



City of Colleyville City Council Agenda

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

Tuesday, October 18, 2016

**JOINT CITY COUNCIL AND
WATER AND WASTEWATER RATE ADVISORY COMMITTEE WORKSESSION
5:00 P.M.
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

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

CALL TO ORDER

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

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

Section 551.071 - Legal - Consultation with City Attorney regarding City Developer Agreement

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

**OLYMPIAN RECEPTION
7:00 P.M.
FRONT STEPS OF CITY HALL**

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

INVOCATION: Associate Pastor Kyle Bauman, Bear Valley Church

PLEDGE OF ALLEGIANCE: Assistant City Attorney Ben Stool

2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - RESOLUTION R-16-4043

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Announcements of civic and charitable events

Presentation of calendar events and updates

Announcements of awards and recognition

Presentation of a \$500 donation to the Colleyville Fire Department from Atmos Energy, Tommy Clark, Atmos Energy Operations Supervisor - Mayor Richard Newton and Fire Chief Brian Riley

Presentation of the Outstanding Community Partner Award from Safe Kids - Mayor Richard Newton, Fire Chief Brian Riley and Emergency Management Coordinator Kenny Phillips

In recognition of Colleyville's Featured Business of the Month - Village Lane Apothecary, 60 Village Lane, Store Manager Sarah Pruett - Mayor Richard Newton and SH26 Project Coordinator James Hubbard

4. CONSENT: READING AND PUBLIC HEARING- Resolution R-16-4044

4a Approval of the minutes of the regular City Council meeting of October 3, 2016

4b Approval of an Interlocal Agreement with Tarrant County for the rehabilitation of Cheek-Sparger Road and Bedford Road, and authorize the city manager to execute the agreement

4c Approval of the use of the Voluntary Library Fund in Fiscal Year 2017 (FY 2017), for the purchase of library materials, collection processing supplies, and library programs, in an amount not to exceed \$155,000

4d Approval of an Interlocal Agreement between the cities of Colleyville, Bedford, and Watauga for insurance broker services, and authorize the city manager to execute the agreement

5. ORDINANCE(S): SECOND 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. RESOLUTION(S): READING AND PUBLIC HEARING**6a Resolution R-16-4045**

Approval of a City-Developer Agreement with M/I Homes of DFW, LLC for the reimbursement of the construction costs of the waterline connection associated with the Creekside at Colleyville Development - Phase 5, and authorize the city manager to execute the agreement

6b Resolution R-16-4046

Approval of a City-Developer Agreement with Mainvue Tx, LLC, for the reimbursement of the construction costs of the waterline along Cheek-Sparger Road associated with the Creekside at Colleyville Development - Phase 3, and authorize the city manager to execute the agreement

6c Resolution R-16-4047

Approval of a resolution stating City Council's desire to hold joint worksessions/meetings with the Grapevine-Colleyville Independent School District (GCISD) Board of Trustees

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

8. REPORTS

Planning and Zoning Commission Meeting Minutes - September 12, 2016

Zoning Board of Adjustment Meeting Minutes - September 13, 2016

Monthly Financial Report - September 2016

9. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR OCTOBER 18, 2016 - READING AND PUBLIC HEARING - RESOLUTION R-16-4048**10. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards Friday, October 14, 2016 by 5:00 p.m.

Amy Shelley, TRMC
City Secretary

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

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

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



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
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Agenda Number 1

Agenda Date 10/18/2016

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 551.072 - 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

RESOLUTION R-16-4043

**A RESOLUTION APPROVING COUNCIL ACTION REGARDING
EXECUTIVE SESSION ITEMS AT THE
REGULAR CITY COUNCIL MEETING OF OCTOBER 18, 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 18TH 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
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Agenda Number 3

Agenda Date 10/18/2016

Type Announcements, Proclamations, and Presentations

Department City Manager

Title

Presentation of a \$500 donation to the Colleyville Fire Department from Atmos Energy, Tommy Clark, Atmos Energy Operations Supervisor - Mayor Richard Newton and Fire Chief Brian Riley

Presentation of the Outstanding Community Partner Award from Safe Kids - Mayor Richard Newton, Fire Chief Brian Riley and Emergency Management Coordinator Kenny Phillips

In recognition of Colleyville's Featured Business of the Month - Village Lane Apothecary, 60 Village Lane, Store Manager Sarah Pruett - Mayor Richard Newton and SH26 Project Coordinator James Hubbard

Attachments

RESOLUTION R-16-4044

A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF OCTOBER 18, 2016

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

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

- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting of October 3, 2016
 - b. Approval of an Interlocal Agreement with Tarrant County for the rehabilitation of Cheek-Sparger Road and Bedford Road, and authorize the city manager to execute the agreement
 - c. Approval of the use of the Voluntary Library Fund in Fiscal Year 2017 (FY 2017), for the purchase of library materials, collection processing supplies, and library programs, in an amount not to exceed \$155,000
 - d. Approval of an Interlocal Agreement between the cities of Colleyville, Bedford, and Watauga for insurance broker services, and authorize the city manager to execute the agreement

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS
ON THIS THE 18TH 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
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Monday, October 3, 2016

City Council Chambers

Mayor Richard Newton called the Executive Session of the Colleyville City Council to order on Monday, October 3, 2016, at 4:00 p.m.

ROLL CALL: Mayor Richard Newton, and Councilmembers Bobby Lindamood, Jody Short, Nancy Coplen and Mike Taylor

Absent: Mayor Pro Tem Chris Putnam and Councilmember Tammy Nakamura

Staff Present: City Manager Jennifer Fadden and City Secretary Amy Shelley.

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)

Mayor Richard Newton recessed the Executive Session at 5:05 p.m.

Mayor Richard Newton called the Worksession of the Colleyville City Council to order on Monday, October 3, 2016, at 5:12 p.m.

ROLL CALL: Mayor Richard Newton, and Councilmembers Bobby Lindamood, Jody Short, Nancy Coplen and Mike Taylor

Absent: Mayor Pro Tem Chris Putnam and Councilmember Tammy Nakamura

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, Community Development Director Ben Bryner, Principal Planner Shane Pace, Recreation and Library Director Mary Rodne, Accounting Finance Manager Karen Hines, SH26 Coordinator James Hubbard, Information Systems Manager Chris Pena, City Attorney Matthew Boyle, and City Secretary Amy Shelley.

WS-1 Discussion of updates to the tree preservation ordinance

Community Development Director Ben Bryner presented this item and briefed the City Council.

Mayor Newton asked staff if the previous owner may not have shared the tree preservation plan with the new owner. Director Bryner replied yes, it is possible.

Mayor Newton asked staff where the numbers in the tree coverage preservation came from. Director Bryner replied he believes it has been around since the 2009 version, and it is a common breakdown in percentage of preservation.

Councilmember Lindamood asked staff if "protected trees are all trees with a six inch trunk diameter or larger" and includes "trash" trees. Director Bryner replied it does not, but all trees six inches or greater have to be identified and then from that base point, you can begin to exempt the undesirable trees.

Councilmember Taylor asked staff why a tree would need to be counted if it is going to be exempted. Director Bryner replied you would need to know what is on site to start with so that you can then show what is being removed.

Councilmember Lindamood asked staff if trees within the right-of-way are counted toward the preservation. Director Bryner replied it depends on the location, like in the major right-of-way of the property, it would not count, but otherwise it would count.

Councilmember Lindamood asked staff about the trees that straddle property lines. Director Bryner replied there are some exempted areas, but overall you look at the entire site.

Councilmember Lindamood asked staff if the requirements are different with a resident versus a developer. Director Bryner replied the same standards apply.

Mayor Newton asked staff if the tree preservation requirements would come into play if a resident makes a modification to the building footprint. Director Bryner replied yes, it very well could.

Mayor Newton asked staff how tree preservation applies to homeowners who have been there for a long time. Director Bryner replied a lot of it depends if there was a tree preservation plan in place, and there are ways in which residents can remove trees, but we still want trees to be preserved where they can.

Mayor Newton asked staff what is an exempt area. Director Bryner replied it is the area in which the building is going to be placed.

Mayor Newton asked staff if the mitigated trees must be located on the same property. Director Bryner replied there could be an instance where there is no space to put the tree, but it could be planted or applied in the entire subdivision.

Councilmember Lindamood asked staff if those mitigated caliper inches, which could not be planted on the same lot, could be dedicated to the park fund. Director

Bryner replied it may be cheaper for them to plant the tree than to put money into the fund.

Mayor Newton asked staff if the property owner could be directed where to plant the tree. Director Bryner replied that could be one option.

Councilmember Short asked staff if the planting of four, six inch trees is the equivalent of a 24 inch caliper tree. Director Bryner replied initially no, but after they grow, it will be more than 24 inches. He added there could be some mitigation incentives in order for them to save the 24 inch caliper tree, but staff has not evaluated those incentives.

Mayor Newton asked staff what the setback envelope means. Director Bryner replied everything interior to the front, back, and two side yard setbacks.

Mayor Newton asked staff what exempt means in the setback envelope area. Director Bryner replied they can use up to 50 percent of existing tree coverage in the calculation mitigation.

Mayor Newton asked staff if the calculation takes into account the lot coverage percent. Director Bryner replied no.

Councilmember Short asked staff if undergrowth is included in tree preservation. Director Bryner replied not currently, but undergrowth could be something outlined in the landscape section of the Land Development Code.

Councilmember Lindamood suggested providing a lower value to a less desired tree, and a higher value to a desired tree. He stated then what is left to mitigate to the park system might be more or less, depending on the credit percentage. Director Bryner stated he would look at that option.

Councilmember Taylor asked staff if they have reached out to other communities to see what has been done relative to tree preservation. Director Bryner replied yes, he has reviewed several ordinances and procedures.

WS-2 Discussion of Temporary Business Signs - State Highway 26

SH26 Coordinator James Hubbard presented this item and briefed the City Council.

Mayor Newton asked staff if the exemption is to allow the business to put a sign in a parking place. Coordinator Hubbard replied yes.

Mayor Newton asked staff about the allowance per business. Coordinator Hubbard replied each business, based on certificate of occupancy, could have one sign. He added if there are 30 businesses in a center, 30 parking spaces could essentially

be taken up by signs. He stated most shopping centers have deed restrictions that would limit the number of signs.

Mayor Newton asked staff if the signs will be effected by the changes in traffic patterns as construction moves along. Coordinator Hubbard replied possibly.

Councilmember Lindamood asked staff if the construction will be completed in phases. Coordinator Hubbard replied it is going to be phased, but construction clutter and orange barrels will be along the entire corridor.

Councilmember Short asked staff if the intent is to replace signs that will be lost during the construction process. Coordinator Hubbard replied it is more for marketing, not signs lost due to construction.

Councilmember Taylor asked staff why a resolution could not be passed as needed. City Attorney Matthew Boyle replied it relates to the rule of equal dignities. Since the Land Development Code, which contains the sign regulations, was passed by an ordinance, the chapter would need to be amended by an ordinance.

Councilmember Taylor asked staff why a temporary sign would be necessary, especially if the business's sign is not touched. Coordinator Hubbard replied the signs would mostly be for advertising purposes, to help find the businesses during the road project.

Mayor Newton suggested holding off on doing anything up front when we are not yet sure if the temporary signs will be necessary.

Mayor Newton asked staff if there is a mechanism in which something could be done quickly, if necessary, other than changing the ordinance. City Attorney Matthew Boyle replied the short answer is no.

WS-3 Discussion of Conflict of Interest forms for vendors

Councilmember Lindamood presented this item and briefed the City Council and provided handouts for review.

Due to a limited amount of time left in the worksession, Mayor Newton asked for this item to be moved to a future worksession.

WS-4 Discussion of the October 3, 2016, City Council regular agenda items

There was no discussion of this item.

Mayor Newton adjourned the worksession at 6:32 p.m.

Mayor Richard Newton reconvened the Colleyville City Council Executive Session on Monday, October 3, 2016, at 6:32 p.m. in the Executive Conference Room.

ROLL CALL: Mayor Richard Newton, and Councilmembers Bobby Lindamood, Jody Short, Nancy Coplen and Mike Taylor

Absent: Mayor Pro Tem Chris Putnam and Councilmember Tammy Nakamura

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 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

Mayor Newton recessed the executive session at 7:28 p.m.

Mayor Richard Newton called the regular City Council meeting to order in the Council Chambers at 7:35 p.m.

ROLL CALL: Mayor Richard Newton, and Councilmembers Bobby Lindamood, Jody Short, Nancy Coplen and Mike Taylor

Absent: Mayor Pro Tem Chris Putnam and Councilmember Tammy Nakamura

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

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 Coplen encouraged everyone to attend an event on Tuesday, October 18, 2016, to meet the 2016 Colleyville Olympians, Katie Meili and Stephen Lamdin.

Assistant City Manager/Director of Public Safety Mike Holder encouraged everyone to attend National Night Out on Tuesday, October 4, 2016, at City Park on Bransford Road, beginning at 6:00 p.m. The evening ends with a softball game between police and fire.

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

Mayor Newton presented Chief Financial Officer Brian Hogan with the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting. Mayor Newton explained the Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents a significant accomplishment by the City of Colleyville and its management. The City's report was judged by an impartial panel and met the high standards of the program including demonstrating a constructive spirit of full disclosure to clearly communicate our financial picture. This is the 27th consecutive year the City has received the award.

Recognition of employees' years of service and achievements

Mayor Newton recognized employees for their years of service to the City: One Year: Byron Osgood, Public Works, Glynn Miller, Public Works, Stephanie Jenkins, Human Resources, Cheryl Taylor, Public Works, and Shane Pace, Community

Development. Five years: Kyle Franco, Fire, Dustin Eason, Police, and Erik Uplegger, Colleyville Center. Ten years: Joanne Caniano, Library, Joshua Large, Parks, and William Savage, Fire.

Stephanie Jenkins, Shane Pace, Joanne Caniano, and William Savage were present to receive certificates of appreciation.

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

Mayor Newton read Resolution R-16-4041 in its entirety.

Assistant Police Chief Robert Hinton briefed the City Council regarding item 4b.

Mayor Newton asked staff about the cost to outfit the vehicle. Chief Hinton replied the current Tahoe pricing is \$31,966 and the cost to equip the vehicles is \$21,500, with a total cost of \$53,466. He added some savings will be received from a radio assistance program grant.

Councilmember Lindamood expressed his appreciation to the police department for seeking a competitive bid and by coming in under budget.

Mayor Newton opened the public hearing at 7:55 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 7:55 p.m.

Councilmember Taylor made a motion to approve Resolution R-16-4041 and Councilmember Lindamood seconded the motion.

The motion carried with the following vote:

Aye: 5 – Mayor Richard Newton, and Councilmembers Bobby Lindamood, Jody Short, Nancy Coplen, and Mike Taylor

Absent: 2 – Mayor Pro Tem Chris Putnam and Councilmember Tammy Nakamura

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

Mayor Newton filed an affidavit and recused himself from this agenda item.

Councilmember Mike Taylor read the caption of Ordinance O-16-1993.

Community Development Director Ben Bryner presented this item and briefed the City Council.

Councilmember Lindamood asked staff if the building is going to be built on an existing slab. Director Bryner replied yes.

Councilmember Taylor opened the public hearing at 8:10 p.m.

There were no others present wishing to speak and Councilmember Taylor closed the public hearing at 8:12 p.m.

This is a first reading, therefore City Council will not take any action.

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

Mayor Newton joined the meeting from this point forward.

Mayor Newton read the caption of Ordinance O-16-1994.

Community Development Director Ben Brymer presented this item and briefed the City Council.

Mark Assad, 5000 Thompson Terrace, and representing the property owner, presented this item and briefed the City Council.

Mayor Newton asked Mr. Assad why RE-Residential Estate zoning was not requested. Mr. Assad replied R-40 is being sought to be consistent with the area, and the buyer has no intention of putting together anything smaller than 1.5 acre lots, in general.

Mayor Newton opened the public hearing at 8:10 p.m.

Kathy Hadley, 204 Timberline Drive North, spoke in support, but would like a guarantee that it will not be developed as smaller lots.

There were no others present wishing to speak and Mayor Newton closed the public hearing at 8:12 p.m.

Mayor Newton asked staff about the lot size for RE zoning. Director Bryner replied 80,000 square feet.

Mr. Assad stated for clarification that the existing house is not being demolished, the purpose is to plat the middle lot.

This is a first reading, therefore City Council will not take any action.

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

Mayor Newton read the caption of Ordinance O-16-1995.

Community Development Director Ben Brymer presented this item and briefed the City Council.

Mayor Newton opened the public hearing at 8:18 p.m.

Kathy Hadley, 204 Timberline Drive North, filled out a speaker card in opposition; however, she stated she is good with this request.

There were no others present wishing to speak and Mayor Newton closed the public hearing at 8:19 p.m.

This is a first reading, therefore City Council will not take any action.

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

Mayor Newton suggested removing this item from the table, and then removing it from the agenda as appointments will be made to this board at the next City Council meeting.

Councilmember Taylor made a motion to remove Resolution R-16-4032 from the table, without objection, for consideration.

Mayor Newton made a motion to remove Resolution R-16-4032 from the agenda. Councilmember Taylor seconded.

The motion carried with the following vote:

Aye: 5 – Mayor Richard Newton, and Councilmembers Bobby Lindamood, Jody Short, Nancy Coplen, and Mike Taylor

Absent: 2 – Mayor Pro Tem Chris Putnam and Councilmember Tammy Nakamura

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

Kathy Hadley, 204 Timberline Drive North, praised the police department, specifically Officer Bonham and Detective Prewitt, for speaking with her daughter about a texting issue she had with another girl.

8. REPORTS

Historical Preservation Committee Meeting Minutes - April 14, 2016

There was no discussion of this item.

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

This resolution was not needed.

10. ADJOURNMENT

There being no further business before the City Council, Mayor Newton adjourned the City Council meeting at 8:24 p.m.

Mayor Newton reconvened the executive session at 8:32 p.m., in the Executive Conference Room.

Mayor Newton adjourned the executive session at 9:26 p.m.

City Council Minutes - DRAFT October 3, 2016
APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE
_____ DAY OF _____ 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 10/18/2016

Number Resolution R-16-4044

Type Resolution

Department Public Works

Title

Approval of an Interlocal Agreement with Tarrant County for the rehabilitation of Cheek-Sparger Road and Bedford Road, and authorize the city manager to execute the agreement

Strategy Map Connection

B3- Utilize partnerships to implement cost-effective service solutions

Explanation

Reading and Public Hearing

Staff is seeking approval to enter into an Interlocal Agreement with Tarrant County for the rehabilitation of Cheek-Sparger Road from Brown Trail to Bedford Road and the rehabilitation of Bedford Road from Cheek-Sparger Road to the Little Bear Creek Bridge, just north of Sparger Park. The portion of Bedford Road north of the Little Bear Creek Bridge to Glade Road was rehabilitated by Tarrant County in FY 2016.

The City of Colleyville regularly partners with Tarrant County to perform street maintenance work. Tarrant County has recently completed similar roadway rehabilitation projects at a considerable cost savings to the City.

With the approval of the Interlocal Agreement, Tarrant County will provide the labor and equipment necessary to rehabilitate the roadways and the City will be responsible for the costs associated with the following items: removal of excess materials, new materials, construction materials testing, traffic control (including barricades to redirect traffic flow to alternate lanes during the construction) and disposal fees at an off-site landfill facility for waste materials generated during the project.

The street improvements will include various techniques depending on the condition of the existing roadway. One method will involve the reclamation of the existing roadbed materials, stabilization of the road base with slurry cement, regrade, and placement of a new asphalt surface, while other sections will receive a resurfacing (two-inch of new asphalt), where there is an adequate thickness of existing asphalt. All of the work will result in the roads being addressed in their current configuration with the exception of Cheek-Sparger Road at the intersection of Bedford Road which will include minor widening within the existing right-of-way to accommodate longer, continuous left turn lanes between Bedford Road and the main driveway to Covenant Christian Academy School.

The City will be responsible for providing traffic control during the construction to allow continuous access. While both roadways will remain open to traffic, the turn lanes along Cheek-Sparger Road will not be accessible throughout the duration of construction.

This agreement will result in the rehabilitation of Cheek-Sparger Road (Exhibit 1) and Bedford Road (Exhibit 2) which is approximately 5,500 linear feet of roadway. The total duration of construction for Cheek-Sparger Road is estimated at 8-10 weeks, weather permitting. Tarrant County will begin work on Cheek-Sparger Road in late October or early November, after approval of the Interlocal Agreement by the Tarrant County Commissioner's Court at their October 25, 2016 meeting. Tarrant County will begin work on Bedford Road in Spring 2017 after the completion of the Bedford Road Retaining Wall construction. Duration for the rehabilitation of Bedford Road is approximately two weeks, weather permitting.

This agreement is consistent with the City's street rehabilitation and maintenance program. Rehabilitation of Cheek-Sparger Road was included in the original Capital Improvements Program (CIP) for FY 2016, adopted by Resolution R-15-3907 (attached). Bedford Road was added to the FY 2016 CIP by Resolution R-16-3950 (attached) on January 5, 2016.

The proposed Interlocal Agreement with Tarrant County allows for the rehabilitation of multiple City streets without incurring the full cost of the project. The overall value of the proposed street improvements included in this agreement is approximately \$1,360,000, with the City's share of the cost for materials, milling, testing, and traffic control estimated to be \$817,000 (approximately \$663,000 from Tarrant County estimates and \$154,000 additional ancillary costs). By utilizing the Tarrant County Interlocal Agreement to perform this work, the City is saving approximately 40 percent, versus the same work being performed by a contractor hired directly by the City.

If approved by City Council, the Agreement will be forwarded to the Tarrant County Commissioners Court for approval at their October 25, 2016 meeting.

Financial Impact

This project is included in the FY 2016 Capital Improvement Program. Funding for this project is available within the Capital Projects Fund.

Recommendation

Approve

Attachments

1. Interlocal Agreement

2. Exhibit 1 - Cheek-Sparger Road
3. Exhibit 2 - Bedford Road
4. R-15-3907
5. Tarrant County Estimates
6. R-16-3950

THE STATE OF TEXAS

INTERLOCAL AGREEMENT

COUNTY OF TARRANT

This Interlocal Agreement is between Tarrant County, Texas ("COUNTY"), and the City of Colleyville ("CITY").

WHEREAS, the CITY is requesting the COUNTY's assistance to:

- Repair and Resurface Bedford Road located within the City of Colleyville from Little Bear Creek Bridge to Cheek-Sparger Road (Approximately 1,956 linear feet).
- Rehabilitate, Widen and Resurface Cheek-Sparger Road located within the City of Colleyville from Brown Trail to Bedford Road (Approximately 3,453 linear feet).

Collectively, hereinafter referred to as the **"Project"**.

WHEREAS, the Interlocal Cooperation Act contained in Chapter 791 of the Texas Government Code provides legal authority for the parties to enter into this Agreement; and

WHEREAS, during the performance of the governmental functions and the payment for the performance of those governmental functions under this Agreement, the parties will make the performance and payment from current revenues legally available to that party; and

WHEREAS, the Commissioners Court of the COUNTY and the City Council of the CITY each make the following findings:

- a. This Agreement serves the common interests of both parties;
- b. This Agreement will benefit the public;
- c. The division of costs fairly compensates both parties to this Agreement; and
- d. The CITY and the COUNTY have authorized their representative to sign this Agreement.
- e. Both parties acknowledge that they are each a "governmental entity" and not a "business entity" as those terms are defined in Tex. Gov't Code § 2252.908, and therefore, no disclosure of interested parties pursuant to Tex. Gov't Code Section 2252.908 is required.

NOW, THEREFORE, the COUNTY and the CITY agree as follows:

TERMS AND CONDITIONS

1. COUNTY RESPONSIBILITY

The COUNTY will furnish the labor and equipment to assist the CITY in completing the Project:

- Bedford Road: Prior to the City milling the roadway, the COUNTY will make full depth repairs to identified localized base failures. Following milling of the existing asphalt surface by the CITY, the COUNTY will place two inches of asphalt surface and clean the jobsite.
- Cheek-Sparger Road: Following milling and removal of the excess materials by the CITY, the COUNTY will widen the existing roadbed according to plans, stabilize the exposed subgrade, regrade and shape, prime the roadbed, place four inches of asphalt base, place two inches of asphalt surface, backfill the pavement edges and clean the jobsite.

2. CITY RESPONSIBILITY

- 2.1 The CITY will furnish and pay for the actual cost of the materials, including any delivery or freight cost. The CITY will provide a purchase order and will be billed directly by the material supplier. The COUNTY may accumulate and bill the CITY for incidental material cost.
- 2.2 The CITY will pay for one-half of the COUNTY's fuel used to construct this Project. The COUNTY will invoice the CITY for the fuel consumed at the conclusion of the Project.
- 2.3 The CITY will be responsible for all traffic control necessary to safely construct this project. This responsibility includes all advance notices, signage, barricades, pilot vehicles, and flagmen necessary to control traffic in and around the construction site. The CITY will be responsible for and provide portable message boards to supplement traffic control as needed.
- 2.4 The CITY will remove the excess roadbed materials prior to the COUNTY stabilizing the exposed subgrade.
- 2.5 The CITY will adjust all utilities, manholes and valve boxes for this Project.
- 2.6 The CITY will provide the COUNTY with a hydrant meter and all the water necessary for construction of the Project at no cost to the COUNTY.

- 2.7 The CITY will provide or pay for any engineering, survey, and laboratory testing required for this Project.
- 2.8 The CITY will furnish a site for dumping all spoils and waste materials generated during construction of this Project.
- 2.9 The CITY will reimburse the COUNTY for actual cost of any overtime hours the CITY requires the COUNTY to provide watering the roadway for dust control after regular work hours.
- 2.10 If required, the CITY will be responsible for the design and development of a Storm Water Pollution Prevention Plan (SWPPP). The CITY further agrees to pay for all cost (including sub-contractor materials, labor and equipment) associated with the implementation of the plan. The COUNTY will be responsible for maintenance of the plan during the duration of the Project. Documentation and record keeping of the SWPPP will be the responsibility of the CITY.

3. PROCEDURES DURING PROJECT

COUNTY retains the right to inspect and reject all materials provided for this Project.

If the CITY has a complaint regarding the construction of the project, the CITY must complain in writing to the COUNTY no later than 30 days of the date of project completion.

4. NO WAIVER OF IMMUNITY

This Agreement does not waive COUNTY rights under a legal theory of sovereign immunity. This Agreement does not waive CITY rights under a legal theory of sovereign immunity.

5. OPTIONAL SERVICES

- 5.1 If requested by the CITY, the COUNTY will apply permanent striping coordinated through the Transportation Department. Application of striping by the COUNTY is limited to Project roadways. If the CITY desires permanent striping applied to any roadways or portions of roadways not covered by this Agreement, the CITY will need to enter into a separate agreement with the COUNTY for the provision of those services.
- 5.2 If requested by the CITY, the COUNTY will provide daytime traffic control in and around the work area for Cheek-Sparger Road. Traffic control measures will be billed at the actual labor cost plus 10% for use of the traffic control devices. The CITY will be responsible for providing all overnight and other traffic control measures.

6. TIME PERIOD FOR COMPLETION

The CITY will give the COUNTY notice to proceed at the appropriate time. However, the COUNTY is under no duty to commence construction at any particular time.

7. THIRD PARTY

This contract shall not be interpreted to inure to the benefit of a third party not a party to this contract. This contract may not be interpreted to waive any statutory or common law defense, immunity, including governmental and sovereign immunity, or any limitation of liability, responsibility, or damage of any party to this contract, party's agent, or party's employee, otherwise provided by law.

8. JOINT VENTURE & AGENCY

The relationship between the parties to this Agreement does not create a partnership or joint venture between the parties. This Agreement does not appoint any party as agent for the other party.

9. EFFECTIVE DATE

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed.

10. TERMINATION

This Agreement will automatically terminate on either September 30, 2017 or on the date the project is completed, whichever occurs first. Notwithstanding the foregoing, or any other language to the contrary, either party may terminate this Agreement without cause upon thirty (30) days' written notice to the other party prior to the intended date of termination. In the event of termination by either party, neither party shall have any further obligations to the other party under this Agreement, except that the CITY remains liable to the COUNTY for any outstanding invoice for materials that the COUNTY provides for the project, if any.

TARRANT COUNTY, TEXAS

CITY OF COLLEYVILLE

B. Glen Whitley
County Judge

Jennifer Fadden
City Manager

Date: _____

Date: _____

Gary Fickes
Commissioner, Precinct 3

Jeremy Hutt, P.E.
Director of Public Works

Date: _____

Date: _____

Attest:

Attest:

APPROVED AS TO FORM*

APPROVED AS TO FORM AND LEGALITY

Criminal District Attorney's Office*

City Attorney

* By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.



EXHIBIT 1

Cheek-Sparger Road Rehabilitation





EXHIBIT 2

Bedford Road Rehabilitation



RESOLUTION R-15-3907

**A RESOLUTION ADOPTING A COMPREHENSIVE FIVE-YEAR
CAPITAL IMPROVEMENT PROGRAM FOR
FISCAL YEARS 2016- 2020 FOR THE
CITY OF COLLEYVILLE, TEXAS**

WHEREAS, planning for capital expenditures is an essential function of local government; and

WHEREAS, a multi-year capital improvement program is an important communication tool for residents and businesses; and

WHEREAS, a multi-year capital improvement program is a valuable tool in addressing infrastructure renewal and replacement needs and an essential part of the City's financial planning.

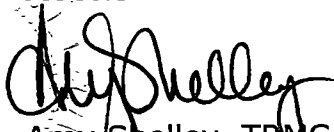
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF COLLEYVILLE, TEXAS:**

- Sec. 1. THAT the Fiscal Year 2016-2020 Capital Improvement Program attached as Exhibit "A", is hereby adopted.
- Sec. 2. THAT the Capital Improvement Program will be reviewed and updated on an annual basis, or as otherwise necessary.
- Sec. 3. THAT changes to the Capital Improvement Program will require approval of the City Council.
- Sec 4. THAT this resolution replaces Resolution R-14-3781

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 5 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS
THE 15TH DAY OF SEPTEMBER 2015.

ATTEST:


Amy Shelley, TRMC
City Secretary

COLLEYVILLE CITY COUNCIL


David Kelly
Mayor

Exhibit "A"

Project Year	Title	Total Project Cost	CEDC (Parks, Trails & Libraries)	COG/TxDOT County	FWHA/TxDOT	General Fund	Other, City Funds	Perimeter Street Fees	Roadway Impact	Roadway Impact	TIF	Tomorrow Fund	Utility Fund	Wastewater Impact Fees	Water Impact Fees	Total Funding	
									Service Area 1 (East of SH 26)	Service Area 2 (West of SH 26)							
2016	Folding Doors- Fire Station #1	\$66,000.00	\$0.00	\$0.00	\$0.00	\$66,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$66,000.00	
	Down-payment on Fire Engine replacement	\$125,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$125,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$125,000.00	
	City Hall - Backup Power	\$181,000.00	\$0.00	\$0.00	\$0.00	\$56,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$125,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$181,000.00	
	Justice Center - Roof Repair	\$100,171.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100,171.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100,171.00	
	Colleyville Center AV Replacement	\$170,000.00	\$170,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$170,000.00	
	Senior Center Repairs	\$100,000.00	\$100,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100,000.00	
	Construct New Trail 2016	\$150,000.00	\$150,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$150,000.00	
	Cheek-Sparger Road (Brown Trail to Bedford Road) - Rehabilitation	\$750,000.00	\$0.00	\$0.00	\$0.00	\$750,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$750,000.00	
	Glade Road Design (Phase 2 - Manning to Pool)	\$460,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$460,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$460,000.00	
	Glade Road Design (Phase 3 - Pool to Heritage)	\$309,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$309,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$309,500.00	
	Glade Road Design (Phase 4 - West City Limits to Bransford Road)	\$360,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$360,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$360,000.00	
	John McCain (Pleasant Run Rd to Shepherds Glen) - Rehabilitation	\$662,222.00	\$0.00	\$0.00	\$0.00	\$662,222.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$662,222.00	
	Pleasant Run Design (Shelton to John McCain)	\$140,000.00	\$0.00	\$0.00	\$0.00	\$140,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$140,000.00	
	Westcoat - Rehabilitation	\$613,849.00	\$0.00	\$0.00	\$0.00	\$613,849.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$613,849.00	
	Glade Road Reconstruction (Phase 1 - Bransford to Manning)	\$3,755,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$23,514.00	\$604,471.00	\$49,784.00	\$3,077,230.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,755,000.00	
	Construct SH26 - Phase II and III	\$31,848,898.00	\$0.00	\$15,918,251.00	\$14,930,647.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,000,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$31,848,898.00
	Bandit Trail (County project) - Rehabilitation	\$300,000.00	\$0.00	\$100,000.00	\$0.00	\$200,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300,000.00
	Emergency Asphalt Maintenance	\$300,000.00	\$0.00	\$0.00	\$0.00	\$300,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300,000.00
	Fiber Build Phase 1-3	\$394,700.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$394,700.00	\$0.00	\$0.00	\$0.00	\$394,700.00
	Install Backup Generator for Emergency Power at L.D. Lockett Pump Station	\$140,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$140,000.00	\$0.00	\$0.00	\$140,000.00
	Water Project 4: Upsize and Replace Water Lines in Sunrise Terrace Subdivision	\$380,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$380,000.00	\$0.00	\$0.00	\$380,000.00
	Water Project 7: Demolish Overland Trail Pump Station and Storage Tank	\$130,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$130,000.00	\$0.00	\$0.00	\$130,000.00
	Water Project 9: Misc Repairs to Elevated Storage Tanks	\$226,600.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$226,600.00	\$0.00	\$0.00	\$226,600.00
	WW Project 2: Rehabilitate Sewer Manholes Identified to be in Poor Condition	\$186,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$186,000.00	\$0.00	\$0.00	\$186,000.00
	Vermeer Hydro Excavator-2008 (886)	\$87,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$87,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$87,000.00
		\$41,935,940.00	\$420,000.00	\$16,018,251.00	\$14,930,647.00	\$2,788,071.00	\$312,171.00	\$23,514.00	\$604,471.00	\$49,784.00	\$5,331,730.00	\$394,700.00	\$1,062,600.00	\$0.00	\$0.00	\$0.00	\$41,935,940.00
2017	UPS Battery Backup Replacement at Justice Center	\$85,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$85,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$85,000.00	
	Construct New Trail 2017	\$150,000.00	\$150,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$150,000.00	
	Construct Pleasant Run Trail (Cottonbelt RR to John McCain)	\$300,000.00	\$300,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300,000.00	
	Bedford Road (County project) - Rehabilitation	\$500,000.00	\$0.00	\$175,000.00	\$0.00	\$325,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$500,000.00	
	Glade Road ROW (Phase 2 - Manning to Pool)	\$430,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$430,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$430,000.00	
	Glade Road ROW (Phase 3 - Pool to Heritage)	\$190,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$190,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$190,000.00	
	McDonwell School Road - Rehabilitation	\$713,316.00	\$0.00	\$0.00	\$0.00	\$713,316.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$713,316.00	
	Pleasant Run Rehabilitation (Shelton to John McCain)	\$760,000.00	\$0.00	\$0.00	\$0.00	\$760,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$760,000.00	
	Tinker Rehabilitation (Pleasant Run to Highway 26)	\$453,334.00	\$0.00	\$0.00	\$0.00	\$453,334.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$453,334.00	
	Emergency Asphalt Maintenance	\$300,000.00	\$0.00	\$0.00	\$0.00	\$300,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300,000.00	
	Water Project 10: Water Group E Capital Improvements - Design	\$53,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$53,000.00	\$0.00	\$0.00	\$53,000.00	
	Water Project 5: Upsize and Replace Water Lines in Brighton Oaks Subdivision	\$1,515,100.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,515,100.00	\$0.00	\$0.00	\$1,515,100.00	
	Water Project 8: Design for the Installation of Pressure Relief and Flow Control Valves and Associated Piping	\$42,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$42,500.00	\$0.00	\$0.00	\$42,500.00	
	WW Project 3: Design Replacement of Pipelines on Manning Drive and near Pleasant Run Rd and McDonwell School Rd	\$75,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$75,000.00	\$0.00	\$0.00	\$75,000.00	
	WW Project 4: Design for the Replacement of 10" Sewer Lines in Remington Park and Clairemont Subdivisions	\$33,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$33,000.00	\$0.00	\$0.00	\$33,000.00	
	Elgin Street Sweeper-2009 (601)	\$197,527.00	\$0.00	\$0.00	\$0.00	\$0.00	\$197,527.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$197,527.00	
	Ford F550 Bucket-2001 (695)	\$84,379.00	\$0.00	\$0.00	\$0.00	\$0.00	\$84,379.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$84,379.00	
		\$5,882,156.00	\$450,000.00	\$175,000.00	\$0.00	\$2,551,650.00	\$366,906.00	\$0.00	\$0.00	\$0.00	\$620,000.00	\$0.00	\$1,718,600.00	\$0.00	\$0.00	\$0.00	\$5,882,156.00
2018	Construct New Trail 2018	\$150,000.00	\$150,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$150,000.00	
	Bransford (LD Lockett to Glade) - Rehabilitation	\$706,667.00	\$0.00	\$0.00	\$0.00	\$706,667.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$706,667.00	
	Glade Road Reconstruction (Phase 2 - Manning to Pool)	\$5,484,000.00	\$0.00	\$0.00	\$0.00	\$0.00											

Exhibit "A"

Project Year	Title	CEDC (Parks, Trails & Libraries)						Roadway Impact		Roadway Impact				Wastewater		Water		Total Funding
		Total Project Cost	COG/TxDOT County	FWHA/TxDOT	General Fund	Other, City Funds	Perimeter Street Fees	Service Area 1 (East of SH 26)	Service Area 2 (West of SH 26)	TIF	Tomorrow Fund	Utility Fund	Impact Fees	Impact Fees				
2020	Justice Center - HVAC Replacement	\$237,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$237,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$237,000.00	
	Justice Center - Metal Roof Coating	\$167,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$167,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$167,000.00	
	Construct New Trail 2020	\$150,000.00	\$150,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$150,000.00	
	County Project - TBD	\$800,000.00	\$0.00	\$200,000.00	\$0.00	\$600,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$800,000.00	
	Roberts Road Reconstruction	\$1,200,950.00	\$0.00	\$0.00	\$0.00	\$1,200,950.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,200,950.00	
	Water Project 11: Water Group D Capital Improvements - Construct	\$2,540,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,540,000.00	\$0.00	\$0.00	\$0.00	\$2,540,000.00	
	Water Project 3: Construct New Elevated Water Storage Tank and Associated Distribution Lines	\$3,871,975.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,871,975.00	\$0.00	\$3,871,975.00	
	WW Project 5: Sewer Group F Line Improvements - Construct	\$625,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$625,000.00	\$0.00	\$0.00	\$0.00	\$625,000.00	
	Target V465D Street Saw-2005 (6725)	\$56,345.00	\$0.00	\$0.00	\$0.00	\$0.00	\$56,345.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$56,345.00	
		\$9,648,270.00	\$150,000.00	\$200,000.00	\$0.00	\$1,800,950.00	\$460,345.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,165,000.00	\$0.00	\$3,871,975.00	\$0.00	\$9,648,270.00	
UNF																		
	Bedford Road Bridge	\$60,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Jackson Road Bridge	\$60,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Queensbury Way Bridge	\$100,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Flood Gates Upgrade	\$365,020.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Bedford Road Bridge at Little Bear	\$2,100,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Bransford Creek	\$2,080,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Glade Road Bridge at Trib LB2	\$500,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Glade Road Culverts at Bluebonnet Creek	\$536,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Heritage Avenue at Little Bear	\$2,800,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Jackson Creek Drainage Improvements	\$2,500,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Jackson Road Bridge	\$3,400,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	John McCain Box Culvert at White Chapel Creek West	\$250,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Oak Knoll Bridge	\$2,700,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Pleasant Run Road Bridge at Big Bear	\$3,800,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Update Stormwater Master Plan	\$500,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Service Center - Construction	\$4,500,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Fire Station 1 Repairs	\$107,716.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Fire Station 2 Repairs	\$66,898.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Fire Station 3 Repairs	\$65,457.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Justice Center - Roof Replacement	\$139,838.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	City Hall/Library - HVAC Replacement	\$273,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	City Hall - Boiler Replacement	\$107,900.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Library Fountain Repair	\$70,447.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	City Hall - Carpet and VCT Tile	\$102,443.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Library - Carpet and VCT Tile	\$98,055.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Justice Center - Carpet and VCT Tile	\$88,052.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Folding Doors- Fire Station #3	\$44,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Acuff Lane - Rehabilitation	\$115,360.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Bedford Court - Rehabilitation	\$149,209.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Behrens - Rehabilitation	\$392,196.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Bettinger Drive- Rehabilitation	\$378,080.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Beverly Drive- Rehabilitation	\$222,098.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Bill Simmons Rd - Rehabilitation	\$269,867.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Black Drive - Rehabilitation	\$174,987.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Bluebonnet Drive - Rehabilitation	\$323,440.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Brook Meadows Addition	\$404,444.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Caldwell Hughes Road - Rehabilitation	\$115,360.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Cedar Court - Rehabilitation	\$209,964.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Cheek-Sparger Road (SH26 to Heritage - Less Brown to Bedford)	\$1,698,222.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Community Home Addition - Rehabilitation	\$262,222.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Cooks Lane- Rehabilitation	\$61,653.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Cutter Ridge Court - Rehabilitation	\$48,695.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Fairway Addition - Rehabilitation	\$351,111.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Felps Court - Rehabilitation	\$32,853.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Felps Drive - Rehabilitation	\$223,289.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Ford Drive - Rehabilitation	\$22,276.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Garry Lynne Drive - Rehabilitation	\$203,813.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Glade Road Reconstruction (Phase 4 - West City Limits to Bransford Road)	\$4,737,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Glade Road ROW (Phase 4 - West City Limits to Bransford Road)	\$300,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Hidden Acres Subdivision - Rehabilitation	\$280,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Highland Acres Subdivision - Rehabilitation	\$806,222.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Hunter Lane - Rehabilitation	\$130,427.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Jo Carol Lane- Rehabilitation	\$97,413.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Jo Will Street- Rehabilitation	\$186,453.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	John McCain (Monticello Pkwy to Pleasant Run Rd) - Rehabilitation	\$151,111.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	John McCain (Williamsburg Court. to Monticello Pkwy) - Rehabilitation	\$302,222.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Leta Lane - Rehabilitation	\$179,840.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Lloyd Circle - Rehabilitation	\$105,964.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Maranatha Court - Rehabilitation	\$4,191.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	Oak Knoll Court - Rehabilitation	\$105,618.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	

Exhibit "A"

Project Year	Title	Total Project Cost	CEDC (Parks, Trails & Libraries)		FWHA/TxDOT	General Fund	Other, City Funds	Perimeter Street Fees	Roadway Impact	Roadway Impact	TIF	Tomorrow Fund	Utility Fund	Wastewater	Water	Total Funding
			COG/TxDOT County						Service Area 1 (East of SH 26)	Service Area 2 (West of SH 26)				Impact Fees	Impact Fees	
	Renfro Rd - Rehabilitation	\$169,476.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Ross Downs Estates - Rehabilitation	\$4,000,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Saddlebrook Addition - Rehabilitation	\$667,333.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Sand Oak Acres Addition - Rehabilitation	\$864,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Shelton - Rehabilitation	\$288,293.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Stafford Heights Subdivision - Rehabilitation	\$542,222.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Stone Creek Estates - Rehabilitation	\$63,556.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Suellen Circle - Rehabilitation	\$44,373.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Tara Plantation Addition - Rehabilitation	\$495,444.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Thompson Terrace - Rehabilitation	\$167,378.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Van Oaks Drive - Rehabilitation	\$126,720.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Waller Lane - Rehabilitation	\$81,600.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Wayne Drive - Rehabilitation	\$160,276.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Western Trails Subdivision - Rehabilitation	\$1,200,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Woodland Hills Subdivision - Rehabilitation	\$1,295,667.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Woodbriar, Quail Creek Estates - Rehabilitate	\$1,984,400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Sunrise Terrace/Brighton Oaks - Rehabilitate	\$1,730,200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 12: Water Group F Capital Improvements - CONSTRUCT	\$2,417,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 12: Water Group F Capital Improvements - DESIGN	\$363,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 13: Water Group L Capital Improvements - CONSTRUCT	\$1,426,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 13: Water Group L Capital Improvements - DESIGN	\$214,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 14: Water Group I Capital Improvements - CONSTRUCT	\$1,470,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 14: Water Group I Capital Improvements - DESIGN	\$220,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 15: Water Group G Capital Improvements	\$5,389,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 16: Water Group H Capital Improvements	\$2,264,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 17: Water Group J Capital Improvements	\$1,404,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 18: Water Group K Capital Improvements	\$8,158,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 19: Water Group M Capital Improvements	\$4,094,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 20: Water Group W Capital Improvements	\$1,477,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 21: Water Group X Capital Improvements	\$646,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 22: Water Group C Capital Improvements	\$1,225,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 23: Water Group Q Capital Improvements	\$1,827,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 24: Water Group N Capital Improvements	\$2,567,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 25: Water Group R Capital Improvements	\$1,211,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 26: Water Group S Capital Improvements	\$176,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Water Project 27: Water Group T Capital Improvements	\$4,570,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	WW Project 10: Sewer Group P Improvements	\$710,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	WW Project 11: Sewer Group Q Improvements	\$277,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	WW Project 12: Sewer Group R Improvements	\$415,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	WW Project 13: Sewer Group E Line Improvements	\$1,407,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	WW Project 14: Sewer Group V Improvements	\$3,304,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	WW Project 15: Sewer Group D Line Improvements	\$758,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	WW Project 16: Sewer Group S Improvements	\$1,416,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	WW Project 17: Sewer Group W Improvements	\$3,946,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	WW Project 6: Sewer Group A Line Improvements	\$800,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	WW Project 7: Sewer Group T Line Improvements	\$790,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	WW Project 8: Sewer Group G Line Improvements	\$412,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	WW Project 9: Sewer Group U Improvements	\$2,936,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	F750 Single Axle Dump-2007 (896)	\$84,761.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		\$116,096,059.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		\$191,832,669.00	\$1,320,000.00	\$16,648,251.00	\$14,930,647.00	\$10,053,551.00	\$1,339,536.00	\$611,634.00	\$604,471.00	\$49,784.00	\$13,826,860.00	\$394,700.00	\$10,989,200.00	\$134,000.00	\$4,833,975.00	\$75,736,610.00

(City of Colleyville)

Limits: Brown Trail to Bedford Rd (50 ft wide in front of school)

Scope Of Work: The City will remove the existing roadbase, Tarrant County will recycle and stabilize the existing roadbed, regrade, shape and prime the roadbed, place 6 inch asphalt binder and 2 in asphalt surface.

Temporary Widening (821 lf @ 8 ft)

Construction Time Estimate: 37 Working Days

City will responsible for all overnight and stationary traffic control required for construction.
County will provide daytime traffic control as needed.
City will adjust all utilities and manholes/valves for this project.
City will provide a nearby disposal area for spoils .
City will provide a hydrant meter and all water for this project.
City will provide material for backfilling edges.
City will provide any needed curb & gutter repairs.
Estimated stabilization rate of 36# (approx 5%), 8 inches deep based on past projects.

Prepared by: Richard Schiller
Tarrant County - Precinct Three

Bedford Road
(City of Colleyville)

10/5/2016

Limits: Little Bear Bridge to Cheek Sparger

Existing Condition: In curb & gutter section (south of bridge) : pavement has just a couple of patches, no signs of any pending base failures, solid and sound base, asphalt is showing some oxidation but overall in fairly good condition.

Scope Of Work: In curb & gutter section (south of bridge): City will wedge mill existing HMAC surface and Tarrant County will place 2 inch HMAC surface.

Project Size: South of Bridge

Roadway Length = 1,956 lf Width = 27 ft
Wedge Mill Area (1,956 lf * 6 ft *2)/9 = 2,608 sy
Pavement Area (TY D HMAC): (27 ft x 1,956 lf)/9 = 5,868 sy

Estimate:												
Roadway Materials:												
	Square Yard	Rate/SY		Cost		Estimate		Final		\$ Estimate	\$ Final	
HMAC Binder (Est Repairs) 6"	100	0.33 tn/sy	\$ 51.69	\$/tn	33.0	tn		tn		\$ 1,705.77		
Tack (Surface)	5,868	0.10 gal/sy	\$ 1.66	\$/gal	586.8	gal		gal		\$ 974.09		
HMAC Surface (2")	5,868	0.11 tn/sy	\$ 57.69	\$/tn	645.5	tn		tn		\$ 37,237.74		
					Subtotal					\$ 39,917.60		
Misc Cost												
Wedge Mill										City		
Tabs			\$ 0.50		196	ea				\$ 97.80		
ID Locators			\$ 3.95		5	ea				\$ 19.75		
Fuel (50%)					850					\$ 425.00		
Striping			\$ 0.03		3,912	lf				\$ 117.36		
		Materials + Misc Cost								\$ 40,577.51		
		10% Contingency								\$ 4,057.75		
Total:										\$ 44,635.26		

Construction Time Estimate: 5 Working Days

Comments:

City of Colleyville to provide all water and a hydrant meter for this project
City of Colleyville to adjust all utilities and manholes/valves for this project
City of Colleyville responsible for all traffic control required to construct project.
City of Colleyville to provide wedge mill and haul off of HMAC surface from bridge to Cheek Sparger
Estimate 100 sy of full depth repairs needed PRIOR to milling

Prepared by: Richard Schiller
Tarrant County - Precinct Three

RESOLUTION R-16-3950

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
JANUARY 5, 2016**

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

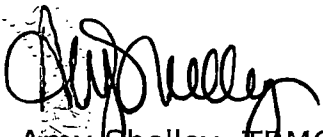
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF COLLEYVILLE, TEXAS:**

- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting of December 15, 2015
 - b. Approval of an amendment to the comprehensive five-year Capital Improvement Program for Fiscal Years 2016-2020
 - c. Approval to ratify the nomination of Mayor David Kelly to serve on the North Central Texas Council of Governments (NCTCOG) Emergency Preparedness Planning Council (EPPC)

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 6 AYES, 0 NAYS, AND 0 ABSTENTIONS
ON THIS THE 5TH DAY OF JANUARY 2016.

ATTEST:


Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE


David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4c

Agenda Date 10/18/2016

Number Resolution R-16-4044

Type Resolution

Department Library

Title

Approval of the use of the Voluntary Library Fund in Fiscal Year 2017 (FY 2017), for the purchase of library materials, collection processing supplies, and library programs, in an amount not to exceed \$155,000

Strategy Map Connection

B1- Seek innovative technology solutions where appropriate

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

C2- Deliver high quality and unique customer service

Explanation

Reading and Public Hearing

The Voluntary Park Fund was established in 1976 per attached Resolution R-76-126. In 1992, the Colleyville Friends of the Library and the Parks and Recreation Advisory Board made a joint recommendation to the City Council to increase the Voluntary Park Fund from \$1.00 to \$2.00 per month and to establish a Voluntary Library Fund with a donation level of \$1.00 per month per attached Resolution R-92-779.

In consideration of the opening of the Colleyville Public Library in November 2003, the Colleyville Public Library Board reviewed the established fee and use of the Voluntary Library Fund on July 24, 2003. Upon completion of this review, the Board proposed no change to the current donation level of \$1.00 per month; however, the Board desired to clarify the uses of the Voluntary Library Fund. On September 10, 2003, the Colleyville Public Library Board reviewed and unanimously recommended approval to City Council of a draft resolution establishing the allowed uses of the Voluntary Library Fund. City Council approved attached Resolution R-03-2237 on October 7, 2003.

On October 10, 2005, the Colleyville Public Library Board reviewed the status of the Voluntary Library Fund, which included expenditures (approved, expended, and projected), and revenues (actual and projected). Upon completion of this review, the Library Board unanimously approved the Board proceed with a study to evaluate the need for increasing the Voluntary Library Fund donation from \$1.00 to \$2.00 per month.

In preparing the Fiscal Year 2007 (FY 2007) Colleyville Public Library budget, there were discussions with the Library Board, on April 10, 2006, and June 12, 2006,

supporting the use of the Voluntary Library Fund for the purchase of collection materials, materials processing supplies, and programs. During the discussions, it was reflected the balance of the bond funding, designated for the Library's opening day collection development, was projected to be expended during FY 2006. Additionally, it was discussed in the FY 2007 Library budget, the Voluntary Library Fund would be the primary source of funding for all library materials, (books, DVDs, CDs, digital, and other materials), library materials processing supplies, and programs. On June 12, 2006, the Library Board unanimously approved a recommendation to the City Council for consideration to increase the Voluntary Library Fund donation from \$1.00 to \$2.00 per month, to provide financial resources for continued growth and development of Library material collections and programs. In October 2006, City Council approved attached Resolution R-06-2768, which increased the monthly Voluntary Library Fund contribution amount from \$1.00 to \$2.00 per month.

Since FY 2004, the Colleyville Public Library budget has included use of the Voluntary Library Fund for the purchase of collection materials, collection processing supplies, and library programs. The attached Voluntary Library Fund Report FY2004 – FY2017 provides an overview of Library Board recommended and City Council approved expenditures. For the past six years, the Colleyville Public Library Board has unanimously approved the use of the Voluntary Library Fund for the purchase of library collection materials, collection processing supplies, and library programs, in an amount not to exceed \$145,000.

The FY 2017 Colleyville budget included moving \$33,000 for library books and programs from the General Fund to the Voluntary Library Fund. On August 29, 2016, the Colleyville Public Library Board reviewed the proposed changes in the FY 2007 Library budget and recommended increasing the expenditure amount from \$145,000 to \$155,000 in the Voluntary Library Fund. Whereupon, the Library Board unanimously approved the use of the Voluntary Library Fund for the purchase of library collection materials, collection processing supplies, and library programs, in an amount not to exceed \$155,000.

Financial Impact

Funds are available in the Voluntary Library Fund, in the amount of \$316,638, as of September 30, 2016, per the attached Financial Status of Voluntary Library Fund at September 30, 2016.

Recommendation

Approve

Attachments

1. Financial Status of Voluntary Library Fund at 9-30-2016
2. Resolution R-76-126
3. Resolution R-92-779

4. Resolution R-03-2237
5. Resolution R-06-2768
6. Voluntary Library Fund Report FY 2004 - FY 2017

FINANCIAL STATUS OF VOLUNTARY LIBRARY FUND AT 9-30-2016

FUND BALANCE AT 9-30-2015:

\$404,761

FY 2016 REVENUE

Donations:	PROJECTED	ACTUAL
October	\$13,573	\$13,573
November	\$12,505	\$12,505
December	\$14,563	\$14,563
January	\$12,670	\$12,670
February	\$13,055	\$13,055
March	\$13,092	\$13,092
April	\$13,156	\$13,156
May	\$13,430	\$13,430
June	\$13,141	\$13,141
July	\$12,932	\$12,932
August	\$14,647	\$14,647
September	\$13,108	\$13,108
Total Donations	\$159,873	\$159,873
Interest income Received	\$1,000	\$978
TOTAL	\$160,873	\$160,851

FY 2016 EXPENDITURES

	RECOMMENDED (BOARD)	APPROVED (COUNCIL)	EXPENDED YEAR-TO-DATE
BOOKS AND PROCESSING MATERIALS			
FY 2015 BALANCE OF AUTHORIZATION	\$91,474	\$91,474	\$91,474
FY 2015 BALANCE OF AUTHORIZATION-LONG RANG	\$12,500	\$12,500	\$12,500
FY 2016 AUTHORIZATION (R-15-3906, 9/15/15)	\$145,000	\$145,000	\$48,943
TOTAL	\$248,974	\$248,974	\$152,917

AVAILABLE FUND BALANCE AT 9-30-2016 (COUNCIL APPROVED)

\$316,638

PROJECTED AVAILABLE FUND BALANCE AT 9-30-2016 (COUNCIL APPROVED)

\$316,660

STATE OF TEXAS

COUNTY OF TARRANT

RESOLUTION No. R-76-126

CITY OF COLLEYVILLE

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS ESTABLISHING A VOLUNTARY PARK FUND AND ITS USE.

WHEREAS, the park space presently available is not sufficient to adequately support the present population of the City; and

WHEREAS, the City of Colleyville can anticipate a continued growth and development of at least the present rate; and

WHEREAS, the City of Colleyville does not have sufficient financial resources to provide its citizens with needed park land and facilities; and

WHEREAS, it is the opinion of the City Council that the best interest of the citizens of the City of Colleyville will be served by providing for a park fund;

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

1. A park fund will be established for the purpose of acquisition, development, and improvement of the Park land and facilities; and said fund is not to be used for Park maintenance,
2. The Park fund will be funded through a voluntary donation of one (\$1) dollar per month from the citizens of Colleyville.
3. This fee will be listed as a separate entry on Colleyville residents water bills and is in all ways strictly voluntary.

PASSED AND ADOPTED this 15th day of June, 1976, by the City Council of the City of Colleyville, Texas.

APPROVED:


JOHN A. ANDREWS, Mayor

ATTEST:


Julie R. Kearley, City Secretary

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RESOLUTION R-92-779

A RESOLUTION APPROVING COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR
COUNCIL MEETING OF
MAY 5, 1992

WHEREAS, Council has taken action on certain items on the agenda under Business,

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

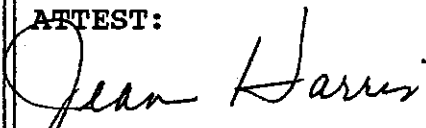
Sec. 1. THAT the agenda decisions approved by the Council action under Business this date and not otherwise adopted by Ordinance and/or separate Resolution, as follows are hereby adopted:

1. THAT the appointment of Councilperson Ahlers as Mayor Pro Tem of the City is hereby approved.
2. THAT the appointment of Alan Linford to Place 4 of the Parks and Recreation Advisory Board is hereby approved.
3. THAT the \$1.00 increase to the Voluntary Parks Donation and the implementation of \$1.00 Voluntary Library Donation, being a \$3.00 total, be shown on one line of the Utility Billing, reading "Voluntary Parks/Library Fund" and that all donations be divided 2/3's to the Park Fund and 1/3 to the Library Fund to begin in the June, 1992 Utility Billing Cycle is hereby approved.
4. THAT the improvement plan for the Oaks and Briarwood Subdivisions as suggested by Staff and instructions to staff to proceed with preparations of preliminary construction plans is hereby approved.

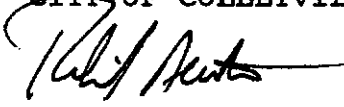
AND IT IS SO RESOLVED.

Passed by a vote of 5 to 0 on the 5th day of May, 1992.

ATTEST:


Jean Harris, CMC
City Secretary

CITY OF COLLEYVILLE


Richard Newton
Mayor

RESOLUTION R-03-2237

**A RESOLUTION ESTABLISHING THE ALLOWED USES OF THE
VOLUNTARY LIBRARY FUND**

WHEREAS, the mission of the Colleyville Public Library is to provide cultural, educational, intellectual and recreational resources in an inviting environment to enhance the quality of life for all ages; and

WHEREAS, the City of Colleyville can anticipate continued growth in the demand for library programs and services; and

WHEREAS, it is the opinion of the City Council that the best interest of the citizens of Colleyville will be served by providing for a voluntary library fund; and

WHEREAS, the City Council has established the Colleyville Public Library Board and this Board shall serve as a recommending body to the City Council for the use of the Voluntary Library Fund.

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

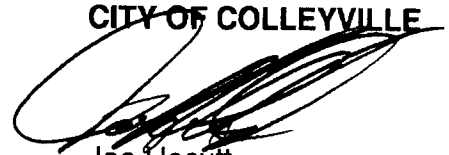
- Sec. 1. THAT a voluntary library fund has been established for the purpose of the development and improvement of library programs and services; and said fund can be used for approved library programs and capital items, including collection development (books and materials) and other items as desired by the City Council; however, said fund will not be used to provide for ongoing library maintenance and operations.
- Sec. 2. THAT the voluntary library fund is funded through a voluntary donation of one (\$1) per month from the citizens of Colleyville.
- Sec. 3. THAT this fee is listed with the Library Donation Fund as a separate entry on the Colleyville residents' water bills and is in all ways strictly voluntary.

AND SO IT IS RESOLVED.

PASSED BY A VOTE OF 5 AYES, 0 NAYS AND 0 ABSTENTIONS ON THIS
THE 7th DAY OF October 2003.

ATTEST:


Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE

Joe Hocutt
Mayor

RESOLUTION R-06-2768

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEYVILLE,
TEXAS, INCREASING THE VOLUNTARY LIBRARY FUND CONTRIBUTION
AMOUNT**

WHEREAS, the City Council previously created the Voluntary Library Fund; and

WHEREAS, in order to enhance the services at the Colleyville Public Library,
the Colleyville Library Board has asked to increase the monthly
Voluntary Library Fund contribution amount.

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

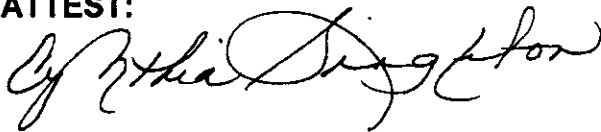
Sec. 1. THAT the voluntary donation amount to the Voluntary Library Fund
is increased to two (\$2) per month from the citizens of Colleyville.

Sec. 2. THAT this Resolution shall take effect November 1, 2006.

AND IT IS SO RESOLVED.

PASSED BY A VOTE OF 7 AYES, 0 NAYS AND 0 ABSTENTIONS ON
THIS THE 17th DAY OF October 2006.

ATTEST:



Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor



Public Library

Voluntary Library Fund Report * FY 2004 - FY 2017

Fiscal Year (FY)	Board Recommended	Council Approved
FY 2004	\$36,436	\$36,436
FY 2005	\$46,750	\$46,750
FY 2006	\$102,370	\$102,370
FY 2007	\$220,825	\$220,825
FY 2008	\$126,000	\$126,000
FY 2009	\$130,000	\$130,000
FY 2010	\$135,000	\$135,000
FY 2011	\$145,000	\$145,000
FY 2012	\$145,000	\$145,000
FY 2013	\$145,000	\$145,000
FY 2014	\$145,000	\$145,000
FY 2015	\$145,000	\$145,000
FY 2016	\$145,000	\$145,000
FY 2017	\$155,000	

*Use of the Voluntary Library Fund for the purchase of collection materials, collection processing supplies and library programs

Voluntary Library Fund Report Special Project Expenditures

Fiscal Year (FY)	Board Recommended	Council Approved
FY 2003 - Library Building Construction	\$400,000	\$400,000
FY 2011 - Library Second Floor Audio-Visual Equipment	\$50,000	\$50,000
FY 2015 - Library Long-Range Plan 2016-2021	\$25,000	\$25,000



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4d

Agenda Date 10/18/2016

Number Resolution R-16-4044

Type Resolution

Department Human Resources

Title

Approval of an Interlocal Agreement between the cities of Colleyville, Bedford, and Watauga for insurance broker services, and authorize the city manager to execute the agreement

Strategy Map Connection

B3- Utilize partnerships to implement cost-effective service solutions

Explanation

Reading and Public Hearing

In order to ensure the City of Colleyville is receiving the best value for its dollar, staff is recommending to solicit proposals for health insurance brokerage and consultant services in FY 2017. Health insurance brokers assist the City in the solicitation, selection, implementation, communication, and oversight of the City's group health benefits program. In Colleyville, this includes medical, dental, vision, basic and voluntary life and accidental death and dismemberment (AD&D), long term disability, flexible spending account (FSA) administration, pricing transparency services, and employee assistance program (EAP) for employees and their dependents. Some examples of activities related to brokerage services include:

- Facilitating the annual health insurance bid process and assisting with plan design.
- Analyzing existing coverage and identifying or developing cost-saving alternative benefit strategies and plans.
- Acting as liaison between the City and insurance providers.
- Providing day-to-day consultation on plan interpretation and problem resolution.
- Providing timely customer service and assistance to staff and employees with issues involving provider billing, claims, vendor service issues/problems, advocacy for services, disputes, interpretation of contracts and services, changes, and general troubleshooting.
- Assisting the City in proactive mitigation of negative impacts or disruption of services to employees from benefit and/or provider network changes.

- Providing research and analysis of fully funded vs. self-funded insurance options and related costs and benefits associated with each option.

Background

Prior to the adoption of the Patient Protection and Affordable Care Act (ACA) in March 2010, also known as the Health Care Reform Act, health insurance brokerage firms typically focused on bidding insurance and general oversight of the contracts for their clients throughout the year. Since 2010, these firms have taken on a more advisory (consultant) role for their clients because of the complexities of the new law and the numerous compliance requirements contained within the new law. In addition, since the enactment of this law, the entire health insurance environment has changed rapidly and continues to change each year. Health insurance consultants assist employers with strategies for remaining compliant with ever-changing laws and remaining current with the constantly changing market.

Health insurance consulting activities include legal, compliance, and advisory services. Examples are:

1. Providing assistance with plan administration to ensure programs are in compliance with State and Federal legislation,
2. Providing impact analysis, plan options and strategic recommendations with regard to the ACA and other regulations and mandates, and
3. Conducting compliance audits of the City's policies and procedures.

Some specific activities related to consulting services include:

- Assisting in the development of long-range goals and strategies, including making projections of potential savings.
- Providing as needed, on-site training to staff regarding regulatory updates, and/or best practice seminars, for the effective administration of benefit plans.
- Providing access to attorneys and compliance departments as needed for benefit related questions
- Assisting in the development and oversight of the employee wellness program to improve employee health and reduce employee healthcare costs, both in the short-term and in the long-term.

The City's current insurance broker/consultant, Holmes Murphy and Associates (HMA), has been in place since October 2011. Staff has been pleased with the level of service provided by this firm; however, best practices are to seek competitive proposals for this type of professional service every few years to ensure the City is keeping costs low

and to ensure the most qualified companies are selected to do the work. Staff met with HMA in March to inform them of the City's intent to seek proposals for this service in the fall - after the new plan year beginning October 1.

Commission and Flat Fee Payment

The City of Colleyville has historically paid health insurance brokers using a commission-based payment structure. In this type of payment structure, the broker is paid directly by the insurance company. The brokers' commission is calculated as a percentage of the total premium. Based upon the City's FY 2017 estimated premiums, and the current commission-based payment structure, HMA will be compensated approximately \$82,560 in FY 2017.

Line of Coverage	FY17 Bid Amount	FY17 Commission Percent	FY17 Estimated Commissions
Medical	\$2,135,606	3%	\$64,068
Dental	\$ 114,644	3%	\$ 3,439
Vision	\$ 11,487	10%	\$ 1,149
Life & ADD	*\$ 40,831	15%	*\$ 9,486
Disability	*\$ 29,453	15%	*\$ 4,418
FSA	\$ 3,519	0%	\$-
Compass	\$ 10,320	0%	\$-
ESTIMATED TOTAL COMMISSIONS			\$82,560

*Based on last year's numbers.

Staff is recommending to move to a flat fee payment arrangement instead of a commission-based payment arrangement. Some benefits of moving to a flat fee payment structure are:

- Improved transparency in fees: Broker compensation (the amount the broker is paid) will be detailed in a budget line item instead of rolled into health insurance premiums.
- Locked in pricing: Broker compensation will be set by a contract with the City instead of varying each year based upon premium renewals.

Health insurance premiums for certain lines of coverage are currently shared between the City and employees. The City pays a portion of medical and dental premiums and pays the entire premium for employee basic life insurance and disability premiums. Some lines of coverage, such as vision, voluntary life and portions of medical and dental premiums are paid by employees. Therefore, with the current commission-based payment structure, the broker fees are being shared by both the City and employees within the premiums. In moving to a flat rate payment structure, the City will be budgeting the fixed amount as a line item in the budget and would pay 100% of the broker fees beginning in FY 2018. However, based upon what other cities

in the area are paying for broker services, staff believes there is an opportunity to save the City money with a fixed rate structure.

Interlocal Agreement

During health insurance renewal discussions with the City Council in July 2016, the Council directed City staff to explore opportunities to partner with other cities relative to health insurance with a focus on cost-sharing or reducing costs overall. In keeping with the direction provided by the City Council in July, staff reached out to some surrounding cities to begin exploring various options to combine resources to save money on health insurance related costs. During those discussions, both the City of Bedford and the City of Watauga indicated their intent to solicit proposals for broker/consultant services after the beginning of their plan year on October 1. Since Colleyville had also planned to solicit proposals for broker services, staff discussed combining resources together to take advantage of economies of scale in order to gain more competitive pricing.

To solicit proposals as a group requires an interlocal agreement between the cities of Colleyville, Bedford and Watauga. The interlocal agreement is a collaborative contract between public bodies focused on providing more efficient, less costly public services. In the State of Texas, an interlocal agreement establishes a cooperative purchasing program, allowing for multiple cities to purchase goods and services under a competitively bid contract pursuant to the Texas Local Government Code, Subchapter F, Chapter 271.

The legal firm of Boyle and Lowry, the city attorney for both Colleyville and Bedford, drafted the proposed interlocal agreement for consideration. The city of Bedford has placed this item on their October 14, 2016 City Council agenda with staff recommending approval. The city of Watauga will be placing this item on the October 24, 2016 City Council agenda with staff recommending approval.

If the interlocal agreement is executed by the three cities, staff will draft the request for proposals (RFP) seeking a health insurance broker/consultant that is well versed in the benefits market, experienced in advising comparable public agencies, and works well with various levels of staff and management. Upon completion of the RFP, the parties may elect to proceed to issue a joint RFP. The Interlocal Agreement stipulates that the parties are not obligated to issue a joint RFP.

If the joint RFP is issued, the representatives of the parties will work together to make a final recommendation to their city managers. The recommendation shall be approved by all city managers. If the parties agree to jointly hire an insurance broker, the recommendation will be taken to their respective City Councils for final approval before insurance renewals begin in the spring of 2017. No Council shall be considered to be obligated to hire the recommended insurance broker.

In addition, these cities are interested in exploring further opportunities to collaborate on health insurance in the future, specifically, exploring the option to cooperatively

purchase insurance products for the FY 2018 renewal. This interlocal agreement lays the foundation for this collaboration to occur. This will be discussed during broker interviews and it is the desire of the cities that the selected broker will assist in this effort.

Staff recommends approval of an interlocal agreement with the cities of Bedford and Watauga for cooperative purchasing of health insurance consultant and brokerage services, and authorizing the city manager to execute the agreement.

Financial Impact

Staff anticipates a cost savings that will result from collective purchasing power, economies of scale, and a flat fee structure.

Recommendation

Approve

Attachments

1. Interlocal Agreement for Insurance Broker Services

STATE OF TEXAS
COUNTY OF TARRANT

INTERLOCAL AGREEMENT
BETWEEN THE CITY OF BEDFORD,
THE CITY OF WATAUGA
AND THE CITY OF COLLEYVILLE
FOR
INSURANCE BROKER SERVICES

This Agreement is entered into the 24th day of October 2016, by and between the CITY OF BEDFORD (hereafter "Bedford") and the CITY OF COLLEYVILLE (hereafter "Colleyville") and the CITY OF WATAUGA (hereafter "Watauga") each of which is a home rule municipal corporation located within Tarrant County, Texas. Colleyville and Bedford and Watauga will be jointly referred to as "Cities" or "Parties" or individually as "Party."

WHEREAS, Bedford, Colleyville and Watauga desire to work together on a Request for Proposal for an Insurance broker and consultant (hereafter "Insurance broker") to assist Cities in obtaining insurance for their employees, spouses, dependents and other insureds;

WHEREAS, Bedford, Colleyville and Watauga are seeking to lower their insurance costs;

WHEREAS, Bedford, Colleyville, and Watauga execute this Interlocal Agreement pursuant to the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, as amended, and in accordance with purchasing statutes regulating the Parties and subject to availability of current revenues;

WHEREAS, the Parties agree that any party paying for the performance of governmental functions or services under this Agreement shall make those payments from current revenues available to the paying party;

WHEREAS, it is beneficial for the Parties to enter into this Agreement;

WHEREAS, the Interlocal Cooperation Act authorizes governmental entities to enter into interlocal cooperation agreements for administrative and governmental functions and services;

WHEREAS, the Bedford City Council, the Colleyville City Council and the Watauga City Council approved this Agreement at a City Council meeting that had been posted and met the requirements of the Texas Open Meetings Act;

NOW, THEREFORE, in consideration of the premises and agreements, covenants and promises set forth herein, it is agreed as follows:

I. DEFINITIONS

Insurance broker shall mean a person who (1) solicits insurance on behalf of the Parties; (2) receives or transmits (other than on the person's own behalf) an application for insurance or an insurance policy to or from the Parties; (3) advertises or otherwise gives notice that the person will receive or transmit an application for insurance or an insurance policy on behalf of the Parties; (4) receives or transmits an insurance policy of the Parties; (5) examines or inspects a risk on behalf of the Parties; (6) receives, collects, or transmits an insurance premium on behalf of the Parties; (7) takes any other action in the making or consummation of an insurance contract for or with the Parties.

Parties shall mean City of Bedford, City of Colleyville and City of Watauga.

Person shall mean any legal entity, including but not limited to natural persons, corporations, and partnerships.

RFP shall mean Request for Proposal.

II. PURPOSE

The purpose of this Agreement is to provide for the Parties to plan, and prepare a request for proposal for the joint use of the Parties in hiring an insurance broker, and to allow for the Parties, should they elect to do so, to jointly contract with and share information and work product from the insurance broker.

The person selected by the Parties shall be considered to function on behalf of the Parties and not on behalf of any insurance company and shall not have an employment relationship with an insurance company.

III. TERMS, RIGHTS, OBJECTIVES AND DUTIES OF THE PARTIES

1. The Parties agree that they wish to collaborate and preparation of a request for proposal for an insurance broker. In order to achieve that end, the Parties agree to each name a representative or representatives to work together in the preparation of the RFP. The initial designation shall be the Director of Human Resources for each Party, but that designation may be changed at any time by the City Manager. More than one representative may be named. The representative(s) may bring additional persons with them to any meetings between the representatives and may assign work to any additional people.

2. The final work product shall belong to all parties.

3. Upon completion of the RFP, the parties may elect, at the decision of the City Manager, to proceed to issue a joint RFP. The parties are not obligated to issue a joint RFP.
4. Upon issuance of a joint RFP, the representatives of the Parties will work together to make a final recommendation. The recommendation shall be approved by all City Managers. If the Parties agree to jointly hire an insurance broker, the recommendation will be taken to their respective City Councils for final approval. No Council shall be considered to be obligated to hire the recommended insurance broker.
5. Upon approval of the respective City Councils of the Parties to hire an insurance broker, the Parties may elect, based upon the decision of the respective City Councils at the time of selection of an insurance broker, to consider the preparation of a future RFP for an insurance company to be jointly selected by the Parties.
6. If the Parties elect to join in a common risk pool for the purpose of jointly selecting an insurance company, each Party shall sign separate contracts with said insurance company. In no event will one Party be responsible for the payment of insurance coverage for the other Party's employees, spouses, dependents or other insureds.
7. Each party may elect to cease joint preparation or cooperation as set out in Section XIV "Term and Termination" below.
8. The Parties agree to abide by all State and Federal laws governing the use and payment of an insurance broker by a municipality, including but not limited to Texas Local Government Code section 252.024, any privacy laws or protection of medical records, any required retention regulations and all other applicable State, Federal or local laws.
9. The Insurance broker will have all required education, accreditations, and licenses.

IV.

NO ORAL AGREEMENT; AGREEMENT TO GOVERN OVER EXHIBIT & ENTIRE AGREEMENT

This Agreement contains all the terms, commitments and covenants of the Parties pursuant to this Agreement. Any oral or written commitment not contained in this Agreement or expressly referred to in this Agreement and incorporated by reference shall have no force or effect.

In the case of any conflict between this Agreement and any Exhibits, this Agreement shall govern.

This Agreement contains the entire agreement of the parties with respect to the matters contained herein and may not be modified or terminated except upon the provisions hereof or by the mutual written agreement of the parties hereto.

V.
CAPTIONS

The captions to the various clauses of this Agreement are for informational purposes only and in no way alter the substance of the terms and conditions of this Agreement.

VI.
ASSIGNMENT

This Agreement or any part thereof shall not be assigned or transferred by any party without the prior written consent of the other party.

VII.
NOTICE

Any notice required to be sent under this Agreement must be in writing and may be served by depositing same in the United States Mail, addressed to the party to be notified, postage pre-paid and registered or certified with return receipt requested, or by delivering the same in person to such party via a hand-delivery service, Federal Express or any courier service that provides a return receipt showing the date of actual delivery of same to the addressee thereof. Notice given in accordance herewith shall be effective upon receipt at the address of the addressee. For purposes of notice, the addresses of the parties shall be as follows:

If to Bedford, to:	City Manager City of Bedford 200 Forest Ridge Drive Bedford, Texas 76021
If to Colleyville, to:	City Manager City of Colleyville 100 Main Street Colleyville, Texas 76034
If to Watauga	City Manager City of Watauga 7105 Whitley Road Watauga, Texas 76148

VIII.
AGREEMENT INTERPRETATION AND VENUE

The Parties covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. Venue shall be exclusively in Tarrant County, Texas.

The Parties further agree that the parties will attempt to resolve disputes in the following manner: (i) first the designated representatives of the parties will meet; (ii) if no resolution is achieved by the designated representatives, the dispute will be heard by the City Managers or designee jointly; (iii) if no resolution is achieved after the dispute is heard by the City Managers or designee(s), then the dispute will be heard by a mediator; (iv) if no resolution is achieved after meeting with a mediator, then the dispute will be resolved in the appropriate Court. Provided, however, that if needed, due to the statute of limitations or some other requirement, a Party may proceed directly to Court, if this process would unduly delay. The parties shall agree on the mediator to be used and each party agrees to share the cost for the mediator's services. Each party is responsible for their expenses related to their own representation.

IX.
CONSIDERATION

This Agreement is executed by the parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed.

X.
COUNTERPARTS

This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

XI.
AUTHORITY TO EXECUTE

The individuals executing this Agreement on behalf of the respective parties below represent to each other and to others that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

XII. SAVINGS/SEVERABILITY

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

XIII. REPRESENTATIONS

Each signatory represents this Agreement has been read by the party for which this Agreement is executed and that such party has had an opportunity to confer with its counsel.

XIV. TERM & TERMINATION

The Term of the Agreement shall be for One (1) year from the execution date of this Agreement. The parties may agree to annual renewals of this Agreement.

Either Party to this Agreement may withdraw at any time after the completed request for proposal but only after providing the other party not less than ninety (90) days' notice in writing of withdrawal. This Agreement may be terminated at any time by mutual consent of the Parties. Upon termination of this Agreement, Each City shall retain ownership in the completed request for proposal.

XV. GOVERNMENTAL ENTITIES

The Parties hereby acknowledge and agree that they are each governmental entities, subject to annual budgetary processes and restrictions on spending in conformity with those processes, approved budgets, and applicable law. They further agree that, notwithstanding any other language in this Agreement, if for any reason funds are not expressly and specifically allocated to cover each Party's prospective obligation in this Agreement in each Party's formally and finally approved budget in any fiscal year subsequent to that in which each Party's funds for this Agreement were first allocated, any such Party may immediately and without penalty terminate this Agreement; provided, however, that in no event shall such a termination be effective earlier than the last date for which the terminating Party's funds have already been so allocated under an existing formally and finally approved budget. Should this Agreement terminate under the provisions of this Section, the terminating Party will provide the other Party with written notice as soon as is reasonably possible of the pending termination under this provision, the effective date of which shall be at the end of the terminating Party's fiscal year in which funds had previously been allocated. Notwithstanding the foregoing, the Parties hereto warrant and represent that any

expenditures of funds for services to be provided hereunder will be made from current revenues available to the Party making the expenditures.

XVI.
EACH PARTY RESPONSIBLE FOR ITS OWN INSURANCE

If the Parties continue to collaborate in the contracting for employee health insurance, nothing in this Agreement shall be construed to make either Party responsible for the other Party's insurance costs.

XVII.
SOVEREIGN IMMUNITY

The parties agree that no party has waived its sovereign immunity by entering into and performing their respective obligations under this Agreement.

XIII.
MISCELLANEOUS DRAFTING PROVISIONS

This Agreement shall be deemed drafted equally by all parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any party shall not apply. Headings in this Agreement are for the convenience of the parties and are not intended to be used in construing this document.

EXECUTED hereto on the day and year shown above.

City of Bedford, Texas

City of Colleyville, Texas

By: _____
Roger Gibson, City Manager

By: _____
Jennifer Fadden, City Manager

Attest:

Attest:

Michael Wells, City Secretary

Amy Shelley City Secretary

APPROVED AS TO FORM:

APPROVED AS TO FORM:

L. Stanton Lowry, City Attorney.

Matthew Boyle, City Attorney

City of Watauga, Texas

Hector F. Garcia, Mayor

Attest:

Zolaina Parker, City Secretary

APPROVED AS TO FORM:

Mark G. Daniel, City Attorney



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5a

Agenda Date 10/18/2016

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

Second Reading and Public Hearing

There were no speakers regarding this request at the October 3, 2016 City Council meeting. At this meeting the applicant requested to table the item to a future date in order to continue negotiations with the neighboring property owner to the east. The City Council requested a staff briefing on the case. Following the briefing, the City Attorney informed the Council that no action was required regarding the request to table at the first public hearing. No action was taken.

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 properties to the north, east, and west are zoned RE-Single Family "Estate" Residential and developed with single family homes. The

adjacent properties to the south are zoned R-20 Single Family Residential, AG-Agricultural, and R-40 Single Family Residential. The properties are developed with single family homes and institutional uses (St. Mary's Coptic Orthodox Church).

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.

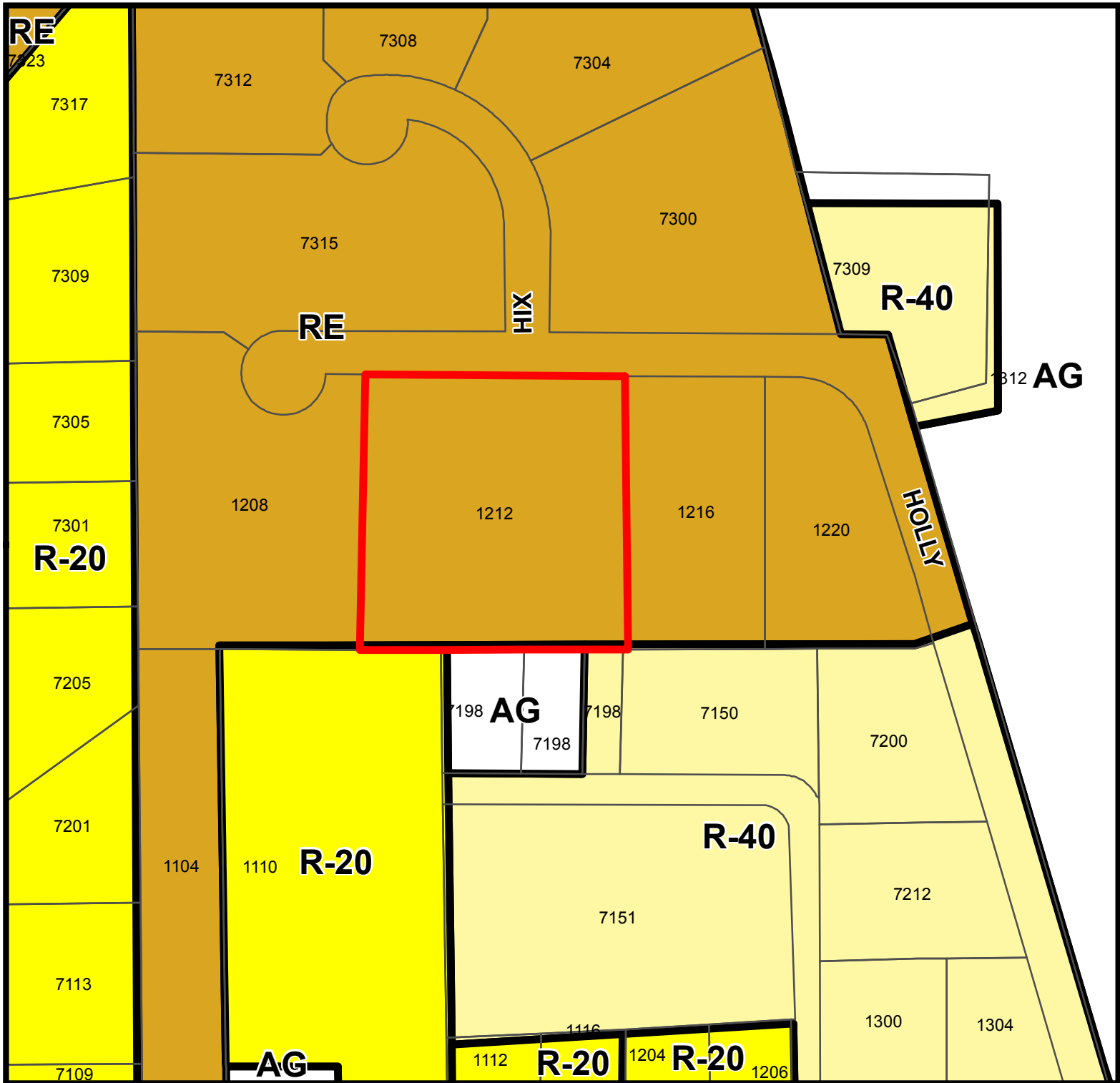
Recommendation

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



1 inch = 167 feet

Legend

- Subject Property
- AG Agricultural
- R-20 Single Family Residential (20,000 sq. ft. min)
- R-40 Single Family Residential (40,000 sq. ft. min)
- RE Single Family 'Estate' Residential

ZC16-012

1212 HOLLY LANE

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



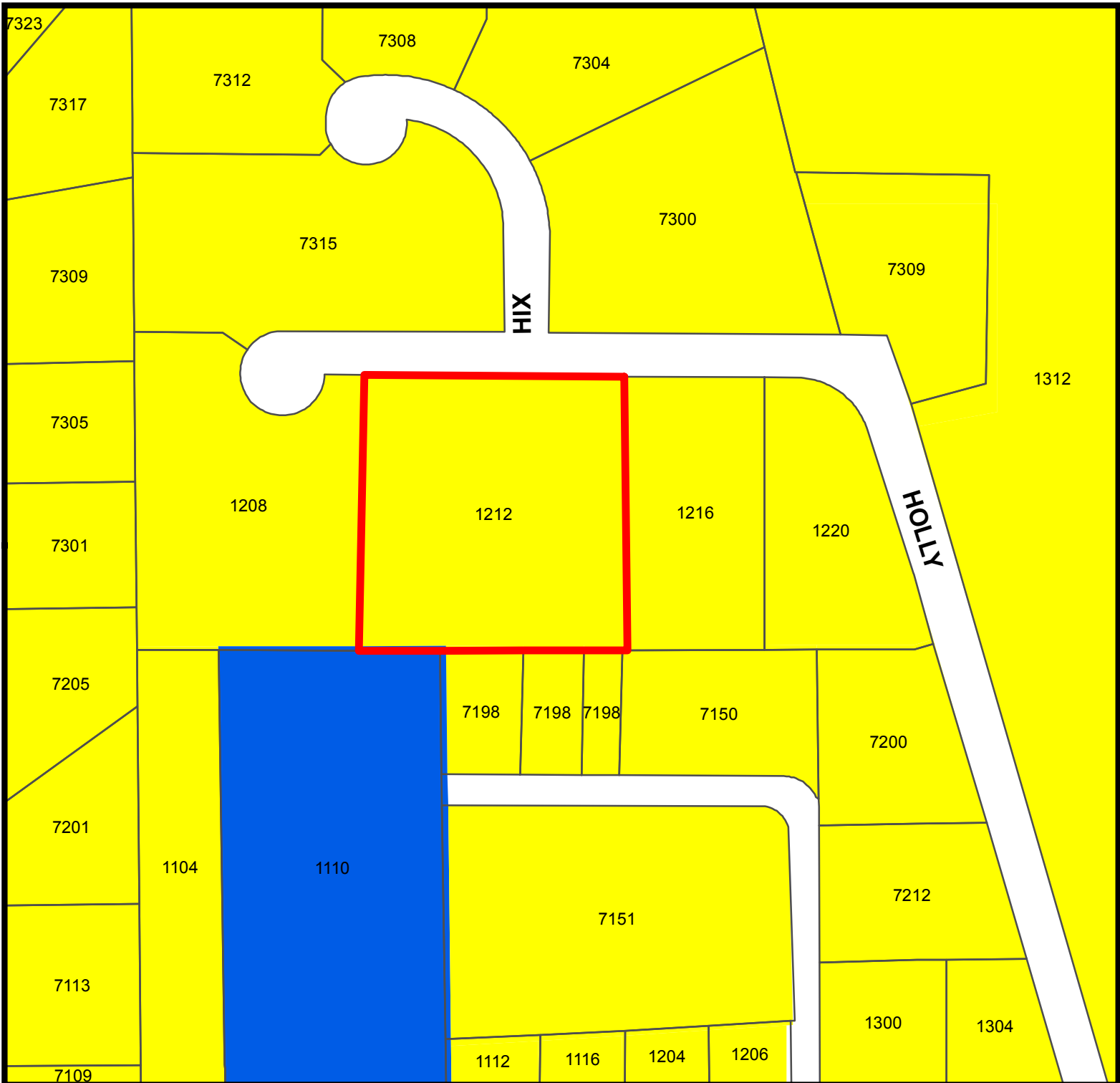
1 inch = 167 feet

Vicinity Map



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FUTURE LAND USE MAP



ZC16-012

1212 HOLLY LANE

Legend

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



1 inch = 167 feet

Vicinity Map



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Statement of Planning Objectives

August 19, 2016

To Whom it May Concern:

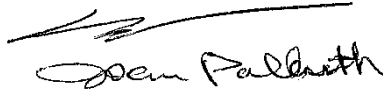
We are requesting a Special Use Permit to build a garage/storage building on our property at 1212 Holly Lane, Colleyville (Legal Address: Hidden Acres Addition Block 1 Lot 3). We are requesting this variance since the proposed garage would put us in excess of the allowable square footage for accessory 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 "Edward Palluth", written over a horizontal line.

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.

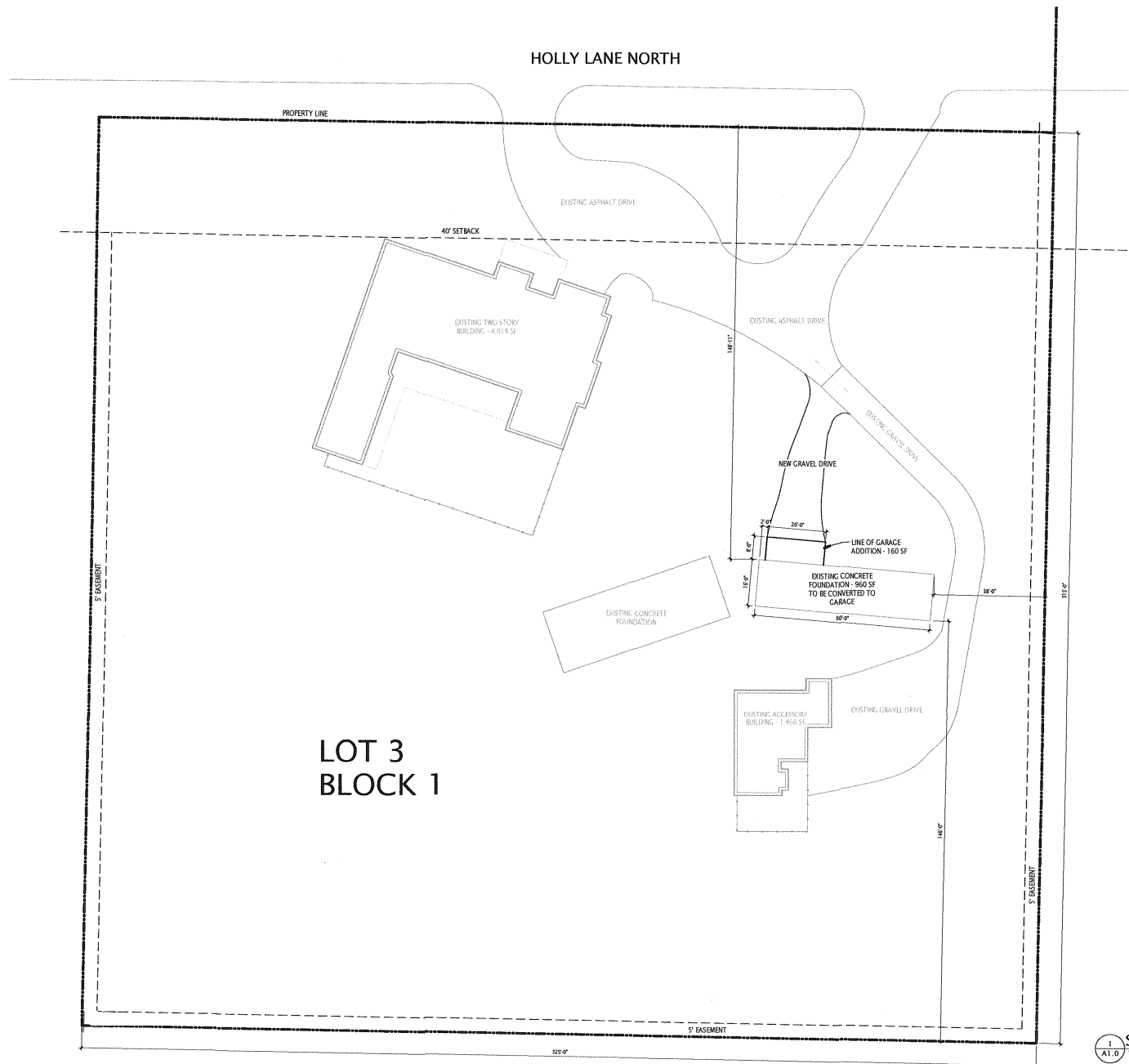
Please consider our request for this variance.

Sincerely



Edward Palluth
Joan Palluth

Site Plan



FOR REFERENCE ONLY



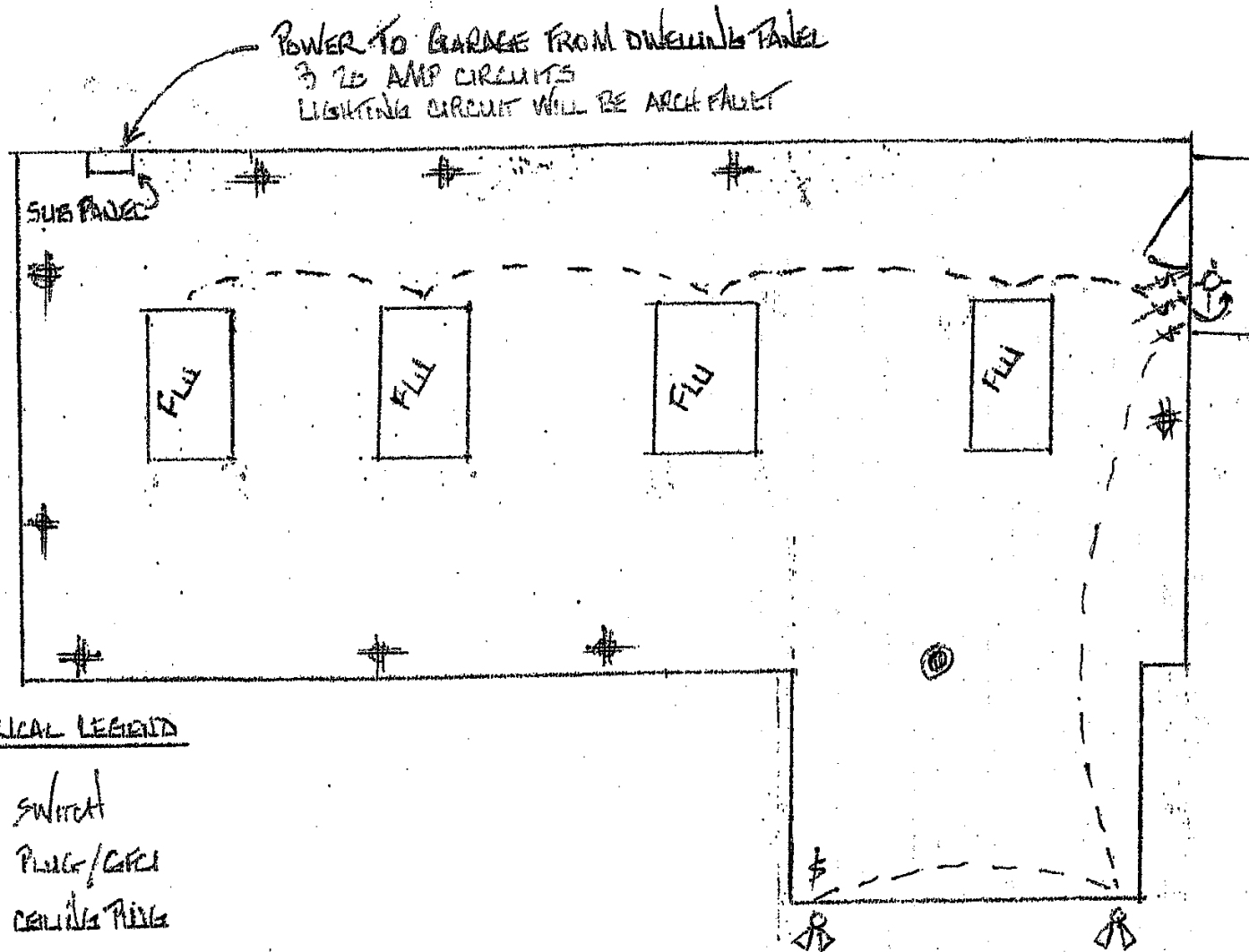
GARAGE ADDITION

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

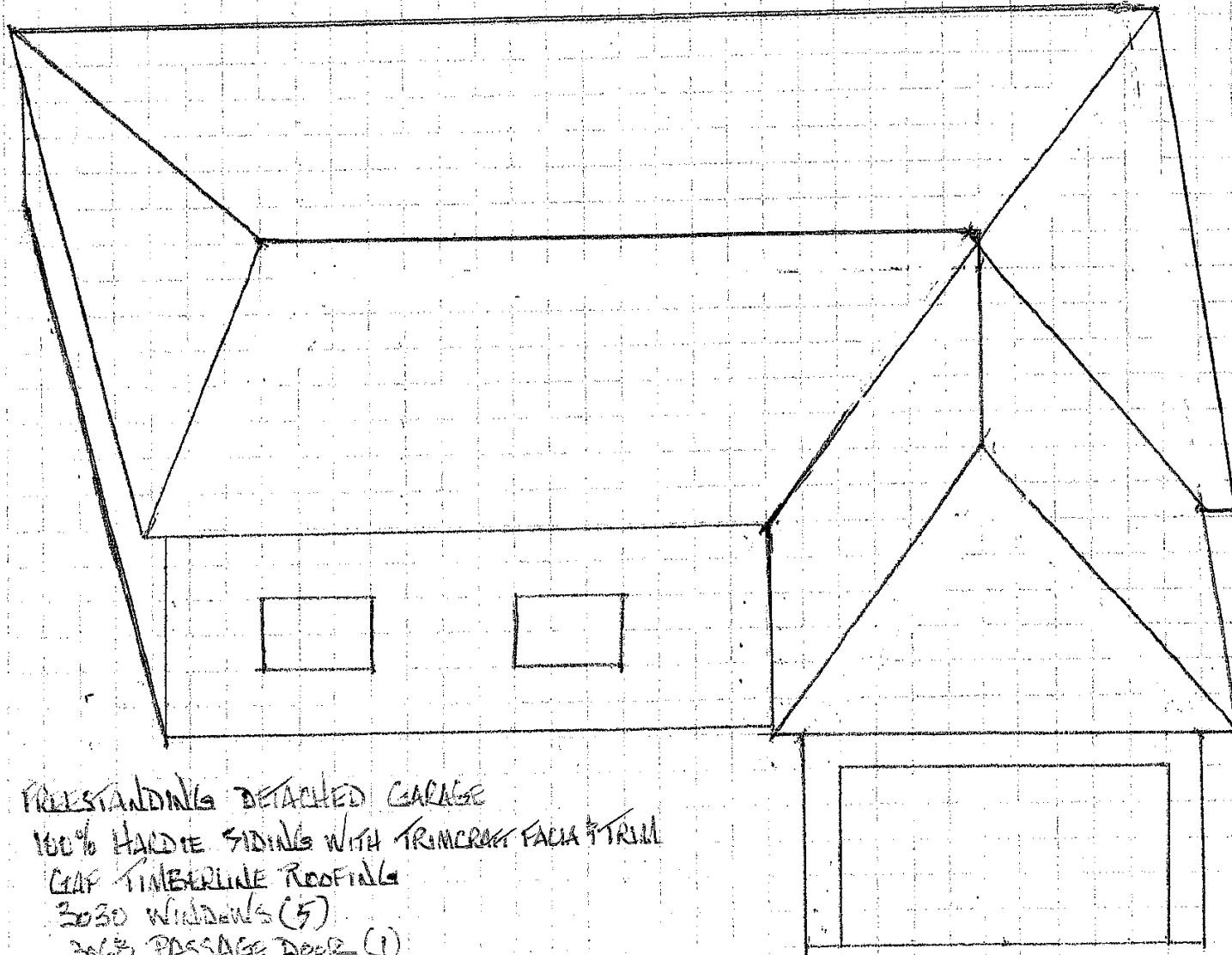


ELECTRICAL LEAD

- \$ SWITCH
- ~~+~~ PLUG/GFCI
- ⊙ CEILING FAN
- FU 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

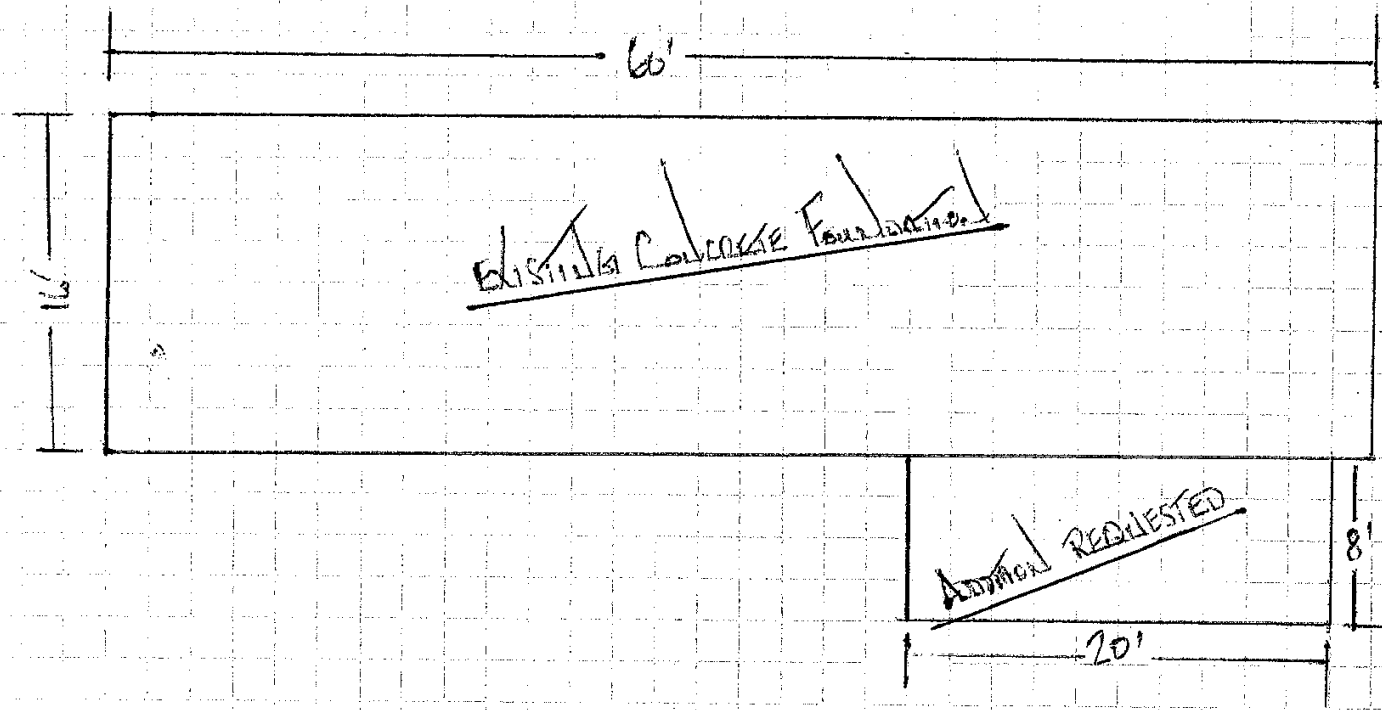
2030 WINDOWS (5)

2060 PASSAGE DOOR (1)

12'X7' STEEL GARAGE DOOR

ALL INTERIOR SHEETROCK & TEXTURED W/ 1/2" TEXT PAINT

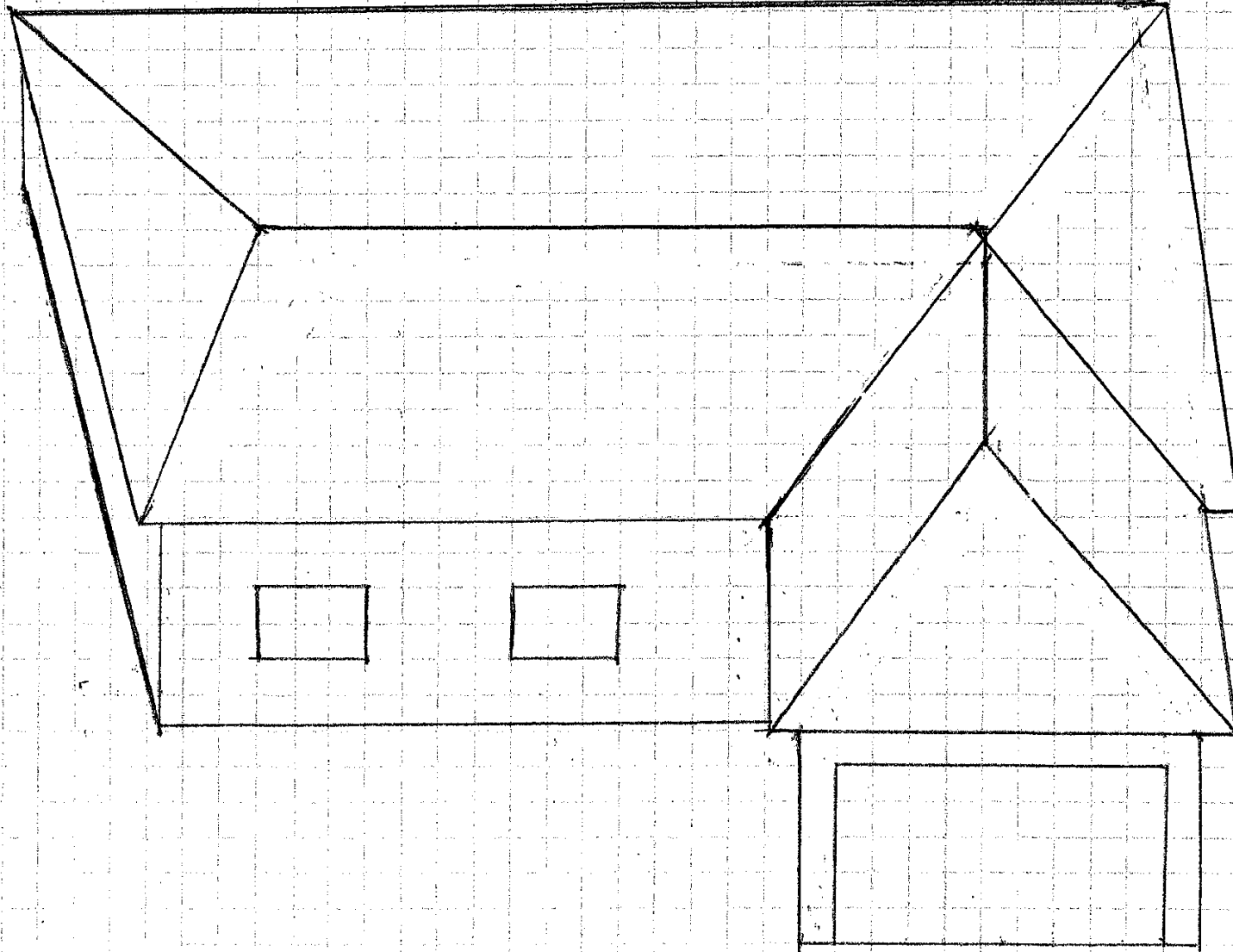
Building Elevations



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

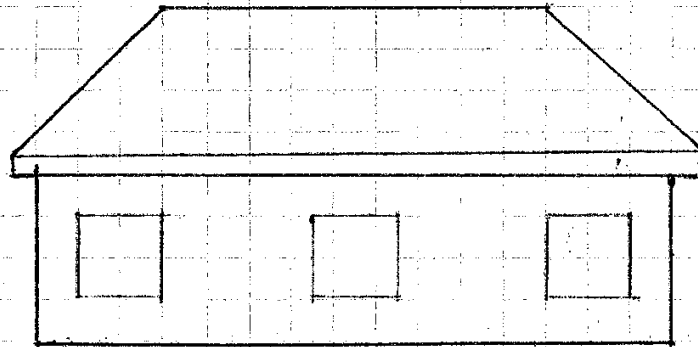
Building Elevations

ELEVATION

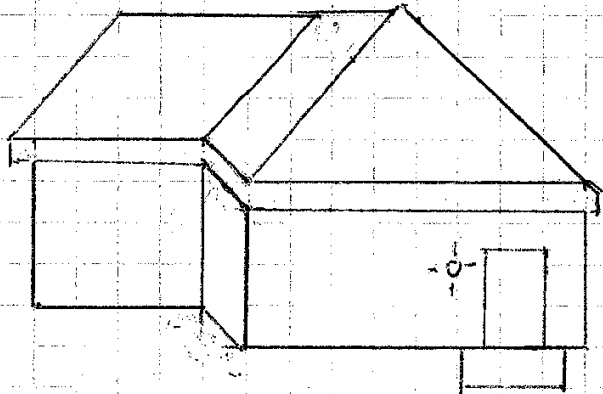


Building Elevations

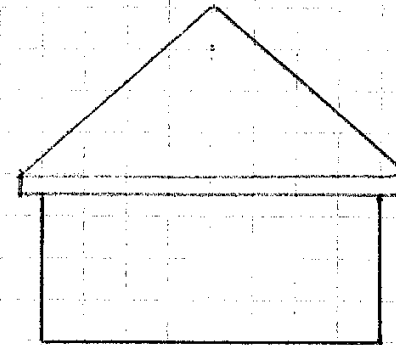
REAR ELEVATION



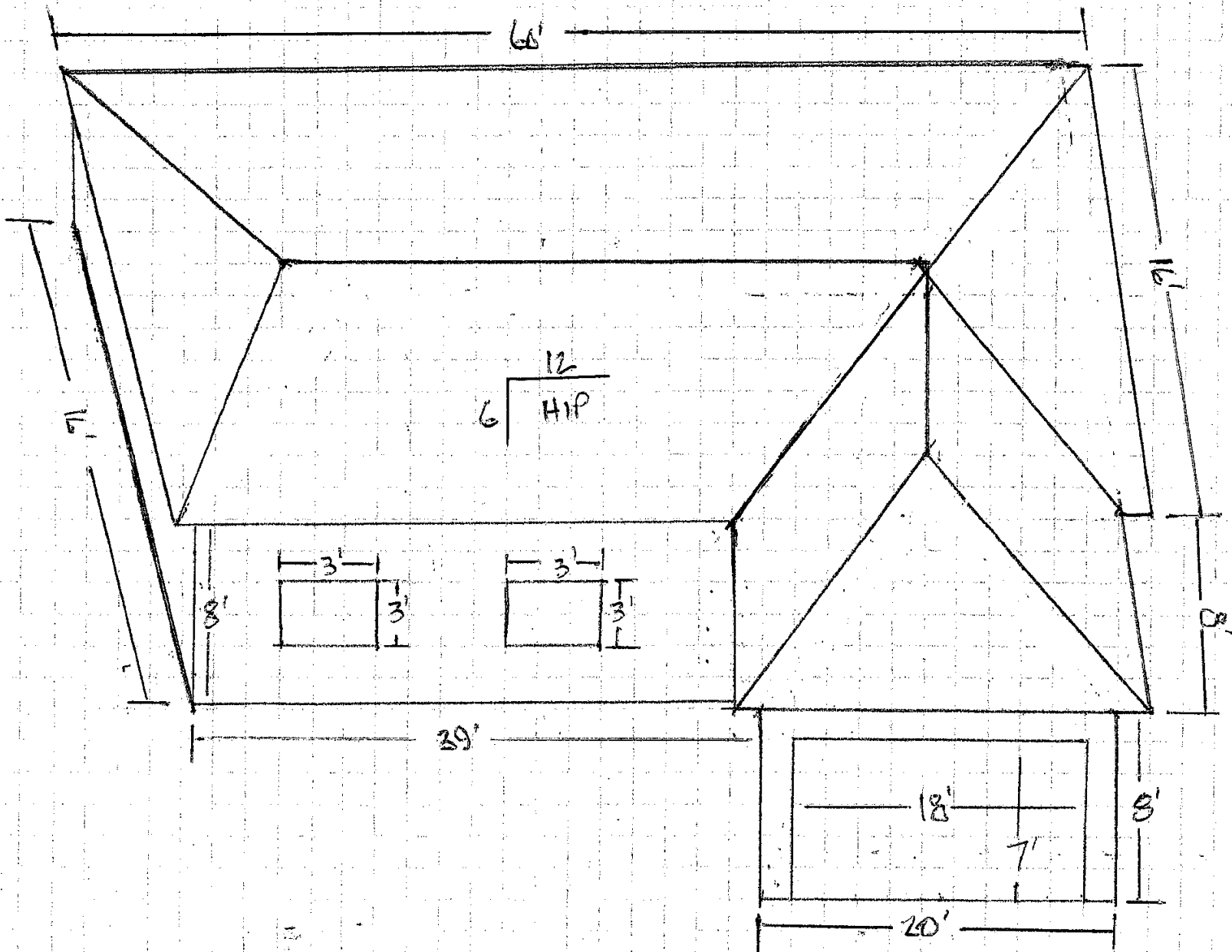
RIGHT SIDE ELEVATION



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)

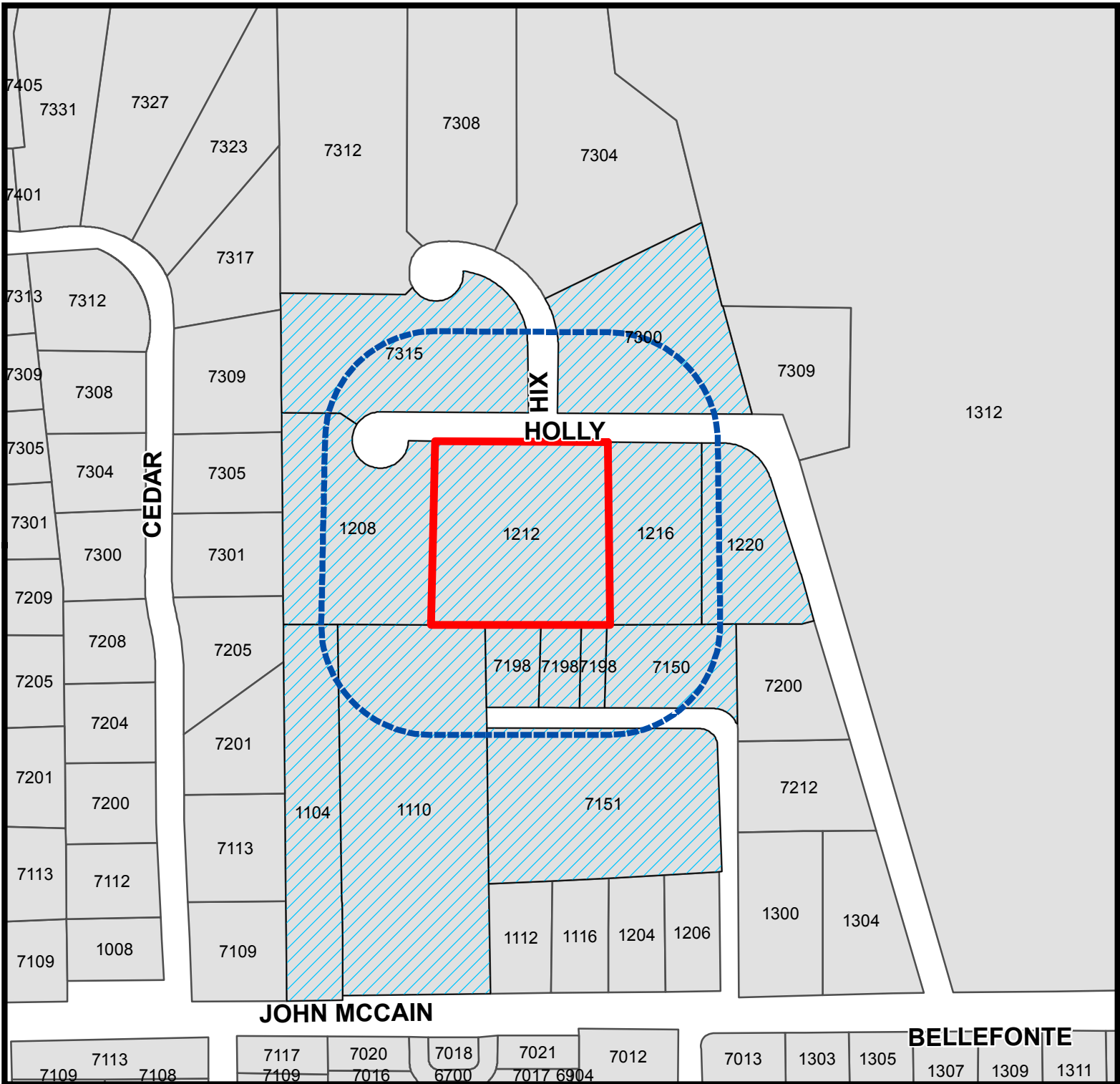
I understand I am limited to speaking for five minutes.

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

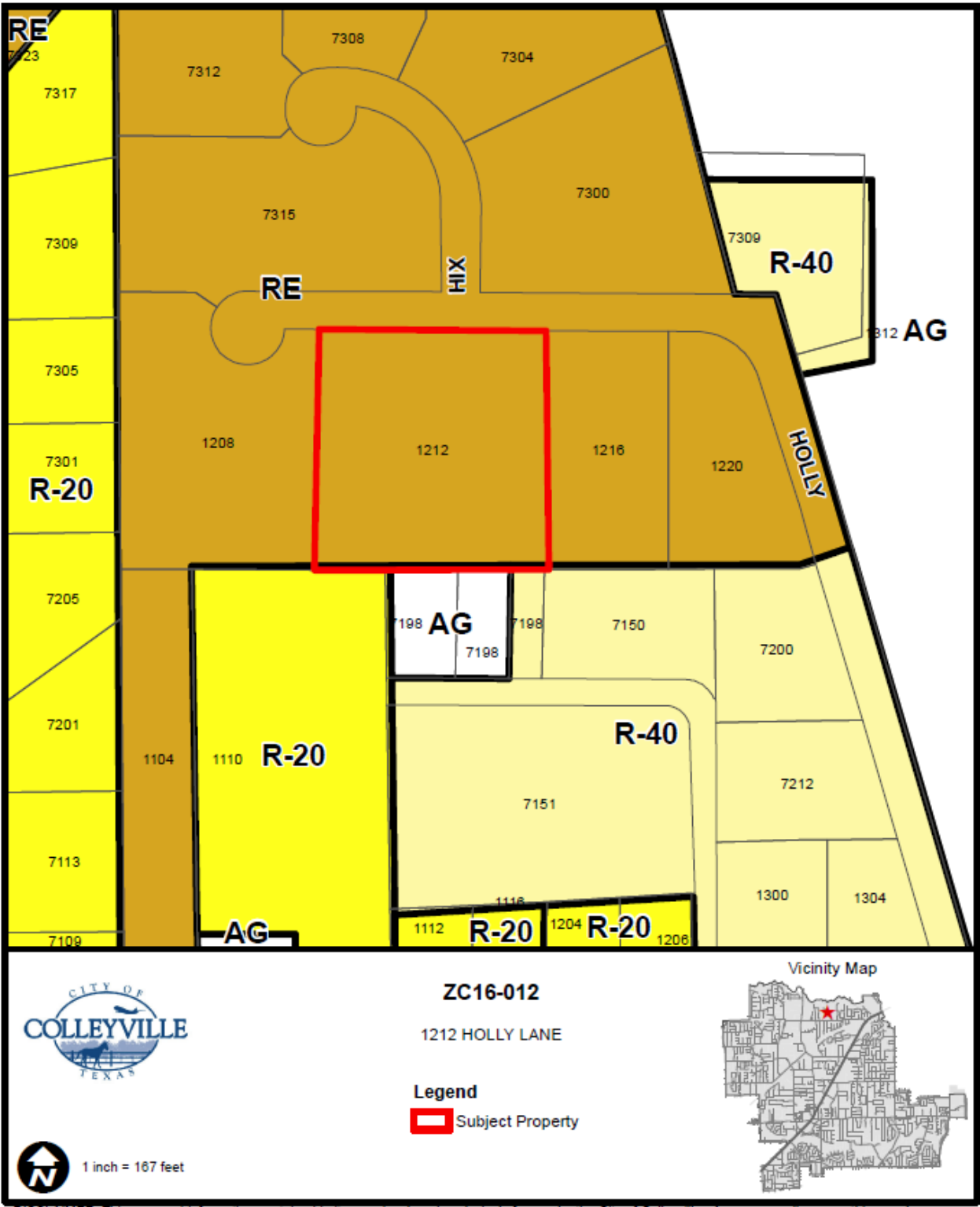


Exhibit "B" – Site Plan

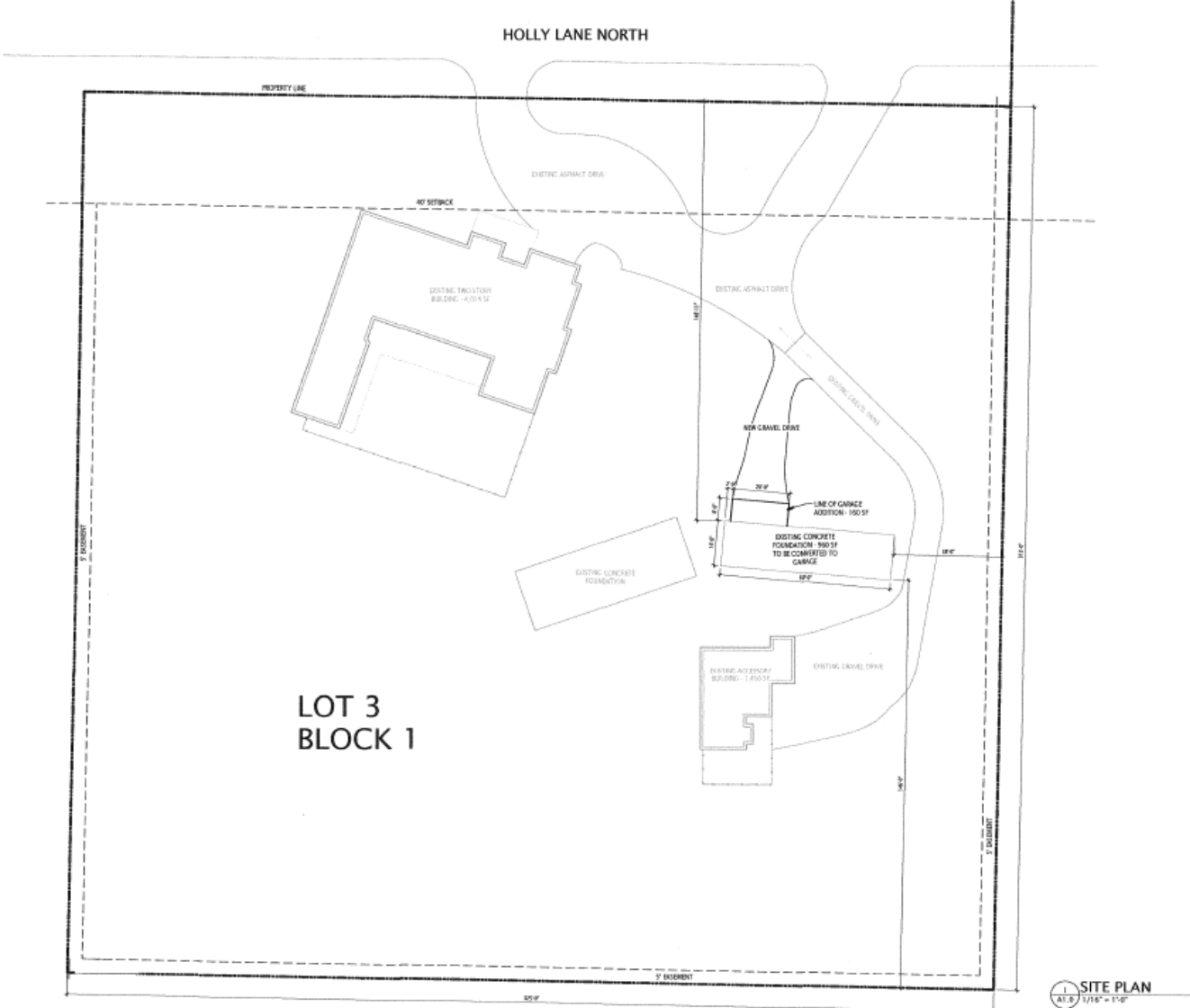
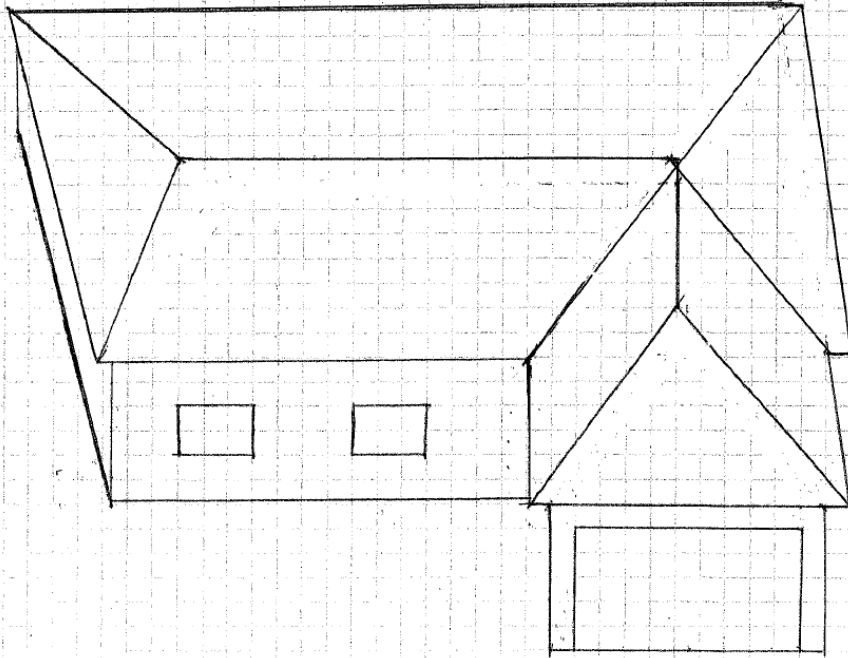
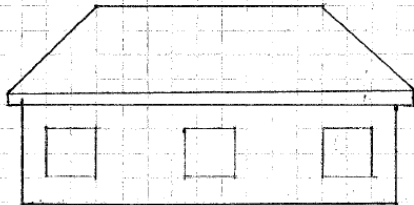


Exhibit "C" – Elevations

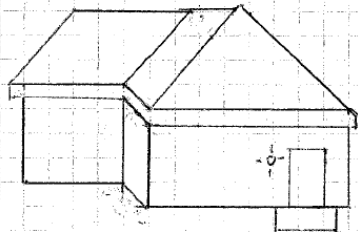
ELEVATION



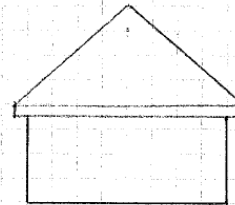
REAR ELEVATION



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 10/18/2016

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

Second Reading and Public Hearing

There was one person who spoke in support of this request at the October 3, 2016 City Council meeting, speaker card is attached.

First Reading and Public Hearing

Waguhi 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 properties to the north, south, and east are zoned AG-Agricultural District and developed with single family homes. The properties to the west are zoned both AG-Agricultural district and R-40 Single Family Residential district and developed with single family homes.

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.

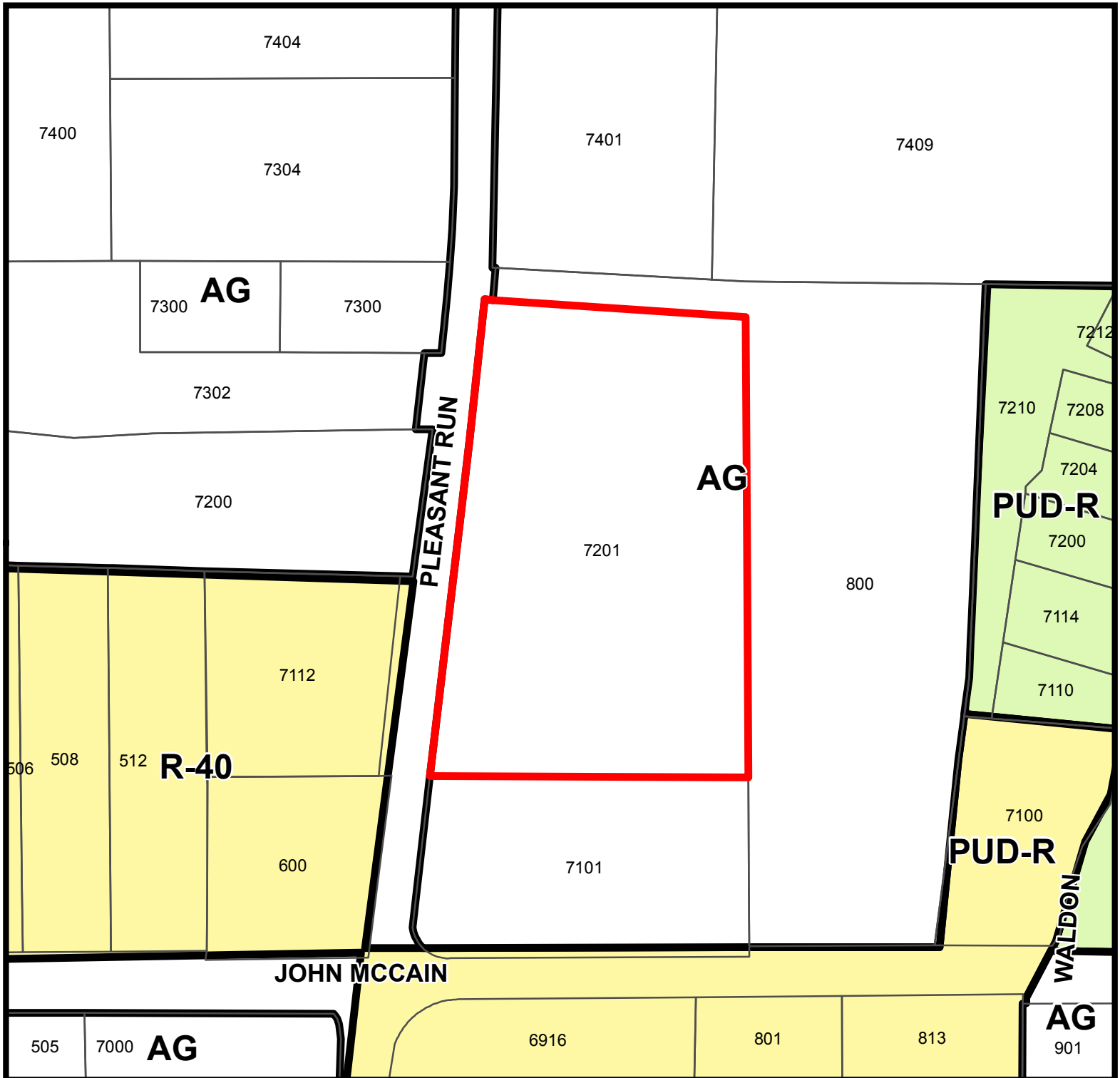
Recommendation

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
- AG Agricultural
- PUD-R Planned Unit Development, Residential
- R-40 Single Family Residential (40,000 sq. ft. min)



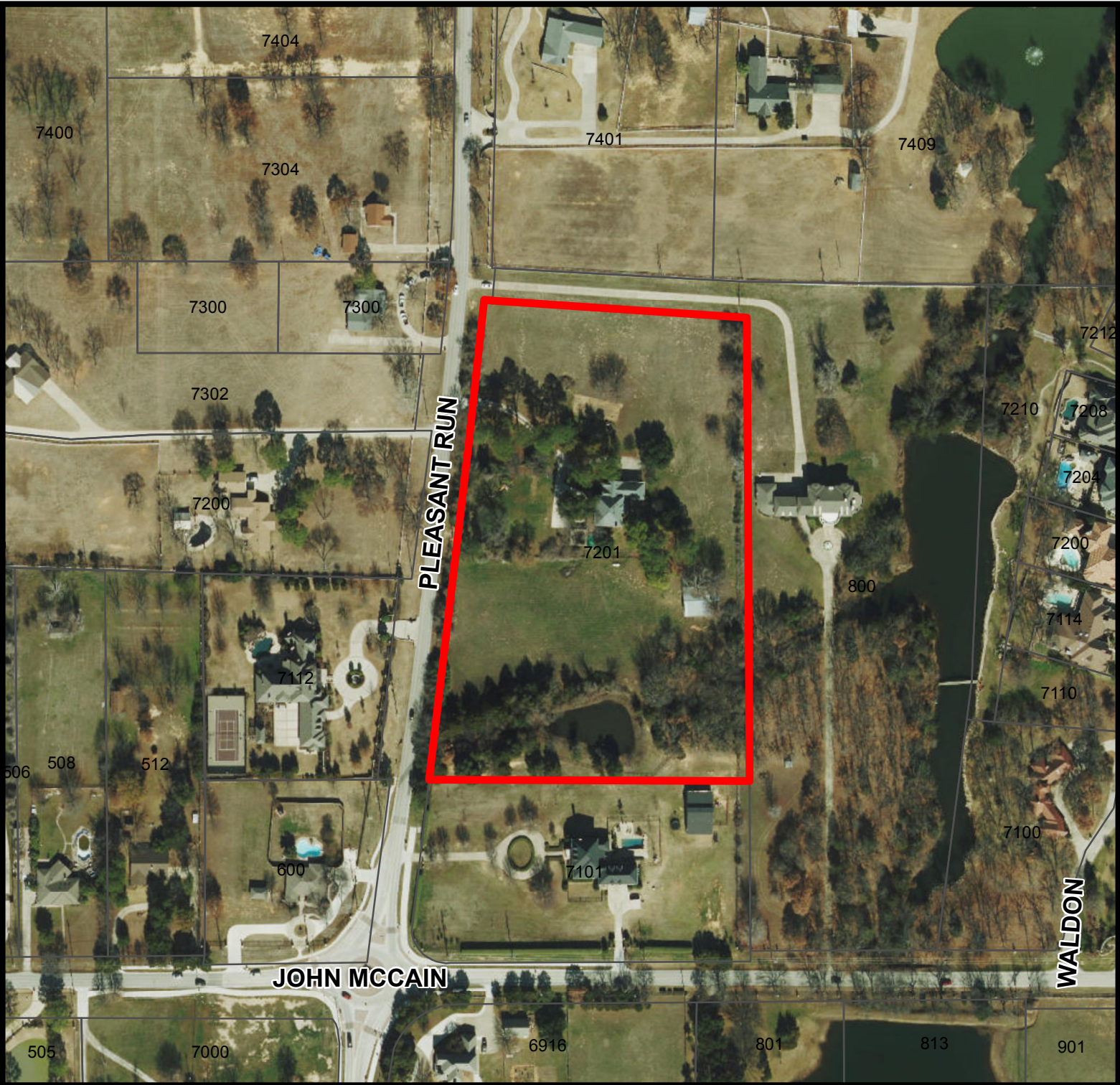
1 inch = 208 feet

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

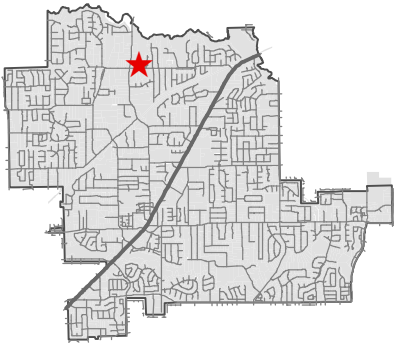
Legend

 Subject Property



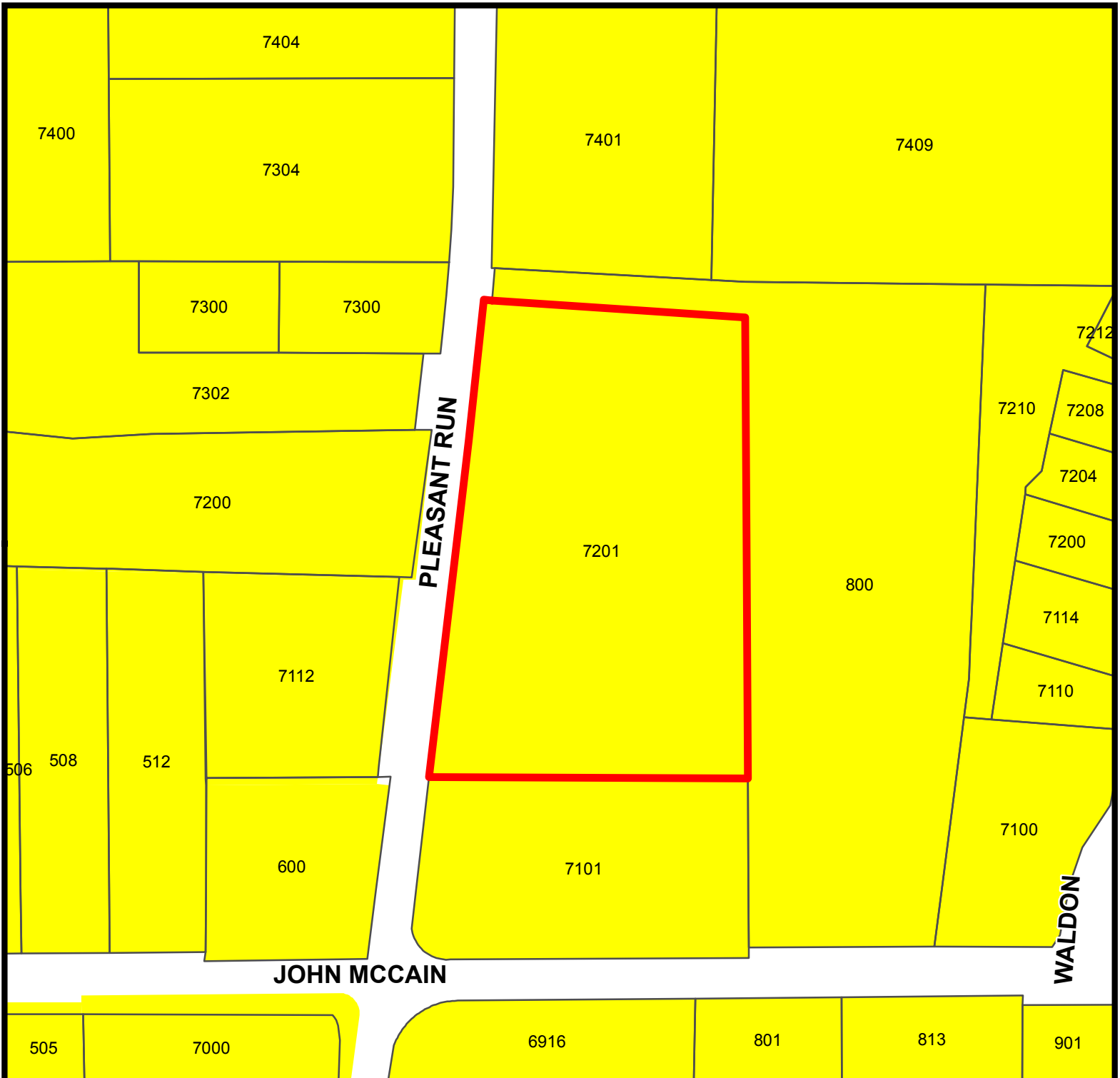
1 inch = 208 feet

Vicinity Map



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FUTURE LAND USE MAP



ZC16-014

7201 PLEASANT RUN RD

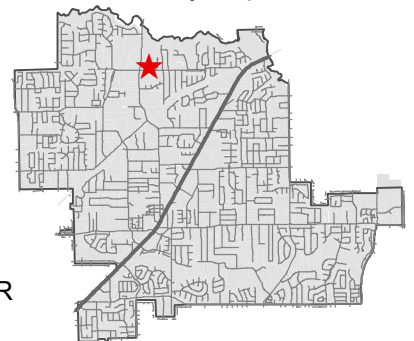
Legend

- | | | | |
|---|------------------|---|---------------------------|
|  | 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

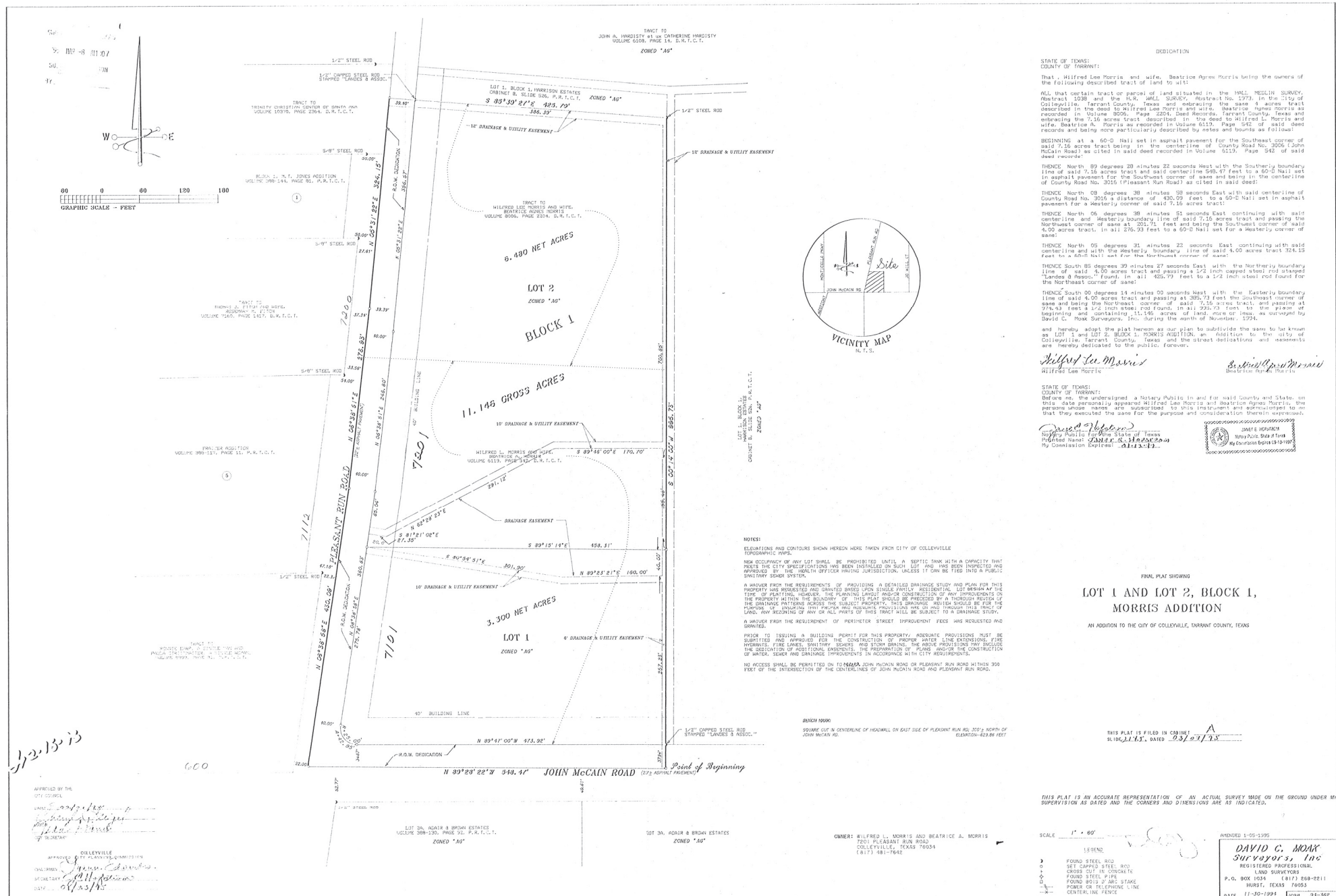
This rezoning will allow for the re-platting 7201 Pleasant Run Road Lot 2, Block 1 of **Morris Addition** to provide three (3) large lots with an overall density of 0.46 lots/acre. The estimated home values built these new lots is expected to be between \$1,000,000 and \$3,000,000 range.

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.

Statement of Planning Objectives

Existing Plat



2:10:09 PM
8/10/2016



PREPARED AUGUST 2016

[illegible]

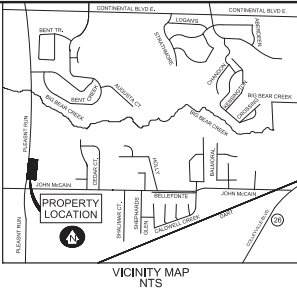
ZONING EXHIBIT A

MORRIS ADDITION

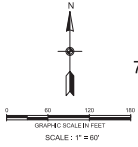
LOT 2, BLOCK 1

A.N.A. PROJECT NO.:	16-0450
CASE NO.:	15-0XXX
SHEET No.:	1

Conceptual Zoning Exhibit



ACCORDING TO FEMA MAP NO. 48439C0099K, ZONE X,
DATED 9-25-2009, THE ABOVE LOT DOES NOT LIE WITHIN
THE 100 YEAR FLOOD PLAIN AT THIS TIME.



ZONING EXHIBIT
FOR ZONING CHANGE
FROM AG TO R-40
LOT 2 OF BLOCK 1
OF THE
MORRIS ADDITION
IN
CITY OF COLLEYVILLE
TARRANT COUNTY, TEXAS
BEING 6.48 ACRES OF LAND

7201 PLEASANT RUN ROAD

ENGINEER/SURVEYOR
A.N.A. CONSULTANTS, L.L.C.
5000 THOMPSON ROAD
COLLEYVILLE, TEXAS 76034
TEL (817) 335-9900
FAX (817) 335-9955
F.R.N. 1003090

DEVELOPER
WAGUIR GURGUIS
75 MAIN STREET SUITE 100
COLLEYVILLE, TX 76034

OWNER
STEPHEN MORRIS
7201 PLEASANT RUN ROAD
COLLEYVILLE, TEXAS 76034

PREPARED AUGUST 2016

A.N.A. CONSULTANTS, L.L.C.
ENGINEERS and SURVEYORS
1500 W. MAIN STREET, SUITE 100
COLLEYVILLE, TEXAS 76034
TEL: 817.335.9900 Fax: 817.335.9955
TYPE FIRM NO.: 20
TYPE C.F. NO.: 1000000

A.N.A. CONSULTANTS, L.L.C.
CONSULTANTS, L.L.C.
ENGINEERS & SURVEYORS

NO.	REVISION DESCRIPTIONS	DATE

DRAWING DATE:	DRAWN BY:	CHECKED BY:	SUBMITTAL NO.:
08-12-2016			

ZONING EXHIBIT B

MORRIS ADDITION

7201 PLEASANT RUN ROAD

LOT 2, BLOCK 1

A.N.A. PROJECT NO.:
16-0450

CASE NO.:
15-0000

SHEET NO.:
2

Speaker Card - Support - City Council 10/3 Meeting

SPEAKER CARD

Date: 10-3-16

Agenda Item Number: 5b ← Item must be completed!

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

Do you have special technology needs, such as loading photos, connecting a laptop or tablet, during your time to speak? ☐ Yes ☐ No

☒ I will speak **In Support** of this item. ☐ I will speak **In Opposition** to this item.

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

Name: Kathy Hadley

Address: 204 N. Timberline

City: Colleyville

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

Signed: Kathy Hadley

This information is a Public Record

Speaker Card - Support - Planning and Zoning 9/12 Meeting

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**

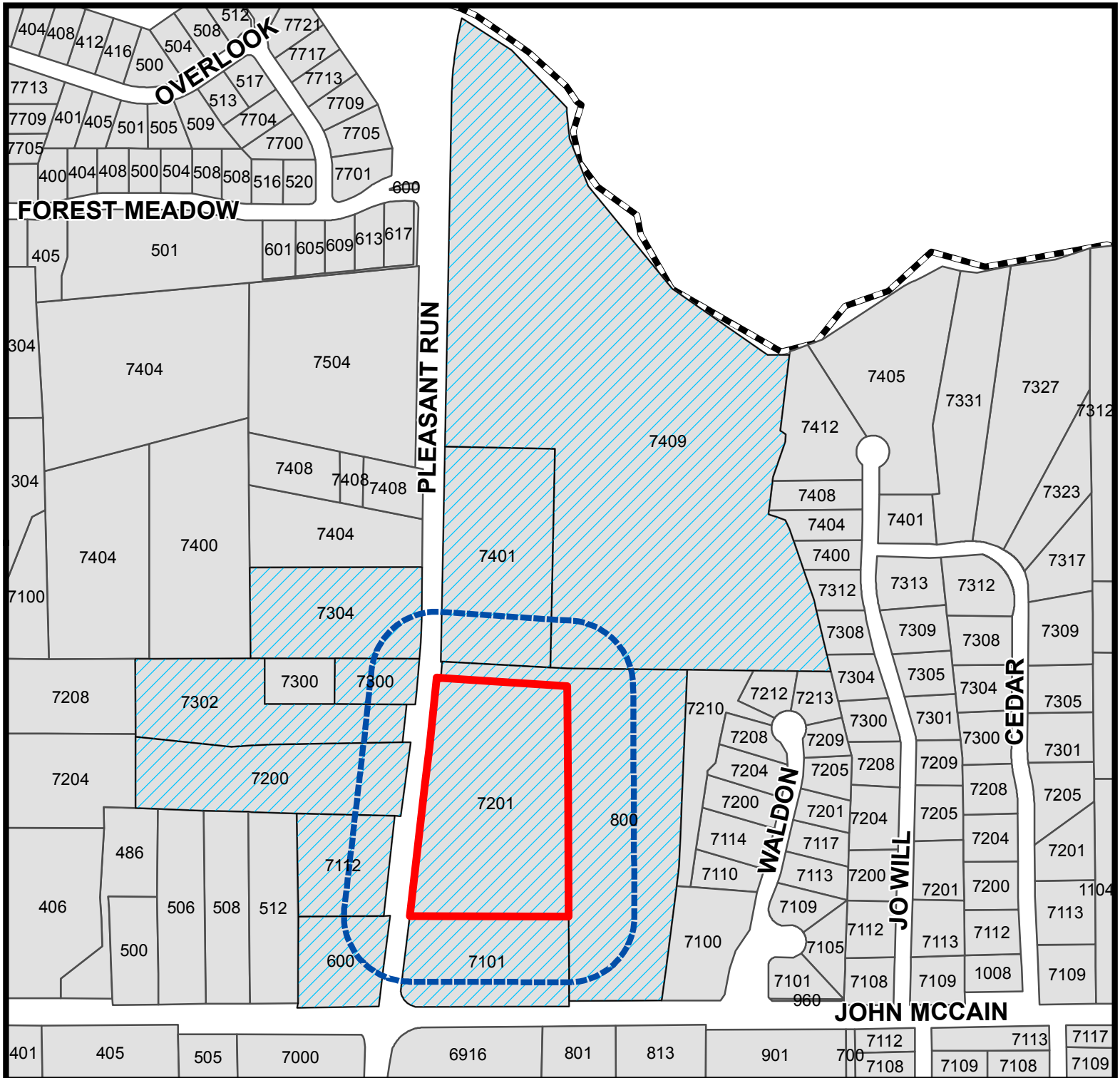
Agenda Item Number: 2
Name: WAGUIH GUIRGUIS
Address: 7204 WALDON COURT
City: COLLEGEVILLE State: TX Zip Code: _____
Telephone Number: _____ Representing: SELF
(organization/self)

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

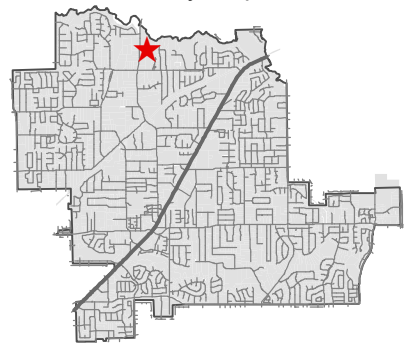
7201 PLEASANT RUN ROAD

-  Subject Property
-  200ft Buffer
-  Properties within 200ft



1 inch = 417 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.

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

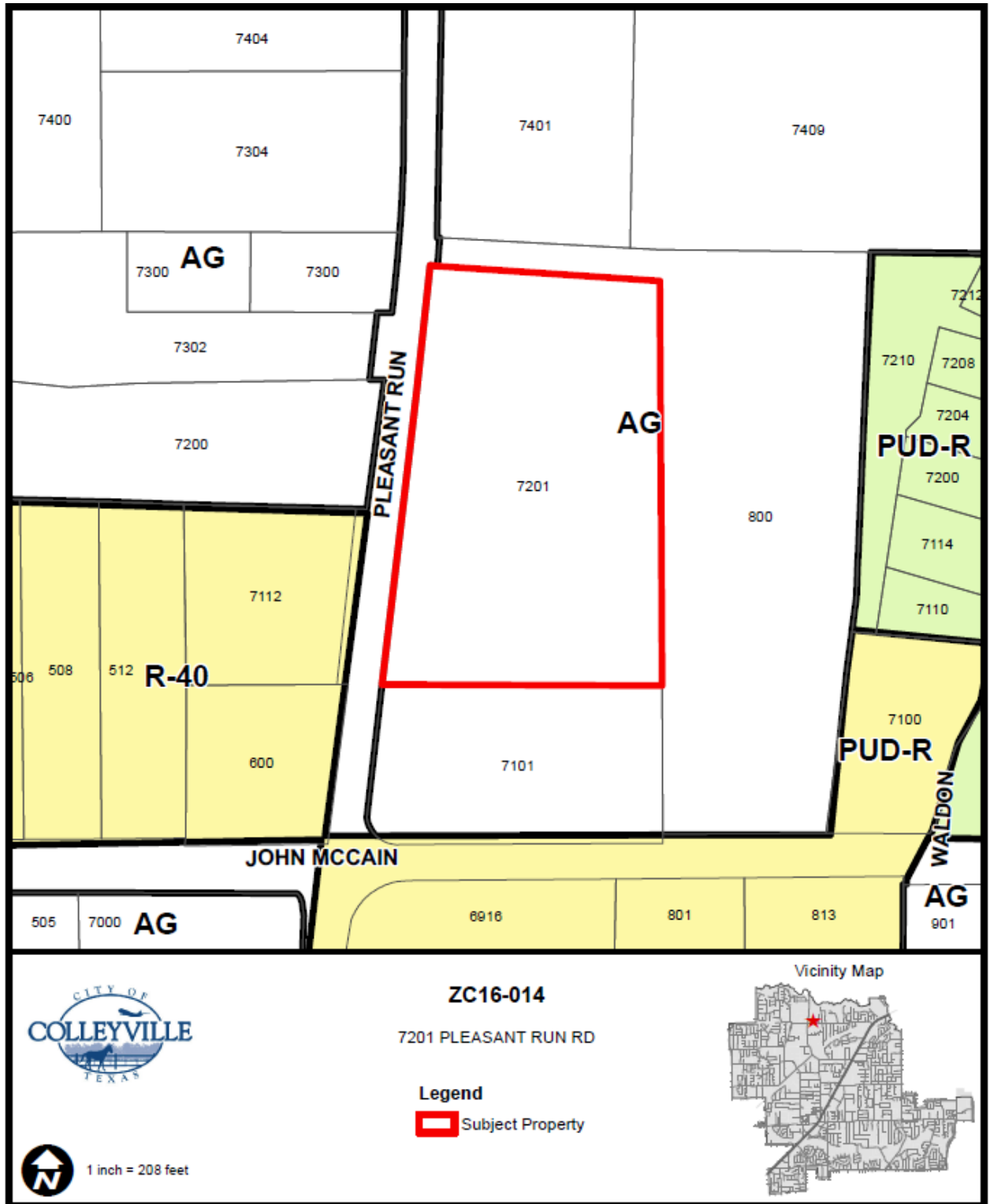


Exhibit “B”- Metes & Bounds Description

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 10/18/2016

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

Second Reading and Public Hearing

There were no speakers regarding this request at the October 3, 2016 City Council meeting.

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 properties to the north, east, and west are zoned R-20 Single Family Residential district and developed with single family homes. The property to the south is zoned R-40 Single Family Residential district and developed with one 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.

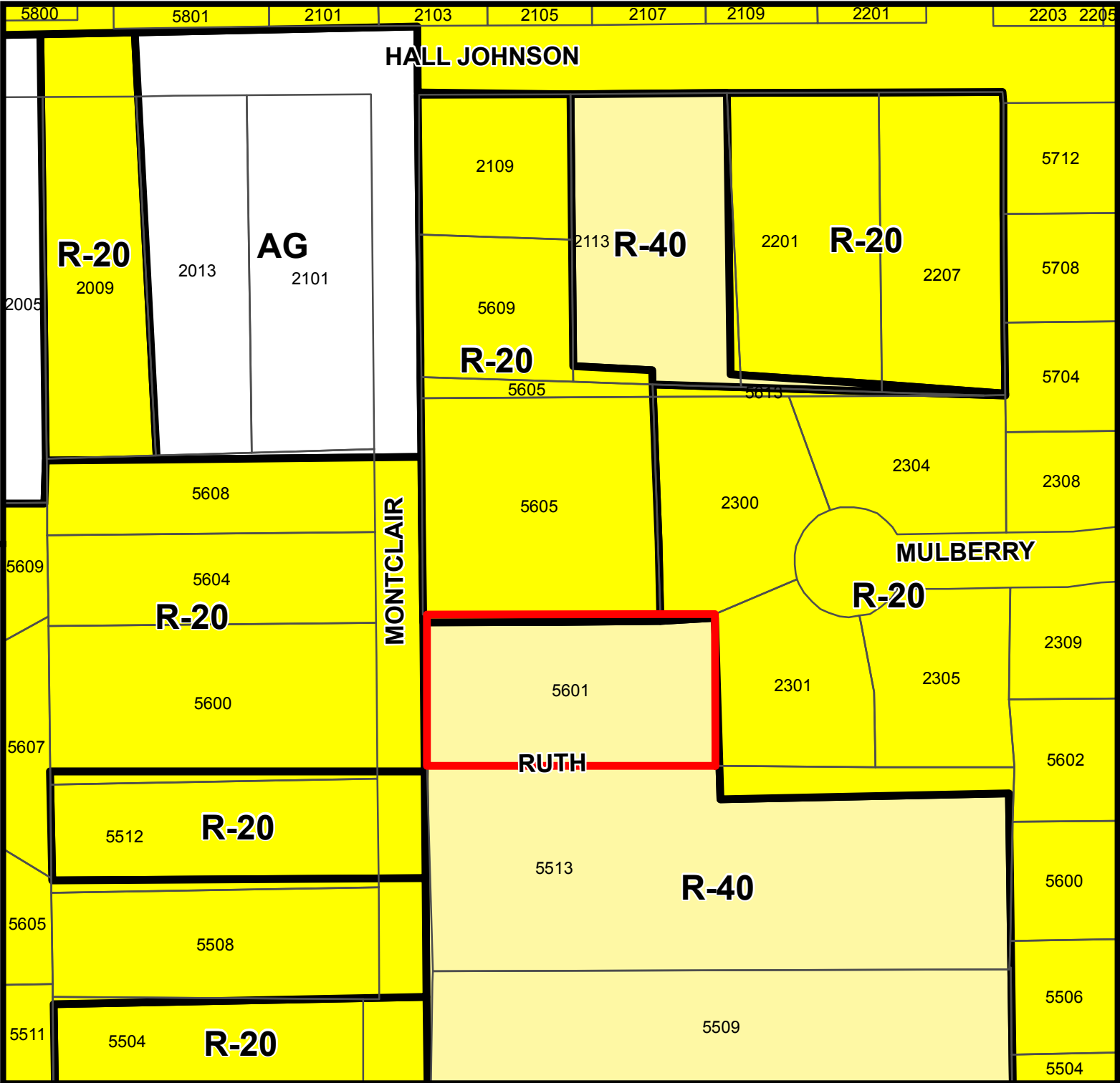
Recommendation

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

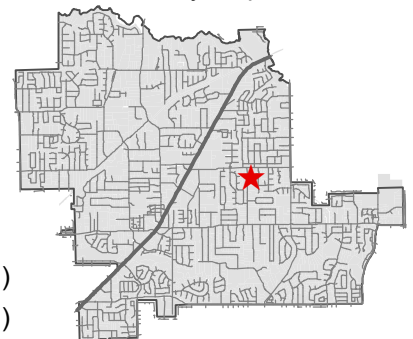


1 inch = 125 feet

Legend

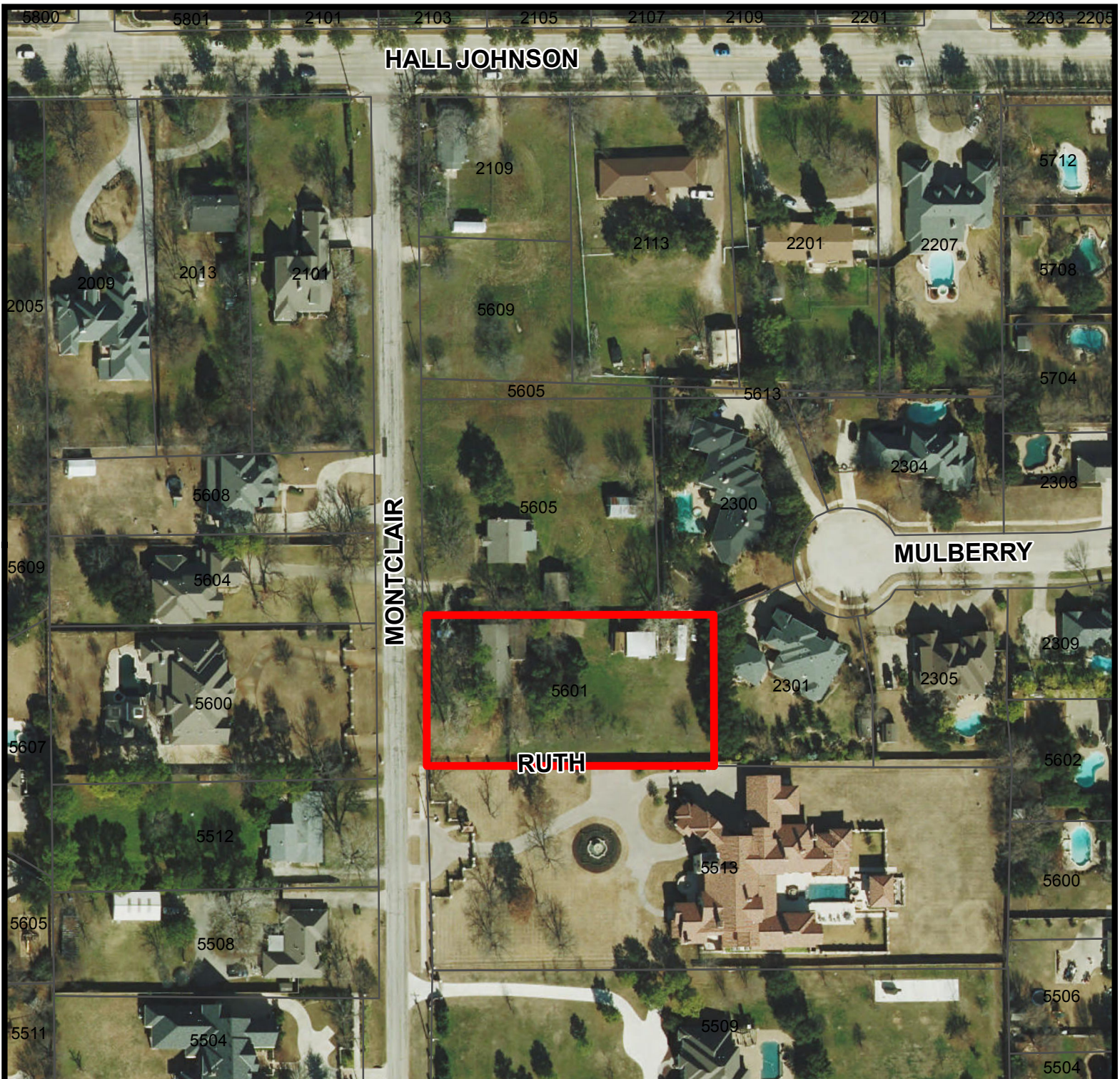
- | | |
|---|--|
|  | Subject Property |
|  | AG Agricultural |
|  | R-20 Single Family Residential (20,000 sq. ft. min) |
|  | R-40 Single Family Residential (40,000 sq. ft. min) |

Vicinity Map



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AERIAL MAP



ZC16-017

5601 MONTCLAIR DRIVE

Legend

 Subject_Property

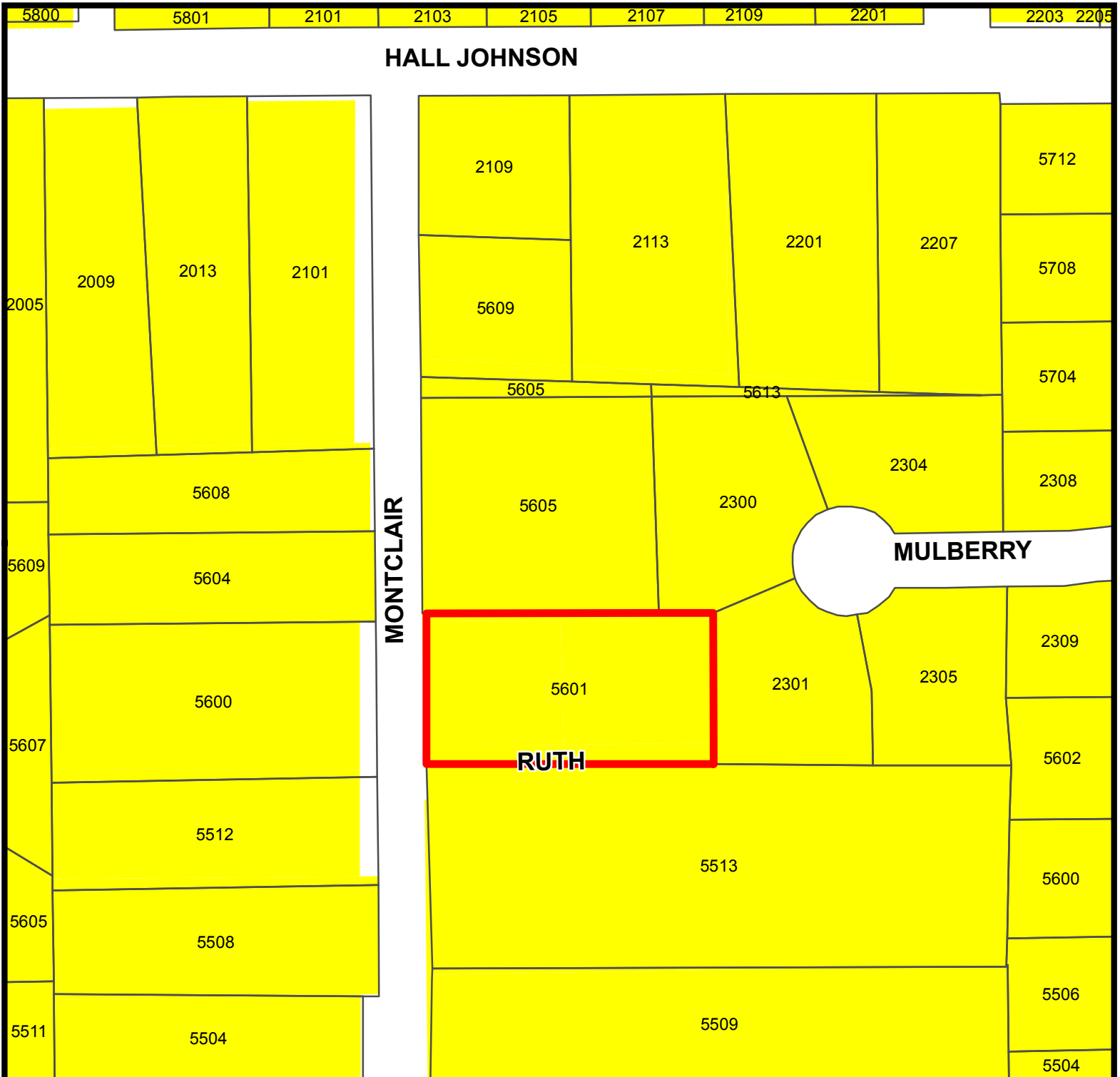
Vicinity Map



1 inch = 125 feet

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FUTURE LAND USE MAP



1 inch = 125 feet

Legend



Subject Property



RESIDENTIAL



COMMERCIAL



INSTITUTIONAL

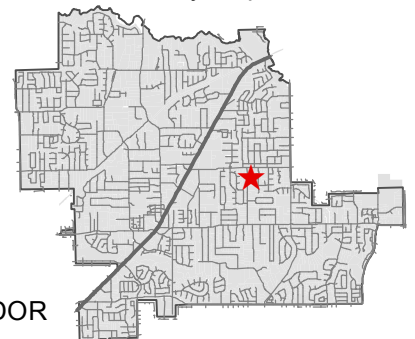


PARKS/ OPEN SPACE



COLLEYVILLE BLVD CORRIDOR

Vicinity Map



ZC16-017

5601 MONTCLAIR DRIVE

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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

S00°13'17"W 137.80'

ZONING R-20

ROBERT AND NANCY JACKSON
VOL. 11996, PG. 412, D.R.T.C.T.

ZONING R-20

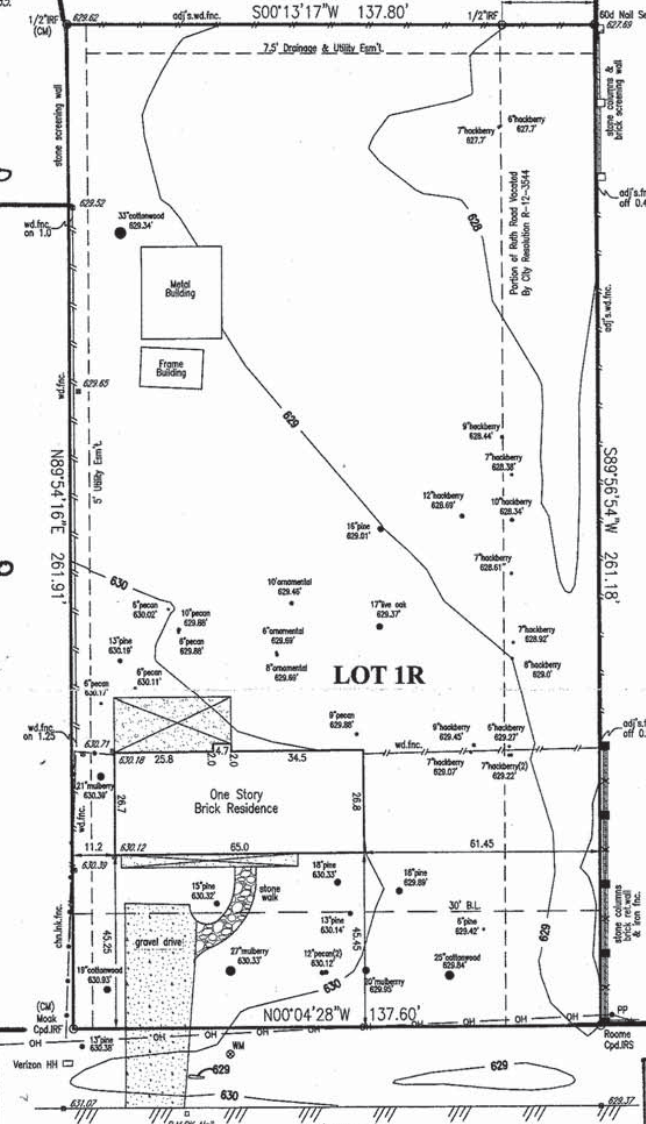
LOT 1R

LOT 1R1, BLOCK 1, FISHER ADDITION
INST. NO. D211181840, P.R.T.C.T.

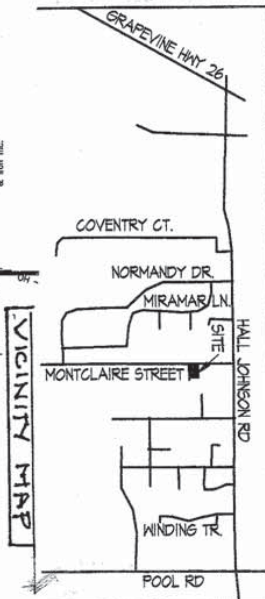
ZONING R-40

ZONING EXHIBIT FOR ZONING CHANGE
REQUEST FROM R-40 TO R-30.

SHEET 1 OF 2



(5601) **Montclair Drive**



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 2357, 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

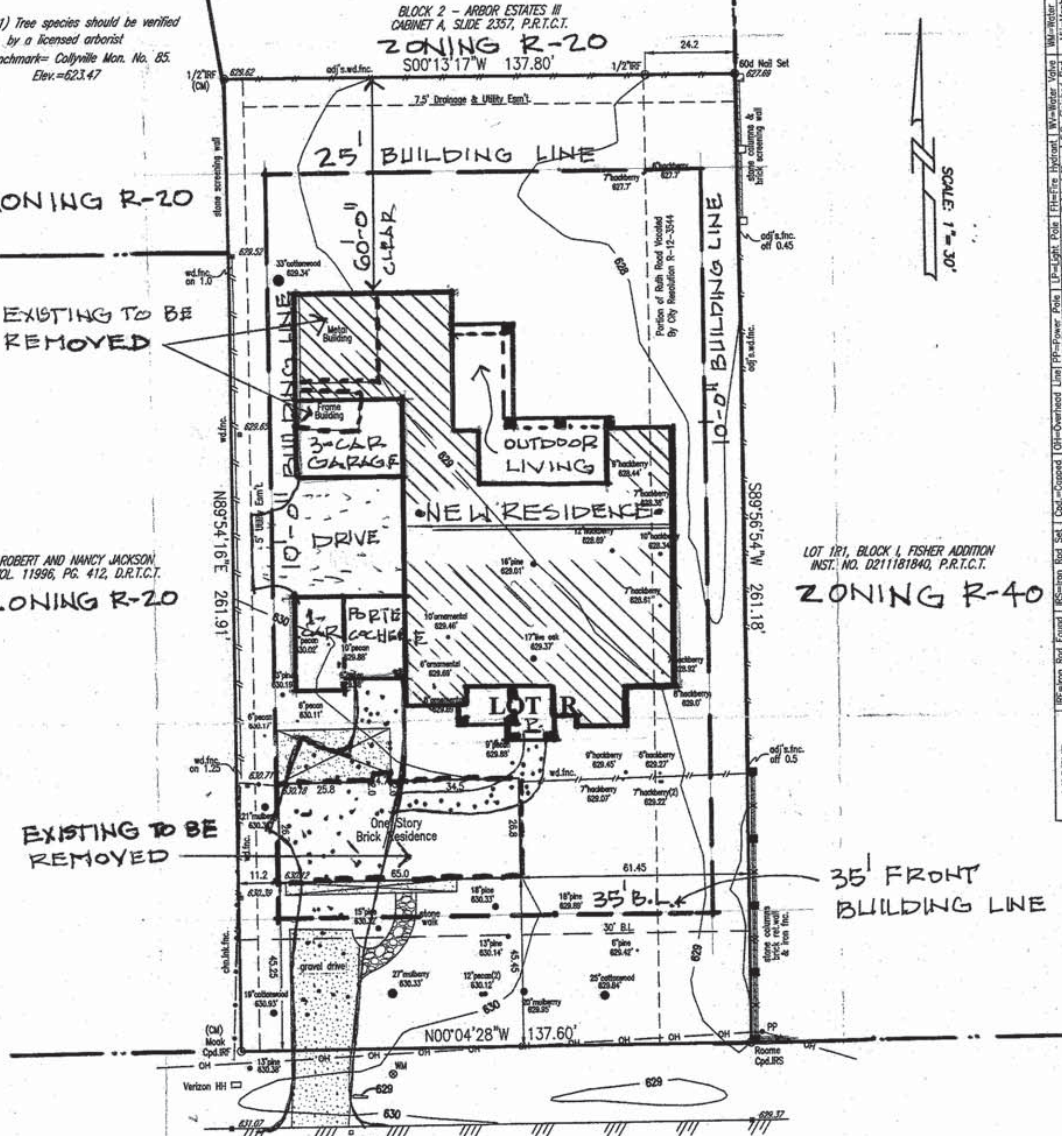
EXISTING TO BE
REMOVED

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 2 OF 2



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



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

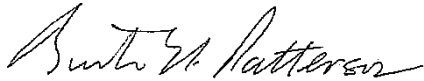
Re: Rezoning of 5601 Montclair Drive
Lot 1R, Block 1, O. Martin Subdivision

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

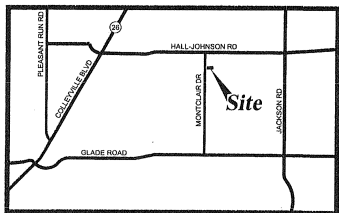
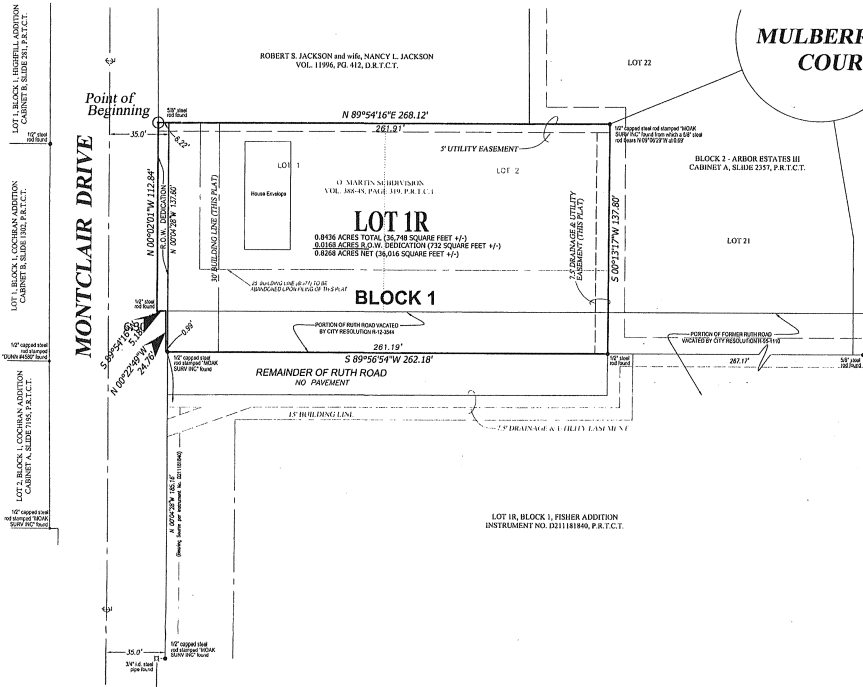
From: Ruby Antonetti
Sent: Sunday, September 11, 2016 11:34 AM
To: Shane Pace
Subject: Case #ZC16-017

My name is Ruby Antonetti
Address :
2300 Mulberry Ct.
Colleyville, TX
76034
We support
Zoning case #
ZC16-017

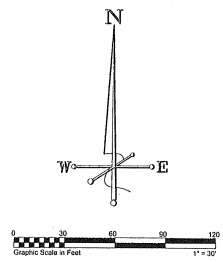
Thank you
Alfred and Ruby Antonetti

Sent from my iPhone

Approved Plat



Vicinity Map



Owners (Lot 1R) / Applicants
Steve & Deborah Pence
5501 Montclair Drive
Colleyville, Texas 76034

STATE OF TEXAS §
COUNTY OF TARRANT §

OWNERS' ACKNOWLEDGEMENT AND DEDICATION

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 SURV 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 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 usual use on accommodation of all public utilities desiring to use or using the same. This plat approved subject to all planning ordinances, rules, regulations, and resolutions of the City of Colleyville, Texas.

Witness my hand this 4th day of October, 2012

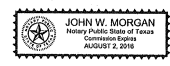
Stephen R. Pence
Deborah K. Pence

STATE OF TEXAS §
COUNTY OF TARRANT §

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
COLLEYVILLE, 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 COLLEYVILLE, TEXAS 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. 6643

Scale: 1" = 30'

LEGEND:
• FOUND STEEL ROD
• SET CAPPED STEEL ROD
• CEMENT SET IN CONCRETE
• FOUND STEEL PIPE
• FOUND ROSS SPARK STAKE

John W. Morgan, R.P.L.S. No. 6643

Moak Surveyors, Inc.
1105 Clark Street, Suite 100
Colleyville, Texas 76034
Phone: 817-462-1111
www.moaksurveyors.com

This Plat Filed by Instrument No. 2012000914, Tarrant County Plat Records, Date 11/4/13

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.

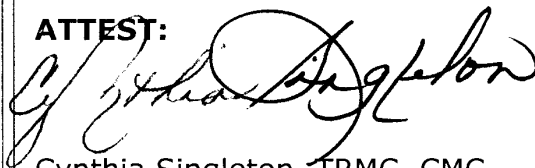
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

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.

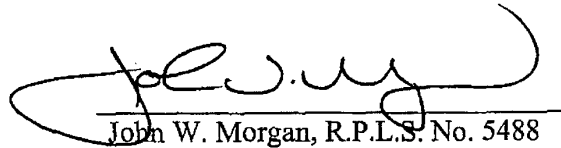
S 89°47'10"W 261.07'

(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

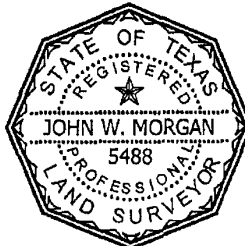
AUG 06 2012

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;

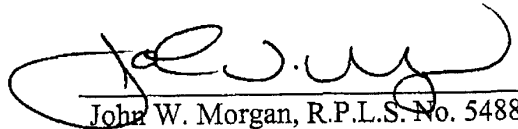
THENCE South 00 degrees 13 minutes 17 seconds West with the westerly boundary line of said vacated road, at 24.96 feet passing a 1/2 inch steel rod found for the most northerly northwest corner of Lot 1R, Block 1, FISHER ADDITION, an Addition to the City of Colleyville, Tarrant County, Texas as recorded 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.

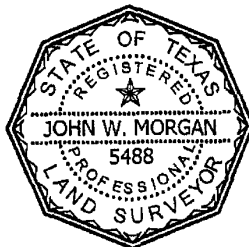
I hereby certify that this plat is an accurate representation of an actual survey made on the ground this date under my supervision of the above described tract and the boundary lines, corners and dimensions shown are as indicated.


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

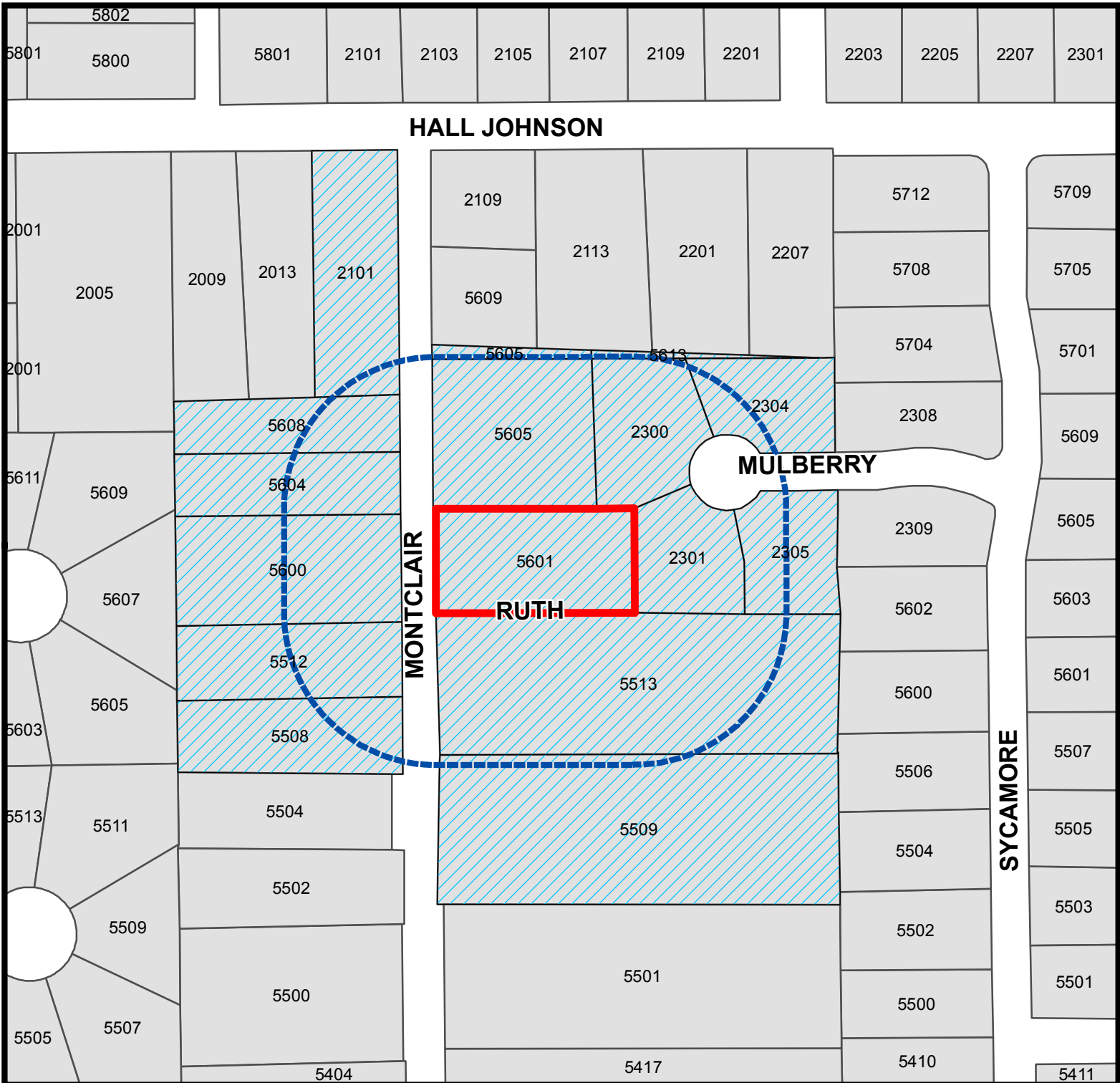
1105 Cheek Sparger Road, Colleyville, Texas 76034
Metro 817-268-2211 Fax 817-282-0401

www.moaksurveyors.com

Date 08-02-2012

Job # 12-034AB

NOTIFICATION MAP



ZC16-017

5601 MONTCLAIR DRIVE

-  Subject Property
-  200ft Buffer
-  Properties within 200ft



1 inch = 181 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.

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

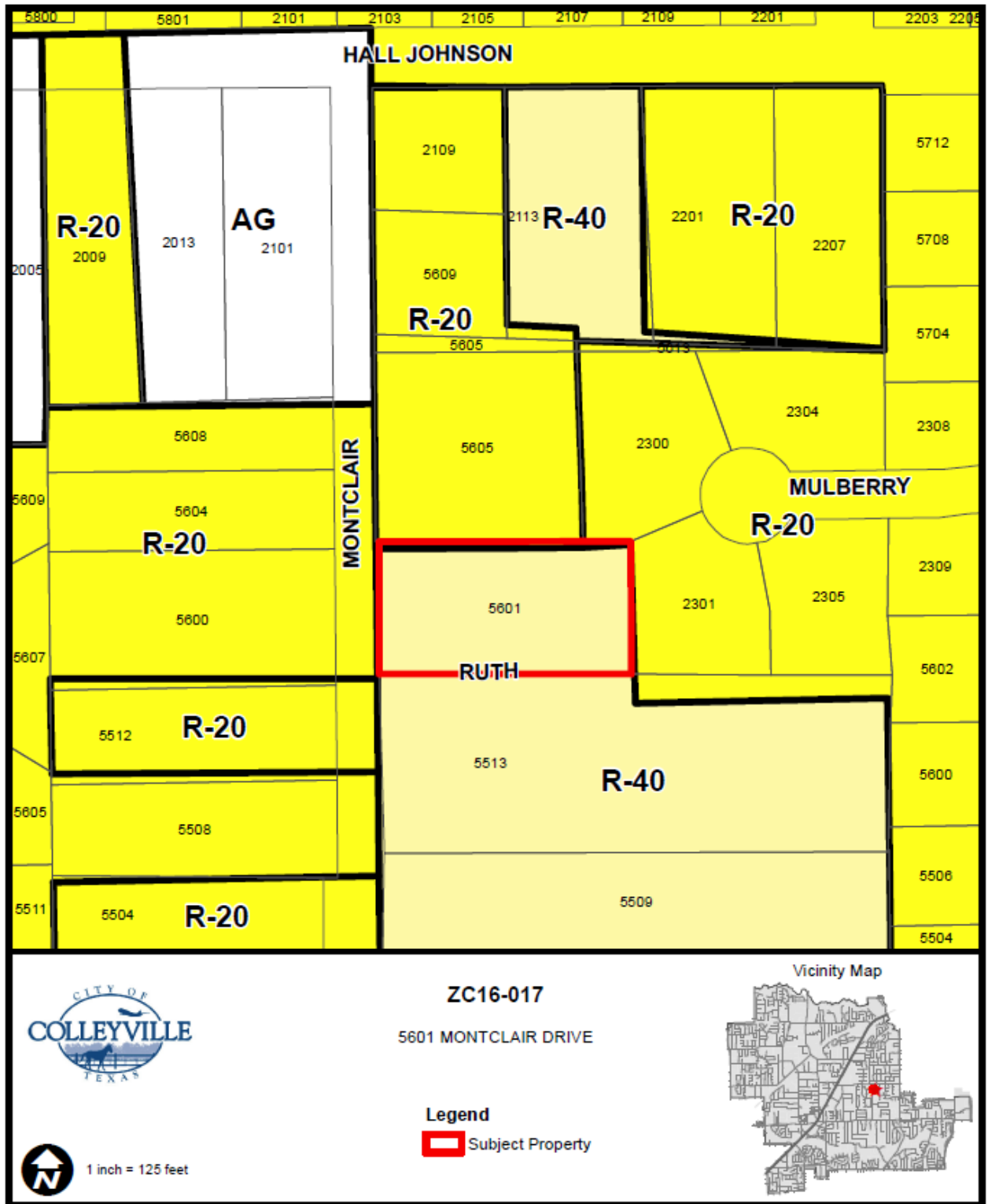


Exhibit “B”- Metes & Bounds Description

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 10/18/2016

Number Resolution R-16-4045

Type Resolution

Department Public Works

Title

Approval of a City-Developer Agreement with M/I Homes of DFW, LLC for the reimbursement of the construction costs of the waterline connection associated with the Creekside at Colleyville Development - Phase 5, and authorize the city manager to execute the agreement

Strategy Map Connection

B3- Utilize partnerships to implement cost-effective service solutions

Explanation

Reading and Public Hearing

The purpose of this item is to consider the approval of the attached City-Developer Agreement. As a result of a waterline extension, which was part of the required public infrastructure of the Woodland Hills subdivision development, not being constructed in the 1980's, M/I Homes of DFW, LLC, the developer of Creekside at Colleyville Phase 5, is requesting consideration of the proposed City-Developer Agreement. The purpose of the agreement is to reimburse the costs incurred during the construction of the previously required public infrastructure.

On December 17, 2013, the City Council approved the attached PUD Ordinance O-13-1899, which allows for the Creekside at Colleyville Development - Phase 5, located on approximately 31 acres near the intersection of Cheek-Sparger Road and Heritage Avenue. The phasing of the Creekside at Colleyville Development is shown on the Creekside at Colleyville Development attachment. This phase of the development includes 41 single family residential lots. The entire Creekside at Colleyville Development includes a total of 228 residential lots.

The developer submitted plans and specifications for the Creekside at Colleyville Development - Phase 5 Improvements to the City for review and approval prior to commencing construction on the proposed improvements. The plans included a waterline system that was designed to connect to the existing waterline extensions in the Woodland Hills development, located to the west of the subdivision. This waterline connection was needed in order to have a properly looped water distribution system.

The waterline extensions in the Woodland Hills development were originally a requirement of the public improvements that were associated with Woodland Hills development that were designed in June of 1982 as shown in Exhibit "A". The

waterlines that were included with the Woodland Hills development were designed to allow the water system to be properly circulated and connected to a future development. The waterlines would also provide future utility access for the property that was to the west of the Woodland Hills development. These types of utility connections are needed and beneficial between subdivisions to ensure the water system is properly circulated and that adequate emergency flows are available.

During the construction of the Creekside at Colleyville development - Phase 5, the developer discovered that the City waterline that was required to be constructed along with the Woodland Hills development did not exist.

The developer requested assistance from the City in order to address the public infrastructure that was not in place. The City reviewed the original plans for the Creekside at Colleyville subdivision, the requirements for the Woodland Hills development, and the existing public infrastructure that was constructed. The City confirmed that additional public infrastructure (hereby referred to as "Additional Work") beyond what was included in the original plans for the Creekside at Colleyville Development - Phase 5 would be necessary to adequately serve the new subdivision.

Developer's Proposal - In order to prevent any delays to the Creekside at Colleyville - Phase 5 subdivision and result in an overall cost savings of construction, the developer was willing to utilize his existing City approved contractors and materials to perform the additional work that was outside the scope of the new subdivision. The additional work included a waterline and the cost breakdown for the additional work is as follows:

Description	Unit	Approx. Quantity	Unit Price	Total
Mobilization	LS	1	\$2,625	\$2,625
Saw and Remove Existing Asphalt	SY	12	\$78	\$936
Replace Asphalt	SY	12	\$157	\$1,884
Traffic Control	LS	1	\$840	\$840
Tie-in after testing	EA	1	\$1,260	\$1,260
Ductile Iron Fittings	LS	1	\$945	\$945
Steel Plates	LS	1	\$840	\$840
Trench Safety	LS	1	\$525	\$525
Testing and Chlorination	LS	1	\$2,520	\$2,520
Blocking	CY	1	\$210	\$210
Furnish and install 8" PVC Certilok by Boring	LF	230	\$97	\$22,310
Remove and Replace 27" RCP	LS	1	\$4,900	\$4,900
Performance, Payment, and Maintenance Bond	LS	1	\$550	\$550
Total:				\$40,345

Reimbursement of Costs - This work has resulted in an increased cost of the public infrastructure, therefore the developer is requesting to be reimbursed for the expenses that were incurred during the construction of the additional work.

Proposed City/Developer Agreement - The proposed City-Developer Agreement establishes the criteria and guidelines for the reimbursement of the actual expense associated with the Additional Work. The cost of the additional work is being proposed to be reimbursed to the owner in a single lump sum once sufficient water impact fees have been paid to cover the amount of the reimbursement. The Creekside at Colleyville Development - Phase 5 includes a total of 41 lots. The total of impact fees associated with the phase of the development is shown in the following table:

Fee	Amount Per Lot	Number of Lots	Total
Water Impact Fee	\$2,491	41	\$102,131

The proposed agreement establishes:

1. The City agrees to reimburse water impact fees in an amount not to exceed \$40,345. This amount will be reimbursed to the owner as single lump sum once sufficient water impact fees have been paid to cover the amount of the reimbursement.
2. The total amount of reimbursement will be capped at the amount of \$40,345.

The proposed agreement has been review by the City Attorney.

Financial Impact

This agreement with result in a reimbursement to the developer of paid impact fees. The total reimbursement of the fees is capped at \$40,345 (approximately 40% of the water impact fees to be collected).

Recommendation

Approve

Attachments

1. Proposed City-Developer Agreement
2. Ordinance O-13-1899
3. Exhibit A
4. Creekside At Colleyville Phasing
5. Form 1295
6. Resolution R-16-4045

City of Colleyville
City/Developer Agreement
Creekside at Colleyville Development Phase 5

STATE OF TEXAS

COUNTY OF TARRANT

KNOW ALL MEN BY THESE PRESENTS:

That M/I Homes of DFW, LLC a Texas limited liability company organized under the laws of The State of Texas (and any assigns thereto), hereafter called "Owner/Developer", and the CITY OF COLLEYVILLE, Tarrant County, Texas, hereafter called "City", enter into the following agreement ("The Agreement").

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, in consideration of the mutual covenants herein contained, and for the purpose of developing the Creekside at Colleyville, hereafter called "Subdivision", Owner/Developer and the City agree as follows:

1. The Owner/Developer has constructed, pursuant to the final plans, and all applicable local, state, and federal ordinances, codes, and regulations, public improvements for the development of the Subdivision.
2. The Owner/Developer submitted plans and specifications (collectively the "Original Plans") for the Improvements to the City for review and approval prior to commencing construction on the proposed Improvements.
3. The Original Plans generally include a waterline system that is designed to connect to the existing waterline extensions in the Woodland Hills development, located to the west of the Subdivision, within Phase 5 of the Subdivision. The waterline connection is needed in order to have a properly looped water distribution system and are a requirement of the City of Colleyville for the proposed public improvements.
4. The waterline extensions in the Woodland Hills development were originally a requirement of the public improvements that were associated with Woodland Hills development that were originally designed in June of 1982 as shown in Exhibit "A".
5. During the construction of the Subdivision the Owner/Developer discovered that the City waterline that was required to be constructed along with the Woodland Hills development did not exist.
6. The Owner/Developer requested assistance from the City in order to address the fact that the City required infrastructure did not exist.
7. The City reviewed the Original Plans for the Subdivision, the requirements for the Woodland Hills development, and the existing public infrastructure that was in constructed. The City confirmed that additional public infrastructure (hereby referred to as "Additional Work") beyond what was included in the Original Plans would be necessary to adequately serve the Subdivision
8. In order to prevent any delays to the Subdivision and provide for an overall construction cost savings, the Owner/Developer was willing to utilize his existing City approved contractors and materials to perform the "Additional Work" that was outside the scope of the required infrastructure associated with the Subdivision.

9. The Owner/Developer and the City have now agreed upon the need and scope of the “Additional Work”. The “Additional Work” generally includes a waterline extension and connection in Phase 5 of the Creekside at Colleyville Subdivision that connects to the water system in the Woodland Hills development to the Subdivision.
10. The Owner/Developer contracted for the “Additional Work” using reputable contractors. The contract documents required a two-year maintenance bond in the amount of 10% of the construction cost.
11. In consideration of Owner/Developer’s construction of the “Additional Work” and due to the extraordinary cost of the “Additional Work”, which would not have been necessary if it was initially constructed when it was originally required, the City and Owner/Developer agree as follows:
 - a. The City agrees to collect standard City water, sanitary sewer and roadway impact fees (collectively the “Impact Fees”) from any homebuilder (the “Builder”) building in the Subdivision as they request building permits. The fees collected will be consistent with EXHIBIT “B”
 - b. The Owner/Developer has provided the City with As-Built drawings.
 - c. The items set forth on EXHIBIT “C” attached hereto, are specific components of the “Additional Work” to be constructed. City and Owner/Developer agree that the actual costs on Exhibit “C” are a reasonable cost to be incurred by Owner/Developer in the course of constructing the “Additional Work”.
 - d. The City agrees to reimburse the Owner/Developer for actual expenses incurred for the construction of the “Additional Work” as provided for herein.
 - e. The Owner/Developer will be reimbursed only for actual expenses incurred to complete the “Additional Work”. All reimbursements must be applied for by the Owner/Developer and proof of payment is required prior to the issuance of any reimbursement by the City.
 - f. The City agrees to reimburse water impact fees paid for homes in the Subdivision for all expenses incurred by the Owner/Developer for the purposes of constructing the waterlines that are associated with the “Additional Work” in an amount not to exceed \$40,345. The reimbursement will be a single lump sum once sufficient water impact fees have been paid to cover the amount of the reimbursement.
 - g. The Owner/Developer agrees that the total amount of reimbursement will be capped at the amount of total \$40,345, based on the estimated costs on Exhibit “C”.
 - h. The Owner/Developer agrees the physical improvements shall become the property of the City of Colleyville.
12. This City/Developer Agreement shall not be amended, modified or in any way changed except on the express written agreement of both Owner/Developer and the City
13. Termination. This Agreement shall terminate upon the following:
 - a. By written agreement of the parties;
 - b. Such breach remains uncured for a period of sixty (60) days after written notice by either party in the event the other party breaches the Agreement and thereof, or
 - c. Upon an Event of Bankruptcy or Insolvency.

14. Remedies. If a party defaults hereunder, then the non-defaulting party shall have the right to enforce specific performance of the defaulting party's obligations and/or seek other available remedies at law or in equity against such defaulting party.
15. Notice. All notices required by this Agreement shall be in writing and addressed to the following, or such other party or address as either party designates in writing, by certified mail, postage prepaid, facsimile with receipt as proof of transmittal, or by hand delivery.

If intended for Owner/Developer, to:

M/I Homes of DFW, LLC
405 State Highway 121, Suite A-210
Lewisville, Texas 75067
(972) 315-6440
Attention: Gary Rae – Division President

If intended for City, to:

City of Colleyville
Attn: City Manager
100 Main Street
Colleyville, TX 76034
(817) 503-1059 (Fax)

With copy to:

Boyle & Lowry, LLP
Attention: Matthew Boyle
4201 Wingren Plaza, Suite 108
Irving, TX 75062
(972) 650-7105 (FAX)

16. Successors and Assigns. This Agreement shall be binding on and inure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors, and assigns. If for any reason the ownership of the Subdivision should change prior to the acceptance by the City of the Improvements, it is agreed that this City/Developer Agreement and all covenants and obligations hereunder shall become the obligation of the new owner of the Subdivision, who shall acknowledge and agree in writing to be bound by this City/Developer Agreement to the same extent as Owner/Developer.
17. Severability. In the event any section, subsection, paragraph, sentence, phrase or word herein is held invalid, illegal or unconstitutional, the remainder of this City/Developer Agreement shall be enforceable and shall be enforced as if the parties intended at all times to delete said invalid section, subsection, paragraph, sentence, phrase or word.
18. Governing Law. The validity of this City/Developer Agreement and any of its terms and provisions, as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas; and venue for any action concerning this City/Developer Agreement shall be in State District Court of Tarrant County, Texas.
19. Entire Agreement. This City/Developer Agreement embodies the complete agreement of the parties hereto; superseding all oral or written, previous and contemporary agreements between the parties relating to the matters in this City/Developer Agreement cannot be modified without written agreement of the parties.
20. Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

21. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

EXECUTED this the ____ day of _____, 2016.

CITY: CITY OF COLLEYVILLE, TEXAS

By: _____
City Manager

APPROVED AS TO FORM:

By: _____
City Attorney

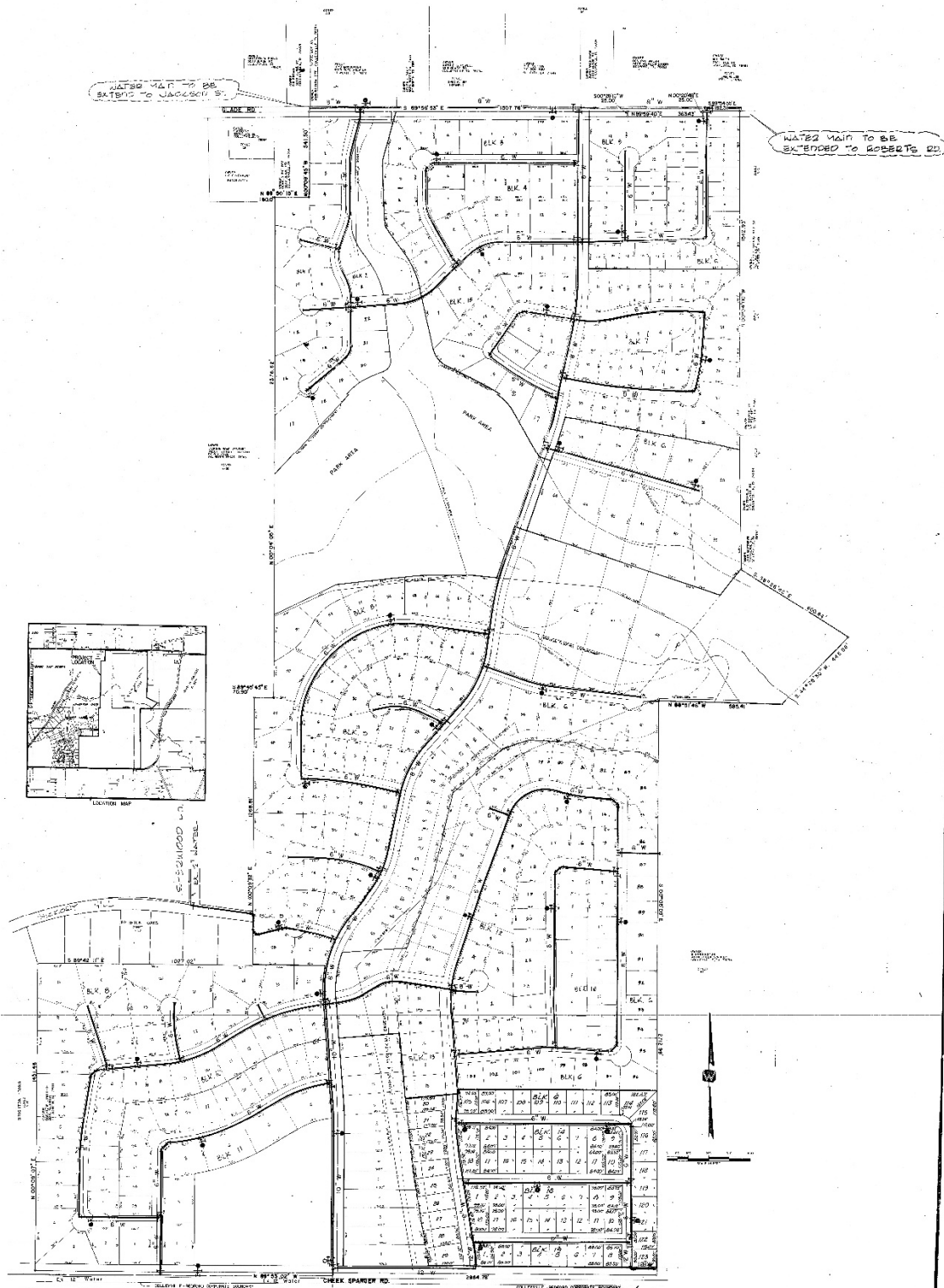
ATTEST:

By: _____
City Secretary

OWNER/DEVELOPER: M/I Homes of DFW, LLC

By: _____

EXHIBIT A



WATER DISTRIBUTION SYSTEM WOODLAND HILLS COLLEYVILLE, TEXAS

DESIGNED BY: WASHINGTON / WALLACE & ASSOCIATES, INC.
1000 WEST 10TH STREET, SUITE 200
FORT WORTH, TEXAS 76102

DESIGNED BY: WASHINGTON / WALLACE & ASSOCIATES, INC.
1000 WEST 10TH STREET, SUITE 200
FORT WORTH, TEXAS 76102

EXHIBIT B

Creekside at Colleyville Development Phase 5

Fee	Amount Per Lot	Number of Lots	Total
Water Impact Fee	\$2,491	41	\$102,131
Sewer Impact Fee	\$643	41	\$26,363
Roadway Impact Fee	\$4,941	41	\$202,581
Total:	\$8,075		\$331,075

EXHIBIT C

Creekside at Colleyville Phase 5 Additional Work - Waterline Costs

Description	Unit	Approx. Quantity	Unit Price	Total
Mobilization	LS	1	\$2,625	\$2,625
Saw and remove existing asphalt	SY	12	\$78	\$936
Replace asphalt	SY	12	\$157	\$1,884
Traffic control	LS	1	\$840	\$840
Tie-in after testing	EA	1	\$1,260	\$1,260
Ductile iron fittings	LS	1	\$945	\$945
Steel plates	LS	1	\$840	\$840
Trench safety	LS	1	\$525	\$525
Testing and Chlorination	LS	1	\$2,520	\$2,520
Blocking	CY	1	\$210	\$210
Furnish and install 8" PVC Certi-lok by boring	LF	230	\$97	\$22,310
Remove and replace 27" RCP	LS	1	\$4,900	\$4,900
Performance, Payment, and Maintenance Bond	LS	1	\$550	\$550
Total:				\$40,345

ORDINANCE O-13-1899

AN ORDINANCE AMENDING ORDINANCE O-07-1645 AND ORDINANCE O-13-1866 CONDITIONS AND AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 4.4 ACRES LOCATED IN THE JESSE DOSS SURVEY AT THE NORTHWEST CORNER OF CHEEK-SPARGER ROAD AND HERITAGE AVENUE FROM THE AG-AGRICULTURAL DISTRICT TO THE PUD-R-PLANNED UNIT DEVELOPMENT RESIDENTIAL DISTRICT; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council approved Ordinance O-07-1645 on November 27, 2007, to establish the zoning of 108.5 acres out of the Elizabeth Cox Survey, Abstract 352, the John H. Havens Survey, Abstract 685, the Jesse Doss Survey, Abstract 441, and the S.C.H. Witten Survey, Abstract 1734 under case Z-07-008; and

WHEREAS, the City Council approved Ordinance O-13-1866 on March 5, 2013, amending Ordinance O-07-1645 conditions and approving a detailed site plan for phase one of the development under case ZC12-031; and

WHEREAS, the applicant has requested an amendment to Ordinance O-07-1645 and Ordinance O-13-1866 and requests to rezone 4.4 acres located in the Jesse Doss Survey at the northwest corner of Cheek-Sparger Road and Heritage Avenue, acquired from the City of Euless in a boundary adjustment approved under Ordinance O-12-1828, so as to incorporate the property into the PUD authorized by Ordinance O-07-1645 under Case Z-07-008 and approve a detailed site plan for phase two of the development; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

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

enforced therein and to recommend a new zoning ordinance;
and

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

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending Ordinance O-07-1645 and Ordinance O-13-1866.
- Sec. 3. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by

changing the zoning of 4.4 acres located in the Jesse Doss Survey at the northwest corner of Cheek-Sparger Road and Heritage Avenue from the AG-Agricultural District to the PUD-R-Planned Unit Development Residential District, as depicted in the attached Exhibit "A" and described in Exhibit "B".

Sec. 4. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.

Sec. 5. THAT the above described tract of land shall be subject to the following conditions:

1. DETAILED SITE PLAN REQUIREMENT

- a. Exhibit "C" shall be deemed to satisfy the site plan requirements of Ordinance O-07-1645 Section 4(2)a and Ordinance O-13-1866 Section 5(1)b. A full size copy of the site plan shall be kept on file in the Community Development Department until the final plat is approved, at which time a copy of the detailed site plan shall be kept in the plat file for this development. The phase two final plat shall be consistent with Exhibit "C".

2. GENERAL AMENDMENTS

- a. Section 5(2)e of Ordinance O-13-1866 is hereby deleted.
- b. The developer may enter into a City/Developer Agreement with the City of Colleyville for any required public improvements, in conjunction with this development. Said agreement, if submitted, shall be approved and executed prior to the filing of the final plat for phase two of the development.
- c. Prior to the issuance of a building permit for the 1.9 acre commercial tract shown at the southwest corner of the development on Exhibit C, the developer shall submit a detailed site plan which shall, at a minimum, meet the requirements of Section 3.23 J.K.6. of the Land Development Code, be consistent with Ordinance O-07-1645 and any subsequent amendments, and may also be required to show additional conditions provided in Section 3.23 M.b. of the Land Development Code. Further, such detailed site plan(s)

shall be considered as a legislative approval, subject to the sole discretion of the City Council upon the recommendation of the Planning and Zoning Commission.

- d. Section 4(7)b of Ordinance O-07-1645 is hereby amended to read as follows: A six (6) foot masonry wall shall be built along the perimeter of the subdivision along Heritage Avenue, Glade Road and Cheek Sparger Road. The design for such wall shall be stamped and sealed by a licensed engineer. The standards and detail for such wall shall be included as part of the detailed Site Plan and shall, otherwise, meet the requirements of the Land Development Code.
- e. Except as noted in subsection "d" above and Section 4(7)a and "c" in Ordinance O-07-1645, all fences shall be constructed per Exhibit D.
- f. Section 5(2)c of Ordinance O-13-1866 is hereby amended to read as follows: The ten (10) foot wide concrete trail shown as Trail 24 on the 2005 City of Colleyville Pathways Plan map shall be constructed by the developer along the west side of Heritage Avenue prior to the acceptance of public improvements and shall connect to all other trails noted on the 2005 Colleyville Pathways Plan with the following exceptions: The developer may escrow the cost of constructing the trail in lieu of actual construction only for the portion of the trail that traverses the Little Bear Creek floodplain. If the developer chooses to escrow said funds, the developer shall build a minimum four (4) foot wide sidewalk across Little Bear Creek that links the internal sidewalks in the portion of the development that is south of Little Bear Creek to the internal sidewalks in the portion of the development that is north of Little Bear Creek. Said sidewalk connection shall link to Trail 24 on both sides of Little Bear Creek within a public pedestrian access easement, which shall be dedicated on the final plat(s) for the development.

Sec. 6. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

- Sec. 7. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 8. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 9. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 10. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.
- Sec. 11. THAT Ordinance O-07-1645 and Ordinance O-13-1866 shall remain in full force and effect, except where amended by this ordinance.

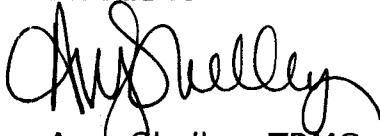
AND IT IS SO ORDERED.

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

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

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 17th day of December 2013.

ATTEST:



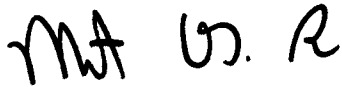
Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" –Location and Zoning Map

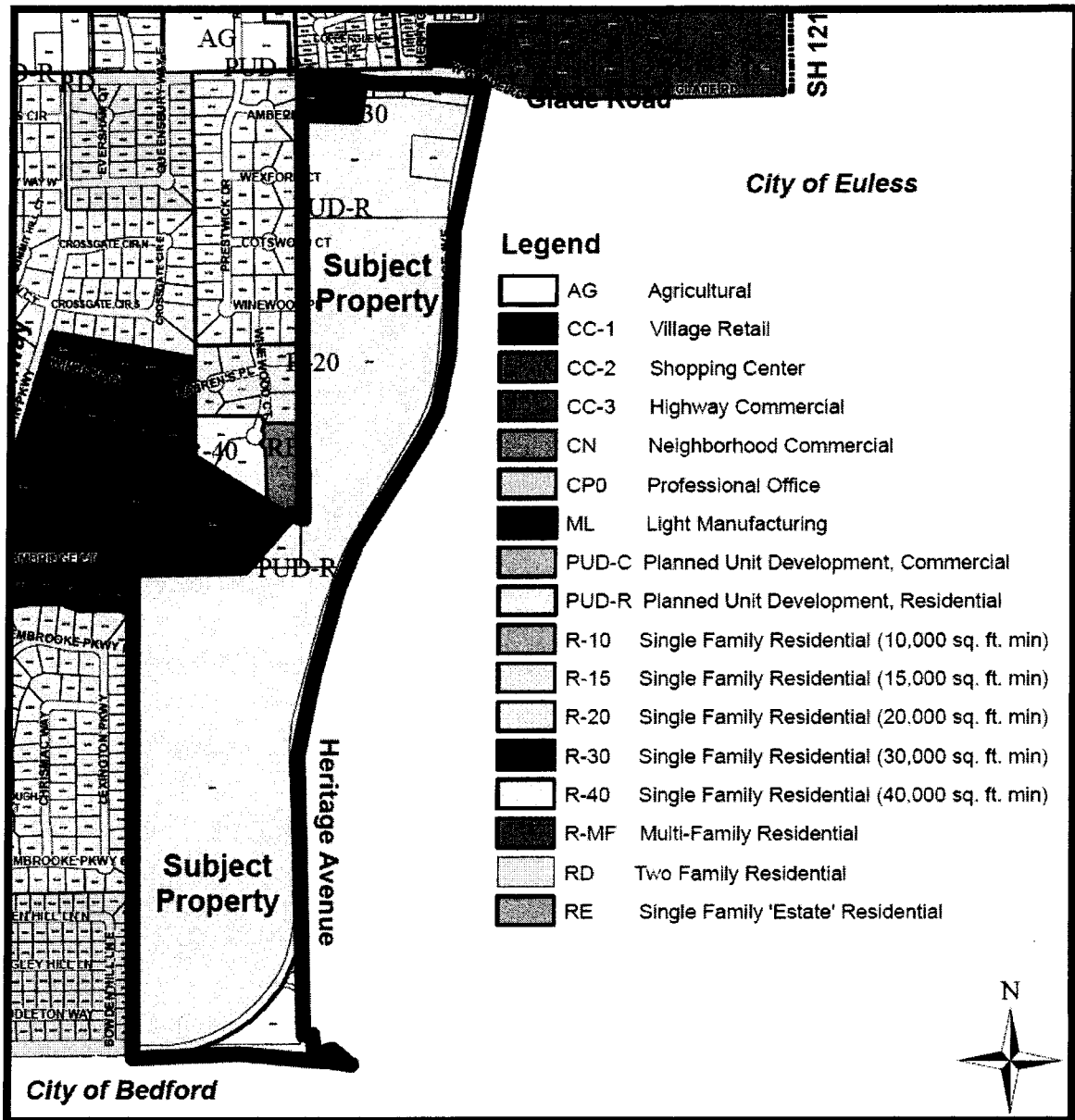


Exhibit "B" – Legal Description of Property Zoned from AG-Agricultural to PUD-R-Planned Unit Development Residential

Being the certain tract of land situated in the J. DOSS SURVEY, Abstract No. 441 and being a portion of the Ordinance No. 192 to City of Euless and a portion of the tract described in the deed to Sparger Family limited Partnership as recorded in Volume 16472, Page 390 of Deed Records, Tarrant County, Texas and being more particularly described as follows:

BEGINNING at a point at the intersection of the Colleyville City Limit and the Bedford City Limit boundaries from which a 5/8" iron rod found for the southwest corner of said Sparger tract bears North 69°11'27" West at 207.68 feet;

THENCE North 00°07'13" West, 25.16 feet to the beginning of a curve to the left;

THENCE northeasterly with said curve to the left, having a radius of 843.63 feet, a central angle of 37°42'05", an arc length of 250.26 feet to the apparent intersection of the north right-of-way of said Cheek Sparger Road and the east right-of-way line of Heritage Avenue, continuing with said east right-of-way line a total arc length of 1281.93 feet and a long chord of North 42°29'27" East at 1162.08 feet to a 5/8 inch iron rod found for the end of said curve, same being the merging of the east right-of-way line of Woodpark Lane;

THENCE South 01°02'49" East with said east right-of-way line of Woodpark Lane, 750.80 feet to the southwest corner of the tract described to Charles A. Hoel, Jr. and wife, Mary lea Hoel as recorded in Volume 3522, Page 540 of said Deed Records;

THENCE South 89°57'50" East with the south line of said Hoel tract, approximately 38.00 feet to the northwest corner of the tract described to Cheek-Sparger Properties, LLP., as recorded in Document No. 0206013089 of said Deed Records;

THENCE South 05°10'42" East, 58.85 feet to the beginning of a curve to the right;

THENCE southeasterly with said curve to the right, having a radius of 1058.63 feet, a central angle of 12°33'23", an arc length of 232.00 feet and a long chord of South 71°31'54" East at 231.54 feet;

THENCE South 65°18'09" East, 4.39 feet to said north City limit line of the City of Bedford and south City Limit line of the City of Colleyville;

THENCE North 89°52'47" West with said common City Limit line, 1065.70 feet to the place of beginning and containing 4.438 acres of land, more or less.



Site Data Summary Chart	
Subtotal	238
Commercial Lots	1
Commercial Lots	17
Commercial Lots	190 ac.
COMMERCIAL	41.50 ac.
RESIDENTIAL	10.51 ac.
Open Space	1.24 ac.
Other	7.24 ac.
R.O.W. Deduction (on Heritage)	94.44 ac.
Total Residential	96.36 ac.
GROSS AREA	
Residential Lot Summary	
Minimum Building Lot Area	238
Average Building Lot Area	5,000 s.f.
Common Areas	8,311 s.f.
	17
L.U.D. / Zoning	
Proposed Zoning	PUD-R
Proposed Zoning	PUD-R

-planning Area A - Front Setbacks are 20', or 15'
 with a swing garage
 -planning Area A - Rear Setbacks are 30' Typical
 -planning Area A - Side Setbacks are 5'
 -planning Area B - Front Setbacks are 20', or 15'
 with a swing garage
 -planning Area B - Rear Setbacks are 10' Typical
 -planning Area B - Side Setbacks can be a corner lot
 5' sideyard, 9'1" or 10'0" (10' total, minimum,
 between structures)
 -There will be no outside storage onsite
 -Open space lots & landscape easements will be
 maintained by the Homeowners Association (HOA).

**Zoning Exhibit for
Zoning Change Request
For PUD-R Amendment
Case # ZC13-017**

Creekside at Colleyville

Colleyville, Tarrant County, Texas PAGE 1 / 2

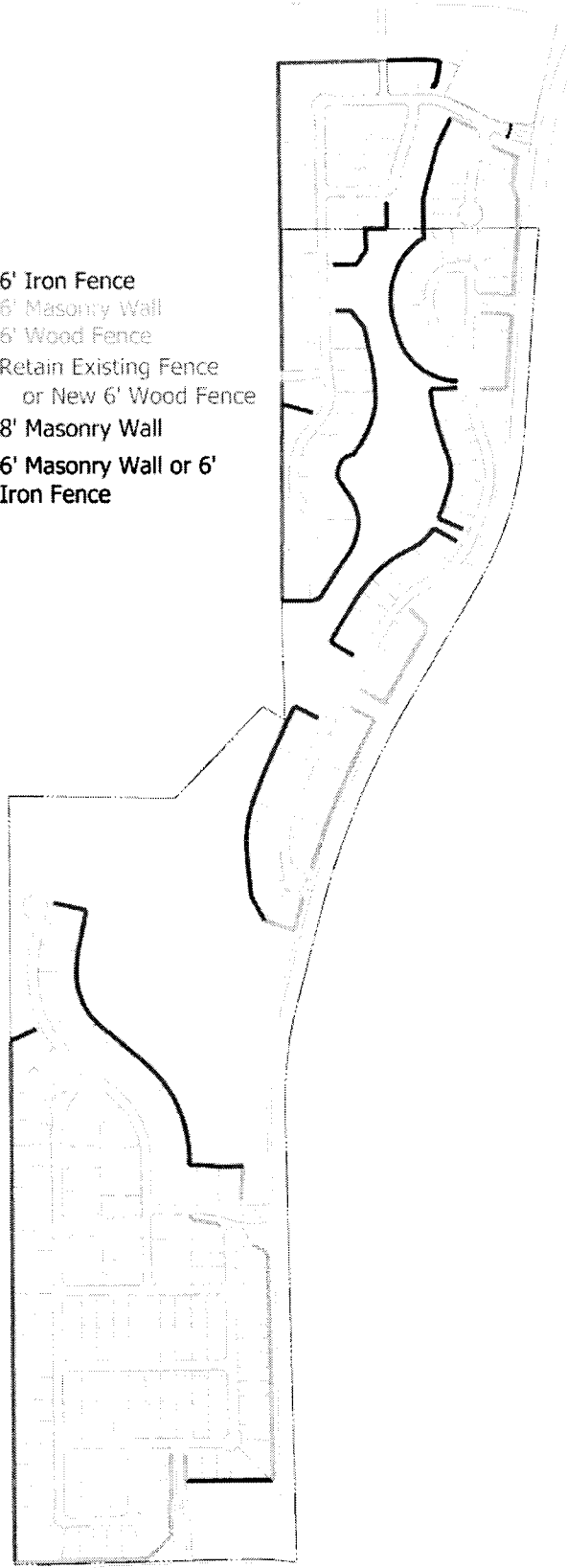
Owner:
Harrington Family
7000 Cherry Bark Lane
North Richland Hills, TX 76182

Applicant:
Terra Monney, L.L.C.
195 W. State Hwy. 114, Suite 300
Southlake, TX 76092
Contact: Paul Spain

Planner: SAGE GROUP, INC.
Master Planning
Urban Design
Architect
Landscape Architecture
100 N. Canal Ave., Ste. 2000
Southwest Tower 1002
P.O. Box 414 3666

Exhibit 'D'

6' Iron Fence
6' Masonry Wall
6' Wood Fence
Retain Existing Fence
or New 6' Wood Fence
8' Masonry Wall
6' Masonry Wall or 6'
Iron Fence



Owner:
Harrington Family
7000 Cherry Bark Lane
North Richland Hills, TX 76182

Applicant:
Terra / Manna, L.L.C.
395 W. State Hwy. 114, Suite 300
Southlake, TX 76092
Contact: Paul Spain

Planner:
SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
TEL: 817-424-2526

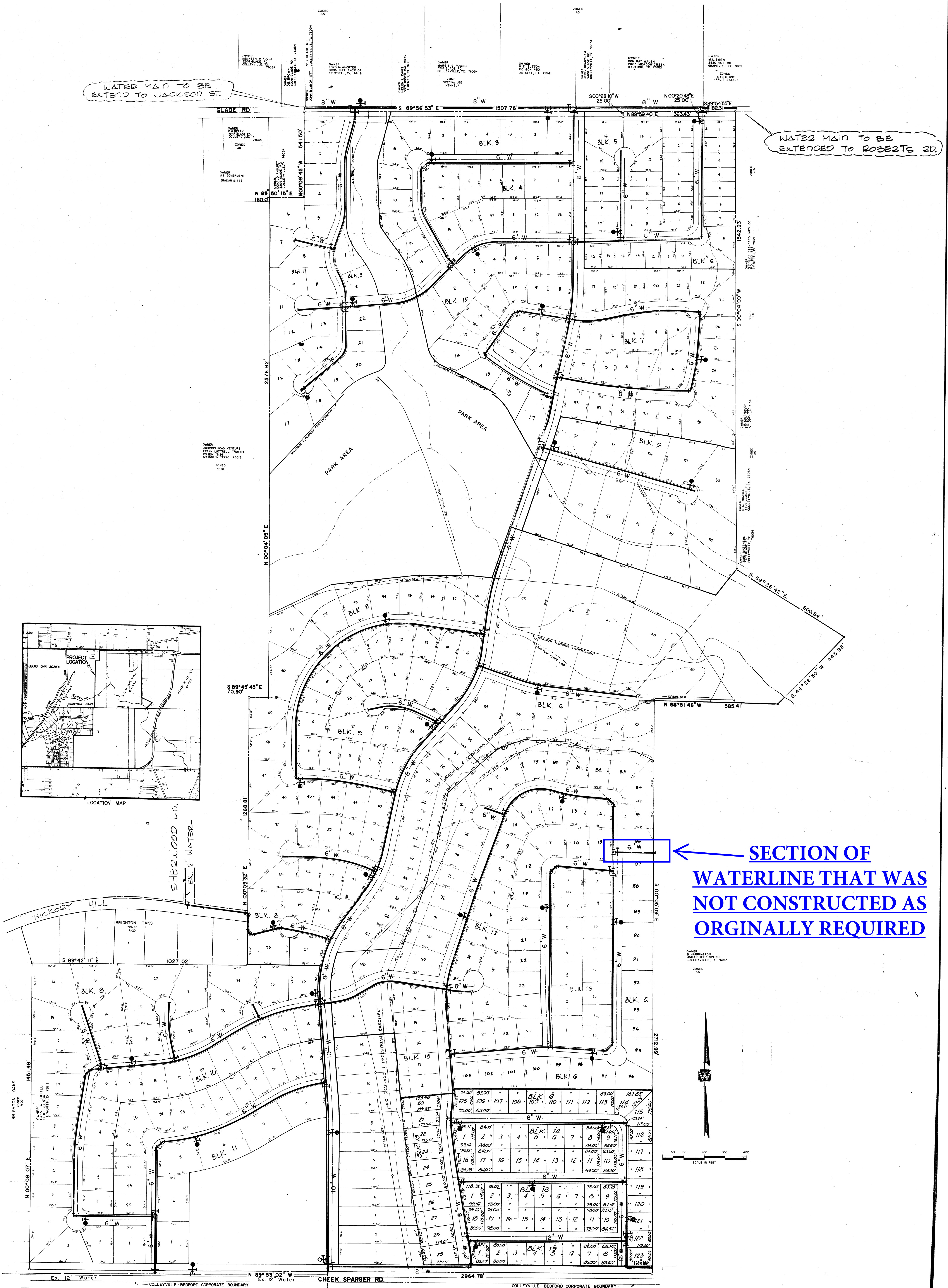


18 DEC 13



Wall/Fence Diagram

EXHIBIT A



WATER DISTRIBUTION SYSTEM

WOODLAND HILLS

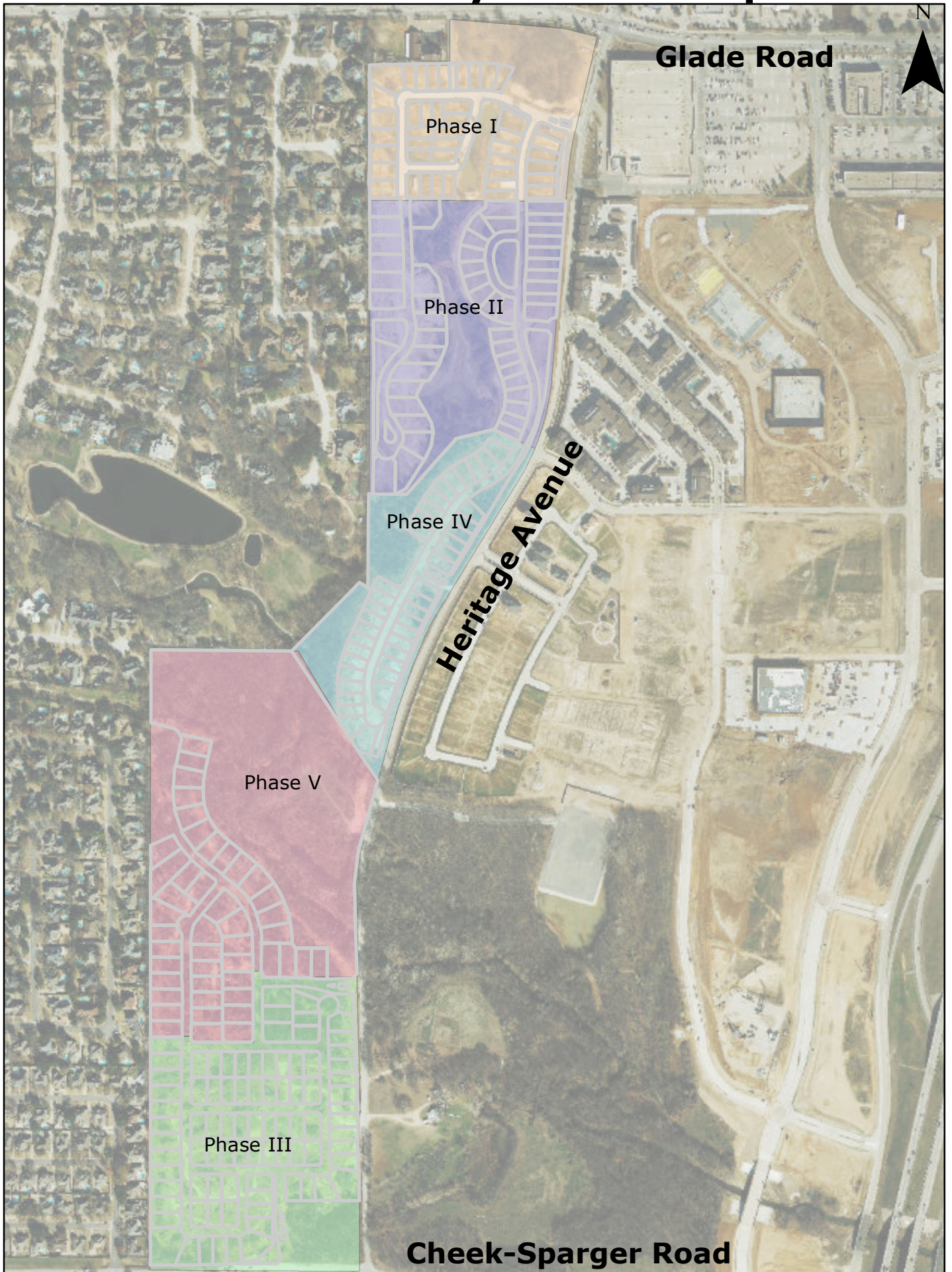
COLLEYVILLE, TEXAS

JUNE 1982

OWNER: SOUTH CREEK, INC.
LARRY COLE COMPANIES
803 FOREST RIDGE DRIVE, SUITE 108
BEDFORD, TEXAS 76021
(817) 567-4421

CONSULTING ENGINEERS: WASHINGTON / WALLACE, INC.
803 FOREST RIDGE DRIVE, SUITE 208
BEDFORD, TEXAS 76021
(817) 571-5400

Creekside at Colleyville Development



CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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.

**OFFICE USE ONLY
CERTIFICATION OF FILING****1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**

M/I Homes
Lewisville, TX United States

Certificate Number:
2016-123683

Date Filed:
10/13/2016

Date Acknowledged:
10/13/2016

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Colleyville

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.

R-16-4045
Developer Agreement

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Schottenstein, Robert	Columbus, NH United States	X	
	Mason, Thomas	Columbus, OH United States	X	
	Creek, Phillip	Columbus, OH United States	X	
	Westfall, Donald	Columbus, OH United States	X	
	Jacobs, Tom	Columbus, OH United States	X	
	M/I Homes, Inc.	Columbus, OH United States	X	

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

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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.

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
2016-123683

Date Filed:
10/13/2016

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

M/I Homes
Lewisville, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Colleyville

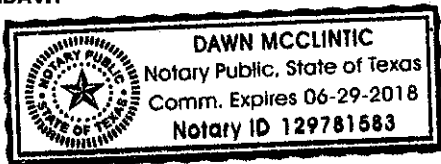
3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

R-16-4045
Developer Agreement

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Schottenstein, Robert	Columbus, NH United States	X	
	Mason, Thomas	Columbus, OH United States	X	
	Creek, Phillip	Columbus, OH United States	X	
	Westfall, Donald	Columbus, OH United States	X	
	Jacobs, Tom	Columbus, OH United States	X	
	M/I Homes, Inc.	Columbus, OH United States	X	

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]

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Robert J. Romo, this the 13 day of October, 2016, to certify which, witness my hand and seal of office.

[Signature] Dawn McClintic Land Project Manager
Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath

RESOLUTION R-16-4045

A RESOLUTION APPROVING A CITY-DEVELOPER AGREEMENT WITH M/I HOMES OF DFW, LLC, FOR THE PURPOSES OF THE REIMBURSEMENT OF THE CONSTRUCTION COSTS OF THE WATERLINE CONNECTION ASSOCIATED WITH THE CREEKSIDE AT COLLEYVILLE DEVELOPMENT-PHASE 5 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City Council approved Ordinance O-13-1899 approving the Creekside at Colleyville development; and

WHEREAS, M/I Homes of DFW, LLC, the developer, in the process of constructing Creekside at Colleyville - Phase 5 development identified public infrastructure that did not exist; and

WHEREAS, M/I Homes of DFW, LLC, chose to proceed with the construction of the additional public infrastructure prior to having an approved reimbursement agreement; and

WHEREAS, M/I Homes of DFW, LLC is requesting reimbursement of associated costs incurred in the construction of the additional public infrastructure in the attached Exhibit "A", labeled City/Developer Agreement (CDA).

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

- Sec. 1. THAT the CDA between M/I Homes of DFW, LLC, and the City of Colleyville for the reimbursement of the associated costs incurred in the construction of the additional public infrastructure to Creekside at Colleyville - Phase 5, attached as Exhibit "A", is hereby approved.
- Sec. 2. THAT the CDA shall be executed upon the signature of the city manager.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF __ AYES, __ NAYS, AND ___ ABSTENTIONS ON THIS
THE 18TH 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
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Amy Shelley, TRMC City Secretary	Richard Newton Mayor
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Exhibit A

City of Colleyville
City/Developer Agreement
Creekside at Colleyville Development Phase 5

STATE OF TEXAS

COUNTY OF TARRANT

KNOW ALL MEN BY THESE PRESENTS:

That M/I Homes of DFW, LLC a Texas limited liability company organized under the laws of The State of Texas (and any assigns thereto), hereafter called "Owner/Developer", and the CITY OF COLLEYVILLE, Tarrant County, Texas, hereafter called "City", enter into the following agreement ("The Agreement").

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, in consideration of the mutual covenants herein contained, and for the purpose of developing the Creekside at Colleyville, hereafter called "Subdivision", Owner/Developer and the City agree as follows:

1. The Owner/Developer has constructed, pursuant to the final plans, and all applicable local, state, and federal ordinances, codes, and regulations, public improvements for the development of the Subdivision.
2. The Owner/Developer submitted plans and specifications (collectively the "Original Plans") for the Improvements to the City for review and approval prior to commencing construction on the proposed Improvements.
3. The Original Plans generally include a waterline system that is designed to connect to the existing waterline extensions in the Woodland Hills development, located to the west of the Subdivision, within Phase 5 of the Subdivision. The waterline connection is needed in order to have a properly looped water distribution system and are a requirement of the City of Colleyville for the proposed public improvements.
4. The waterline extensions in the Woodland Hills development were originally a requirement of the public improvements that were associated with Woodland Hills development that were originally designed in June of 1982 as shown in Exhibit "A".
5. During the construction of the Subdivision the Owner/Developer discovered that the City waterline that was required to be constructed along with the Woodland Hills development did not exist.
6. The Owner/Developer requested assistance from the City in order to address the fact that the City required infrastructure did not exist.
7. The City reviewed the Original Plans for the Subdivision, the requirements for the Woodland Hills development, and the existing public infrastructure that was in constructed. The City confirmed that additional public infrastructure (hereby referred to as "Additional Work") beyond what was included in the Original Plans would be necessary to adequately serve the Subdivision
8. In order to prevent any delays to the Subdivision and provide for an overall construction cost savings, the Owner/Developer was willing to utilize his existing City approved contractors and materials to perform the "Additional Work" that was outside the scope of the required infrastructure associated with the Subdivision.

9. The Owner/Developer and the City have now agreed upon the need and scope of the “Additional Work”. The “Additional Work” generally includes a waterline extension and connection in Phase 5 of the Creekside at Colleyville Subdivision that connects to the water system in the Woodland Hills development to the Subdivision.
10. The Owner/Developer contracted for the “Additional Work” using reputable contractors. The contract documents required a two-year maintenance bond in the amount of 10% of the construction cost.
11. In consideration of Owner/Developer’s construction of the “Additional Work” and due to the extraordinary cost of the “Additional Work”, which would not have been necessary if it was initially constructed when it was originally required, the City and Owner/Developer agree as follows:
 - a. The City agrees to collect standard City water, sanitary sewer and roadway impact fees (collectively the “Impact Fees”) from any homebuilder (the “Builder”) building in the Subdivision as they request building permits. The fees collected will be consistent with EXHIBIT “B”
 - b. The Owner/Developer has provided the City with As-Built drawings.
 - c. The items set forth on EXHIBIT “C” attached hereto, are specific components of the “Additional Work” to be constructed. City and Owner/Developer agree that the actual costs on Exhibit “C” are a reasonable cost to be incurred by Owner/Developer in the course of constructing the “Additional Work”.
 - d. The City agrees to reimburse the Owner/Developer for actual expenses incurred for the construction of the “Additional Work” as provided for herein.
 - e. The Owner/Developer will be reimbursed only for actual expenses incurred to complete the “Additional Work”. All reimbursements must be applied for by the Owner/Developer and proof of payment is required prior to the issuance of any reimbursement by the City.
 - f. The City agrees to reimburse water impact fees paid for homes in the Subdivision for all expenses incurred by the Owner/Developer for the purposes of constructing the waterlines that are associated with the “Additional Work” in an amount not to exceed \$40,345. The reimbursement will be a single lump sum once sufficient water impact fees have been paid to cover the amount of the reimbursement.
 - g. The Owner/Developer agrees that the total amount of reimbursement will be capped at the amount of total \$40,345, based on the estimated costs on Exhibit “C”.
 - h. The Owner/Developer agrees the physical improvements shall become the property of the City of Colleyville.
12. This City/Developer Agreement shall not be amended, modified or in any way changed except on the express written agreement of both Owner/Developer and the City
13. Termination. This Agreement shall terminate upon the following:
 - a. By written agreement of the parties;
 - b. Such breach remains uncured for a period of sixty (60) days after written notice by either party in the event the other party breaches the Agreement and thereof, or
 - c. Upon an Event of Bankruptcy or Insolvency.

14. Remedies. If a party defaults hereunder, then the non-defaulting party shall have the right to enforce specific performance of the defaulting party's obligations and/or seek other available remedies at law or in equity against such defaulting party.
15. Notice. All notices required by this Agreement shall be in writing and addressed to the following, or such other party or address as either party designates in writing, by certified mail, postage prepaid, facsimile with receipt as proof of transmittal, or by hand delivery.

If intended for Owner/Developer, to:

M/I Homes of DFW, LLC
405 State Highway 121, Suite A-210
Lewisville, Texas 75067
(972) 315-6440
Attention: Gary Rae – Division President

If intended for City, to:

City of Colleyville
Attn: City Manager
100 Main Street
Colleyville, TX 76034
(817) 503-1059 (Fax)

With copy to:

Boyle & Lowry, LLP
Attention: Matthew Boyle
4201 Wingren Plaza, Suite 108
Irving, TX 75062
(972) 650-7105 (FAX)

16. Successors and Assigns. This Agreement shall be binding on and inure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors, and assigns. If for any reason the ownership of the Subdivision should change prior to the acceptance by the City of the Improvements, it is agreed that this City/Developer Agreement and all covenants and obligations hereunder shall become the obligation of the new owner of the Subdivision, who shall acknowledge and agree in writing to be bound by this City/Developer Agreement to the same extent as Owner/Developer.
17. Severability. In the event any section, subsection, paragraph, sentence, phrase or word herein is held invalid, illegal or unconstitutional, the remainder of this City/Developer Agreement shall be enforceable and shall be enforced as if the parties intended at all times to delete said invalid section, subsection, paragraph, sentence, phrase or word.
18. Governing Law. The validity of this City/Developer Agreement and any of its terms and provisions, as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas; and venue for any action concerning this City/Developer Agreement shall be in State District Court of Tarrant County, Texas.
19. Entire Agreement. This City/Developer Agreement embodies the complete agreement of the parties hereto; superseding all oral or written, previous and contemporary agreements between the parties relating to the matters in this City/Developer Agreement cannot be modified without written agreement of the parties.
20. Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

21. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

EXECUTED this the ____ day of _____, 2016.

CITY: CITY OF COLLEYVILLE, TEXAS

By: _____
City Manager

APPROVED AS TO FORM:

By: _____
City Attorney

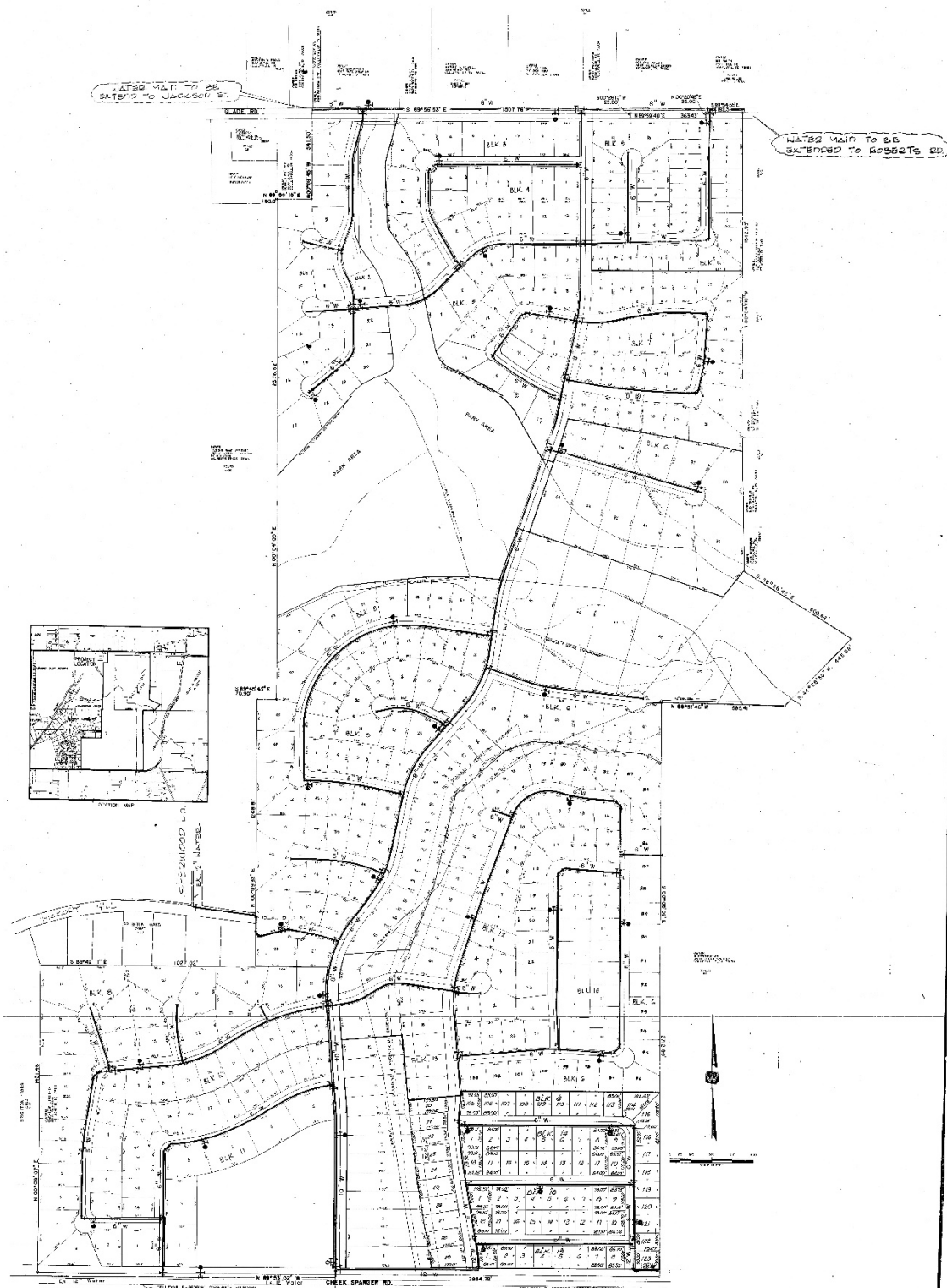
ATTEST:

By: _____
City Secretary

OWNER/DEVELOPER: M/I Homes of DFW, LLC

By: _____

EXHIBIT A



WATER DISTRIBUTION SYSTEM WOODLAND HILLS COLLEYVILLE, TEXAS

DESIGNED BY: WASHINGTON / WALLACE & ASSOCIATES, INC.
1000 WEST 10TH STREET, SUITE 100
FORT WORTH, TEXAS 76102

WASHINGTON / WALLACE & ASSOCIATES, INC.
1000 WEST 10TH STREET, SUITE 100
FORT WORTH, TEXAS 76102

EXHIBIT B

Creekside at Colleyville Development Phase 5

Fee	Amount Per Lot	Number of Lots	Total
Water Impact Fee	\$2,491	41	\$102,131
Sewer Impact Fee	\$643	41	\$26,363
Roadway Impact Fee	\$4,941	41	\$202,581
Total:	\$8,075		\$331,075

EXHIBIT C

Creekside at Colleyville Phase 5 Additional Work - Waterline Costs

Description	Unit	Approx. Quantity	Unit Price	Total
Mobilization	LS	1	\$2,625	\$2,625
Saw and remove existing asphalt	SY	12	\$78	\$936
Replace asphalt	SY	12	\$157	\$1,884
Traffic control	LS	1	\$840	\$840
Tie-in after testing	EA	1	\$1,260	\$1,260
Ductile iron fittings	LS	1	\$945	\$945
Steel plates	LS	1	\$840	\$840
Trench safety	LS	1	\$525	\$525
Testing and Chlorination	LS	1	\$2,520	\$2,520
Blocking	CY	1	\$210	\$210
Furnish and install 8" PVC Certi-lok by boring	LF	230	\$97	\$22,310
Remove and replace 27" RCP	LS	1	\$4,900	\$4,900
Performance, Payment, and Maintenance Bond	LS	1	\$550	\$550
Total:				\$40,345



City of Colleyville City Council Agenda Briefing

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

Agenda Number 6b

Agenda Date 10/18/2016

Number Resolution R-16-4046

Type Resolution

Department Public Works

Title

Approval of a City-Developer Agreement with Mainvue Tx, LLC, for the reimbursement of the construction costs of the waterline along Cheek-Sparger Road associated with the Creekside at Colleyville Development - Phase 3, and authorize the city manager to execute the agreement

Strategy Map Connection

B3- Utilize partnerships to implement cost-effective service solutions

Explanation

Reading and Public Hearing

The purpose of this item is to consider the approval of the attached City-Developer Agreement (CDA). As a result of a waterline extension, which was part of the required public infrastructure of the Woodland Hills subdivision development, not being constructed in the 1980's, Mainvue Tx, LLC, the developer of Creekside at Colleyville Phase 3, is requesting consideration of the proposed City-Developer Agreement. The purpose of the agreement is to reimburse the costs incurred during the construction of the previously required public infrastructure.

On December 17, 2013, the City Council approved the attached PUD Ordinance O-13-1899, which allows for the Creekside at Colleyville Development - Phase 3, located on approximately 24 acres near the intersection of Cheek-Sparger Road and Heritage Avenue. The phasing for the Creekside at Colleyville Development is shown on the Creekside at Colleyville Development attachment. This phase of the development includes 89 single family residential lots. The entire Creekside at Colleyville Development includes a total of 228 residential lots.

The developer, Mainvue Tx, LLC, submitted plans and specifications for the Creekside at Colleyville Development - Phase 3 Improvements to the City for review and approval prior to commencing construction on the proposed improvements. The plans included a proposed waterline system designed to connect to the existing waterline extensions in the Woodland Hills development, located to the west of the Creekside subdivision. This waterline connection was needed in order to have a properly looped water distribution system.

The waterline extensions in the Woodland Hills development were originally a requirement of the public improvements that were associated with the Woodland Hills

development that were designed in June of 1982 as shown in Exhibit "A". The waterlines included with the Woodland Hills development were designed to allow the water system to be properly circulated and connected to a future development. The waterlines would also provide future utility access for the property that was to the west of the Woodland Hills development. These types of utility connections are needed and are beneficial between subdivisions to ensure the water system is properly circulated and that adequate emergency flows are available.

During the construction of the Creekside at Colleyville Development - Phase 3, the developer discovered that the City waterline along Cheek-Sparger Road within the Woodland Hills development did not exist.

The developer requested assistance from the City in order to address the public infrastructure that was not constructed in the 1980's. The City reviewed the original plans for the Creekside at Colleyville subdivision, the requirements for the Woodland Hills development, and the existing public infrastructure that was constructed. The City confirmed that additional public infrastructure (hereby referred to as "Additional Work") beyond what was included in the original Creekside at Colleyville-Phase 3 plans would be necessary to adequately serve the new subdivision.

Developer's Proposal - In order to prevent any delays to the Creekside at Colleyville subdivision and provide an overall cost savings, the developer was willing to utilize his existing City approved contractors and materials to perform the additional work that was outside the scope of the required infrastructure associated with the Creekside at Colleyville - Phase 3 new subdivision and request reimbursement of the associated costs at a later date. The additional work included the installation of a new waterline and drainage improvements to the adjacent parkway. The drainage improvements included the installation of a 24" storm drain line that would convey storm water underground instead of a drainage swale. The cost breakdown for the additional work is as follows:

Creekside at Colleyville Phase 3 - Additional Work - Waterline

Description	Unit	Approx. Quantity	Unit Price	Total
Waterline - Existing Utility Locating	LS	1	\$3,750	\$3,750
Waterline - 12" PVC	LF	107	\$30	\$3,210
Waterline - Franchise Utility Coordination	LS	1	\$11,290	\$11,290
Waterline - Remove and replace 10" Gate Valve	LS	1	\$2,500	\$2,500
Waterline - Mobilization	LS	1	\$2,500	\$2,500
Waterline Total:				\$23,250

Creekside at Colleyville Phase 3 - Additional Work - Drainage Improvements

Description	Unit	Approx. Quantity	Unit Price	Total
Parkway - Franchise Utility Coordination	LS	1	\$3,750	\$3,750
Parkway - Mobilization	LS	1	\$2,500	\$2,500
Parkway - Erosion Control	LS	1	\$2,500	\$2,500
Parkway - Furnish and Install 18" RCP	LF	20	\$50	\$1,000
Parkway - Furnish and Install 24" RCP	LF	659	\$45	\$29,655
Parkway - 3' x 3' Grate inlet	EA	3	\$3,795	\$11,385
Parkway - Trench safety plan adjustment	EA	1	\$10	\$10
Parkway - Connection to existing 24" RCP	EA	1	\$605	\$605
Parkway - Convert 4' wye inlet to junction box	EA	1	\$850	\$850
Parkway - Filter Fabric for RCP	LF	659	\$3.50	\$2,306.50
Parkway - Additional Grading Work	EA	1	\$1,485	\$1,485
Parkway - 24" RCP Restocking Fee	EA	1	\$2,000	\$2,000
Parkway Total:				\$58,046.50

Reimbursement of Costs - This work has resulted in an increased cost of public infrastructure for the development, therefore the developer is requesting to be reimbursed for the expenses that were accrued during the construction of the additional work.

Proposed City/Developer Agreement - The proposed City-Developer Agreement establishes the criteria and guidelines for the reimbursement of the actual expense associated with the additional work. The funding for the reimbursement may be derived from existing drainage funds and the water impact fees. The cost of the additional work is being proposed to be reimbursed to the owner in a single lump sum once sufficient water impact fees have been paid to cover the amount of the water impact fee reimbursement. The Creekside at Colleyville Development - Phase 3 includes a total of 89 lots. The total of water impact fees associated with the phase of the development is shown in the following table:

Fee	Amount Per Lot	Number of Lots	Total
Water Impact Fee	\$2,491	89	\$221,699

The proposed agreement establishes:

1. The City agrees to reimburse Owner/Developer for the water impact fees paid for homes in the Subdivision for all expenses incurred by the Owner/Developer for the purposes of constructing the Creekside at Colleyville-Phase 3 additional work – Waterline Improvements that are associated with the additional work in an amount not to exceed \$23,250. The reimbursement will be a single lump sum payment made by the City once sufficient water impact fees have been paid by the developer to cover the amount of the reimbursement.
2. The City agrees to reimburse Owner/Developer for all expenses incurred by the Owner/Developer for the purposes of constructing the Creekside at Colleyville Phase 3 Additional Work - Drainage Improvements in an amount not to exceed \$58,046.50. The reimbursement will be a single lump sum payment made in conjunction with the reimbursement for the Creekside at Colleyville-Phase 3 Additional Work – Waterline Improvements.
3. The total amount of reimbursement will be capped at a total amount of \$81,296.50.

The proposed agreement has been reviewed by the City Attorney.

Financial Impact

This agreement will result in a reimbursement to the developer of paid impact fees and drainage fee funds in an amount of \$81,296.50. The total reimbursement of the water impact fees is capped at \$23,250 about 10% of what will be collected for the development phase. The total reimbursement amount from the drainage fee funds is capped at \$58,046.50.

Recommendation

Approve

Attachments

1. Proposed City Developer Agreement
2. Ordinance O-13-1899
3. Exhibit A
4. Exhibit B
5. Creekside at Colleyville Phasing
6. Resolution R-16-4046

RESOLUTION R-16-4046

**A RESOLUTION APPROVING A CITY/DEVELOPER AGREEMENT WITH
MAINVUE TX, LLC, FOR THE REIMBURSEMENT OF THE
CONSTRUCTION COSTS OF THE WATER LINE ALONG CHEEK-
SPARGER ROAD ASSOCIATED WITH THE CREEKSIDE AT
COLLEYVILLE DEVELOPMENT-PHASE 3 AND AUTHORIZE THE CITY
MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the City Council approved Ordinance O-13-1899 approving the Creekside at Colleyville development; and

WHEREAS, Mainvue TX, LLC, the developer, in the process of constructing Creekside at Colleyville - Phase 3 development identified public infrastructure that did not exist along Cheek-Sparger Road; and

WHEREAS, Mainvue TX, LLC, chose to proceed with the construction of the additional public infrastructure prior to having an approved reimbursement agreement; and

WHEREAS, Mainvue TX, LLC, is requesting reimbursement of associated costs incurred in the construction of the additional public infrastructure along Cheek-Sparger Road in the attached Exhibit "A", labeled City/Developer Agreement (CDA).

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

Sec. 1. THAT the CDA between Mainvue TX, LLC, and the City of Colleyville for the reimbursement of the associated costs incurred in the construction of the additional public infrastructure along Cheek-Sparger Road to Creekside at Colleyville - Phase 3, attached as Exhibit "A", is hereby approved.

Sec. 2. THAT the CDA shall be executed upon the signature of the city manager.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _____ AYES, _____ NAYS, AND _____
ABSTENTIONS ON THIS THE 18TH 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
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Amy Shelley, TRMC City Secretary	Richard Newton Mayor
-------------------------------------	-------------------------

Exhibit A

City of Colleyville
City/Developer Agreement
Creekside at Colleyville Development Phase 3

STATE OF TEXAS

COUNTY OF TARRANT

KNOW ALL MEN BY THESE PRESENTS:

That Mainvue Tx, LLC, a Texas limited liability company organized under the laws of The State of Texas (and any assigns thereto), hereafter called "Owner/Developer", and the CITY OF COLLEYVILLE, Tarrant County, Texas, hereafter called "City", enter into the following agreement ("The Agreement").

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, in consideration of the mutual covenants herein contained, and for the purpose of developing the Creekside at Colleyville, hereafter called "Subdivision", Owner/Developer and the City agree as follows:

1. The Owner/Developer has constructed, pursuant to the final plans, and all applicable local, state, and federal ordinances, codes, and regulations, public improvements for the development of the Subdivision.
2. The Owner/Developer submitted plans and specifications (collectively the "Original Plans") for the Improvements to the City for review and approval prior to commencing construction on the proposed Improvements.
3. The Original Plans generally include a waterline system that is designed to connect to the existing waterline extensions in the Woodland Hills development, located to the west of the Subdivision, at two separate locations within Phases 3 of the Subdivision. These waterline connections are needed in order to have a properly looped water distribution system and are a requirement of the City of Colleyville for the proposed public improvements.
4. The waterline extensions in the Woodland Hills development were originally a requirement of the public improvements that were associated with Woodland Hills development that were originally designed in June of 1982 as shown in Exhibit "A".
5. During the construction of the Subdivision the Owner/Developer discovered that the City waterline that was required to be constructed along with the Woodland Hills development did not exist.
6. The Owner/Developer requested assistance from the City in order to address the fact that the City required infrastructure did not exist.
7. The City reviewed the Original Plans for the Subdivision, the requirements for the Woodland Hills development, and the existing public infrastructure that was in constructed. The City confirmed that additional public infrastructure (hereby referred to as "Additional Work") beyond what was included in the Original Plans would be necessary to adequately serve the Subdivision.
8. In order to prevent any delays to the Subdivision and provide for overall construction cost savings, the Owner/Developer was willing to utilize his existing City approved contractors and materials to perform the "Additional Work" that was outside the scope of the required infrastructure associated with the Subdivision.
9. The Owner/Developer and the City have agreed upon the need and scope of the "Additional Work". The "Additional Work" generally includes a waterline extension in Creekside at Colleyville Development Phase

3 that connects to the water system in the Woodland Hills development to the Subdivision, along the parkway of Cheek-Sparger Road adjacent to the Creekside at Colleyville Development Phase 3, to allow for the waterline extension to be installed.

10. The Owner/Developer contracted for the “Additional Work” using reputable contractors. The contract documents required a two-year maintenance bond in the amount of 10% of the construction cost.
11. In consideration of Owner/Developer’s construction of the “Additional Work” and due to the extraordinary cost of the “Additional Work”, which would not have been necessary if it was initially constructed when it was originally required, the City and Owner/Developer agree as follows:
 - a. The City agrees to collect standard City water, sanitary sewer and roadway impact fees (collectively the “Impact Fees”) from any homebuilder (the “Builder”) building in the Subdivision as they request building permits. The fees collected will be consistent with EXHIBIT “B”
 - b. The Owner/Developer has provided the City with As-Built drawings.
 - c. The items set forth on EXHIBIT “C” attached hereto, are specific components of the “Additional Work” to be constructed. City and Owner/Developer agree that the actual costs on Exhibit “C” are a reasonable cost to be incurred by Owner/Developer in the course of constructing the “Additional Work”.
 - d. The City agrees to reimburse the Owner/Developer for actual expenses incurred for the construction of the “Additional Work” as provided for herein.
 - e. The Owner/Developer will be reimbursed only for actual expenses incurred to complete the “Additional Work”. All reimbursements must be applied for by the Owner/Developer and proof of payment is required prior to the issuance of any reimbursement by the City.
 - f. The City agrees to reimburse Owner/Developer for the water impact fees paid for homes in the Subdivision for all expenses incurred by the Owner/Developer for the purposes of constructing the Creekside at Colleyville Phase 3 Additional Work – Waterline Improvements that are associated with the “Additional Work” in an amount not to exceed \$23,250. The reimbursement will be a single lump sum payment made by the City once sufficient water impact fees have been paid by the developer to cover the amount of the reimbursement.
 - g. The City agrees to reimburse Owner/Developer for all expenses incurred by the Owner/Developer for the purposes of constructing the Creekside at Colleyville Phase 3 Additional Work - Drainage Improvements in an amount not to exceed \$58,046.50. The reimbursement will be a single lump sum payment made in conjunction with the reimbursement for the Creekside at Colleyville Phase 3 Additional Work – Waterline Improvements.
 - h. The Owner/Developer agrees that the total amount of reimbursement will be capped at the amount of total \$81,296.50, based on the estimated costs on Exhibit “C”.
 - i. The Owner/Developer agrees the physical improvements shall become the property of the City of Colleyville.
12. This City/Developer Agreement shall not be amended, modified or in any way changed except on the express written agreement of both Owner/Developer and the City
13. Termination. This Agreement shall terminate upon the following:

- a. By written agreement of the parties;
 - b. Such breach remains uncured for a period of sixty (60) days after written notice by either party in the event the other party breaches the Agreement and thereof, or
 - c. Upon an Event of Bankruptcy or Insolvency.
14. Remedies. If a party defaults hereunder, then the non-defaulting party shall have the right to enforce specific performance of the defaulting party's obligations and/or seek other available remedies at law or in equity against such defaulting party.
15. Notice. All notices required by this Agreement shall be in writing and addressed to the following, or such other party or address as either party designates in writing, by certified mail, postage prepaid, facsimile with receipt as proof of transmittal, or by hand delivery.

If intended for Owner/Developer, to:

MainVue Tx, LLC
11100 Main Street, Suite 100
Bellevue, Washington 98004
(425) 709-6527
Attention : Lisa Cavell

If intended for City, to:

City of Colleyville
Attn: City Manager
100 Main Street
Colleyville, TX 76034
(817) 503-1059 (Fax)

With copy to:

Boyle & Lowry, LLP
Attention: Matthew Boyle
4201 Wingren Plaza, Suite 108
Irving, TX 75062
(972) 650-7105 (FAX)

16. Successors and Assigns. This Agreement shall be binding on and inure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors, and assigns. If for any reason the ownership of the Subdivision should change prior to the acceptance by the City of the Improvements, it is agreed that this City/Developer Agreement and all covenants and obligations hereunder shall become the obligation of the new owner of the Subdivision, who shall acknowledge and agree in writing to be bound by this City/Developer Agreement to the same extent as Owner/Developer.
17. Severability. In the event any section, subsection, paragraph, sentence, phrase or word herein is held invalid, illegal or unconstitutional, the remainder of this City/Developer Agreement shall be enforceable and shall be enforced as if the parties intended at all times to delete said invalid section, subsection, paragraph, sentence, phrase or word.
18. Governing Law. The validity of this City/Developer Agreement and any of its terms and provisions, as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas; and venue for any action concerning this City/Developer Agreement shall be in State District Court of Tarrant County, Texas.

19. Entire Agreement. This City/Developer Agreement embodies the complete agreement of the parties hereto; superseding all oral or written, previous and contemporary agreements between the parties relating to the matters in this City/Developer Agreement cannot be modified without written agreement of the parties.
20. Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.
21. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

EXECUTED this the ____ day of _____, 2016.

CITY:

CITY OF COLLEYVILLE, TEXAS

By:

City Manager

APPROVED AS TO FORM:

By:

City Attorney

ATTEST:

By:

City Secretary

OWNER/DEVELOPER:

MainVue Tx, LLC

By:

EXHIBIT A

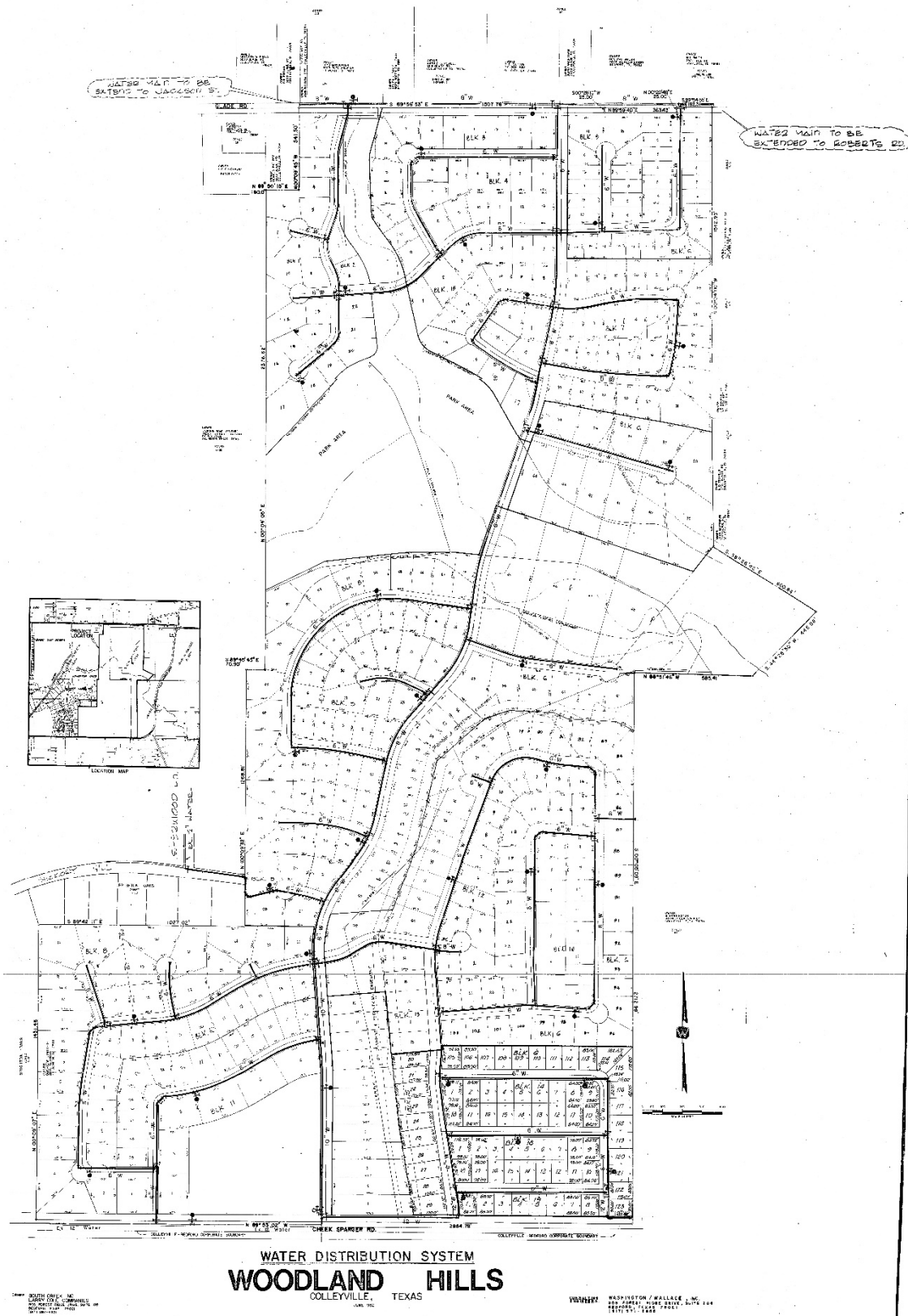


EXHIBIT B

Creekside at Colleyville Development Phase 3

Fee	Amount Per Lot	Number of Lots	Total
Water Impact Fee	\$2,491	89	\$221,699
Sewer Impact Fee	\$643	89	\$57,227
Roadway Impact Fee	\$4,941	89	\$439,749
Total:	\$8,075		\$718,675

EXHIBIT C

Creekside at Colleyville Phase 3 Additional Work - Waterline

Description	Unit	Approx. Quantity	Unit Price	Total
Waterline - Existing Utility Locating	LS	1	\$3,750	\$3,750
Waterline - 12" PVC	LF	107	\$30	\$3,210
Waterline - Franchise Utility Coordination	LS	1	\$11,290	\$11,290
Waterline - Remove and replace 10" Gate Valve	LS	1	\$2,500	\$2,500
Waterline - Mobilization	LS	1	\$2,500	\$2,500
Waterline Total:				\$23,250

Creekside at Colleyville Phase 3 Additional Work - Drainage Improvements

Description	Unit	Approx. Quantity	Unit Price	Total
Parkway - Franchise Utility Coordination	LS	1	\$3,750	\$3,750
Parkway - Mobilization	LS	1	\$2,500	\$2,500
Parkway - Erosion Control	LS	1	\$2,500	\$2,500
Parkway - Furnish and Install 18" RCP	LF	20	\$50	\$1,000
Parkway - Furnish and Install 24" RCP	LF	659	\$45	\$29,655
Parkway - 3' x 3' Grate inlet	EA	3	\$3,795	\$11,385
Parkway - Trench safety plan adjustment	EA	1	\$10	\$10
Parkway - Connection to existing 24" RCP	EA	1	\$605	\$605
Parkway - Convert 4' wye inlet to junction box	EA	1	\$850	\$850
Parkway - Filter Fabric for RCP	LF	659	\$3.50	\$2,306.50
Parkway - Additional Grading Work	EA	1	\$1,485	\$1,485
Parkway - 24" RCP Restocking Fee	EA	1	\$2,000	\$2,000
Parkway Total:				\$58,046.50

ORDINANCE O-13-1899

AN ORDINANCE AMENDING ORDINANCE O-07-1645 AND ORDINANCE O-13-1866 CONDITIONS AND AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 4.4 ACRES LOCATED IN THE JESSE DOSS SURVEY AT THE NORTHWEST CORNER OF CHEEK-SPARGER ROAD AND HERITAGE AVENUE FROM THE AG-AGRICULTURAL DISTRICT TO THE PUD-R-PLANNED UNIT DEVELOPMENT RESIDENTIAL DISTRICT; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council approved Ordinance O-07-1645 on November 27, 2007, to establish the zoning of 108.5 acres out of the Elizabeth Cox Survey, Abstract 352, the John H. Havens Survey, Abstract 685, the Jesse Doss Survey, Abstract 441, and the S.C.H. Witten Survey, Abstract 1734 under case Z-07-008; and

WHEREAS, the City Council approved Ordinance O-13-1866 on March 5, 2013, amending Ordinance O-07-1645 conditions and approving a detailed site plan for phase one of the development under case ZC12-031; and

WHEREAS, the applicant has requested an amendment to Ordinance O-07-1645 and Ordinance O-13-1866 and requests to rezone 4.4 acres located in the Jesse Doss Survey at the northwest corner of Cheek-Sparger Road and Heritage Avenue, acquired from the City of Euless in a boundary adjustment approved under Ordinance O-12-1828, so as to incorporate the property into the PUD authorized by Ordinance O-07-1645 under Case Z-07-008 and approve a detailed site plan for phase two of the development; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

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

enforced therein and to recommend a new zoning ordinance;
and

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

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending Ordinance O-07-1645 and Ordinance O-13-1866.
- Sec. 3. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by

changing the zoning of 4.4 acres located in the Jesse Doss Survey at the northwest corner of Cheek-Sparger Road and Heritage Avenue from the AG-Agricultural District to the PUD-R-Planned Unit Development Residential District, as depicted in the attached Exhibit "A" and described in Exhibit "B".

Sec. 4. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.

Sec. 5. THAT the above described tract of land shall be subject to the following conditions:

1. DETAILED SITE PLAN REQUIREMENT

- a. Exhibit "C" shall be deemed to satisfy the site plan requirements of Ordinance O-07-1645 Section 4(2)a and Ordinance O-13-1866 Section 5(1)b. A full size copy of the site plan shall be kept on file in the Community Development Department until the final plat is approved, at which time a copy of the detailed site plan shall be kept in the plat file for this development. The phase two final plat shall be consistent with Exhibit "C".

2. GENERAL AMENDMENTS

- a. Section 5(2)e of Ordinance O-13-1866 is hereby deleted.
- b. The developer may enter into a City/Developer Agreement with the City of Colleyville for any required public improvements, in conjunction with this development. Said agreement, if submitted, shall be approved and executed prior to the filing of the final plat for phase two of the development.
- c. Prior to the issuance of a building permit for the 1.9 acre commercial tract shown at the southwest corner of the development on Exhibit C, the developer shall submit a detailed site plan which shall, at a minimum, meet the requirements of Section 3.23 J.K.6. of the Land Development Code, be consistent with Ordinance O-07-1645 and any subsequent amendments, and may also be required to show additional conditions provided in Section 3.23 M.b. of the Land Development Code. Further, such detailed site plan(s)

shall be considered as a legislative approval, subject to the sole discretion of the City Council upon the recommendation of the Planning and Zoning Commission.

- d. Section 4(7)b of Ordinance O-07-1645 is hereby amended to read as follows: A six (6) foot masonry wall shall be built along the perimeter of the subdivision along Heritage Avenue, Glade Road and Cheek Sparger Road. The design for such wall shall be stamped and sealed by a licensed engineer. The standards and detail for such wall shall be included as part of the detailed Site Plan and shall, otherwise, meet the requirements of the Land Development Code.
- e. Except as noted in subsection "d" above and Section 4(7)a and "c" in Ordinance O-07-1645, all fences shall be constructed per Exhibit D.
- f. Section 5(2)c of Ordinance O-13-1866 is hereby amended to read as follows: The ten (10) foot wide concrete trail shown as Trail 24 on the 2005 City of Colleyville Pathways Plan map shall be constructed by the developer along the west side of Heritage Avenue prior to the acceptance of public improvements and shall connect to all other trails noted on the 2005 Colleyville Pathways Plan with the following exceptions: The developer may escrow the cost of constructing the trail in lieu of actual construction only for the portion of the trail that traverses the Little Bear Creek floodplain. If the developer chooses to escrow said funds, the developer shall build a minimum four (4) foot wide sidewalk across Little Bear Creek that links the internal sidewalks in the portion of the development that is south of Little Bear Creek to the internal sidewalks in the portion of the development that is north of Little Bear Creek. Said sidewalk connection shall link to Trail 24 on both sides of Little Bear Creek within a public pedestrian access easement, which shall be dedicated on the final plat(s) for the development.

Sec. 6. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

- Sec. 7. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 8. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 9. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 10. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.
- Sec. 11. THAT Ordinance O-07-1645 and Ordinance O-13-1866 shall remain in full force and effect, except where amended by this ordinance.

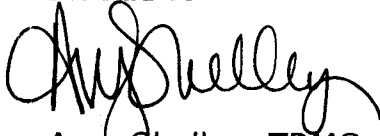
AND IT IS SO ORDERED.

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

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

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 17th day of December 2013.

ATTEST:



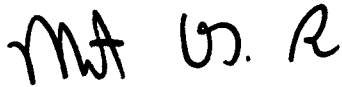
Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

City of Euless

City of Bedford

Subject Property

Subject Property

Heritage Avenue

Glade Road

SH 121

Legend

AG	Agricultural
CC-1	Village Retail
CC-2	Shopping Center
CC-3	Highway Commercial
CN	Neighborhood Commercial
CP0	Professional Office
ML	Light Manufacturing
PUD-C	Planned Unit Development, Commercial
PUD-R	Planned Unit Development, Residential
R-10	Single Family Residential (10,000 sq. ft. min)
R-15	Single Family Residential (15,000 sq. ft. min)
R-20	Single Family Residential (20,000 sq. ft. min)
R-30	Single Family Residential (30,000 sq. ft. min)
R-40	Single Family Residential (40,000 sq. ft. min)
R-MF	Multi-Family Residential
RD	Two Family Residential
RE	Single Family 'Estate' Residential

N

Exhibit "B" – Legal Description of Property Zoned from AG-Agricultural to PUD-R-Planned Unit Development Residential

Being the certain tract of land situated in the J. DOSS SURVEY, Abstract No. 441 and being a portion of the Ordinance No. 192 to City of Euless and a portion of the tract described in the deed to Sparger Family limited Partnership as recorded in Volume 16472, Page 390 of Deed Records, Tarrant County, Texas and being more particularly described as follows:

BEGINNING at a point at the intersection of the Colleyville City Limit and the Bedford City Limit boundaries from which a 5/8" iron rod found for the southwest corner of said Sparger tract bears North 69°11'27" West at 207.68 feet;

THENCE North 00°07'13" West, 25.16 feet to the beginning of a curve to the left;

THENCE northeasterly with said curve to the left, having a radius of 843.63 feet, a central angle of 37°42'05", an arc length of 250.26 feet to the apparent intersection of the north right-of-way of said Cheek Sparger Road and the east right-of-way line of Heritage Avenue, continuing with said east right-of-way line a total arc length of 1281.93 feet and a long chord of North 42°29'27" East at 1162.08 feet to a 5/8 inch iron rod found for the end of said curve, same being the merging of the east right-of-way line of Woodpark Lane;

THENCE South 01°02'49" East with said east right-of-way line of Woodpark Lane, 750.80 feet to the southwest corner of the tract described to Charles A. Hoel, Jr. and wife, Mary lea Hoel as recorded in Volume 3522, Page 540 of said Deed Records;

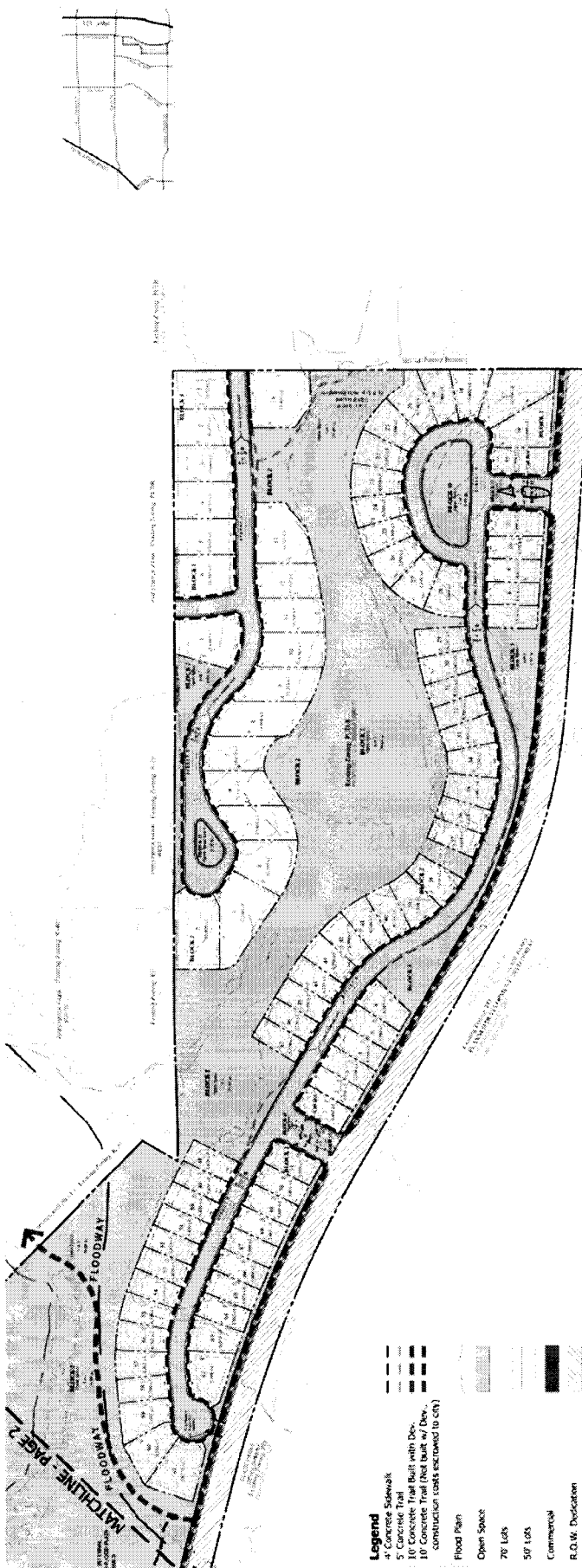
THENCE South 89°57'50" East with the south line of said Hoel tract, approximately 38.00 feet to the northwest corner of the tract described to Cheek-Sparger Properties, LLP., as recorded in Document No. 0206013089 of said Deed Records;

THENCE South 05°10'42" East, 58.85 feet to the beginning of a curve to the right;

THENCE southeasterly with said curve to the right, having a radius of 1058.63 feet, a central angle of 12°33'23", an arc length of 232.00 feet and a long chord of South 71°31'54" East at 231.54 feet;

THENCE South 65°18'09" East, 4.39 feet to said north City limit line of the City of Bedford and south City Limit line of the City of Colleyville;

THENCE North 89°52'47" West with said common City Limit line, 1065.70 feet to the place of beginning and containing 4.438 acres of land, more or less.



Site Data Summary Chart

Single Family Residential Lots	228
Commercial Lots	1
Common Areas	17
COMMERCIAL	1.90 ac.
Commercial Sites	
RESIDENTIAL	41.50 ac.
Residential Lots	30.51 ac.
Open Space	13.19 ac.
R.O.W. Dedication	94.44 ac.
GROSS AREA	96.36 ac.
Residential Lot Summary	
Residential Lots	228
Minimum Building Lot Area	5,000 s.f.
Average Building Lot Area	8,311 s.f.
Common Areas	17
L.U.D. / Zoning	
Existing Zoning	PUD-R
Proposed Zoning	PUD-A

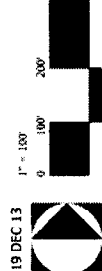
NOTES:

- Planning Area A - Front Setbacks are 20', or 15' with a swing garage.
- Planning Area A - Rear Setbacks are 30' Typical
- Planning Area A - Side Setbacks are 5'
- Planning Area B - Front Setbacks are 20', or 15' with a swing garage
- Planning Area B - Rear Setbacks are 10' Typical
- Planning Area B - Side Setbacks are 5'
- Planning Area C - Front Setbacks are 20', or 15' with a swing garage
- Planning Area C - Rear Setbacks are 10' Typical
- Planning Area C - Side Setbacks are 5'
- There will be no outside storage onsite
- Open space lots & landscape elements will be maintained by the Homeowners Association (HOA).

Zoning Exhibit for
Zoning Change Request
For PUD-R Amendment
Case # ZC13-017
Zoning Case # ZC13-017

Creekside at Colleyville

Phase 2 Development Plan



19 DEC 13

Owner:
Harrington Family
7000 Cherry Bark Lane
North Richland Hills, TX 76182

Applicant:
Terra / Marina, L.L.C.
395 W. State Hwy. 114, Suite 300
Southlake, TX 76092
Contact: Paul Spain

Planner:
SAGE GROUP, INC.
Paul Harrington
Marina Harrington
Landscape Architecture
1135 N. Central Ave. Ste. 200
Southlake, Texas 76092
(817) 414-1414

Exhibit "C" Detailed Site Plan - Page 2

Legend
 4" Concrete Sidewalk
 5" Concrete Trail
 10" Concrete Trail Built with Dots
 10" Concrete Trail (Not Built with Dots)
 Construction (roads increased to 20')

Site Data Summary Chart
 Single Family Residential Lots
 Commercial Lots
 Common Areas
 COMMERCIAL
 Commercial Sites
 RESIDENTIAL
 Residential Lots
 Open Space
 R.O.W. (Dedication on Heritage)
 Total Residential
 GROSS AREA

Residential Lot Summary
 Residential Lots
 Minimum Building Lot Area
 Average Building Lot Area
 Common Areas

L.U.D. / Zoning
 Existing Zoning:
 Proposed Zoning:

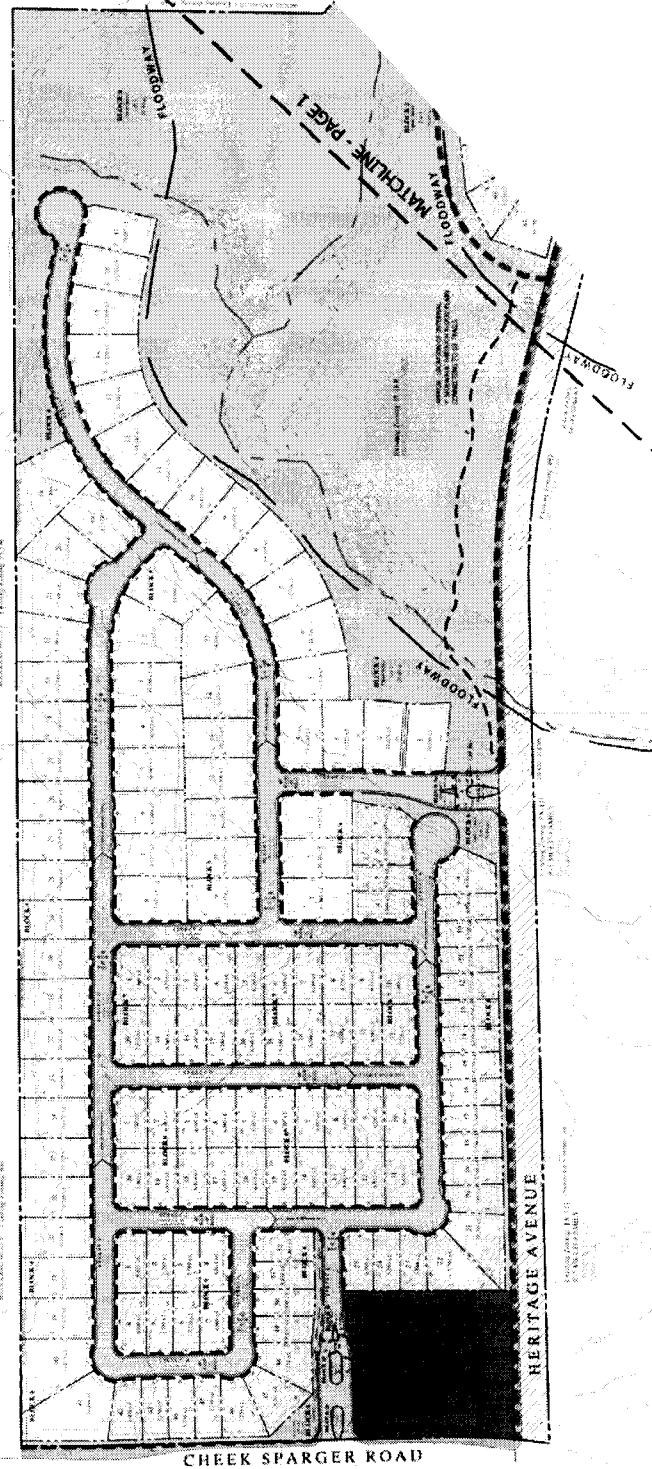
NOTES:
 -Planning Area A - Front Setbacks are 20' or 15' with a swing garage
 -Planning Area A - Rear Setbacks are 30' Typical
 -Planning Area B - Front Setbacks are 20' or 15' with a swing garage
 -Planning Area B - Rear Setbacks are 10' Typical
 -Planning Area B - Side Setbacks can be a corner-lot (10' front, 10' side, 10' rear)
 -There will be no outdoor storage outside
 -Open space lots & landscape easements will be maintained by the Homeowners Association (HOA).

Zoning Exhibit for
Zoning Change Request
For PUD-R Amendment
Case # ZC13-017

Zoning Case #ZC13-017

Creekside at Colleyville

Colleyville, Tarrant County, Texas PAGE 2 / 2



Applicant:
 Terra / Numa, LLC
 395 W. State Hwy. 114, Suite 300
 Southlake, TX 76092
 Contact: Paul Spain

Planner:
 SAGE GROUP, INC.
 1100 N. Central Ave., Ste. 200
 Southlake, Texas 76092
 TEL: 817-424-2626

19 DEC 13

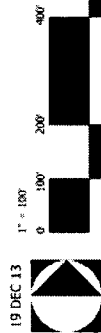
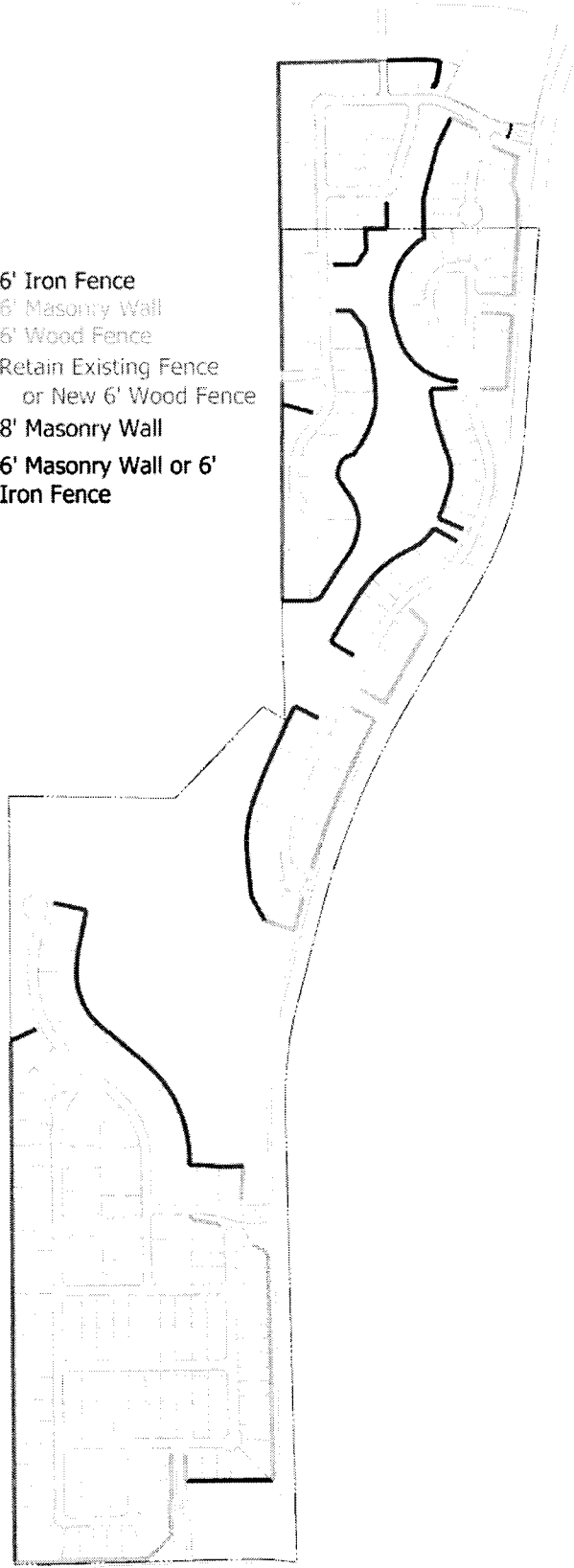


Exhibit 'D'

6' Iron Fence
6' Masonry Wall
6' Wood Fence
Retain Existing Fence
or New 6' Wood Fence
8' Masonry Wall
6' Masonry Wall or 6'
Iron Fence



Owner:
Harrington Family
7000 Cherry Bark Lane
North Richland Hills, TX 76182

Applicant:
Terra / Manna, L.L.C.
395 W. State Hwy. 114, Suite 300
Southlake, TX 76092
Contact: Paul Spain

Planner:

SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
TEL: 817-424-2526

18 DEC 13

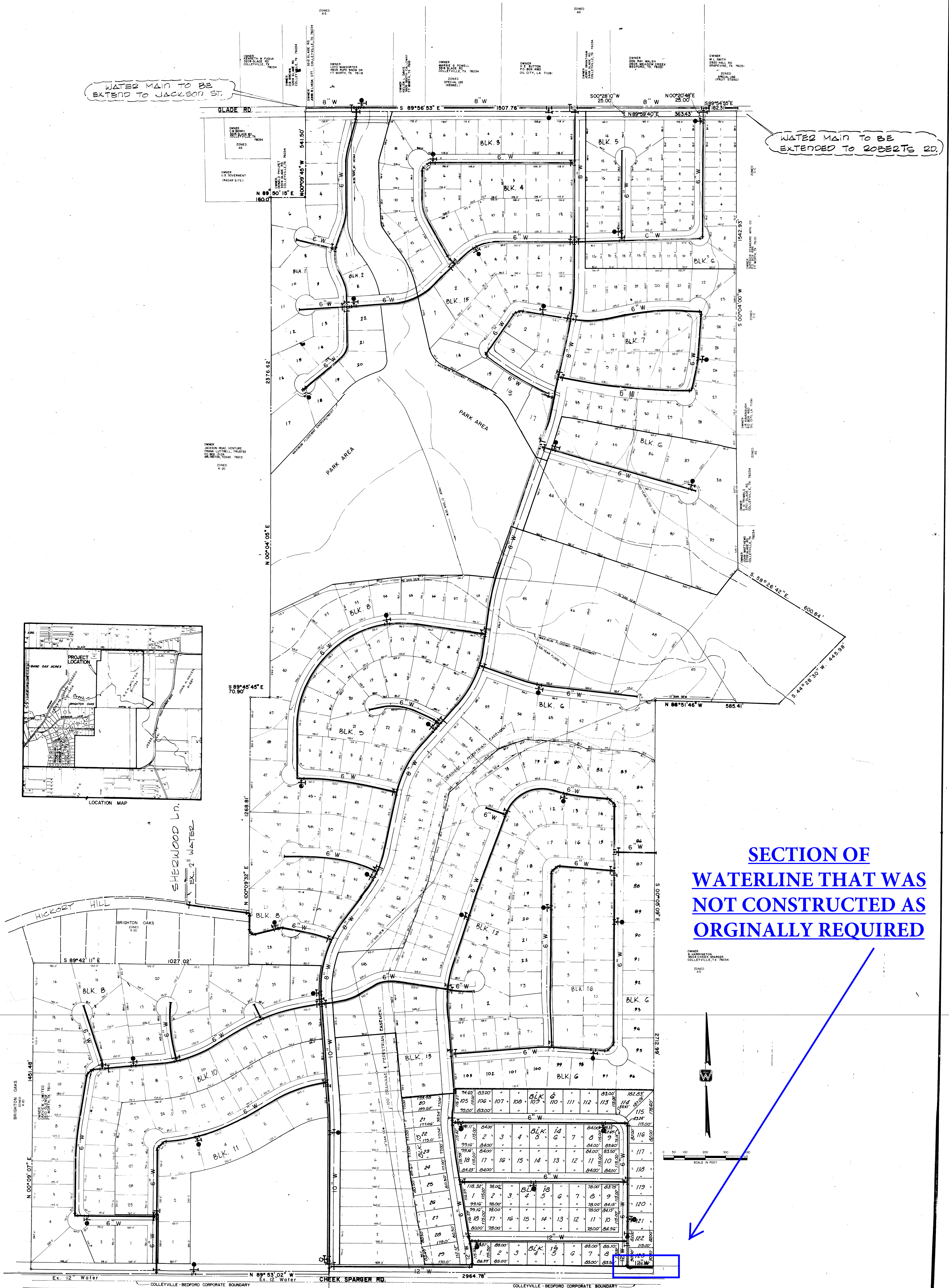


1" = 400'



Wall/Fence Diagram

EXHIBIT A



**SECTION OF
WATERLINE THAT WAS
NOT CONSTRUCTED AS
ORIGINALLY REQUIRED**

WATER DISTRIBUTION SYSTEM WOODLAND HILLS COLLEYVILLE, TEXAS

Exhibit B

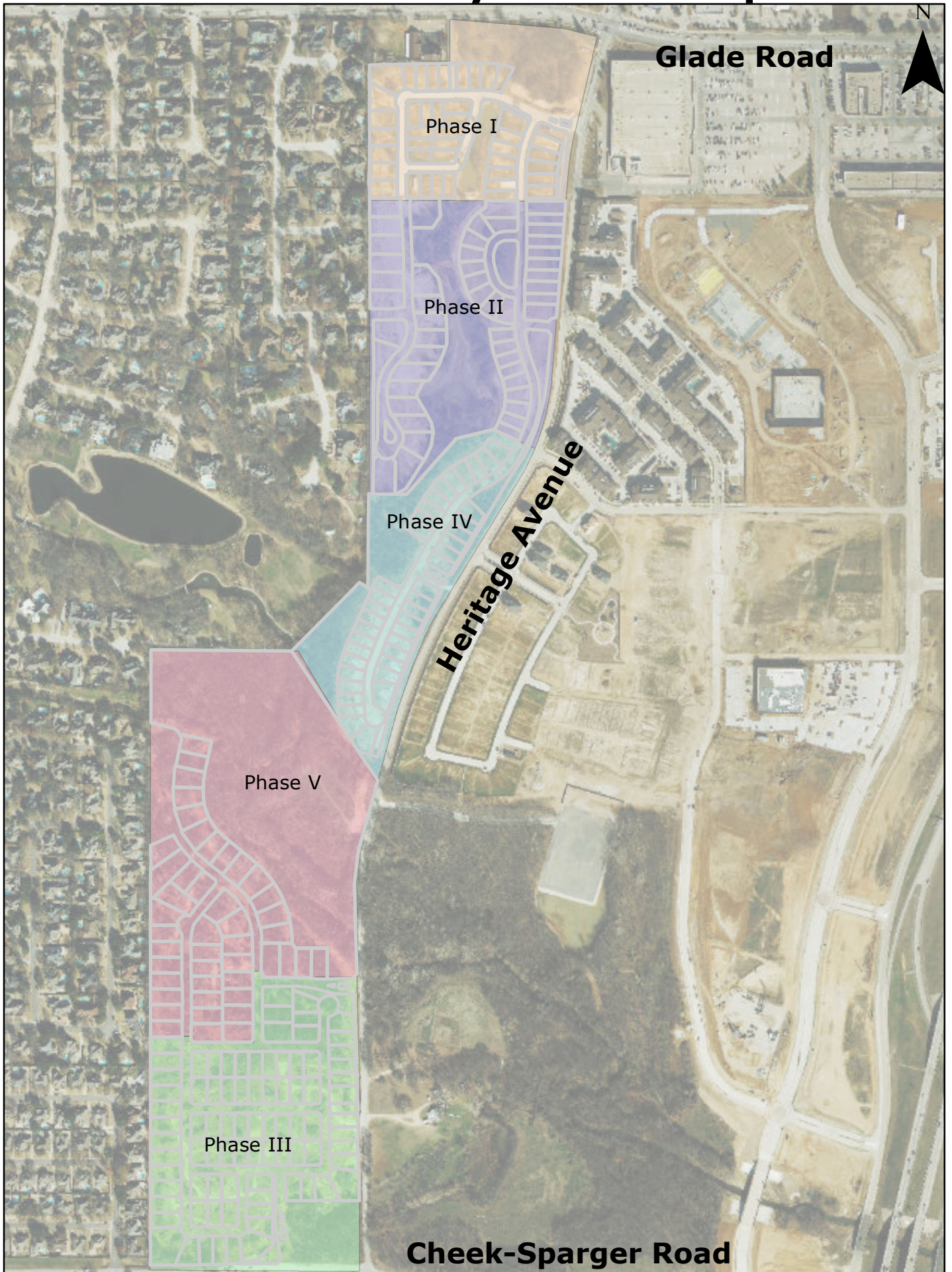


Parkway Prior to the Creekside at Colleyville Development Phase - 3



Parkway after the Creekside at Colleyville Development Phase - 3

Creekside at Colleyville Development



RESOLUTION R-16-4046

A RESOLUTION APPROVING A CITY/DEVELOPER AGREEMENT WITH MAINVUE TX, LLC, FOR THE REIMBURSEMENT OF THE CONSTRUCTION COSTS OF THE WATER LINE ALONG CHEEK-SPARGER ROAD ASSOCIATED WITH THE CREEKSIDE AT COLLEYVILLE DEVELOPMENT-PHASE 3 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City Council approved Ordinance O-13-1899 approving the Creekside at Colleyville development; and

WHEREAS, Mainvue TX, LLC, the developer, in the process of constructing Creekside at Colleyville - Phase 3 development identified public infrastructure that did not exist along Cheek-Sparger Road; and

WHEREAS, Mainvue TX, LLC, chose to proceed with the construction of the additional public infrastructure prior to having an approved reimbursement agreement; and

WHEREAS, Mainvue TX, LLC, is requesting reimbursement of associated costs incurred in the construction of the additional public infrastructure along Cheek-Sparger Road in the attached Exhibit "A", labeled City/Developer Agreement (CDA).

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

- Sec. 1. THAT the CDA between Mainvue TX, LLC, and the City of Colleyville for the reimbursement of the associated costs incurred in the construction of the additional public infrastructure along Cheek-Sparger Road to Creekside at Colleyville - Phase 3, attached as Exhibit "A", is hereby approved.
- Sec. 2. THAT the CDA shall be executed upon the signature of the city manager.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 18TH 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
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Amy Shelley, TRMC City Secretary	Richard Newton Mayor
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Exhibit A

City of Colleyville
City/Developer Agreement
Creekside at Colleyville Development Phase 3

STATE OF TEXAS

COUNTY OF TARRANT

KNOW ALL MEN BY THESE PRESENTS:

That Mainvue Tx, LLC, a Texas limited liability company organized under the laws of The State of Texas (and any assigns thereto), hereafter called "Owner/Developer", and the CITY OF COLLEYVILLE, Tarrant County, Texas, hereafter called "City", enter into the following agreement ("The Agreement").

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, in consideration of the mutual covenants herein contained, and for the purpose of developing the Creekside at Colleyville, hereafter called "Subdivision", Owner/Developer and the City agree as follows:

1. The Owner/Developer has constructed, pursuant to the final plans, and all applicable local, state, and federal ordinances, codes, and regulations, public improvements for the development of the Subdivision.
2. The Owner/Developer submitted plans and specifications (collectively the "Original Plans") for the Improvements to the City for review and approval prior to commencing construction on the proposed Improvements.
3. The Original Plans generally include a waterline system that is designed to connect to the existing waterline extensions in the Woodland Hills development, located to the west of the Subdivision, at two separate locations within Phases 3 of the Subdivision. These waterline connections are needed in order to have a properly looped water distribution system and are a requirement of the City of Colleyville for the proposed public improvements.
4. The waterline extensions in the Woodland Hills development were originally a requirement of the public improvements that were associated with Woodland Hills development that were originally designed in June of 1982 as shown in Exhibit "A".
5. During the construction of the Subdivision the Owner/Developer discovered that the City waterline that was required to be constructed along with the Woodland Hills development did not exist.
6. The Owner/Developer requested assistance from the City in order to address the fact that the City required infrastructure did not exist.
7. The City reviewed the Original Plans for the Subdivision, the requirements for the Woodland Hills development, and the existing public infrastructure that was in constructed. The City confirmed that additional public infrastructure (hereby referred to as "Additional Work") beyond what was included in the Original Plans would be necessary to adequately serve the Subdivision.
8. In order to prevent any delays to the Subdivision and provide for overall construction cost savings, the Owner/Developer was willing to utilize his existing City approved contractors and materials to perform the "Additional Work" that was outside the scope of the required infrastructure associated with the Subdivision.
9. The Owner/Developer and the City have agreed upon the need and scope of the "Additional Work". The "Additional Work" generally includes a waterline extension in Creekside at Colleyville Development Phase

3 that connects to the water system in the Woodland Hills development to the Subdivision, along the parkway of Cheek-Sparger Road adjacent to the Creekside at Colleyville Development Phase 3, to allow for the waterline extension to be installed.

10. The Owner/Developer contracted for the “Additional Work” using reputable contractors. The contract documents required a two-year maintenance bond in the amount of 10% of the construction cost.
11. In consideration of Owner/Developer’s construction of the “Additional Work” and due to the extraordinary cost of the “Additional Work”, which would not have been necessary if it was initially constructed when it was originally required, the City and Owner/Developer agree as follows:
 - a. The City agrees to collect standard City water, sanitary sewer and roadway impact fees (collectively the “Impact Fees”) from any homebuilder (the “Builder”) building in the Subdivision as they request building permits. The fees collected will be consistent with EXHIBIT “B”
 - b. The Owner/Developer has provided the City with As-Built drawings.
 - c. The items set forth on EXHIBIT “C” attached hereto, are specific components of the “Additional Work” to be constructed. City and Owner/Developer agree that the actual costs on Exhibit “C” are a reasonable cost to be incurred by Owner/Developer in the course of constructing the “Additional Work”.
 - d. The City agrees to reimburse the Owner/Developer for actual expenses incurred for the construction of the “Additional Work” as provided for herein.
 - e. The Owner/Developer will be reimbursed only for actual expenses incurred to complete the “Additional Work”. All reimbursements must be applied for by the Owner/Developer and proof of payment is required prior to the issuance of any reimbursement by the City.
 - f. The City agrees to reimburse Owner/Developer for the water impact fees paid for homes in the Subdivision for all expenses incurred by the Owner/Developer for the purposes of constructing the Creekside at Colleyville Phase 3 Additional Work – Waterline Improvements that are associated with the “Additional Work” in an amount not to exceed \$23,250. The reimbursement will be a single lump sum payment made by the City once sufficient water impact fees have been paid by the developer to cover the amount of the reimbursement.
 - g. The City agrees to reimburse Owner/Developer for all expenses incurred by the Owner/Developer for the purposes of constructing the Creekside at Colleyville Phase 3 Additional Work - Drainage Improvements in an amount not to exceed \$58,046.50. The reimbursement will be a single lump sum payment made in conjunction with the reimbursement for the Creekside at Colleyville Phase 3 Additional Work – Waterline Improvements.
 - h. The Owner/Developer agrees that the total amount of reimbursement will be capped at the amount of total \$81,296.50, based on the estimated costs on Exhibit “C”.
 - i. The Owner/Developer agrees the physical improvements shall become the property of the City of Colleyville.
12. This City/Developer Agreement shall not be amended, modified or in any way changed except on the express written agreement of both Owner/Developer and the City
13. Termination. This Agreement shall terminate upon the following:

- a. By written agreement of the parties;
 - b. Such breach remains uncured for a period of sixty (60) days after written notice by either party in the event the other party breaches the Agreement and thereof, or
 - c. Upon an Event of Bankruptcy or Insolvency.
14. Remedies. If a party defaults hereunder, then the non-defaulting party shall have the right to enforce specific performance of the defaulting party's obligations and/or seek other available remedies at law or in equity against such defaulting party.
15. Notice. All notices required by this Agreement shall be in writing and addressed to the following, or such other party or address as either party designates in writing, by certified mail, postage prepaid, facsimile with receipt as proof of transmittal, or by hand delivery.

If intended for Owner/Developer, to:

MainVue Tx, LLC
11100 Main Street, Suite 100
Bellevue, Washington 98004
(425) 709-6527
Attention : Lisa Cavell

If intended for City, to:

City of Colleyville
Attn: City Manager
100 Main Street
Colleyville, TX 76034
(817) 503-1059 (Fax)

With copy to:

Boyle & Lowry, LLP
Attention: Matthew Boyle
4201 Wingren Plaza, Suite 108
Irving, TX 75062
(972) 650-7105 (FAX)

16. Successors and Assigns. This Agreement shall be binding on and inure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors, and assigns. If for any reason the ownership of the Subdivision should change prior to the acceptance by the City of the Improvements, it is agreed that this City/Developer Agreement and all covenants and obligations hereunder shall become the obligation of the new owner of the Subdivision, who shall acknowledge and agree in writing to be bound by this City/Developer Agreement to the same extent as Owner/Developer.
17. Severability. In the event any section, subsection, paragraph, sentence, phrase or word herein is held invalid, illegal or unconstitutional, the remainder of this City/Developer Agreement shall be enforceable and shall be enforced as if the parties intended at all times to delete said invalid section, subsection, paragraph, sentence, phrase or word.
18. Governing Law. The validity of this City/Developer Agreement and any of its terms and provisions, as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas; and venue for any action concerning this City/Developer Agreement shall be in State District Court of Tarrant County, Texas.

19. Entire Agreement. This City/Developer Agreement embodies the complete agreement of the parties hereto; superseding all oral or written, previous and contemporary agreements between the parties relating to the matters in this City/Developer Agreement cannot be modified without written agreement of the parties.
20. Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.
21. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

EXECUTED this the ____ day of _____, 2016.

CITY:

CITY OF COLLEYVILLE, TEXAS

By:

City Manager

APPROVED AS TO FORM:

By:

City Attorney

ATTEST:

By:

City Secretary

OWNER/DEVELOPER:

MainVue Tx, LLC

By:

EXHIBIT A

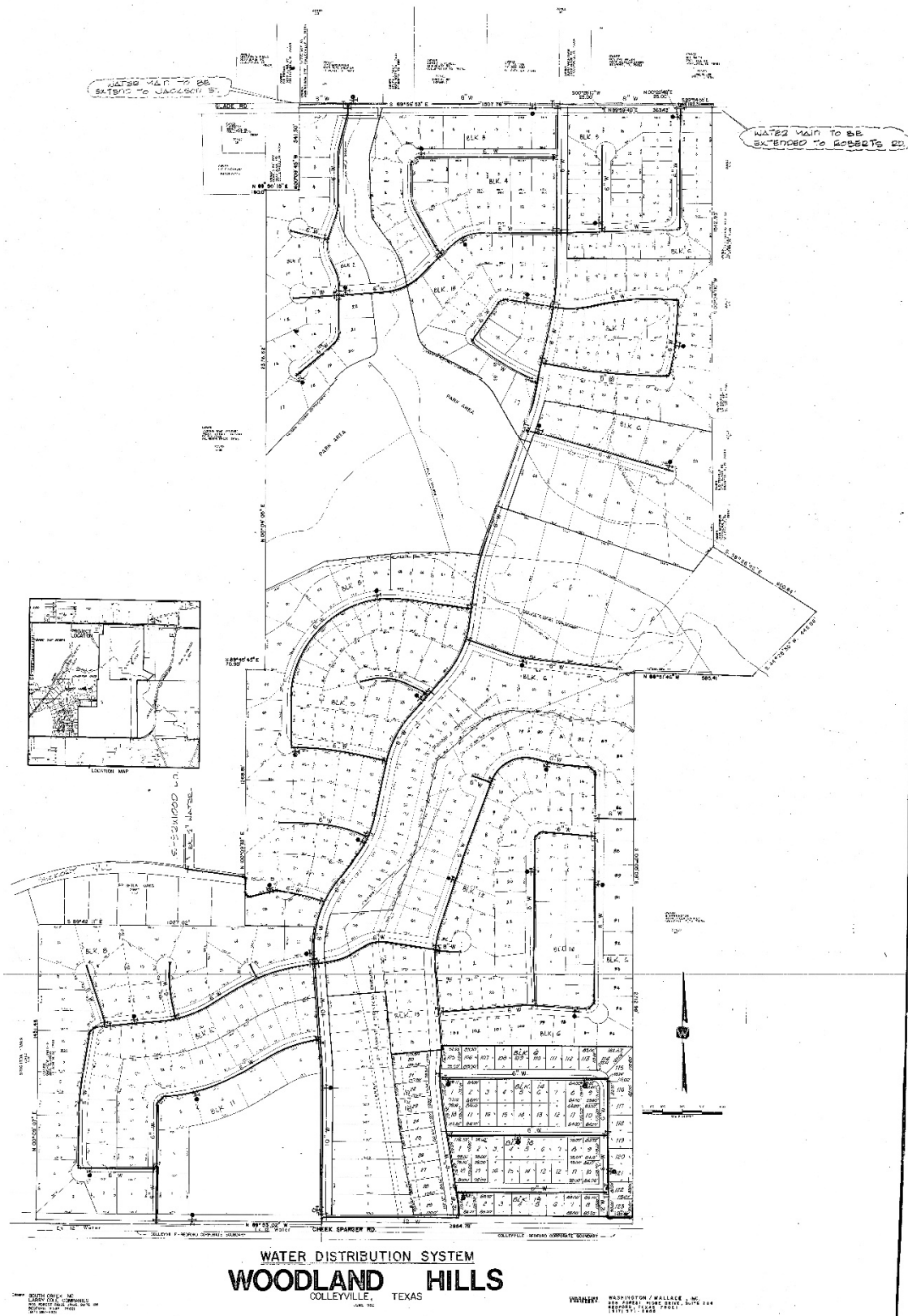


EXHIBIT B

Creekside at Colleyville Development Phase 3

Fee	Amount Per Lot	Number of Lots	Total
Water Impact Fee	\$2,491	89	\$221,699
Sewer Impact Fee	\$643	89	\$57,227
Roadway Impact Fee	\$4,941	89	\$439,749
Total:	\$8,075		\$718,675

EXHIBIT C

Creekside at Colleyville Phase 3 Additional Work - Waterline

Description	Unit	Approx. Quantity	Unit Price	Total
Waterline - Existing Utility Locating	LS	1	\$3,750	\$3,750
Waterline - 12" PVC	LF	107	\$30	\$3,210
Waterline - Franchise Utility Coordination	LS	1	\$11,290	\$11,290
Waterline - Remove and replace 10" Gate Valve	LS	1	\$2,500	\$2,500
Waterline - Mobilization	LS	1	\$2,500	\$2,500
Waterline Total:				\$23,250

Creekside at Colleyville Phase 3 Additional Work - Drainage Improvements

Description	Unit	Approx. Quantity	Unit Price	Total
Parkway - Franchise Utility Coordination	LS	1	\$3,750	\$3,750
Parkway - Mobilization	LS	1	\$2,500	\$2,500
Parkway - Erosion Control	LS	1	\$2,500	\$2,500
Parkway - Furnish and Install 18" RCP	LF	20	\$50	\$1,000
Parkway - Furnish and Install 24" RCP	LF	659	\$45	\$29,655
Parkway - 3' x 3' Grate inlet	EA	3	\$3,795	\$11,385
Parkway - Trench safety plan adjustment	EA	1	\$10	\$10
Parkway - Connection to existing 24" RCP	EA	1	\$605	\$605
Parkway - Convert 4' wye inlet to junction box	EA	1	\$850	\$850
Parkway - Filter Fabric for RCP	LF	659	\$3.50	\$2,306.50
Parkway - Additional Grading Work	EA	1	\$1,485	\$1,485
Parkway - 24" RCP Restocking Fee	EA	1	\$2,000	\$2,000
Parkway Total:				\$58,046.50



City of Colleyville City Council Agenda Briefing

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

Agenda Number 6c

Agenda Date 10/18/2016

Number Resolution R-16-4047

Type Resolution

Department City Council

Title

Approval of a resolution stating City Council's desire to hold joint worksessions/meetings with the Grapevine-Colleyville Independent School District (GCISD) Board of Trustees

Strategy Map Connection

B4- Cultivate a culture of transparency and consistent communication

Explanation

This item has been placed on the agenda at the request of Mayor Newton.

Financial Impact

There is no financial impact to the City.

Recommendation

None

Attachments

1. Resolution R-16-4047

RESOLUTION R-16-4047

A RESOLUTION STATING THE COLLEYVILLE CITY COUNCIL'S DESIRE TO HOLD JOINT WORKSESSIONS/MEETINGS WITH THE GRAPEVINE-COLLEYVILLE INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

WHEREAS, the Colleyville City Council is dedicated to enhancing a high quality of life community to the citizens of Colleyville; and

WHEREAS, the Grapevine-Colleyville Independent School District (GCISD) Board of Trustees is dedicated to providing high-performing public schools by empowering students to achieve their full potential in a global society; and

WHEREAS, the City and GCISD have many existing partnerships, such as school resource officers, school crossing guards, shared facility usage, tax collection, and are in the process of establishing an additional partnership through a shared fiber optic network; and

WHEREAS, the City and GCISD held joint meetings in the past; and

WHEREAS, families and children, neighborhoods and schools are critical to the growth, diversity, vibrancy, and economic vitality of Colleyville.

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

Sec. 1. THAT it is in the best interest of all citizens of the City of Colleyville that the City Council and the GCISD Board of Trustees maximize collaboration in and coordination of all major planning efforts by holding joint worksessions/meetings.

Sec. 2. THAT the mayor and city manager will work with GCISD to establish such worksession/meeting agendas.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _____ AYES, _____ NAYS, AND _____ ABSTENTIONS ON THIS THE 18TH 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 8

Agenda Date 10/18/2016

Type Report

Department City Secretary

Title

Planning and Zoning Commission Meeting Minutes - September 12, 2016

Zoning Board of Adjustment Meeting Minutes - September 13, 2016

Attachments

1. Planning and Zoning Commission Meeting Minutes - September 12, 2016
2. Zoning Board of Adjustment Meeting Minutes - September 13, 2016



City of Colleyville Planning and Zoning Commission Minutes

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

Monday, September 12, 2016

City Council Chambers

CALL MEETING TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by Chairman Byerly on September 12, 2016, at 7:00p.m.

Roll Call

Present: Commissioners, David Wheelwright, Jason Elms, Jeff Byerly, Jim Gotcher, Don Davis, and David Phelps

Absent: Commissioner Carel Tornes

Staff Present: Shane Pace, Ben Bryner, Oscar Chavez, Rob McKeown, Chief Brian Riley, Araceli Botello, and Matthew Butler (City Attorney)

1. APPROVAL OF MINUTES

Commissioner Phelps made a motion to approve the August 8, 2016 minutes as written. Commissioner Davis seconded.

The motion to approve the August 8, 2016 minutes as written carried by the following vote:

Aye: 6 – Wheelwright, Elms, Gotcher, Davis, Phelps, and Byerly

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

There were no citizen comments/presentations regarding items not on the agenda.

3. CONSENT AGENDA ITEMS

3a Consideration of a final plat on Abstract 1154, of the R.H. McEwing Survey, located at 8080 Precinct Line Road, Case PC16-005

Commissioner Phelps made a motion to approve Case PC16-005. Commissioner Gotcher seconded.

The motion to approve carried by the following vote:

Aye: 6 – Wheelwright, Elms, Gotcher, Davis, Phelps, and Byerly

4. PUBLIC HEARING AGENDA ITEMS

Chairman Byerly requested to move agenda item 4c to the beginning of the agenda for the evening due to applicant's request to table the item. There were no objections to this request.

- 4c** Consideration of an amendment to the PUD-R Planned Unit Development-Residential district on Lots 1-9, 10X, 11X, 12X, Block 1, Carmel Place Estates, located at 1301 Glade Road, Case ZC16-014

Chairman Byerly made a motion to continue Case ZC16-014 to the October 10, 2016 Planning and Zoning Commission meeting. Commissioner Gotcher seconded.

The motion to continue Case ZC16-014 to the October 10, 2016 Planning and Zoning Commission meeting carried by the following vote:

Aye: 6 – Wheelwright, Elms, Gotcher, Davis, Phelps, and Byerly

- 4a** 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

Shane Pace presented the case and briefed the Commission.

The public hearing was opened at 7:08 p.m.

The applicant, Ed Palluth, 1212 Holly Lane, came forward and briefed the Commission.

John Perone, 1216 and 1220 Holly Lane, came forward and spoke in support of this case.

There being no others present wishing to speak, the public hearing was closed at 7:15 p.m.

Commissioner Davis made a motion to approve Case ZC16-012. Commissioner Gotcher seconded.

The motion to approve Case ZC16-012 carried by the following vote:

Aye: 6 – Wheelwright, Elms, Gotcher, Davis, Phelps, and Byerly

- 4b** 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

Shane Pace presented the case and briefed the Commission.

The public hearing was opened at 7:20 p.m.

The applicant's representative, Mark Assaad, 5000 Thompson Terrance, came forward and briefed the Commission.

The following people wished to record their support but did not wish to speak:

Support:

Stephen Morris, 7201 Pleasant Run Road
Waguhi Guirguis, 7204 Waldon Court

There being no others present wishing to speak, the public hearing was closed at 7:23 p.m.

Commissioner Phelps made a motion to approve the Case ZC16-014. Commissioner Wheelwright seconded.

The motion to approve Case ZC16-014 carried by the following vote:

Aye: 6 – Wheelwright, Elms, Gotcher, Davis, Phelps, and Byerly

- 4d** 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

Shane Pace presented the case and briefed the Commission.

The public hearing was opened at 7:28 p.m.

The architect, Roger "Skip" Blake, 1202 S. White Chapel Boulevard, Southlake, came forward and briefed the Commission.

There being no others present wishing to speak, the public hearing was closed at 7:30 p.m.

Commissioner Gotcher made a motion to approve Case ZC16-017. Commissioner Davis seconded.

The motion to approve Case ZC16-017 carried by the following vote:

Aye: 6 – Wheelwright, Elms, Gotcher, Davis, Phelps, and Byerly

5. ADJOURNMENT

The meeting adjourned at 7:30 p.m.

The minutes were written and prepared by:



Araceli Botello

Planning Technician

The meeting minutes were approved on October 10, 2016 by a vote of 7-0.



City of Colleyville Zoning Board of Adjustment Minutes

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

Tuesday, September 13, 2016

City Council Chambers

CALL TO ORDER

The Zoning Board of Adjustment meeting of the City of Colleyville was called to order by Board member McNosky on September 13, 2016 at 7:00 p.m.

Roll Call

Present: Board members Dee Kamerman, Raymond Allee, Wayne Maynard, Dee McNosky, Jason Elms, and Richard Vallario

Absent: Judson Orlando

Staff Present: Shane Pace, Ben Bryner, and Araceli Botello

1. APPROVAL OF MINUTES

Board member Elms made a motion to approve the August 9, 2016 minutes. Board member Allee seconded.

The motion to approve the August 9, 2016 minutes carried by the following vote:

Aye: 5 – Elms, Kamerman, Allee, Maynard, and McNosky

2. PUBLIC HEARING AGENDA ITEMS

- 2a** Request for a variance to certain provisions of Section 3.26 Fences, Free Standing Walls, and Screening Materials of the Land Development Code on Lot 2, Block 2, Turner Addition, located at 1505 Cherry Lane, Case VC16-008

Shane Pace presented the case and briefed the Board.

The public hearing was opened at 7:05 p.m.

The fence contractor, Chris Gruensfelder, 3858 Candlelite Lane, Fort Worth, came forward and briefed the Board

The applicant, Connie Stewart, 1505 Cherry Lane, came forward and briefed the Board.

The landscape architect, Steve BB, 3 Durango Drive, Trophy Club, came forward and briefed the Board.

Board member Elms questioned the fence contractor regarding his statement that the neighboring lot to the east will also have a fence in the front yard. Mr. Elms asked if the neighboring lot to the east would also require a variance, should the fence variance be approved for 1505 Cherry Lane. The fence contractor replied yes.

Board member Elms questioned the fence contractor regarding whether there is currently a fence on the lot to the west of the property. The fence contractor replied that there is a fence across the back, but no fencing parallel to Cherry Lane.

Discussion continued regarding the fencing of neighboring properties.

Board member Elms questioned the applicant regarding the height of the fence. The fence contractor replied that lowering the height of the fence would compromise the security of the applicant. The applicant added that there will be a lack of continuity in the future fence-line if the variance is not approved.

Board member Kamerman questioned the applicant regarding the lot size for the adjacent properties to the east and west, and whether they are 40,000 square feet. The applicant replied that the lot to the west is greater than 40,000 square feet and the property to the east is less than 40,000 square feet.

Board member Kamerman questioned the applicant regarding the properties across the street. Ms. Kamerman asked if the properties currently have fences along the front property line. The applicant replied, no.

Discussion continued regarding neighboring properties and the potential need to request a fence variance.

Board member Allee questioned the applicant regarding moving the fence closer to the front building line. Board member McNosky added that this location would also require a variance.

Board member Elms questioned the applicant regarding the extension of the fence towards the rear property line. The applicant responded that the fence extends all the way to the rear of the property along the side property line, and transitions to a solid wooden fence near the front building line.

Board member Maynard questioned staff regarding the side yard setbacks of the property to the west of the applicant's property. Staff responded that the property to the west of the applicant's property is a corner lot and these lots are required to have two front yards. He added that if the orientation of the front yard of the home is on Cherry Lane, the side yard would be set back to 15ft along Bluebonnet Street.

Discussion continued regarding side yard setbacks.

There being no one else wishing to speak, the public hearing was closed at 7:27 p.m.

Board member Maynard made a motion to approve Case VC16-008. Board member McNosky seconded.

The motion to approve Case VC16-008 failed by the following vote:

Aye: 2 – Maynard and McNosky

Nay: 3 – Kamerman, Elms, Allee

- 2b** Request for a variance to certain provisions of Section 3.26 Fences, Free Standing Walls, and Screening Materials of the Land Development Code on Lot 10A, Block 1, Westcoat Place Addition, located at 6213 Westcoat Drive, Case VC16-011

Shane Pace presented the case and briefed the Board.

The public hearing was opened at 7:35 p.m.

The applicant, Mark Cameron, 6002 Westcoat Drive, came forward and briefed the Board.

Board member McNosky questioned the applicant to clarify the location where the applicant would like the fence to remain. The applicant stated that he would like for the fence to remain where it is currently located. He added that he was not aware that his fence

contractor had not received the permit when he began the work.

Board member Maynard questioned the applicant about the location of the garage and the fence. Applicant responded that the fence and garage are facing White Street. He added that the fence provides privacy to the side entrance door and on the left side there are large AT&T pedestals.

Applicant stated that he had discussed with staff about being allowed to place a wrought iron fence instead of wood fence.

Board member Maynard questioned the applicant about the size and material of the gate the applicant is proposing to install. The applicant responded that he plans to install a double retractable gate made out of light weight wrought iron.

Board member Kamerman questioned staff regarding whether a wrought iron fence would be permitted in this location on the property. Staff replied yes. Mr. Pace went on to state that a privacy fence is not permitted, which the ordinance defines a fence that is greater than 25 percent opaque.

Discussion continued on the types of fences permitted in side yards.

Board member Maynard questioned the applicant about the pedestal boxes located in the front yard and the fence built near them. The applicant responded that the fence was built for landscape aesthetic purposes and to shield the view of pedestal boxes. Staff added that this fence would also need to be removed if the variance is not approved.

Discussion continued on the type of fencing permitted on the property.

There being no one else wishing to speak, the public hearing was closed at 7:47 p.m.

Board member Maynard made a motion to deny Case VC16-011. Board member Allee seconded.

The motion to deny Case VC16-011 carried by the following vote:

Aye: 2 – Elms, Kamerman, Allee, Maynard, and McNosky

3. ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Minutes were written and prepared by:



Araceli Botello

Planning Technician

The meeting minutes were approved on October 11, 2016, by a vote of 5-0.



City of Colleyville City Council Agenda Briefing

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

Agenda Number
Type Report
Department Finance

Agenda Date 10/18/2016

Number 8

Title
Monthly Financial Report - September 2016

Explanation
General Fund

The FY16 Monthly Financial Report for September reflects year-to-date revenues and expenses through the end of September, however, the financial statements will not be final until all year-end entries and adjustments have been made and reviewed by the auditors.

The percentage of the current year tax roll collected exceeded the budgeted projection and the percentage collected last fiscal year.

For the month of September, sales tax is up .39% (\$1,047) from revenues reported for the same time period last year. Year to date General Fund sales tax is up 8.08% (\$227,618) when compared to the same time period last year. This is the eleventh consecutive month of increased sales taxes and the highest September sales tax allocation ever received. Per governmental accounting rules, sales tax revenue received in October 2016 and November 2016 is recorded as FY 2016 revenue, as the sales occurred in August 2016 and September 2016, respectively. In the attached report, October 2016 sales tax is included, but November sales tax is not. From the sales tax revenues reported for October 2016, General Fund sales tax is up 12.01% (\$32,166) from revenues reported for the same time period last year. Year to date General Fund sales tax is up 8.42% (\$259,784).

The quarterly mixed beverage tax allocation came in at \$27,475 compared to \$27,157 last fiscal year. Year to date revenues exceeded budgeted projections by 33%.

The annual franchise payment received from Atmos in March exceeded budgeted projections by 5.2%, however, due to warmer winter temperatures compared to last year, the annual amount received was 18.11% less than the amount received last fiscal year. The annual franchise payment received by Oncor in February exceeded budgeted projections by 3.31% and was slightly more than last year's annual payment. Tri-County Electric's annual franchise payment also exceeded the budgeted projection by 6.78%. Revenues received from Cable TV Franchise finished up ahead of budgeted projections by 17.15%.

Seventeen new residential building permits were issued in September, compared to eleven that were issued in September 2015. Revenues received for licenses and permits exceeded current year projections by over 51%. Fine revenue exceeded budgeted projections by 3.69%. Citations have decreased when compared to the same time last fiscal year in part related to a 40% drop in the number of registration violations due to the change in the State's vehicle registration law. Ambulance revenues exceeded the budgeted projection and the amount collected last fiscal year due to an increase in hospital transports. Rental revenues for Colleyville Center came in behind budgeted projections. Cost recovery for the Center is currently 62%. Revenues related to engineering and construction inspection fees are down compared to budgeted projections and last year due to a minimal number of new development projects so far this fiscal year.

The average amount expended by the General Fund departments at the end of September is 95.24% of the total appropriation versus 99.09%, which was projected to be spent.

Utility Fund

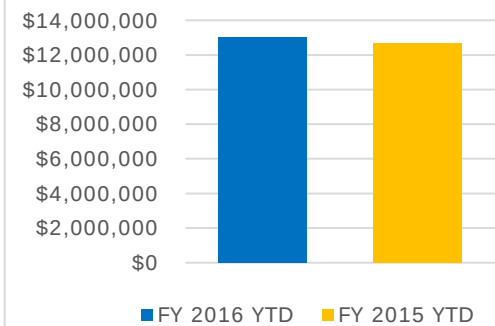
Year to date, water usage has decreased as compared to the amount sold through September 2015. Rainfall totals are 53.16 inches compared to 44.45 inches for the same time period last year. The average amount expended by the Utility Fund departments at the end of September was 75.47% of the total appropriation, versus 76.87%, which was projected to be spent.

Monthly Financial Report: September 2016

General Fund Revenues

Ad Valorem Taxes

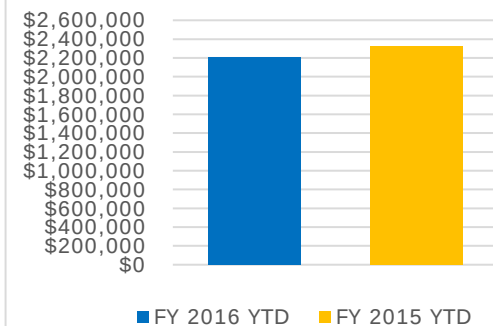
FY 2016 Budget: \$12,928,456



% Change FY/FY: 2.83%
 - Based on 2015 property values
 - Most collections in Dec., Jan., & Feb.

Franchise Fees

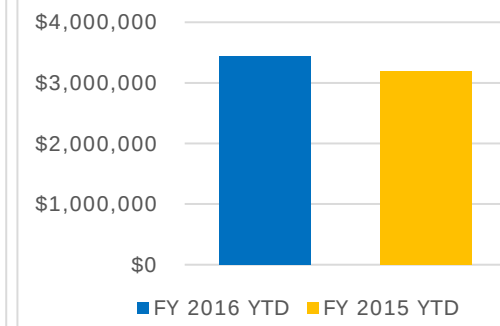
FY 2016 Budget: \$2,061,000



% Change FY/FY: -4.86%
 - Use of City ROW by utilities
 - Gas, Electricity, Telecom., Cable, Waste

Sales Taxes

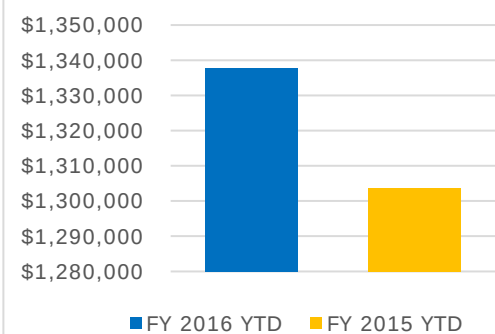
FY 2016 Budget: \$3,480,000



% Change FY/FY: 7.90%
 - Receipts are from sales 2 months prior
 - Sales tax revenues are Dec. - Nov.
 - Also includes mixed beverage tax

Licenses & Permits

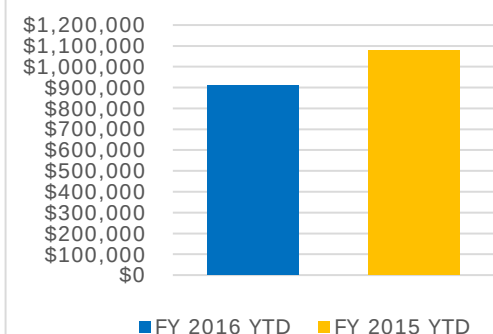
FY 2016 Budget: \$882,800



% Change FY/FY: 2.62%
 - Building, plumbing, mechanical, fence, electrical, sign, etc. permit fees

Fines

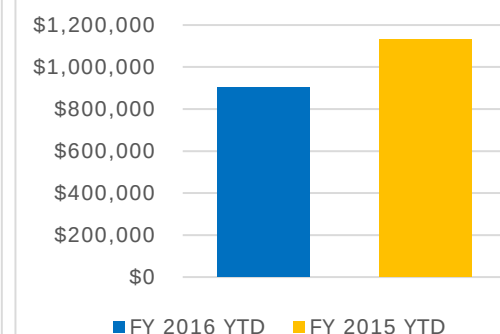
FY 2016 Budget: \$876,000



% Change FY/FY: -15.78%
 - Includes fines from citations, alarm fees, and library fines

Charges for Service

FY 2016 Budget: \$1,089,800

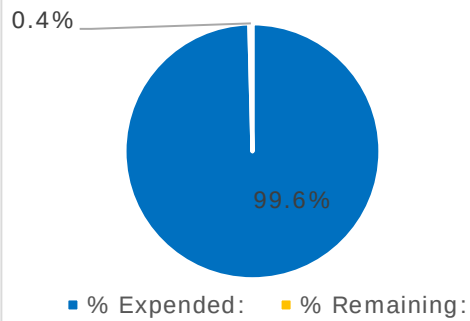


% Change FY/FY: -20.15%
 - Includes zoning, ambulance, parks/rec., engineering, & Colleyville Center charges

Monthly Financial Report: September 2016
General Fund Expenditures

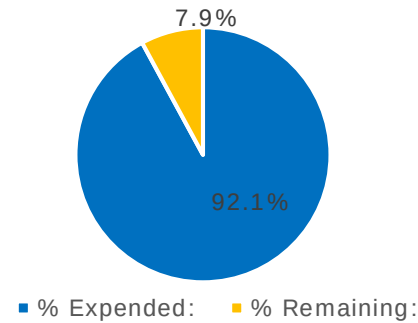
Public Safety

FY 2016 Budget: \$9,424,339
% Expended: 99.6%
% Remaining: 0.4%



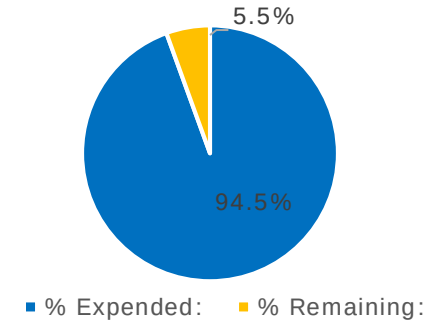
Infrastructure

FY 2016 Budget: \$6,482,251
% Expended: 92.1%
% Remaining: 7.9%



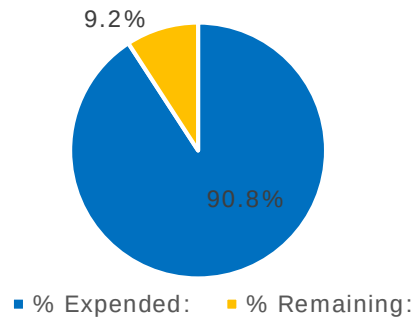
Development

FY 2016 Budget: \$1,100,806
% Expended: 94.5%
% Remaining: 5.5%



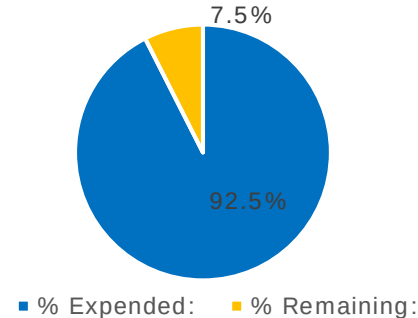
Operational Support

FY 2016 Budget: \$3,286,768
% Expended: 90.8%
% Remaining: 9.2%



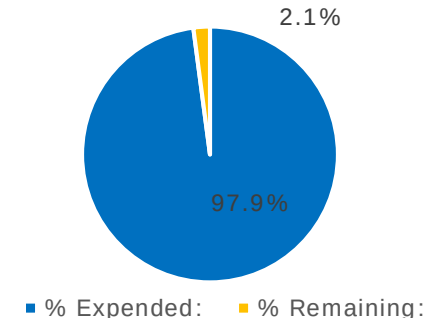
Community Assets & Programs

FY 2016 Budget: \$2,808,506
% Expended: 92.5%
% Remaining: 7.5%



Technology

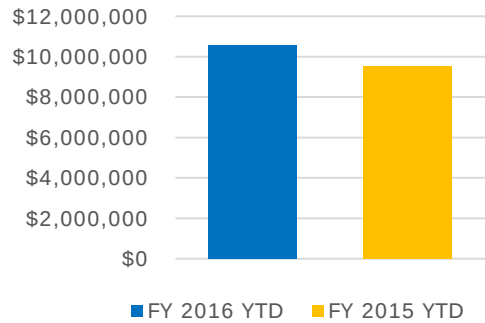
FY 2016 Budget: \$874,700
% Expended: 97.9%
% Remaining: 2.1%



Monthly Financial Report: September 2016

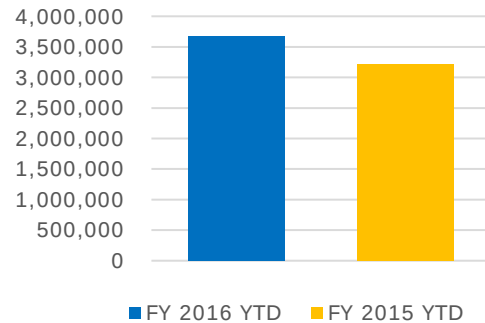
Utility Fund

Water Sales



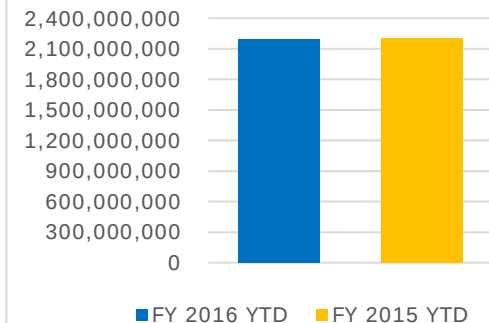
% Change FY/FY: 10.67%

Wastewater Sales



% Change FY/FY: 14.23%

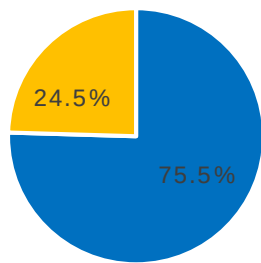
Gallons of Water Sold



% Change FY/FY: -0.20%

Utility Fund Expenditures

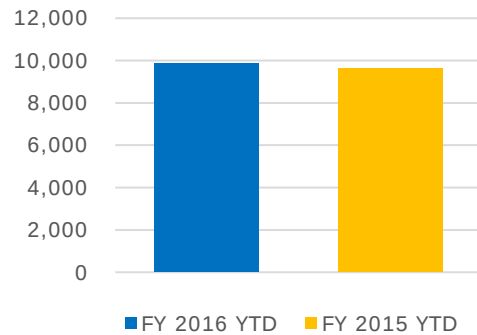
FY 2016 Budget: \$15,886,362
 % Expended: 75.5%
 % Remaining: 24.5%



■ % Expended: ■ % Remaining:

Number of Water Customers

FY 2016 YTD: 9,858
 FY 2015 YTD: 9,631



% Change FY/FY: 2.36%

Notes

Rainfall totals (in inches):
 Oct 15-Sep 16 53.16
 Oct 14-Sep 15 44.45

MONTHLY FINANCIAL REPORT - SEPTEMBER 2016

GENERAL FUND		RECEIVED	PROJECTED		RECEIVED	
	FY 2016	FY 2016 YTD	FY 2016 YTD	RECEIPT VS	FY 2015 YTD	PERCENT
REVENUE SOURCE	BUDGET	AS OF	AS OF	PROJECTED	AS OF	CHANGE OVER
		9/30/2016	9/30/2016	INCR (DECR)	9/30/2015	PRIOR YEAR
Current Taxes	\$12,823,456	\$12,949,435	\$12,823,456	0.98%	\$12,575,427	2.97%
Delinquent Taxes	50,000	28,831	27,703	4.07%	27,703	4.07%
Penalty & Interest	55,000	55,103	71,435	-22.86%	71,435	-22.86%
TOTAL AD VALOREM TAXES	\$12,928,456	\$13,033,370	\$12,922,594	0.86%	\$12,674,564	2.83%
Oncor Electric	\$875,000	\$903,933	\$875,000	3.31%	\$903,390	0.06%
Tri-County Electric	105,000	112,116	105,000	6.78%	126,855	-11.62%
Atmos Gas	350,000	368,202	350,000	5.20%	449,640	-18.11%
AT&T	70,000	66,702	70,000	-4.71%	71,354	-6.52%
Verizon/Others	65,000	59,956	65,000	-7.76%	75,198	-20.27%
Refuse/Recycling	146,000	168,787	146,000	15.61%	166,291	1.50%
Cable TV	450,000	527,194	450,000	17.15%	526,995	0.04%
TOTAL FRANCHISE TAXES	\$2,061,000	\$2,206,890	\$2,061,000	7.08%	\$2,319,724	-4.86%
Sales Tax	\$3,400,000	\$3,338,487	\$3,277,770	1.85%	\$3,084,960	8.22%
Mixed Beverage Tax	80,000	106,607	80,000	33.26%	107,977	-1.27%
TOTAL SALES TAXES	\$3,480,000	\$3,445,094	\$3,357,770	2.60%	\$3,192,937	7.90%
Building	\$580,000	\$846,260	\$580,000	45.91%	\$850,326	-0.48%
Plumbing	48,000	74,777	48,000	55.78%	75,655	-1.16%
Mechanical	29,000	64,518	29,000	122.48%	43,163	49.48%
Electrical	40,000	74,905	40,000	87.26%	64,800	15.59%
City License	35,000	58,349	35,000	66.71%	43,315	34.71%
Building Plan Review Fee	109,000	132,212	109,000	21.30%	166,976	-20.82%
New Business	3,500	6,811	3,500	94.60%	5,076	34.18%
Sign Permit	6,800	10,690	6,800	57.21%	9,275	15.26%
Fence Permit	9,500	21,500	9,500	126.32%	10,800	99.07%
Fire Permits	7,000	20,060	7,000	186.57%	15,265	31.41%
Irrigation Permit	15,000	27,771	15,000	85.14%	16,559	67.71%
Gas & Oil Well Permit Fee	0	75	0	100.00%	2,500	-97.00%
TOTAL LICENSES & PERMITS	\$882,800	\$1,337,927	\$882,800	51.55%	\$1,303,710	2.62%
Fines	\$800,000	\$830,333	\$800,000	3.79%	\$996,440	-16.67%
Alarm Fees	53,000	52,997	53,000	-0.01%	57,031	-7.07%
Library Fines	23,000	24,980	23,000	8.61%	24,975	0.02%
TOTAL FINES	\$876,000	\$908,310	\$876,000	3.69%	\$1,078,446	-15.78%

MONTHLY FINANCIAL REPORT - SEPTEMBER 2016

REVENUE SOURCE	FY 2016 BUDGET	RECEIVED AS OF 9/30/2016	PROJECTED AS OF 9/30/2016	RECEIPT VS PROJECTED INCR (DECR)	RECEIVED AS OF 9/30/2015	PERCENT CHANGE OVER PRIOR YEAR
Re-zoning	\$10,000	\$7,743	\$10,000	-22.58%	\$10,794	-28.27%
Plat Fee/Site Plan	8,200	7,943	8,200	-3.14%	11,410	-30.39%
Board of Adjustment	1,250	3,000	1,250	140.00%	2,450	22.45%
Sale of Material	100	418	100	318.48%	71	488.58%
Weed Mowing	6,500	11,356	6,500	74.70%	5,246	116.47%
Ambulance	300,000	359,314	300,000	19.77%	321,871	11.63%
Recreation Program	160,000	201,166	160,000	25.73%	186,644	7.78%
Non-Resident Fee Parks	37,000	43,800	37,000	18.38%	48,355	-9.42%
Field Use Charge	21,500	21,510	21,500	0.05%	27,980	-23.12%
Engineering & Inspection	175,000	4,908	175,000	-97.20%	264,252	-98.14%
Material Testing	100,000	7,734	100,000	-92.27%	0	100.00%
Colleyville Center Rental	257,250	209,920	257,250	-18.40%	227,901	-7.89%
Lot Drainage Insp Fee	13,000	23,875	13,000	83.65%	23,500	1.60%
TOTAL CHARGES FOR SERVICE	\$1,089,800	\$902,685	\$1,089,800	-17.17%	\$1,130,473	-20.15%
SRO Officer Reimb	\$94,282	\$94,282	\$94,282	0.00%	\$94,282	0.00%
Keller Court	217,697	247,689	217,697	13.78%	231,409	7.04%
TOTAL INTERGOVERNMENTAL	\$311,979	\$341,971	\$311,979	0.00%	\$325,691	0.00%
Sale of Surplus Property	\$5,000	\$52,957	\$5,000	959.14%	\$3,798	1294.50%
Interest Income	25,000	39,755	25,000	59.02%	32,343	22.92%
Miscellaneous	55,000	98,776	55,000	79.59%	80,535	22.65%
Use of Available Cash	1,000,000	0	0	0.00%	0	0.00%
Antenna Lease	70,040	93,566	90,794	3.05%	75,415	24.07%
TOTAL MISCELLANEOUS	\$1,155,040	\$285,054	\$175,794	62.15%	\$192,090	48.40%
Transfers-In	\$1,233,417	\$0	\$0	0.00%	\$1,115,272	0.00%
TOTAL TRANSFERS	\$1,233,417	\$0	\$0	0.00%	\$1,115,272	0.00%
TOTAL GENERAL FUND REVENUES	\$24,018,492	\$22,461,301	\$21,677,737	3.61%	\$23,332,906	-3.74%

MONTHLY FINANCIAL REPORT - SEPTEMBER 2016

	FY 2016 BUDGET	THROUGH 9/30/2016	THROUGH 9/30/2015	TOTAL INCREASE (DECREASE)	PERCENT INCREASE (DECREASE)
% OF CURRENT TAX ROLL COLLECTED	99.0%	99.57%	99.55%	0.02%	0.02%
RESIDENTIAL BLDG PERMITS	125	182	181	1	0.55%
COMMERCIAL BLDG PERMITS	5	9	13	(4)	-30.77%
CITATIONS ISSUED	11,500	9,037	10,626	(1,589)	-14.95%

GENERAL FUND EXPENSES

	FY 2016 BUDGET	EXPENDED THROUGH 9/30/2016	YEAR-TO-DATE PROJECTED EXPENDITURES	% OF BUDGET EXPENDED	BUDGET REMAINING
City Council	\$189,746	\$165,804	\$189,746	87.38%	\$23,942
City Manager	603,241	578,662	603,241	95.93%	24,579
City Secretary	215,281	206,134	215,281	95.75%	9,147
Finance	415,341	414,940	415,341	99.90%	401
Legal	200,000	202,350	200,000	101.17%	(2,350)
Engineering	574,462	433,199	574,462	75.41%	141,263
Economic Development	303,166	255,253	303,166	84.20%	47,913
Building Inspection	464,400	451,820	464,400	97.29%	12,580
Community Development	333,240	332,780	333,240	99.86%	460
Fire	4,440,164	4,610,834	4,440,164	103.84%	(170,670)
Police	4,592,988	4,427,265	4,592,988	96.39%	165,723
Parks	1,299,413	1,251,628	1,299,413	96.32%	47,785
Recreation	380,668	312,527	380,668	82.10%	68,141
Street Maintenance	4,694,578	4,589,254	4,694,578	97.76%	105,324
Library	737,263	696,294	737,263	94.44%	40,969
Communications	212,244	169,852	212,244	80.03%	42,392
Colleyville Center	391,162	338,298	391,162	86.49%	52,864
Human Resources	304,339	299,202	304,339	98.31%	5,137
Municipal Court	391,187	349,269	391,187	89.28%	41,918
Fleet Services	229,302	216,255	229,302	94.31%	13,047
Facility Services	531,909	478,330	531,909	89.93%	53,579
Information Services	874,700	856,424	874,700	97.91%	18,276
Non Departmental	953,559	816,846	953,559	85.66%	136,713
Capital Equipment Reserve	452,000	252,000	252,000	55.75%	200,000
Compensation Adjustment	193,017	131,300	173,715	68.03%	61,717
TOTAL EXPENSES	\$23,977,370	\$22,836,518	\$23,758,068	95.24%	\$1,140,852

MONTHLY FINANCIAL REPORT - SEPTEMBER 2016

UTILITY FUND						
REVENUE SOURCE	FY 2016 BUDGET	RECEIVED AS OF 9/30/2016	PROJECTED AS OF 9/30/2016	RECEIPT VS PROJECTED INCR (DECR)	RECEIVED AS OF 9/30/2015	PERCENT CHANGE OVER PRIOR YEAR
Water Sales	\$11,467,441	\$10,568,730	\$11,467,441	-7.84%	\$9,549,632	10.67%
Sewer Sales	4,050,786	3,674,867	4,050,786	-9.28%	3,217,174	14.23%
Sewer Installation	7,000	18,600	7,000	165.71%	18,700	-0.53%
Water Installation	21,000	53,060	21,000	152.67%	46,471	14.18%
Sewer Tie-on Charges	5,000	0	0	0.00%	0	0.00%
Engineering Charges	50,000	2,155	2,155	0.00%	118,113	-98.18%
Penalties	228,772	256,157	228,772	11.97%	199,965	28.10%
Miscellaneous	13,000	32,860	13,000	152.77%	21,662	51.69%
TOTAL OPERATING INCOME	\$15,842,999	\$14,606,430	\$15,790,154	-7.50%	\$13,171,718	10.89%
Interest Income	\$20,300	\$41,865	20,300	106.23%	\$28,382	47.51%
Use of Available Cash	450,000	0	0	0.00%	0	0.00%
TOTAL NON-OPERATING INCOME	\$470,300	\$41,865	\$20,300	100.00%	\$28,382	47.51%
TOTAL INCOME	\$16,313,299	\$14,648,295	\$15,810,454	-7.35%	\$13,200,100	10.97%

	THROUGH 9/30/2016	THROUGH 9/30/2015	TOTAL INCREASE (DECREASE)	PERCENT INCREASE (DECREASE)
GALLONS OF WATER SOLD	2,198,573,300	2,203,047,800	(4,474,500)	-0.20%
NUMBER OF WATER CUSTOMERS	9,858	9,631	227	2.36%

UTILITY FUND EXPENSES					
	FY 2016 BUDGET	EXPENDED THROUGH 9/30/2016	YEAR-TO-DATE PROJECTED EXPENSES	% OF BUDGET EXPENDED	BUDGET REMAINING
Billing	\$382,103	\$356,990	\$382,103	93.43%	\$25,113
Operations	12,402,286	9,906,855	9,921,829	79.88%	2,495,431
Utility Support	1,176,062	1,082,152	1,176,062	92.01%	93,910
Non-Departmental	320,803	231,454	320,803	72.15%	89,349
Debt Service	365,325	363,488	363,488	99.50%	1,838
Compensation Adjustment	29,934	3,500	3,500	0.00%	26,434
Transfer to General Fund	1,209,849	44,286	44,286	3.66%	1,165,563
TOTAL EXPENSES	\$15,886,362	\$11,988,724	\$12,212,070	75.47%	\$3,897,638

RESOLUTION R-16-4048

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF
OCTOBER 18, 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 18TH 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