO.:
15-0XXX

SHEET No.:
1

2:18:35 PM
8/10/2016



PREPARED AUGUST 2016

OWNER
STEPHEN MORRIS
7201 PLEASANT RUN ROAD
COLLEYVILLE, TEXAS 76034

I.A. PROJECT NO.:
 -0450
 SE NO.:
 -0XXX
 SHEET No.:
 2

Speaker Card- Support

413

Date: 9/12/16 **SPEAKER CARD**

☐ I will speak In **Support** of this item.
☐ I will speak In **Opposition** to this item.
☒ I do not wish to speak, but please record my: ☒ **support** ☐ **opposition**

Agenda Item Number: 2

Name: STEPHEN MORRIS

Address: 7201 PLEASANT RUN

City: COLLEGEVILLE State: TX Zip Code: 76034

Telephone Number: 817-442-5542 Representing: SELF
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: 
This Information is a Public Record.

418

Date: 9/12/16 **SPEAKER CARD**

☐ I will speak In **Support** of this item.
☐ I will speak In **Opposition** to this item.
☒ I do not wish to speak, but please record my: ☒ **support** ☐ **opposition**

Agenda Item Number: 2

Name: WAGUIH GUIRGUIS

Address: 7204 WALDON COURT

City: COLLEGEVILLE State: TX Zip Code: _____

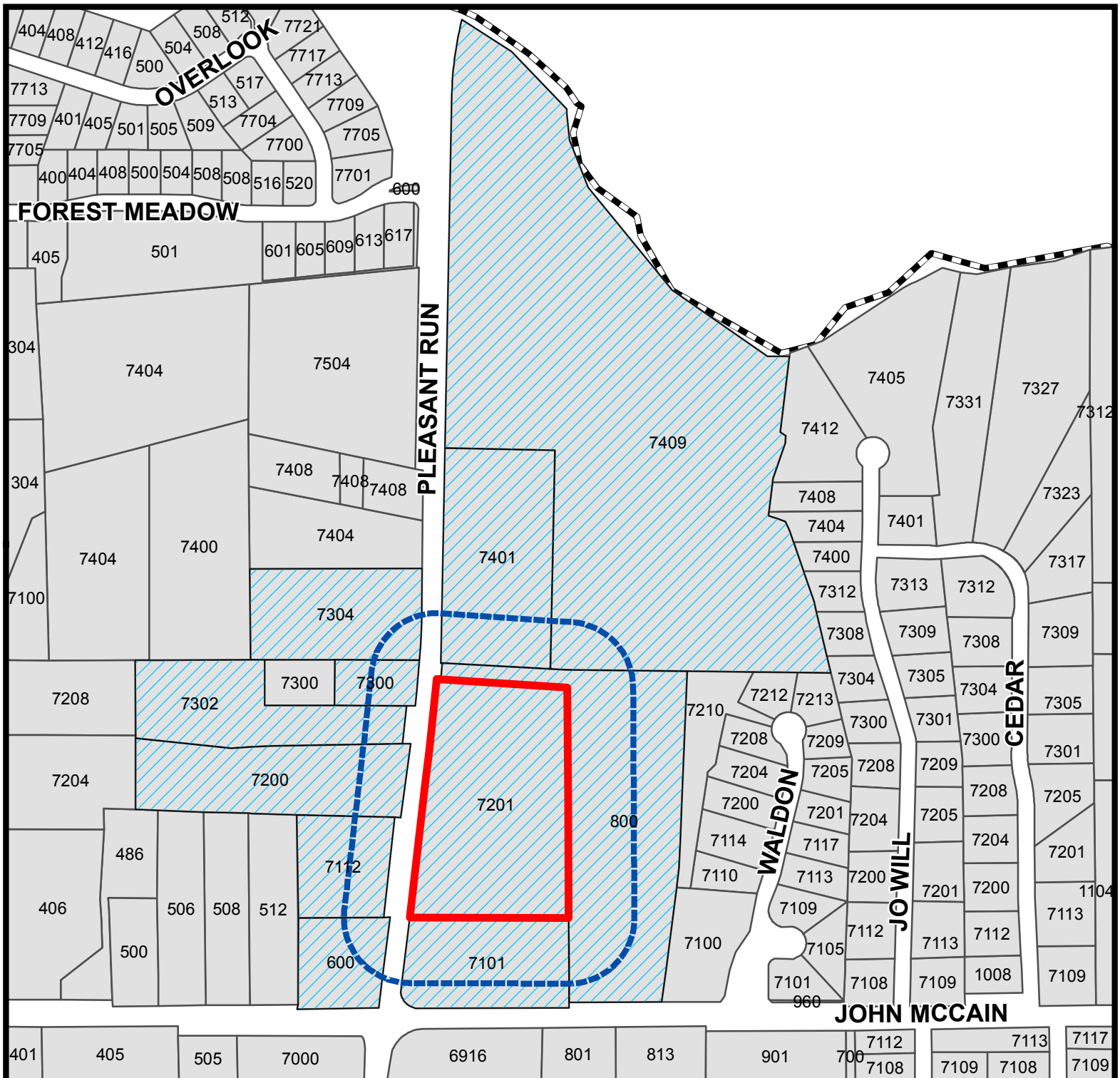
Telephone Number: _____ Representing: SELF
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: 
This information is a Public Record.

NOTIFICATION MAP



ZC16-014

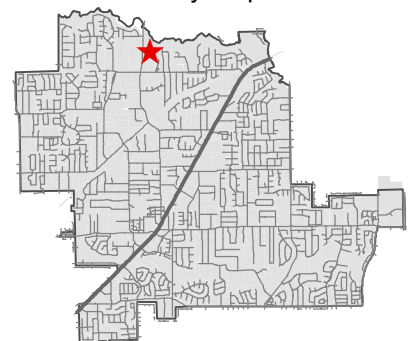
7201 PLEASANT RUN ROAD



1 inch = 417 feet

-  Subject Property
 200ft Buffer
 Properties within 200ft

Vicinity Map



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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
TRINITY CHRIS CTR SANTA ANA	2442 MICHELLE DR	TUSTIN, CA	92780	7304 PLEASANT RUN RD
TRINITY CHRIS CTR SANTA ANA	2442 MICHELLE DR	TUSTIN, CA	92780	7300 PLEASANT RUN RD
TRINITY CH CENTER OF SANTA ANA	2442 MICHELLE DR	TUSTIN, CA	92780	7200 PLEASANT RUN RD
TRINITY CHRIS CTR SANTA ANA	PO BOX A	SANTA ANA, CA	92711	7302 PLEASANT RUN RD
MILLER, DOUGLAS L	7112 PLEASANT RUN RD	COLLEYVILLE, TX	76034	7112 PLEASANT RUN RD
TRINITY CHRISTIAN CENTER INC	2442 MICHELLE DR	TUSTIN, CA	92780	7401 PLEASANT RUN RD
MORRIS, STEPHEN	7201 PLEASANT RUN RD	COLLEYVILLE, TX	76034	7201 PLEASANT RUN RD
GOIN, DONALD W	7101 PLEASANT RUN RD	COLLEYVILLE, TX	76034	7101 PLEASANT RUN RD
HARRISON, CYNTHIA	800 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	800 JOHN MCCAIN RD
MITCHELL, EDWARD	600 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	600 JOHN MCCAIN RD
TRINITY CHRISTIAN CENTER INC	2442 MICHELLE DR	TUSTIN, CA	92780	7409 PLEASANT RUN RD

WILLIAMSBURG ESTATE HOA	7113 WALDON COURT	COLLEYVILLE, TX	76034	COURTESY NOTICE
GUIRGUIS, WAGUIH	75 MAIN STREET	COLLEYVILLE, TX	76034	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed
Friday, August 26, 2016 by Araceli
Botello

ORDINANCE O-16-1994

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 6.48 ACRES, LOT 2, BLOCK 1, OF THE MORRIS ADDITION, LOCATED AT 7201 PLEASANT RUN ROAD, FROM THE AG-AGRICULTURAL ZONING DISTRICT TO THE R-40 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case ZC16-014; 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 6.48 acres Lot 2, Block 1 of the Morris Addition, located at 7201 Pleasant Run Road from the AG-Agricultural zoning district to the R-40 Single Family Residential zoning 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 any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 6. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

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

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 3rd day of October 2016.

The second reading and public hearing being conducted on the 18th day of October 2016.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE ____ DAY OF _____ 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

Exhibit "A"- Zoning Map

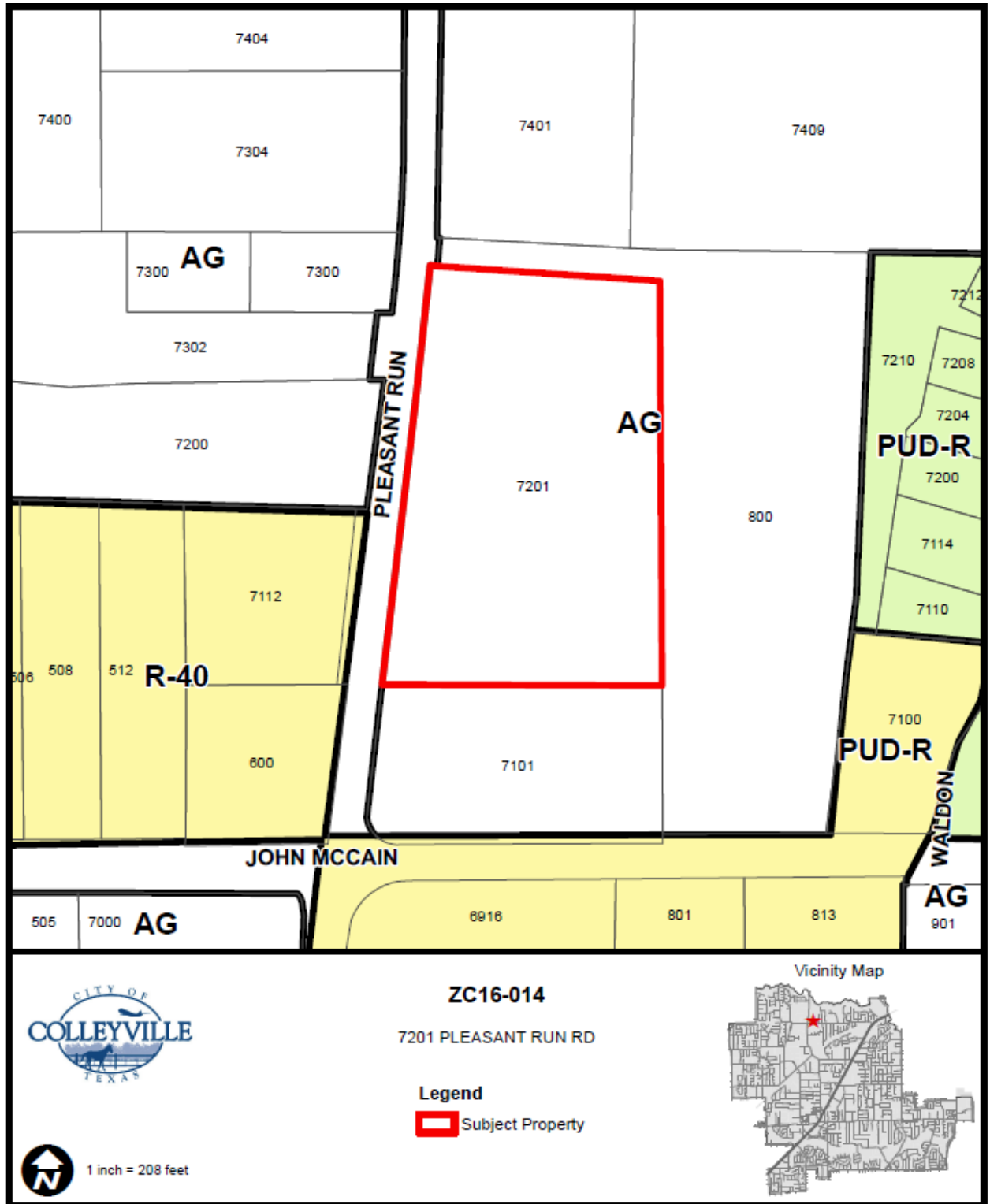


Exhibit “B”- Metes & Bounds Description

LEGAL DESCRIPTION

BEING 6.480 ACRE TRACT OF LAND LOCATED IN HALL MEDLIN SURVEY, ABSTRACT NO. 1038, TARRANT COUNTY, TEXAS, AND BEING LOT 2, BLOCK 1, OF MORRIS ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS AS RECORDED IN CABINET A, SLIDE 2145, PLAT RECORDS, TARRANT COUNTY, TEXAS, AND AS CONVEYED TO STEPHEN MORRIS BY DEED RECORDED IN INSTRUMENT NUMBER D211236717, REAL PROPERTY RECORDS, TARRANT COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT 1/2 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOT 2, IN EAST RIGHT-OF-WAY LINE OF PLEASANT RUN ROAD (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE SOUTH 85 DEGREES, 39 MINUTES, 27 SECONDS EAST, 386.39 FEET WITH THE COMMON LINE OF SAID LOT 2, AND LOT 1, BLOCK 1, HARRISON ESTATES, AS RECORDED IN CABINET B, SLIDE 526, OF SAID PLAT RECORDS, TO A 1/2 INCH IRON FOUND FOR THE NORTHEAST CORNER OF SAID LOT2;

THENCE SOUTH 00 DEGREES, 14 MINUTES, 00 SECONDS WEST, 660.85 FEET WITH THE EAST LINE OF SAID LOT 2, AND THE WEST LINE OF SAID LOT 1, TO THE SOUTH EAST CORNER OF SAID LOT 1, AND THE NORTHEAST CORNER OF LOT 2, BLOCK 1, OF SAID MORRIS ADDITION IN THE WEST LINE OF SAID LOT 1, HARRISON ESTATE;

THENCE NORTH 89 DEGREES, 15 MINUTES, 14 SECONDS WEST, 458.31 FEET WITH THE COMMON LINE OF LOT 1, AND LOT 2, OF SAID MORRIS ADDITION TO A 1/2 INCH IRON ROD FOUND IN THE EAST RIGHT-OF-WAY LINE OF SAID PLEASANT RUN ROAD;

THENCE NORTH 08 DEGREES, 38 MINUTES, 58 SECONDS EAST, 85.04 FEET WITH THE WEST LINE OF SAID LOT 2;

THENCE NORTH 06 DEGREES, 38 MINUTES, 51 SECONDS EAST, 246.80 FEET WITH THE WEST LINE OF SAID LOT 2;

THENCE NORTH 05 DEGREES 31 MINUTES, 22 SECONDS EAST, 356.57 FEET WITH THE COMMON LINE OF SAID LOT 2, AND SAID PLEASANT RUN ROAD TO THE PLACE OF BEGINNING AND CONTAINING 282,271 SQUARE FEET OR 6.480 ACRES OF LAND, MORE OR LESS.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5c

Agenda Date 10/03/2016

Number Ordinance O-16-1995

Type Public Hearing Agenda Items

Department Community Development

Title

Consideration of a zoning change from the R-40 Single Family Residential district to the R-30 Single Family Residential district on Lot 1R, Block 1, O. Martin Subdivision, located at 5601 Montclair Drive, Case ZC16-017

Strategy Map Connection

There is no strategy map connection for this item.

Explanation

First Reading and Public Hearing

Roger "Skip" Blake, the applicant, has submitted a request to rezone approximately 0.82 acres located at 5601 Montclair Drive from the R-40 Single Family Residential district to the R-30-Single Family Residential district. The applicant is seeking a zoning change to allow for an increase in lot coverage and to address noncompliant zoning issues with the R-40 district on the subject property.

Existing Conditions/Background: The subject property is a platted lot of the O. Martin Subdivision and is zoned R-40 Single Family Residential district. The subject property is generally located on the east side of Montclair Drive and south of Hall-Johnson Road. The subject property is currently developed with one single family residential home which is proposed to be demolished.

The applicant requested a variance to the maximum lot coverage for the R-40 zoning district at the August 9, 2016 Zoning Board of Adjustment (ZBA) meeting. The maximum lot coverage allowed in the R-40 district is 20%. The request was to allow for a lot coverage of 25%. The ZBA denied the request and further recommended rezoning the subject property to R-30 to resolve all noncompliant zoning issues.

The subject property was replatted in 2012 combining two lots into one lot, and abandoning the remaining right-of-way for Ruth Road. The right-of-way abandonment as part of the replat was approved by City Council on October 1, 2012 by Resolution R-12-3544.

At the time of plat approval, the Planning and Zoning Commission granted two waivers to the requirements of the R-40 district:

1. Waiver to the front building setback (40 feet required, 30 feet provided).

2. Minimum lot width (150 feet required, 137.6 feet provided).

In addition to the waiver to the front building setback, the subject property does not comply with the following provision of the R-40 district:

1. Minimum lot area (40,000 square feet required, 36,008 square feet provided).

Proposed Zoning Change:

Request – The applicant is requesting a zoning change from the R-40 Single Family Residential district to the R-30 Single Family Residential district to allow for an increase in lot coverage and to resolve noncompliance with the current R-40 zoning designation. Based on the current zoning district regulations, the subject property does not meet the minimum requirements for lot width and lot area.

Ordinance – Per Section 3.24 G, Schedule of District Regulations in the Land Development Code, the R-30 zoning regulations require the following standards:

Minimum Lot Area: 30,000 square feet
Minimum Lot Width: 125 feet
Minimum Lot Depth: 125 feet
Minimum Front Yard Setback: 35 feet
Minimum Side Yard Setbacks: 10 feet
Minimum Rear Yard Setback: 25 feet
Maximum Lot Coverage: 25 percent

The applicant has provided a zoning exhibit which is conceptual in nature and not up for consideration as part of the zoning request. However, the conceptual exhibit proposes one lot 36,016 square feet in size. This conceptual plan appears to meet the R-30 zoning district's minimum lot area of 30,000 square feet and other standards as listed above. Chapter 3 (Land Use) of the Land Development Code identifies the purpose and intent of the R-30 zoning district as primarily oriented toward low-density residential purposes and open space uses. Additionally, it states the principal uses shall be moderately low-density detached single family homes.

Analysis – The zoning designations for the properties to the north, east, and west are R-20 and the property to the south is zoned R-40. Although the R-30 district as requested would differ from the surrounding zoning designations, it appears generally consistent with the development pattern in the area. Additionally, the subject property meets the minimum requirements of the R-30 district. Should the request be approved, the subject property will be in compliance with all zoning regulations. As previously stated, the ZBA recommended rezoning the property to the R-30 district to resolve all outstanding noncompliant issues on the subject property. Staff concurs with this recommendation.

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

R-20 Single Family Residential (Single Family Home)	R-20 Single Family Residential (Single Family Home)	R-20 Single Family Residential (Single Family Home)
R-20 Single Family Residential (Single Family Home)	Subject Property R-40 Single Family Residential (Single Family Home)	R-20 Single Family Residential (Single Family Home)
R-20 Single Family Residential (Single Family Home)	R-40 Single Family Residential (Single Family Home)	R-40 Single Family Residential (Single Family Home)

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, identifies the subject property for single family residential uses. The proposed rezoning request does not seek to change the use on the subject property from single family residential uses. The comprehensive plan's Residential Density Policy states that the maximum density of each residential project shall be 1.8 dwelling units per acre. The proposed density is 1.2 dwelling units per acre. The requested zoning change is consistent with the comprehensive plan.

Fees: Park Land Dedication fees are not required for this request since a single family home currently exists on the subject property. Impact Fees may be required per Chapter 13 (Impact Fees) of the Land Development Code and will be due prior to the issuance of a Building Permit.

Tree Preservation: Any future development of the subject property must comply with Chapter 5 (Tree Preservation) of the Land Development Code. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a Tree Removal Permit has been issued that is associated with an approved Tree Preservation Plan.

In addition to the requirements for submittal of a Tree Removal Permit and Tree Preservation Plan, future development on the site must maintain the minimum existing protected tree canopy coverage as required in Chapter 5.

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, staff has received three letters of support for this item.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of this request at the September 12, 2016 meeting by a vote of 6-0.

Staff Recommendation: The proposed zoning change is consistent with the City's comprehensive plan. Although the requested R-30 district differs from R-20 and R-40 zoning designations, the R-30 district is generally consistent with the surrounding properties and development pattern. Staff recommends approval of the proposed rezoning request.

Financial Impact

There is no financial impact to the City.

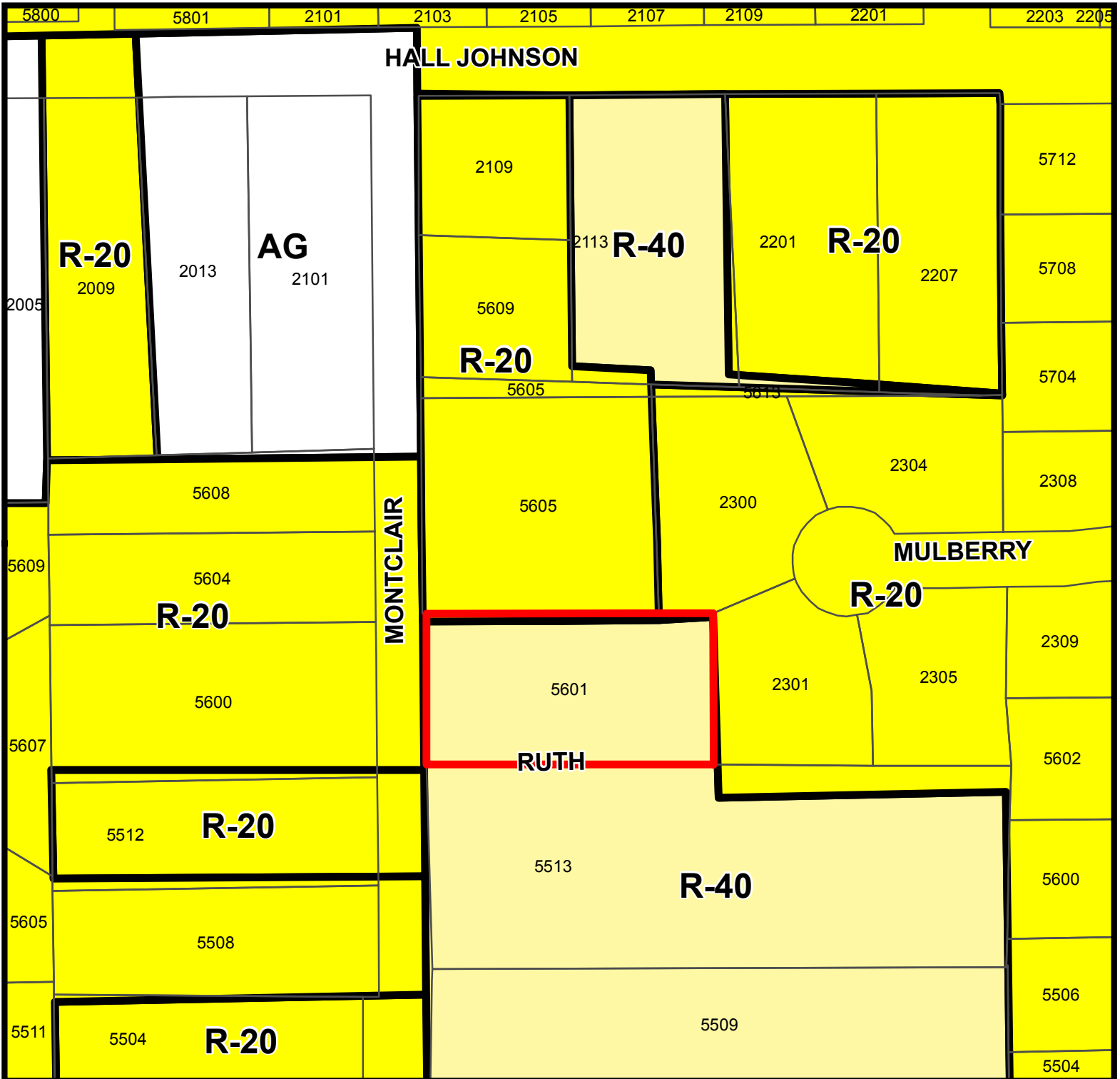
Recommendation

Approve

Attachments

1. Zoning Map
2. Aerial Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Conceptual Zoning Exhibit
6. Letters of Support
7. Approved Plat
8. Resolution R-12-3544 Right-of-Way Abandonment
9. Notification Map
10. Notification List
11. Ordinance O-16-1995

ZONING MAP



ZC16-017

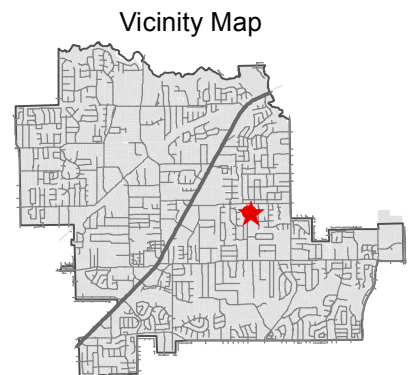
5601 MONTCLAIR DRIVE



1 inch = 125 feet

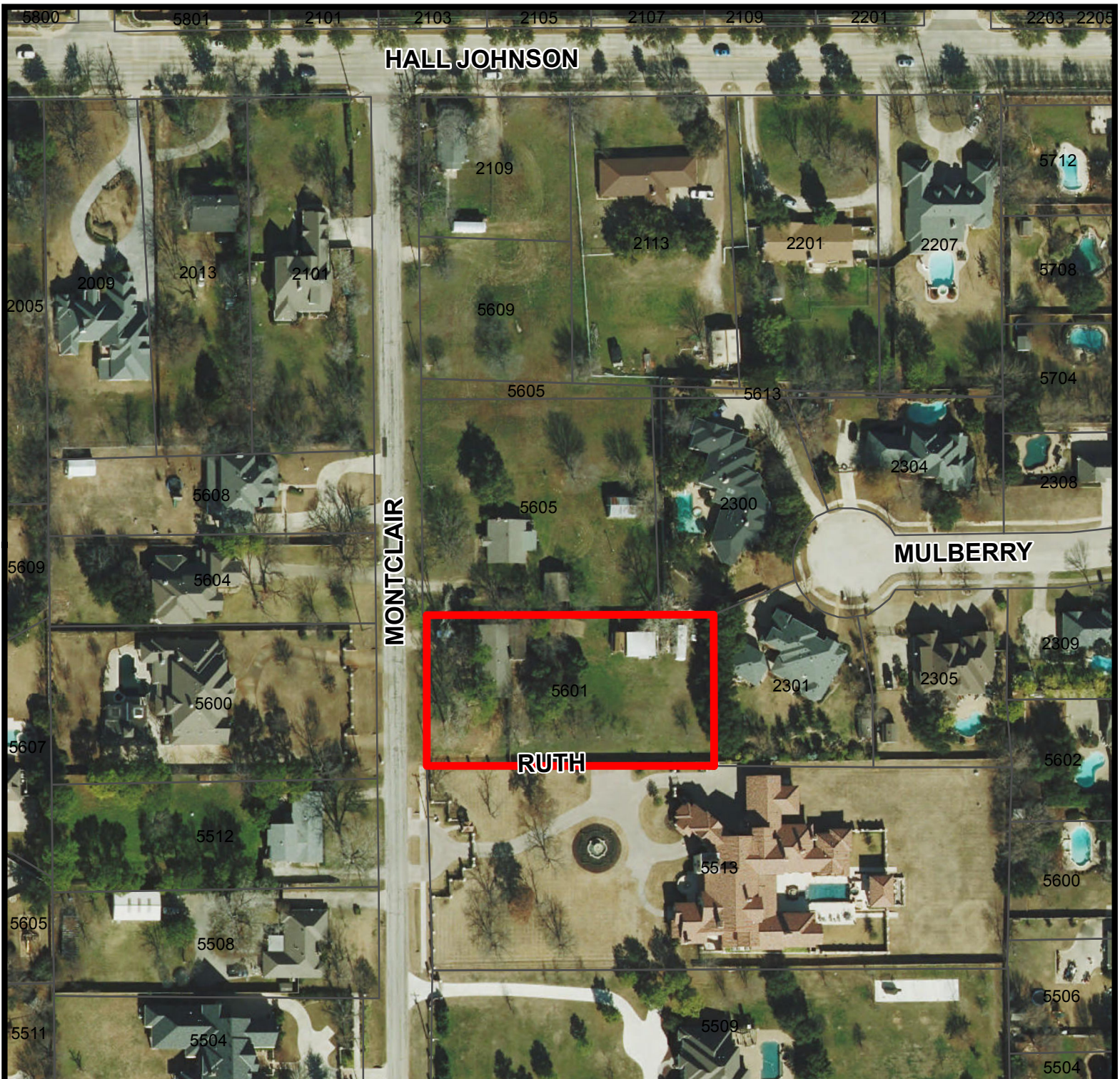
Legend

 Subject Property



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



ZC16-017

5601 MONTCLAIR DRIVE

Legend

 Subject_Property

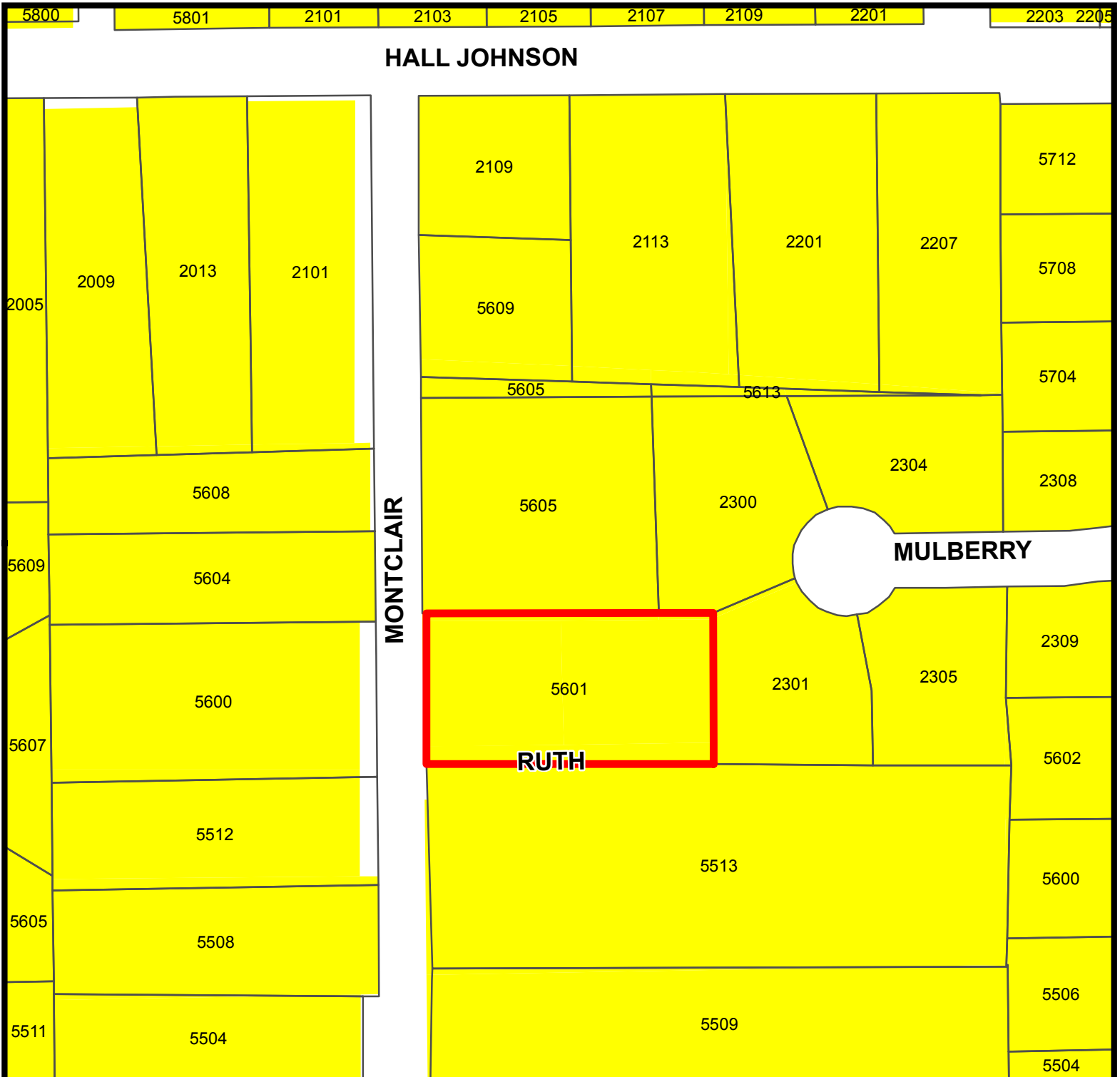
Vicinity Map



1 inch = 125 feet

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.

FUTURE LAND USE MAP



ZC16-017

5601 MONTCLAIR DRIVE

Legend



Subject Property



RESIDENTIAL



COMMERCIAL



INSTITUTIONAL

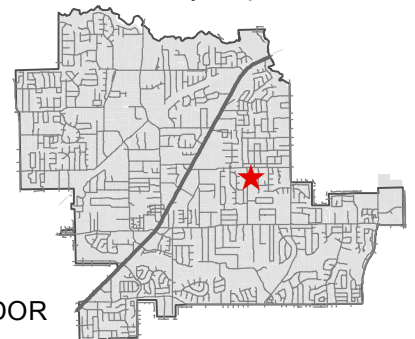


PARKS/ OPEN SPACE



COLLEYVILLE BLVD CORRIDOR

Vicinity Map



1 inch = 125 feet

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.

Statement of Planning Objectives



August 22, 2016

City of Colleyville
100 Main Street
Colleyville, Texas 76034

Ref: Zoning Change Request for
5601 Montclair Drive, Colleyville, Texas

Dear City:

5601 Montclair Drive, Lot 1R, Block 1, of the O. Martin Subdivision was originally zoned as a non-conforming R-40 Lot that did not meet the required regulations of an R-40 Lot Zoning. This Lot **DOES** meet the requirements of an R-30 Lot Zoning. Re-zoning of this Lot to R-30 will give it the appropriate Zoning classification to transition from the adjacent Lot to the south that is R-40 zoning to the adjacent Lot to the North which is (less restrictive) R-20 zoning.

Section 3.24.G – Schedule of District Regulations requires as follows:

Lot Size: 36,015 s.f.: R-40 requires 40,000 s.f. minimum area. **This Lot does not meet this requirement.** R-30 requires 30,000 s.f. minimum area, **This Lot does meet this requirement.**

Minimum Lot Width: R-40 requires 150 foot width, **This Lot does not meet this requirement.** R-30 requires 125 foot width, **This Lot with a width of 137.60 meets this requirement.**

Minimum setback/yard Requirements: All R-30 requirements shall be met. 35 foot front building line, 10 foot side yard building lines and 25 foot rear building lines.

Maximum Lot Coverage: R-30 requirement of a maximum coverage allowed of 25% of the area of the Lot shall be met.

Sincerely,

Roger (Skip) Blake, Architect

Conceptual Zoning Exhibit

PROPERTY DESCRIPTION

Address: 5601 Montclair Drive, Being Lot 1R, in Block 1, of O. Martin Subdivision, an Addition to the City of Colleyville, Tarrant County, Texas, according to the plat thereof recorded in Clerk's File No. D213003961, of the Plat Records, of Tarrant County, Texas.



Roome
Land Surveying

2000 Avenue G, Suite 810

Plano, Texas 75074

Phone (972) 423-4372 / Fax (972) 423-7523

www.roomesurveying.com / Firm No. 10013100

- Note: 1) Tree species should be verified by a licensed arborist
2) Benchmark= Colleyville Mon. No. 85.
Elev.=623.47

BLOCK 2 - ARBOR ESTATES III
CABINET A, SLIDE 2357, P.R.T.C.T.
ZONING R-20

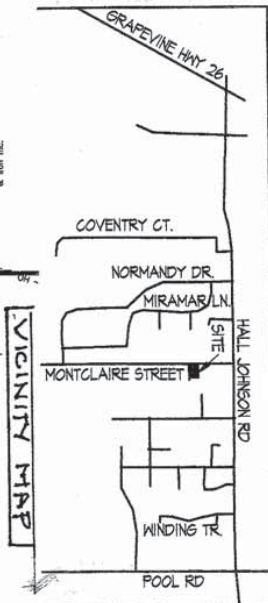
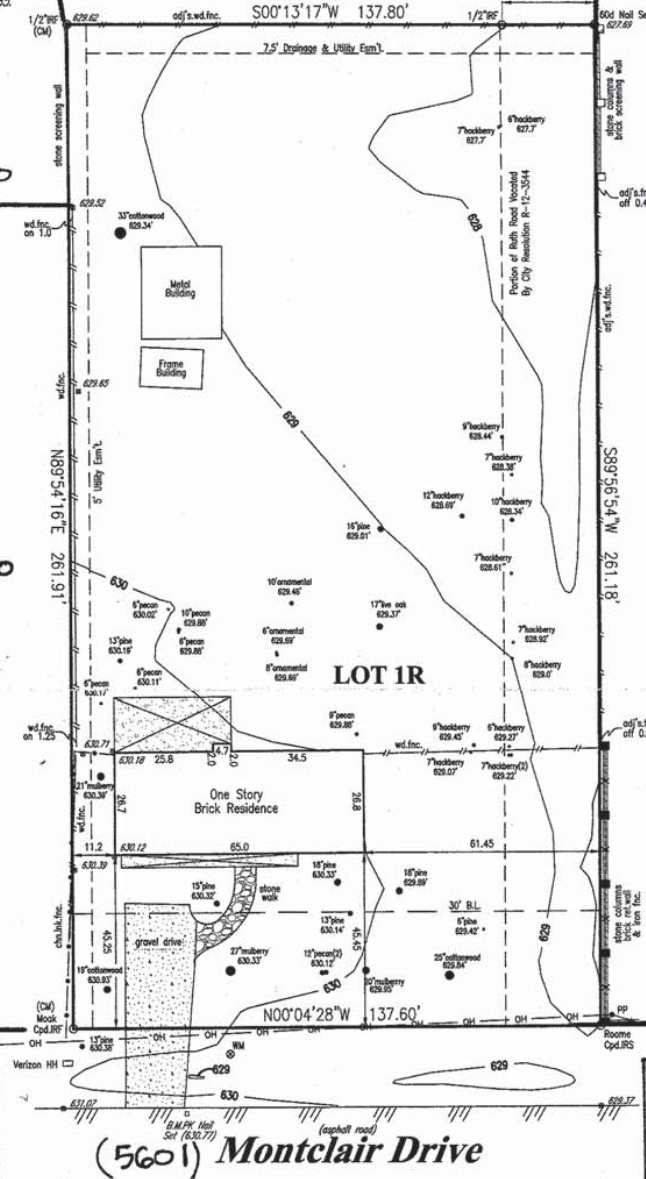
ZONING R-20

ROBERT AND NANCY JACKSON
VOL. 11996, PG. 412, D.R.T.C.T.
ZONING R-20

LOT 1R1, BLOCK 1, FISHER ADDITION
INST. NO. D211181840, P.R.T.C.T.
ZONING R-40

ZONING EXHIBIT FOR ZONING CHANGE
REQUEST FROM R-40 TO R-30.

SHEET 1 OF 2



NOTES: (1) Source bearing is based on recorded plat unless otherwise noted. (2) (CM) = Controlling monument. (3) Surveyor's signature will appear in red ink on original copies. (4) No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48439C0095K of the F.E.M.A. Flood Insurance Rate Maps for Tarrant County, Texas & Incorporated Area dated September 25, 2009. (Zone X). This statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can & will occur & flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor. (5) Final grade assumed finished floor elevations are at the brick ledge. (6) Drainage arrows, if shown, were determined by elevations shown hereon. (7) Subject property is affected by any & all notes, details, easements & other matters, that are shown on or as part of the recorded plat and/or as part of a title commitment/survey request.

CERTIFICATION

On the basis of my knowledge, information & belief, I certify to Providence Title Company, that as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plat hereon is true, correct & accurate as to the boundaries of the subject property & if shown, location & type of buildings & visible improvements hereon.

Date: 4/18/2016 Revised: _____ Job No. LB126507
Title commitment/Survey Request File No. 207000218 dated: 4/15/2016



Conceptual Zoning Exhibit

PROPERTY DESCRIPTION

Address: 5601 Montclair Drive, Being Lot 1R, in Block 1, of O. Martin Subdivision, an Addition to the City of Colleyville, Tarrant County, Texas, according to the plat thereof recorded in Clerk's File No. D213003961, of the Plat Records, of Tarrant County, Texas.



Roome
Land Surveying

2000 Avenue G, Suite 810
Plano, Texas 75074

Phone (972) 423-4372 / Fax (972) 423-7523
www.roomesurveying.com / Firm No. 10013100

Note: 1) Tree species should be verified by a licensed arborist
2) Benchmark= Colleyville Mon. No. 85
Elev.=623.47

BLOCK 2 - ARBOR ESTATES III
SUBDIVISION A, SLIDE 2337, P.R.T.C.T.

ZONING R-20
S00°13'17"W 137.80'

ZONING R-20

EXISTING TO BE
REMOVED

ROBERT AND NANCY JACKSON
VOL. 11996, PG. 412, D.R.T.C.T.

ZONING R-20

EXISTING TO BE
REMOVED

35' FRONT
BUILDING LINE

SITE DATA

Montclair Drive (5601)

GROSS AREA = 36,015 S.F.

MAXIMUM PROPOSED BUILDING AREA ALLOWED (R-30) = 25% (9,003 S.F.)

ACTUAL PROPOSED BUILDING FOOTPRINT (24%) = 8,600 S.F.

AREA OF PAVING = 3,420 S.F. (9.5%)

AREA OF LANDSCAPE = 23,995 S.F. (66.5%)

1 DWELLING UNIT FOR SINGLE FAMILY

NOTES: (1) Source bearing is based on recorded plat unless otherwise noted. (2) (CM) = Controlling monument. (3) Surveyor's signature will appear in red ink on original copies. (4) No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48439C0095K of the F.E.M.A. Flood Insurance Rate Maps for Tarrant County, Texas & Incorporated Areas dated September 25, 2009. (Zone X). This statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can & will occur & flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor. (5) Final grade assumed finished floor elevations are at the brick ledge. (6) Drainage arrows, if shown, were determined by elevations shown hereon. (7) Subject property is affected by any & all notes, details, easements & other matters, that are shown on or as part of the recorded plat and/or as part of a title commitment/survey request.

CERTIFICATION

On the basis of my knowledge, information & belief, I certify to Providence Title Company that as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plat hereon is true, correct & accurate as to the boundaries of the subject property & if shown, location & type of buildings & visible improvements hereon.

Date: 4/18/2016

Revised: _____

Job No. LB126507

Title commitment/Survey Request File No. 207000218 dated: 4/15/2016



ZONING EXHIBIT FOR ZONING CHANGE
REQUEST FROM R-40 TO R-30.

SHEET 2 OF 2

Letters of Support

Shane Pace

From: Andrew Macaulay
Sent: Friday, September 9, 2016 11:20 AM
To: Shane Pace
Cc:
Subject: Support for zoning case number ZC16-017

Mr. Pace,

My wife and I live at 5509 Montclair Dr in Colleyville. We are within 200 feet of the property 5601 Montclair Dr, which is the subject of rezoning request case number ZC16-017.

We are unable to attend the P&Z meeting on Monday so I'm writing to record our full support for the zoning change to R-30.

Regards,

Andrew Macaulay
mobile: 303.748.9971

Letters of Support

BURTON and GINGER PAT- TERSON

5600 Montclair Dr., Colleyville, Texas 76034-5029

(817) house 481-7447 burton's line 283-1808

September 9, 2016

Mr. Shane Pace, Principal Planner
City of Colleyville
100 Main Street
Colleyville, TX 76034

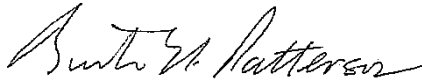
Re: Rezoning of 5601 Montclair Drive
Lot 1R, Block 1, O. Martin Subdivision

Dear Sir:

We live directly across the street from the subject property. We have reviewed the drawings of the proposed home to be built on the lot and are excited about the prospect of having such a lovely home directly across from us. We are entirely in favor of the requested zoning change.

We have watched the character of Montclair Drive change from relatively small urban homes to large impressive edifices. The home which is scheduled to be built, assuming the zoning change is approved, is totally in keeping with the new character of Montclair Drive, i.e. we applaud the replacement of a forty-five year old house with a modern home in keeping with the values of homes along Montclair. Consequently we urge the Planning and Zoning Commission to approve the requested rezoning which will permit the erection of a home which will improve our neighborhood.

Sincerely,

A handwritten signature in cursive script, reading "Burton E. Patterson".

Letters of Support

Shane Pace

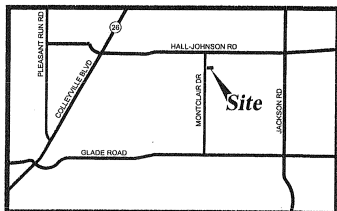
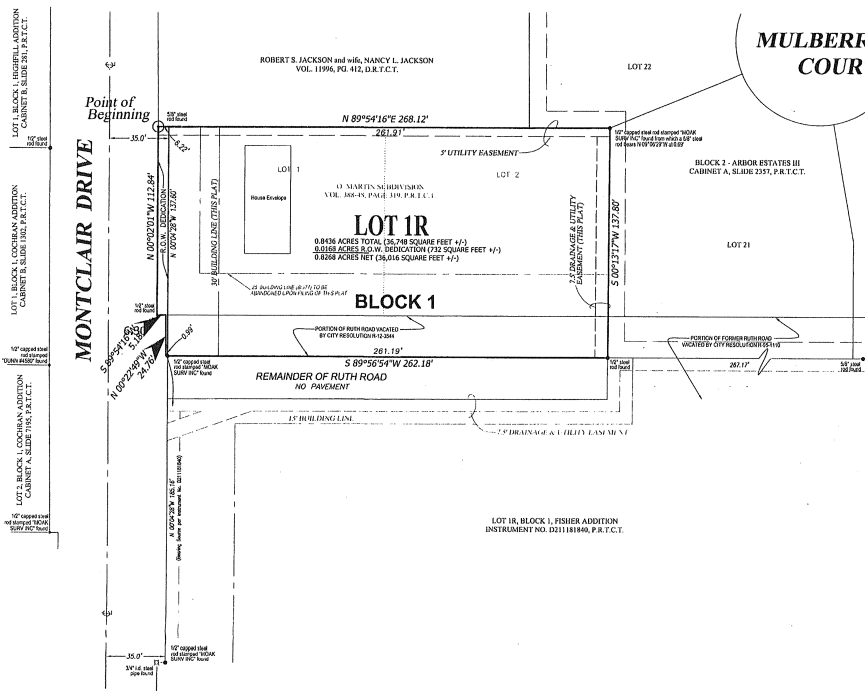
From: Ruby Antonetti
Sent: Sunday, September 11, 2016 11:34 AM
To: Shane Pace
Subject: Case #ZC16-017

My name is Ruby Antonetti
Address :
2300 Mulberry Ct.
Colleyville, TX
76034
We support
Zoning case #
ZC16-017

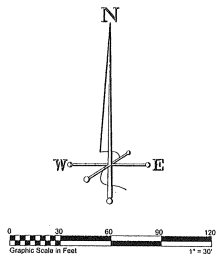
Thank you
Alfred and Ruby Antonetti

Sent from my iPhone

Approved Plat



Vicinity Map



Owners (Lot 1R) / Applicants
Steve & Deborah Pence
5601 Montclair Drive
Colleyville, Texas 76034



WHEREAS the Planning and Zoning Commission of the City of Colleyville, Texas voted on this 24 day of September, 2011 to approve this plat.

Cheryl S. Brey
Chairman, Planning and Zoning Commission

Amelia Kelley
Attest: Secretary, Planning and Zoning Commission

This Plat Filed by Instrument No. 021300391 Grant County Plat Records, Date 1/4/13

STATE OF TEXAS

COUNTY OF TARRANT &

WHEREAS Stephen R. Pence and Deborah K. Pence are the sole owners of the following described tract of land to wit:

ALL that certain tract or parcel of land situated in the S.C.H. WITTEN SURVEY, ABSTRACT NO. 1619 in the City of Colleyville, Tarrant County, Texas and being a portion of Lot 1, and all of Lot 2, O. Martin Subdivision, an Addition to the City of Colleyville, Tarrant County, Texas according to the plat recorded in Volume 388-48, Page 319, Plat Records, Tarrant County, Texas and also including a portion of Ruth Road and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch steel rod found for the northwest corner of said Lot 1, being in the apparent easterly right-of-way line of Montclair Drive;

THENCE North 89 degrees 54 minutes 16 seconds East with the northerly boundary line of said O. Martin Addition, 268.02 feet to a 1/2 inch capped steel rod stamped "MOAK SURV INC" found for the northeast corner of said Lot 2, from which a 5/8 inch steel rod found bears North 09 degrees 06 minutes 29 seconds West, at 0.69 feet;

THENCE South 00 degrees 13 minutes 17 seconds West with the easterly boundary line of said Lot 2, 137.80 feet to a 1/2 inch steel rod found in the center of Ruth Road;

THENCE South 89 degrees 56 minutes 54 seconds West with said center of said Ruth Road, at 261.19 feet passing a 1/2 inch capped steel rod stamped "MOAK SUR INC" found, in all 262.18 feet to the said apparent easterly right-of-way line of Montclair Drive;

THENCE North 00 degrees 22 minutes 49 seconds West with said right-of-way line, 24.76 feet;

THENCE South 89 degrees 54 minutes 16 seconds West, 5.18 feet to a 1/2 inch steel rod found;

THENCE North 00 degrees 02 minutes 01 seconds West continuing with said right-of-way line, 112.84 feet to the PLACE OF BEGINNING and containing 0.8434 acres of land, more or less.

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That we, Stephen R. Pence and Deborah K. Pence do hereby adopt this plat designating the hereinabove described property as LOT 1R, BLOCK 1, O. MARTIN SUBDIVISION, an Addition to the City of Colleyville, Tarrant County, Texas and do hereby dedicate fee simple to the public use forever all streets, rights-of-way and alleys shown hereon, and do hereby reserve the easements on this plat for the mutual use on accommodation of all public utilities desiring to use or using the same. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Colleyville, Texas.

Witness my hand this 4TH day of OCTOBER, 2012

Stephen R. Pence

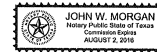

Deborah K. Pence

STATE OF TEXAS §

Before me, the undersigned Notary Public in and for said County and State on this day personally appeared Stephen R. Pence and Deborah K. Pence, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 4th day of OCTOBER, 2012

Notary Public in and for the State of Texas



The Final Plat of Lot 1R, Block 1,
O. MARTIN SUBDIVISION
AN ADDITION TO THE CITY OF
COLLEEVILLE, TARRANT COUNTY, TEXAS
CONSISTING OF TWO LOTS AND BEING 0.8434 ACRES OF LAND OUT OF THE
S.C.H. WITTEN SURVEY, ABSTRACT NO 1619
AND BEING A REPLAT OF LOTS 1 AND 2, O. MARTIN SUBDIVISION
AN ADDITION TO THE CITY OF COLLEEVILLE, ACCORDING TO THE PLAT
RECORDED IN VOLUME 388-48, PAGE 319, PLAT RECORDS, TARRANT COUNTY, TEXAS

I, John W. Morgan, a Registered Professional Land Surveyor of the State of Texas hereby certify that this plat represents a careful and accurate survey made on the ground under my supervision and all required monuments and markers shown actually exist or will be installed in accordance with the provisions of the City of Colleyville Land Development Code and the location, size and type of material are accurately shown on the plat.

John W. Morgan, R.P.L.S. No. 5418

Scale 1" = 30'

LEGEND

- FOUND STEEL ROD
- SET CAPPED STEEL ROD
- + CROSS CUT IN CONCRETE
- ◇ FOUND STEEL PIPE
- FOUND BOIS D'ARC STAKE



COORDINATE FILE: 10-134

REVISED 10-03-2011

Moak Surveyors, Inc.
 LICENSED STATE AND REGISTERED
 PROFESSIONAL LAND SURVEYORS
 Texas • New Mexico • Georgia • Nevada

1105 Cheek Sparrow Road, Mesquite, Texas 76061
 Metro 817-286-2211 • Fax 817-282-0401

www.moaksurveyors.com

Date 06-21-2012 Job # 12-031R

REvised 10-03-2012

Right-of-Way Abandonment

RESOLUTION R-12-3544

A RESOLUTION AUTHORIZING THE ABANDONMENT OF THE RUTH ROAD RIGHT-OF-WAY

WHEREAS, the property owners located at 5106 and 5513 Montclair Drive have submitted a request to abandon the roadway right-of-way, known as Ruth Road.

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

Sec. 1. THAT the right-of-way abandonment for Ruth Road as depicted in Exhibit "A" and described in Exhibit "B", is hereby approved.

AND IT IS SO RESOLVED.

PASSED BY A VOTE OF 7 AYES, 0 NAYS AND 0 ABSTENTIONS ON THIS THE 1ST DAY OF OCTOBER 2012.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

Right-of-Way Abandonment

EXHIBIT "A"

"THIS SURVEY PLAT IS ACCOMPANIED BY A FIELD NOTE DESCRIPTION WHICH IS MADE A PART OF THIS DOCUMENT"

ALL PROPERTY CORNERS SHOWN HEREON ARE
1/2 INCH CAPPED STEEL RODS STAMPED
"MOAK SURV INC" UNLESS NOTED OTHERWISE



MONTCLAIR DRIVE

ROBERT S. JACKSON and wife, NANCY L. JACKSON
VOL. 11996, PG. 412, D.R.T.C.T.

LOT 1

LOT 2

O. MARTIN SUBDIVISION
VOL. 388-48, PAGE 319, P.R.T.C.T.

LOT 22

BLOCK 2 - ARBOR ESTATES III
CABINET A, SLIDE 2357, P.R.T.C.T.

LOT 21

1/2" steel
rod found

6.30'

N 00°04'28"W

50.15'

N 89°54'16"E 261.32'

Point Of
Beginning

5/8" steel
rod found

1/2" steel
rod found

24.96'

S 00°13'17"W

49.61'

RUTH ROAD
(TO BE ABANDONED)

0.2991 ACRES

NOTE: NO IMPROVEMENTS SHOWN.

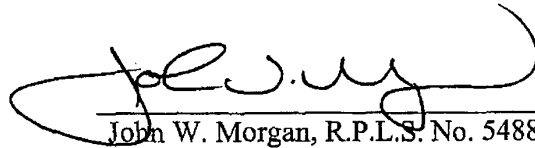
S 89°47'10"W 261.07'

(Bearing Source per Inst. No. D211181840)

LOT 1R, BLOCK 1, FISHER ADDITION
INSTRUMENT NO. D211181840, P.R.T.C.T.

PORTION OF FORMER RUTH ROAD
VACATED BY CITY RESOLUTION R-95-1110

I hereby certify that this plat is an accurate representation of an actual survey made on the ground this date under my supervision of the above described tract and the boundary lines, corners and dimensions shown are as indicated.


John W. Morgan, R.P.L.S. No. 5488

RECEIVED

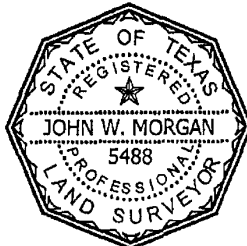
AUG 06 2012

PAGE 1 OF 2

Scale 1" = 50'

LEGEND

- FOUND STEEL ROD
- SET CAPPED STEEL ROD
- ✚ CROSS CUT IN CONCRETE
- ⊕ FOUND STEEL PIPE
- FOUND BOIS D'ARC STAKE



COORDINATE FILE: 10-134

Moak Surveyors, Inc.

LICENSED STATE AND REGISTERED
PROFESSIONAL LAND SURVEYORS

Texas · New Mexico · Arizona · Nevada

1105 Cheek Sparger Road, Colleyville, Texas 76034
Metro 817-288-2211 Fax 817-282-0401

www.moaksurveyors.com

Date 08-02-2012

Job # 12-034AB

Right-of-Way Abandonment

EXHIBIT "B"

"THIS FIELD NOTE DESCRIPTION IS ACCOMPANIED BY A SURVEY PLAT WHICH IS MADE A PART OF THIS DOCUMENT"

Field Note Description For A Right- Of-Way Abandonment of Ruth Road

ALL that certain tract or parcel of land situated in the S.C.H. WITTEN SURVEY, ABSTRACT NO. 1619, Colleyville, Tarrant County, Texas and being a portion of Ruth Road, a public right-of-way in the City of Colleyville, Tarrant County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch steel rod found for the southeast corner of Lot 2, O. Martin Subdivision, an Addition to the City of Colleyville, Tarrant County, Texas according to the plat recorded in Volume 388-48, Page 319, Plat Records, Tarrant County, Texas, being in the northerly right-of-way line of said Ruth Road, also being the northwest corner of the portion of Ruth Road vacated by City of Colleyville Resolution No. R-95-1110;

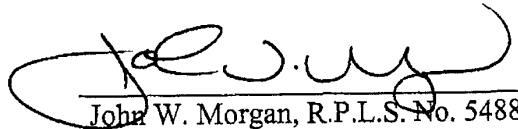
THENCE South 00 degrees 13 minutes 17 seconds West with the westerly boundary line of said vacated road, at 24.96 feet passing a 1/2 inch steel rod found for the most northerly northwest corner of Lot 1R, Block 1, FISHER ADDITION, an Addition to the City of Colleyville, Tarrant County, Texas as recorded in Instrument No. D211181840, of said Plat Records, in all 49.61 feet to a 1/2 inch capped steel rod stamped "MOAK SURV INC" found for an inner ell corner of said Lot 1R, also being in the southerly right-of-way line of said Ruth Road;

THENCE South 89 degrees 47 minutes 10 seconds West with the northerly boundary line of said Lot 1R and with the southerly right-of-way line of said Ruth Road, 261.07 feet to a 1/2 inch capped steel rod stamped "MOAK SURV INC" found for the northeast corner of said Lot 1R, being the intersection of said southerly right-of-way line with the easterly right-of-way line of Montclair Drive;

THENCE North 00 degrees 04 minutes 28 seconds West with said easterly right-of-way line, 50.15 feet to the intersection of said northerly right-of-way line, being in the southerly boundary line of said O. Martin Addition from which a 1/2 inch steel rod found for the southwest corner thereof bears South 89 degrees 54 minutes 16 seconds West, at 6.30 feet;

THENCE North 89 degrees 54 minutes 16 seconds East with said northerly right-of-way line and said southerly boundary line, 261.32 feet to the PLACE OF BEGINNING and containing 0.2991 acres of land, more or less as surveyed by Moak Surveyors, Inc.

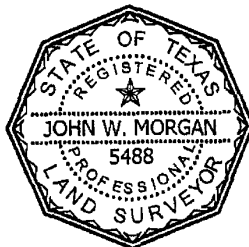
I hereby certify that this plat is an accurate representation of an actual survey made on the ground this date under my supervision of the above described tract and the boundary lines, corners and dimensions shown are as indicated.


John W. Morgan, R.P.L.S. No. 5488

Scale 1" = 50'

LEGEND

- FOUND STEEL ROD
- SET CAPPED STEEL ROD
- + CROSS CUT IN CONCRETE
- ◇ FOUND STEEL PIPE
- FOUND BOIS D'ARC STAKE



COORDINATE FILE: 10-134

RECEIVED

AUG 06 2012

Per PAGE 2 OF 2

Moak Surveyors, Inc.

LICENSED STATE AND REGISTERED
PROFESSIONAL LAND SURVEYORS

Texas · New Mexico · Arizona · Nevada

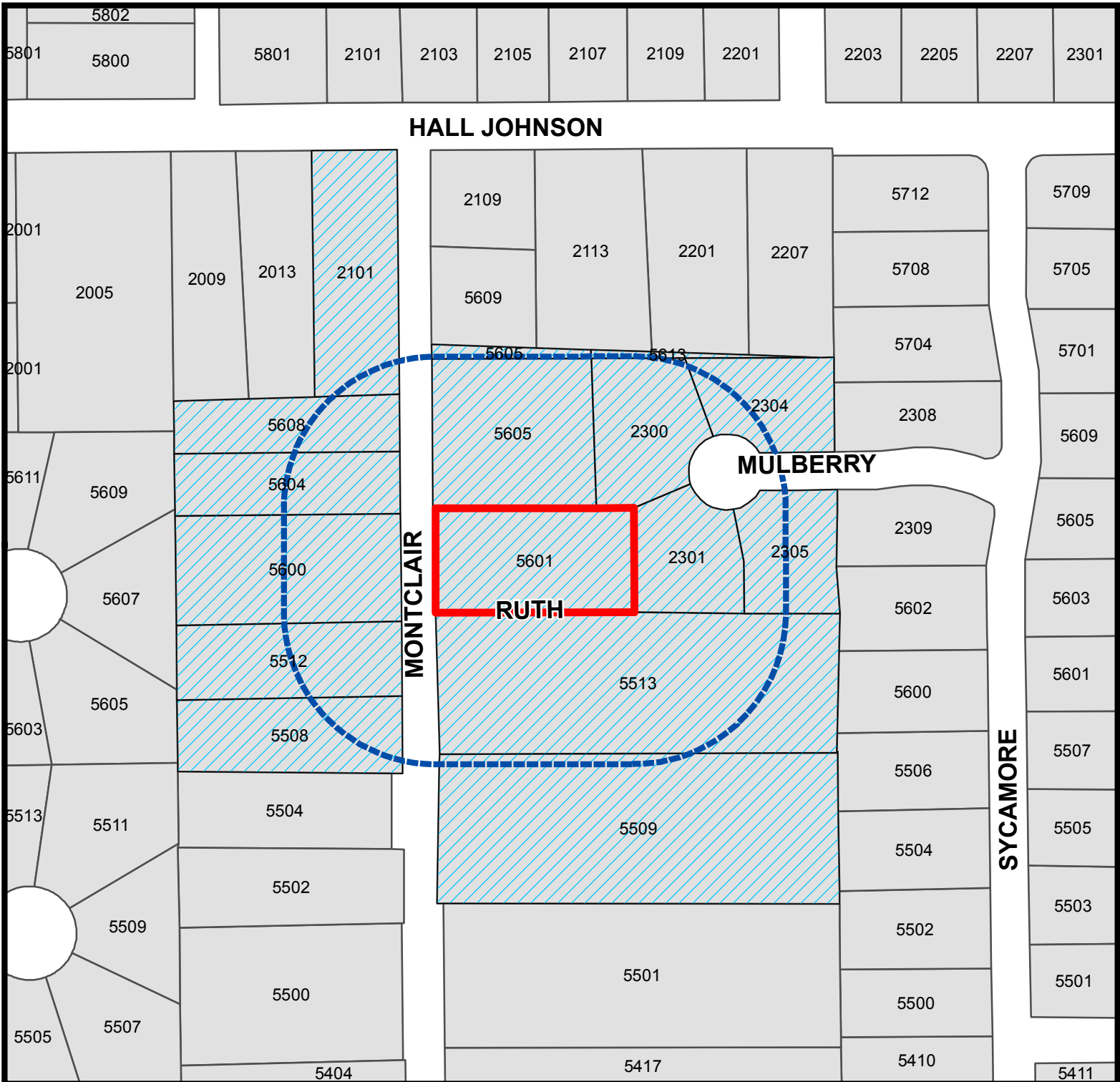
1105 Cheek Sparger Road, Colleyville, Texas 76034
Metro 817-268-2211 Fax 817-282-0401

www.moaksurveyors.com

Date 08-02-2012

Job # 12-034AB

NOTIFICATION MAP



ZC16-017

5601 MONTCLAIR DRIVE

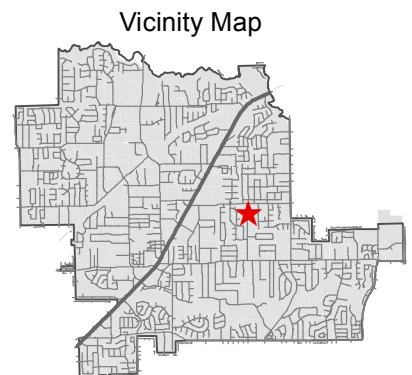


1 inch = 181 feet



Subject Property

200ft Buffer

 Properties within 200ft

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.

Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
MCCURRY, THOMAS	5110 OLD OAK LN	COLLEYVILLE, TX	76034	5601 MONTCLAIR DR
VOLOSEN, MIRCEA	5604 MONTCLAIR DR	COLLEYVILLE, TX	76034	5604 MONTCLAIR DR
SUEDMEIER, MICHAEL	2301 MULBERRY CT	COLLEYVILLE, TX	76034	2301 MULBERRY CT
HANEY, KENNETH J	2101 HALL JOHNSON RD	COLLEYVILLE, TX	76034	2101 HALL JOHNSON RD
JACKSON, RICHARD	PO BOX 658	COLLEYVILLE, TX	76034	5605 MONTCLAIR DR
MACAULAY, ANDREW	5509 MONTCLAIR DR	COLLEYVILLE, TX	76034	5509 MONTCLAIR DR
BREWSTER, KEITH W	5508 MONTCLAIR DR	COLLEYVILLE, TX	76034	5508 MONTCLAIR DR
PATTERSON, BURTON	5600 MONTCLAIR DR	COLLEYVILLE, TX	76034	5600 MONTCLAIR DR
HICKS, RUSSELL	2304 MULBERRY CT	COLLEYVILLE, TX	76034	2304 MULBERRY CT
COX, LAETITIA R	PO BOX 1785	COLLEYVILLE, TX	76034	5512 MONTCLAIR DR
ENTY, DON	5513 MONTCLAIR DR	COLLEYVILLE, TX	76034	5513 MONTCLAIR DR
TORRES, ARNOLD	5608 MONTCLAIR DR	COLLEYVILLE, TX	76034	5608 MONTCLAIR DR
BURTON, EDITH	5613 MONTCLAIR DR	COLLEYVILLE, TX	76034	5613 MONTCLAIR DR
LEMMON, S CRAIG	2305 MULBERRY CT	COLLEYVILLE, TX	76034	2305 MULBERRY CT
ANTONETTI, ALFREDO	2300 MULBERRY CT	COLLEYVILLE, TX	76034	2300 MULBERRY CT
JACKSON, RICHARD	PO BOX 658	COLLEYVILLE, TX	76034	5605 MONTCLAIR DR

ARBOR ESTATES II HOA	5506 SYCAMORE DR	COLLEYVILLE, TX	76034	COURTESY NOTICE
HIGHLAND MEADOWS	2101 HIGH GATE DR	COLLEYVILLE, TX	76034	COURTESY NOTICE
MONTCLAIR PARK	1108 W. PIONEER PKWY	ARLINGTON, TX	76013	COURTESY NOTICE
MCCURRY, THOMAS	5110 OLD OAK LN	COLLEYVILLE, TX	76034	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were
mailed Friday, August 26, 2016
by Araceli Botello

ORDINANCE O-16-1995

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 0.82 ACRES, LOT 1R, BLOCK 1, OF THE O. MARTIN SUBDIVISION, LOCATED AT 5601 MONTCLAIR DRIVE, FROM THE R-40 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO THE R-30 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case ZC16-017; 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 0.82 acres Lot 1R, Block 1, of the O. Marin Subdivision, located at 5601 Montclair Drive from the R-40 Single Family Residential zoning district to the R-30 Single Family Residential zoning 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 any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 6. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

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

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 3rd day of October 2016.

The second reading and public hearing being conducted on the 18th day of October 2016.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE ____ DAY OF _____ 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

Exhibit “A”- Zoning Map

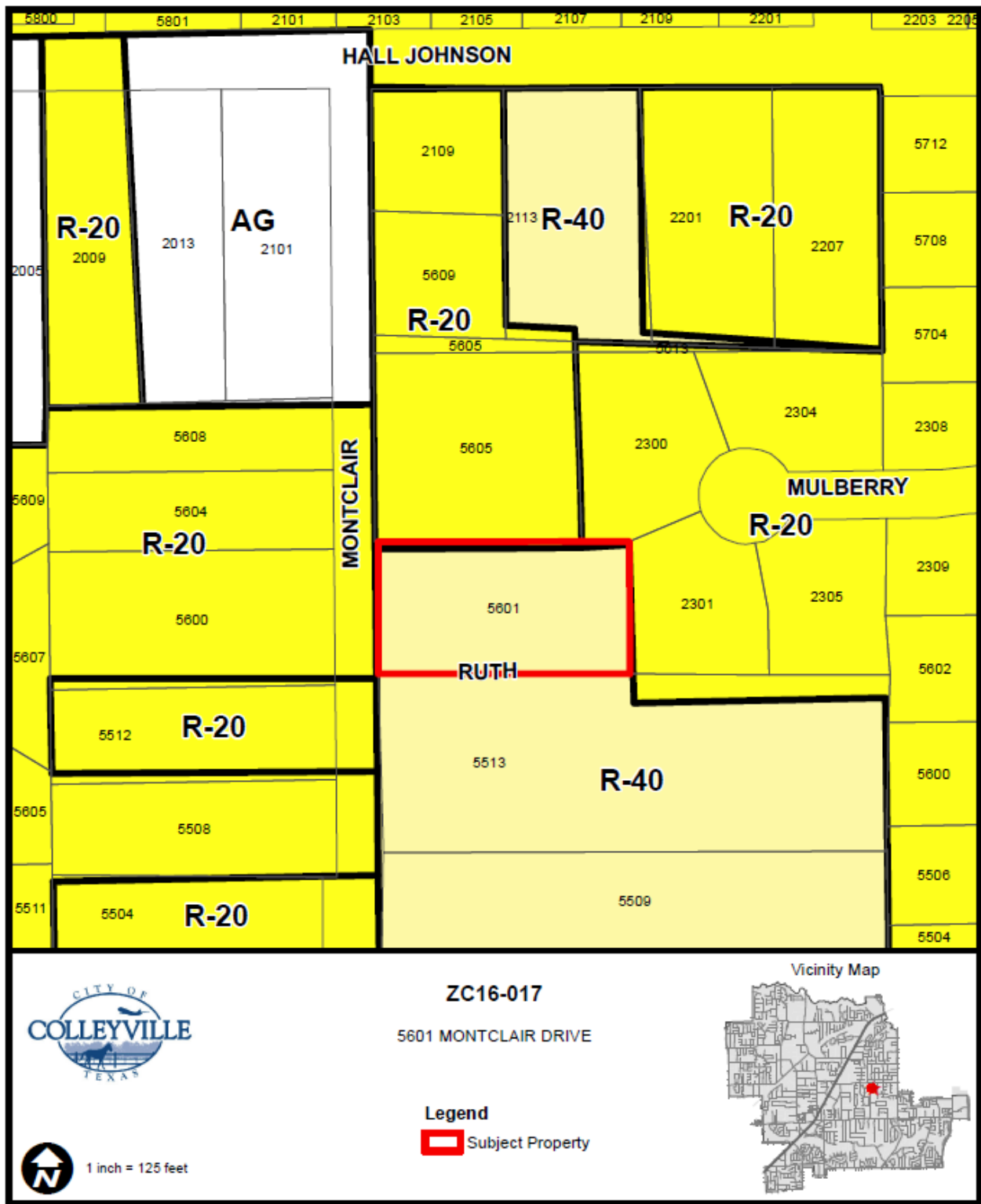


Exhibit “B”- Metes & Bounds Description

5601 Montclair Drive, Being Lot 1R, in Block 1, of the O. Martin Subdivision, an Addition to the City of Colleyville, Tarrant County, Texas, according to the plat thereof recorded in Clerk's File No. d213003961, of the Plat Records. Of Tarrant County, Texas.

Beginning a 1/2 inch iron pin found at the Southwest corner of Lot 1R, Block 1,

Thence North 89 degrees, 54 minutes, 16 seconds East continuing the distance of 261.91 feet to a 1/2 inch iron pin found for northwest corner of Lot 1R, in Block 1,

Thence south 00 degrees, 13 minutes, 17 seconds West continuing the distance of 137.80 feet to a 1/2 inch iron pin found for the Northeast corner of Lot 1R, Block 1,

Thence South 89 degrees, 56 minutes, 54 seconds West continuing the distance of 261.18 feet to a 1/2 inch iron pin found for the Southeast corner of Lot 1R, Block 1,

Thence North 00 degrees, 04 minutes, 28 seconds West continuing the distance of 137.60 feet to the point of beginning 1/2 inch iron pin and containing .827 acres more or less.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 6a

Agenda Date 10/03/2016

Number Resolution R-16-4032

Type Resolution

Department City Secretary

Title

Consideration of filling the Place 1 position on the Zoning Board of Adjustment, with Alternate 1, and filling the Alternate 1 position with the Alternate 2

Strategy Map Connection

B4- Cultivate a culture of transparency and consistent communication

Explanation

Update

At the September 20, 2016 City Council meeting, City Council tabled the discussion of this resolution.

Update

At the September 6, 2016 City Council meeting, City Council tabled the discussion of this resolution until after the September 8, 2016, City Council worksession to review all boards, commissions, and committees.

Reading and Public Hearing

Judson Orlando, whose term expires September 2016, resigned from the Zoning Board of Adjustment, Place 1, August 25, 2016.

The Zoning Board of Adjustment Rules of Procedure state, "if a regular member vacancy occurs, the senior alternate will fill this position, and the City Council will appoint another alternate".

At the direction of Mayor Newton, board, commission, and committee members whose terms expire in September 2016, were notified the City Council wishes to conduct a future worksession to discuss the boards, commissions, and committees. Members were asked to continue their service until such time as City Council directed staff to move forward.

This item provides for City Council to appoint Dee Kamerman, Alternate 1, to the unexpired September 2016 term of Place 1, resigned by Judson Orlando, to appoint Richard Vallario, Alternate 2, to the position of Alternate 1, with a term expiring September 2016, and to consider an appointment to the Alternate 2 position which has a term expiring September 2016, or leave the Alternate 2 position vacant until such

time as City Council directs staff to move forward with the board, commission, and committee process.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Zoning Board of Adjustment Rules of Procedure Excerpt
2. Zoning Board of Adjustment roster
3. Resolution R-16-4032

Zoning Board of Adjustment Rules of Procedure Excerpt

ZONING BOARD OF ADJUSTMENT RULES OF PROCEDURE

I. ORGANIZATION AND OFFICERS

101. Organization

A Board of Adjustment is hereby established which shall consist of five members and two alternates to be appointed by the City Council. The term of office of said members and alternates shall be two (2) years. All vacancies occurring on the Board of Adjustment shall be filled by appointment of the City Council. Members and alternates of the Board of Adjustment may be removed from office by the City Council for cause upon receipt of written charges and after public hearing. Vacancies shall be filled by appointment of the City Council for the unexpired term of the member or alternate affected. If a regular member vacancy occurs, the senior alternate will fill his position and the City Council will appoint another alternate.

102. Officers

A Chairman and Vice-Chairman shall be elected from among the Board's membership at the annual meeting of the Board and at such other times as an officer position may become vacant. The city's chief executive officer shall designate his representative to serve the Board as Executive Secretary.

103. Duties

- A. The Chairman, or in his absence the Vice-Chairman, shall preside at all meetings and shall decide all points of order or procedure.
- B. The Executive Secretary shall be custodian of the minutes and other official records, shall attend to the correspondence of the Board, and shall cause to be given such notices as are required and in the manner prescribed by law.

104. Rules of Order

Roberts Rules of Order, latest revision, are hereby adopted and said rules shall govern the procedures of the Board unless otherwise provided for by statute, ordinance or these rules.

II. MEETINGS

201. Quorum

A quorum shall consist of four members. If a regular member is absent, the senior alternate will fill the position. If two regular members are absent, the

ZONING BOARD OF ADJUSTMENT

PLACE 1

Vacant due to Resignation

TERM: Sep 2014 - Sep 2016

PLACE 2

Jason Elms

801 Shelton

Colleyville, TX 76034

W: (214) 420-8494

H: (817) 808-7275

Jelms@pape-dawson.com

TERM: Sep 2014 - Sep 2016

PLACE 3 - VICE CHAIR

Wayne Maynard

3004 Edgewood Lane

Colleyville, TX 76034

W: (864) 238-3995

H: (817) 369-4290

southeastqualitycoins@gmail.com

TERM: Sep 2014 - Sep 2016

PLACE 4 - CHAIR

Dee McNosky

5108 Pleasant Run Road

Colleyville, TX 76034

H: (817) 320-4060

dtmcnosky@aol.com

TERM: Sep 2015 - Sep 2017

PLACE 5

Raymond Allee

5907 Highland Hills

Colleyville, TX 76034

H: (817) 329-0186

rayallee@aol.com

TERM: Sep 2015 - Sep 2017

ALTERNATE 1

Dee Kamerman

1521 Tennison Parkway

Colleyville, TX 76034

H: (817) 416-2277

deekamerman@hotmail.com

TERM: Sep 2014 - Sep 2016

ALTERNATE 2

Richard Vallario

201 Mill Wood Court

Colleyville, TX 76034

W: (817) 988-4063

H: (817) 605-8008

ricsharval@aol.com

TERM: Feb 2014 - Sep 2016

RESOLUTION R-16-4032

**A RESOLUTION APPOINTING THE ZONING BOARD OF
ADJUSTMENT, ALTERNATE 1, TO FILL THE POSITION OF PLACE 1,
VACATED BY RESIGNATION, AND FILLING THE ALTERNATE 1
POSITION WITH ALTERNATE 2, LEAVING THE ALTERNATE 2
POSITION VACANT**

WHEREAS, a member of the Zoning Board of Adjustment, whose term expires September 2016 resigned; and

WHEREAS, the Zoning Board of Adjustment Rules of Procedure state, *If a regular member vacancy occurs, the senior alternate will fill this position and the City Council will appoint another alternate.*

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

- Sec. 1. THAT the Colleyville City Council hereby appoints Dee Kamerman to the Zoning Board of Adjustment, Place 1, to an unexpired term of September 2016.
- Sec. 2. THAT Richard Vallario is appointed to the Zoning Board of Adjustment, Alternate 1, to an unexpired term of September 2016.
- Sec. 3. THAT the position of Zoning Board of Adjustment, Alternate 2, will remain vacant pending direction from the City Council.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON
THIS THE 20TH DAY OF SEPTEMBER 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



City of Colleyville City Council Agenda Briefing

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

Agenda Number 8

Agenda Date 10/03/2016

Type Report

Department City Secretary

Title

Historical Preservation Committee Meeting Minutes - April 14, 2016

Attachments

1. Historical Preservation Committee Meeting Minutes - April 14, 2016



HISTORICAL PRESERVATION COMMITTEE MINUTES
April 14, 2016

I. Call to order and roll call

Present: Marilyn Keith, Cynthia Phillips, Walt Mills, Gerald Ward, Joe Deupree, Louis Miller, George Bond, Jeffrey Moschel

Absent: Gigi Walker

Cynthia began the meeting at 7:10 a.m.

II. Approval of minutes from February 11, 2016 meeting

Joe Deupree made a motion to approve the minutes; Louis Miller seconded the motion. Motion passed.

III. Bidault House construction update

Look to see if gutters are part of the plan. Were they addressed in the report. Send a WETRANSFER of Bidault House photos.

IV. Hometown Hero nomination review

Staff explained the Hometown Hero process and Joe Deupree gave information about the nomination.

V. Colleyville history education

Louis Miller has photos of the types of statutes he's discussing. Contests for kids – name 12 differences.

Facebook group: When you grew up in Colleyville

VI. Citizen Comments

None

VII. Adjournment

Louis Miller made a motion to adjourn; Walt Mills seconded the motion. Motion passed. Meeting adjourned at 8:00 p.m.

RESOLUTION R-16-4042

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF
OCTOBER 3, 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 3RD DAY OF OCTOBER 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