



City of Colleyville City Council Agenda

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

Tuesday, November 1, 2016

WORKSESSION

4:30 P.M.

EXECUTIVE SESSION

6:00 P.M.

**EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

CALL TO ORDER

- WS-1** Discussion of Conflict of Interest forms for vendors
- WS-2** Discussion of sign ordinance relative to directory signage
- WS-3** Discussion of Joint Access Agreements along SH26
- WS-4** Discussion of dates for future City Council worksessions
- WS-5** Discussion of the November 1, 2016, City Council regular agenda items

EXECUTIVE SESSION

6:00 P.M.

**EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

CALL TO ORDER AND ROLL CALL

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

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

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

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

INVOCATION: Counselor in the Bishopric Bruce Crandall, Church of Jesus Christ of Latter-day Saints, 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-16-4049**
- 3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS**
 - Announcements of civic and charitable events**
 - Presentation of calendar events and updates**
 - Announcements of awards and recognition**
- 4. CONSENT: READING AND PUBLIC HEARING- RESOLUTION R-16-4050**
 - 4a** Approval of the minutes of the Joint City Council and Water and Wastewater Rate Advisory Committee Worksession of October 18, 2016
 - 4b** Approval of the minutes of the regular City Council meeting of October 18, 2016
- 5. ORDINANCE(S): FIRST READING AND PUBLIC HEARING**
 - 5a Ordinance O-16-1996**

An ordinance amending Sections 3A and 3B of the Water and Sewer Policy and Procedure manual as contained in the Code of Ordinances of the City of Colleyville, Texas, by implementing the recommendations of the Water and Wastewater Rate Advisory Committee, and providing for an effective date
 - 5b Ordinance O-16-1997**

Consideration of an amendment to the PUD-R-Planned Unit Development-Residential district to amend the front building line on Lots 1-9, Block 1, of the Carmel Place Estates Addition, located at 4916, 4912, 4908, 4828, 4824, 4820, 4816, 4812 and 4808 Carmel Place, Case ZC16-015

5c Ordinance O-16-1998

Consideration of a zoning change from the AG-Agricultural district to the R-20 Single Family Residential district on Abstract 1756 of the A. T. Young Survey, Tract 1A01B, located at 216 West Glade Road, Case ZC16-016

6. RESOLUTION(S): READING AND PUBLIC HEARING**6a Resolution R-16-4051**

Consideration of appointments to the Historical Preservation Committee

6b Resolution R-16-4052

Consideration of appointments to the Library Board

6c Resolution R-16-4053

Consideration of appointments to the Metroport Teen Court Advisory Board

6d Resolution R-16-4054

Consideration of appointments to the Planning and Zoning Commission

6e Resolution R-16-4055

Consideration of appointments to the Zoning Board of Adjustment

6f Resolution R-16-4056

Approval of a resolution to amend Resolution R-03-2185 establishing terms for the Audit Committee

6g Resolution R-16-4057

Approval of a resolution approving the appointment and professional services agreement of a city attorney and authorize the city manager to execute the agreement

7. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA**8. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR November 1, 2016 - READING AND PUBLIC HEARING - RESOLUTION R-16-4058**

9. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards October 28, 2016 by 5:30 p.m.

Amy Shelley, TRMC
City Secretary

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

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

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



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-1
Type Worksession
Department City Manager

Agenda Date 11/01/2016

Title

Discussion of Conflict of Interest forms for vendors

Strategy Map Connection

B4- Cultivate a culture of transparency and consistent communication

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

Explanation

Update

Due to the expiration of time in the worksession held on October 3, 2016, this item has been scheduled for the November 1, 2016 worksession. All documents received by Councilmember Lindamood during the October 3, 2016 worksession have been attached.

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

Background

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

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

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

- the vendor has a family relationship with the local government officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Discussion

Staff seeks City Council direction on whether to modify City processes and procedures relative to this matter.

Attachments

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

LOCAL GOVERNMENT CODE

TITLE 5. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES

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

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

Sec. 176.001. DEFINITIONS. In this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) a personal or business:

(i) checking or savings account;

(ii) share draft or share account; or

(iii) other similar account;

(B) a personal or business investment; or

(C) a personal or business loan.

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

(4) "Local government officer" means:

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

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

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

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

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

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

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

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

Amended by:

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

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

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

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

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

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

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

Amended by:

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

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

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

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

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

(2) the vendor:

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

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

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

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

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

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

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

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

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

(2) food accepted as a guest.

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

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

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

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

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

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

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

Amended by:

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

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

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

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

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

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

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

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

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

(1) the date that the vendor:

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

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

(2) the date the vendor becomes aware:

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

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

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

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

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

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

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

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

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

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

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

(A) serves as an officer or director; or

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

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

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

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

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

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

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

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

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

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

Amended by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amended by:

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

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

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

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

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

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

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

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

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

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

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

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

(2) either:

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

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

(c) An offense under this chapter is:

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

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

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

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

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

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

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

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

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

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

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

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

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

OFFICE USE ONLY

Date Received

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

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

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

Name of Officer

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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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

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

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

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

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

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

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

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

- (2) the vendor:

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

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

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

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

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

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

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

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

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

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

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

- (1) the date that the vendor:

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

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

- (2) the date the vendor becomes aware:

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

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

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

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

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

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

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

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

2 Office Held

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

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

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

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 AFFIDAVIT

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

Signature of Local Government Officer

AFFIX NOTARY STAMP / SEAL ABOVE

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

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

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

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

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

INSTRUCTIONS FOR COMPLETING THIS FORM

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

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

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

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

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

- (2) the vendor:

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

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

City of Colleyville
Principal City Officials
September 1, 2016

Elected Officials

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

City Attorney

City Attorney	Matthew Boyle
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Municipal Court Judge

Judge	Sara Jane Del Carmen
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City Staff

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

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

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

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

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT

CHAPTER 2252. CONTRACTS WITH GOVERNMENTAL ENTITY

SUBCHAPTER A. NONRESIDENT BIDDERS

Sec. 2252.001. DEFINITIONS. In this subchapter:

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

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

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

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

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

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

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

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

Amended by:

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

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

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

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

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

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

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

Amended by:

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

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

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

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

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

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

Amended by:

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

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

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

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

SUBCHAPTER B. INTEREST ON RETAINED PUBLIC WORKS CONTRACT PAYMENTS

Sec. 2252.031. DEFINITIONS. In this subchapter:

(1) "Governmental entity" means:

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

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

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

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

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

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

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

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

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

Sec. 2252.032. RETAINAGE. A governmental entity shall:

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

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

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

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

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

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

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

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

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

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

Sec. 2252.061. DEFINITIONS. In this subchapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBCHAPTER D. REAL PROPERTY HELD IN TRUST

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

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

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

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

Added by Acts 1995, 74th Leg., ch. 913, Sec. 1, eff. Aug. 28, 1995.
Redesignated from Local Government Code Sec. 280.002(a), (b) and amended by Acts 1997, 75th Leg., ch. 1271, Sec. 1, eff. Sept. 1, 1997

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

Added by Acts 1995, 74th Leg., ch. 913, Sec. 1, eff. Aug. 28, 1995.
Redesignated from Local Government Code Sec. 280.002(c) and amended by Acts 1997, 75th Leg., ch. 1271, Sec. 1, eff. Sept. 1, 1997.

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

Added by Acts 1995, 74th Leg., ch. 913, Sec. 1, eff. Aug. 28, 1995.
Redesignated from Local Government Code Sec. 280.002(d) and amended by Acts 1997, 75th Leg., ch. 1271, Sec. 1, eff. Sept. 1, 1997.

SUBCHAPTER E. PUBLIC CONTRACTS WITH DISADVANTAGED OR HISTORICALLY UNDERUTILIZED BUSINESSES

Sec. 2252.121. DEFINITIONS. In this subchapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

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

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

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

(d) In this section:

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

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

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

(B) who is a retiree of:

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

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

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

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

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

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

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

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

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

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

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

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

(e) In this section:

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

(2) "Payment law" means:

(A) Section 57.48, Education Code;

(B) Section 231.007, Family Code;

(C) Section 403.055; or

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

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

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

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

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

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

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

(2) "Governmental entity" means:

(A) the state;

(B) a municipality, county, public school district, or special-purpose district or authority;

(C) a district, county, or justice of the peace court;

(D) a board, commission, department, office, or other agency in the executive branch of state government, including an institution of higher education as defined by Section [61.003](#), Education Code;

(E) the legislature or a legislative agency; or

(F) the Supreme Court of Texas, the Texas Court of Criminal Appeals, a court of appeals, or the State Bar of Texas or another judicial agency having statewide jurisdiction.

(b) A governmental contract may not provide for the award of attorney's fees to the governmental entity in a dispute in which the entity prevails unless the contract provides for the award of attorney's fees to each other party to the contract if that party prevails in the dispute.

(c) A contract provision that violates this section is void and unenforceable.

Added by Acts 2007, 80th Leg., R.S., Ch. 466 (H.B. [1268](#)), Sec. 1, eff. September 1, 2007.

Sec. 2252.905. CERTAIN RULES OR POLICIES OF STATE AGENCIES. (a) In this section:

(1) "Contract" means a contract awarded by a state agency for general construction, an improvement, a service, or a public works

project, including a contract subject to Section [201.112](#), Transportation Code.

(2) "Private design professional" means an individual registered as an architect under Chapter [1051](#), Occupations Code, or an individual licensed as an engineer under Chapter [1001](#), Occupations Code, who provides professional architectural or engineering services.

(3) "State agency" means a board, commission, office, department, or other agency in the judicial or executive branch of state government.

(b) A rule or policy adopted by a state agency relating to the recovery of costs arising from an engineering or architectural error or omission by a private design professional on a project must:

(1) provide that the private design professional be notified at the time a problem with project plans or specifications is identified by the agency;

(2) provide an opportunity for the private design professional to be involved in the resolution of a problem identified under Subdivision (1);

(3) provide guidelines for distinguishing an error or omission from other reasons for the submission of a change order;

(4) provide a process for determining the cost of errors or omissions by private design professionals;

(5) provide for an evaluation of the totality of project services provided by private design professionals, including the level of quality, performance, and value provided over the term of the entire project;

(6) provide that an internal management review of the agency's claim for costs may be used, if available, without requiring that the claim be paid before the internal management review may be used;

(7) provide a process for tracking the cost of errors or omissions by agency employees; and

(8) recognize that some errors, omissions, or changes are likely to occur during a design and construction project.

Added by Acts 2007, 80th Leg., R.S., Ch. 979 (S.B. [924](#)), Sec. 1, eff. September 1, 2007.

Renumbered from Government Code, Section [2252.904](#) by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. [1969](#)), Sec. 27.001(47), eff. September 1, 2009.

Sec. 2252.906. DISCLOSURE PROTECTIONS FOR CERTAIN CHARITABLE ORGANIZATIONS, CHARITABLE TRUSTS, AND PRIVATE FOUNDATIONS. (a) In this section:

(1) "Charitable organization" means an organization that is exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt organization in Section 501(c) of that code. The term does not include a property owners' or homeowners' association.

(2) "Grant-making organization" means an organization that makes grants to charitable organizations but is not a private foundation, private foundation trust, or split interest trust.

(3) "Private foundation" has the meaning assigned by Section 509 (a), Internal Revenue Code of 1986.

(4) "Split interest trust" means an irrevocable trust in which the income is first dispersed to the beneficiaries of the trust for a specified period and the remainder of the trust is donated to a designated charity.

(b) Unless the individual has given written consent to the disclosure, a governmental entity may not require a charitable organization, private foundation trust, split interest trust, or private foundation to disclose the race, religion, gender, national origin, socioeconomic status, age, ethnicity, disability, marital status, sexual orientation, or political party registration of an employee, officer, director, trustee, or member of the organization, trust, or foundation.

(c) Unless the individual has given written consent to the disclosure, a governmental entity may not require a private foundation, private foundation trust, split interest trust, or grant-making organization to disclose the race, religion, gender, national origin, socioeconomic status, age, ethnicity, disability, marital status, sexual orientation, or political party registration of:

(1) a person who receives money or in-kind contributions from or contracts with the foundation, trust, or organization; or

(2) an employee, officer, director, trustee, member, or owner of an entity that receives money or in-kind contributions from or contracts with the foundation, trust, or organization.

(d) A governmental entity may not:

(1) require that the governing board or officers of a charitable organization, private foundation trust, split interest trust, or private foundation include an individual of any particular race, religion, gender,

national origin, socioeconomic status, age, ethnicity, disability, marital status, sexual orientation, or political party registration;

(2) prohibit an individual from serving as a board member or officer of the organization, trust, or foundation based on the individual's familial relationship to:

(A) another board member or officer of the organization, trust, or foundation; or

(B) a donor to the organization, trust, or foundation; or

(3) require the governing board or officers of the organization, trust, or foundation to include one or more individuals who do not share a familial relationship with the board members or officers or with a donor.

(e) Except as a condition on the expenditure of particular funds imposed by the donor of the funds, a governmental entity may not require a charitable organization, private foundation trust, split interest trust, or private foundation to distribute its funds to or contract with a person or entity based on the race, religion, gender, national origin, socioeconomic status, age, ethnicity, disability, marital status, sexual orientation, or political party registration of:

(1) the person or of an employee, officer, director, trustee, member, or owner of the entity; or

(2) the populations, locales, or communities served by the person or entity.

(f) This section does not limit the authority of the attorney general to investigate or enforce laws of this state in accordance with the attorney general's duty to protect the public interest in charity.

Added by Acts 2011, 82nd Leg., R.S., Ch. 355 (H.B. [3573](#)), Sec. 1, eff. September 1, 2011.

Sec. 2252.907. CONTRACTS INVOLVING EXCHANGE OR CREATION OF PUBLIC INFORMATION. (a) A contract between a state governmental entity and a nongovernmental vendor involving the exchange or creation of public information as defined by Section [552.002](#) that the state governmental entity collects, assembles, or maintains or has a right of access to must:

(1) be drafted in consideration of the requirements of Chapter [552](#); and

(2) contain a provision that requires the vendor to make the information not otherwise excepted from disclosure under Chapter [552](#) available in a specific format that is:

(A) agreed upon in the contract; and

(B) accessible by the public.

(b) This section may not be waived by contract or otherwise.

(c) A request for public information regarding a contract described by this section must be submitted to the officer or employee responsible for responding to open records requests for the state governmental entity that executed the contract.

(d) In this section, "state governmental entity" means a state agency, board, commission, office, department, or other agency in the executive or legislative branch of state government.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1204 (S.B. [1368](#)), Sec. 3, eff. September 1, 2013.

Sec. 2252.908. DISCLOSURE OF INTERESTED PARTIES. (a) In this section:

(1) "Business entity" means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation.

(2) "Governmental entity" means a municipality, county, public school district, or special-purpose district or authority.

(3) "Interested party" means a person who has a controlling interest in a business entity with whom a governmental entity or state agency contracts or who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity.

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

(b) This section applies only to a contract of a governmental entity or state agency that:

(1) requires an action or vote by the governing body of the entity or agency before the contract may be signed; or

(2) has a value of at least \$1 million.

(c) Notwithstanding Subsection (b), this section does not apply to:

(1) a sponsored research contract of an institution of higher education;

(2) an interagency contract of a state agency or an institution of higher education; or

(3) a contract related to health and human services if:

(A) the value of the contract cannot be determined at the time the contract is executed; and

(B) any qualified vendor is eligible for the contract.

(d) A governmental entity or state agency may not enter into a contract described by Subsection (b) with a business entity unless the business entity, in accordance with this section and rules adopted under this section, submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency.

(e) The disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission that includes:

(1) a list of each interested party for the contract of which the contracting business entity is aware; and

(2) the signature of the authorized agent of the contracting business entity, acknowledging that the disclosure is made under oath and under penalty of perjury.

(f) Not later than the 30th day after the date the governmental entity or state agency receives a disclosure of interested parties required under this section, the governmental entity or state agency shall submit a copy of the disclosure to the Texas Ethics Commission.

(g) The Texas Ethics Commission shall adopt rules necessary to implement this section, prescribe the disclosure of interested parties form, and post a copy of the form on the commission's Internet website.

Added by Acts 2015, 84th Leg., R.S., Ch. 1024 (H.B. [1295](#)), Sec. 3, eff. September 1, 2015.

CERTIFICATE OF INTERESTED PARTIES**FORM 1295****OFFICE USE ONLY**

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

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

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

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

4 Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary

5 Check only if there is NO Interested Party.

☐**6 AFFIDAVIT**

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

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

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

ADD ADDITIONAL PAGES AS NECESSARY

Chapter 176: Conflict of Interest Disclosures (H.B. 1491)



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BARBARA L. QUIRK practices law in Austin, San Antonio and central Texas, in the areas of civil and commercial litigation, local government and land use law, and employment law. She represents local government and business clients in both general matters and in civil litigation in state and federal courts. Ms. Quirk counsels and defends her clients in matters involving such areas as labor and employment and civil service; planning and zoning, regulations and permits, fair housing, sexually-oriented businesses, RLUIPA, takings and other land use issues; constitutional claims; contracts; tort claims; real estate transactions and related claims. Ms. Quirk has served as City Attorney or Assistant City Attorney for several Texas cities and has been recognized as a Local Government Fellow by the International Municipal Lawyers Association. She is a graduate of Southern Methodist University (BBA) and received her J.D. from St. Mary's University School of Law (1991)(Law Journal Staff - Candidate). She is licensed by the State Bar of Texas (1991) and the U.S. District Courts for the Northern, Southern and Western Districts of Texas. Ms. Quirk has been a contributing editor for Texas Municipal Zoning Law, 3rd Ed., Mixon since 2005.

**CHAPTER 176: CONFLICT OF INTEREST DISCLOSURES
(H.B. 1491)**

Barbara L. Quirk, Brown & Carls, L.L.P.

On May 25, 2007, the Texas Legislature passed House Bill 1491 amending Chapter 176 of the Texas Local Government Code ("Chapter 176"). This Bill was designed to remedy issues which existed in the previous version of Chapter 176 created by House Bill 914 in 2005. Chapter 176 contains requirements for the disclosure of business and employment relationships and gifts designed to insure disclosure of financial and business relationships between officers of local government entities and those who contract with the entities. These requirements affect not only local government officers, but also persons doing business with local governmental entities. House Bill 1491 became effective immediately upon passage on May 25, 2007.

I. Overview of Chapter 176 Requirements:

1. Conflicts Disclosure Statement (176.003) – If a local government entity enters into or is considering entering into a contract for the sale or purchase of real property, goods or services with a person (including an agent of a person), an officer of the local government is required to file a Conflicts Disclosure Statement if the officer or a family member of the officer:
 - (a) is receiving taxable income from an employment or other business relationship with the person, other than investment income, that exceeds \$2,500 during the 12-month period preceding the officer's awareness of the contract or consideration of the person; or
 - (b) has received gifts with an aggregate value of more than \$250 in the 12 month period before the officer became aware of the contract or consideration of the person (with some exclusions discussed below).
2. Conflict of Interest Questionnaire (176.006) – A person (or their agent) who enters or seeks to enter into a contract with a local government entity for the sale or purchase of real property, goods or services, and has a business relationship with the local government entity must file a Conflict of Interest Questionnaire if they:
 - (a) have an employment or other business relationship with an officer of the local governmental entity or an officer's family member as described in 1(a) above; or
 - (b) have given an officer of the local governmental entity or an officer's family member one or more gifts with the aggregate value specified in 1(b) above.

3. List, Posting Requirements – The local governmental entity is required to make a list of the officers of the entity available to the public and provide access to the statements and questionnaires filed under Chapter 176 on its Internet website.

The full text of H.B. 1491 is available at www.capitol.state.tx.us.¹ Discussion relating to recent amendments is marked herein with a “♣” for easy reference. A knowing violation of the filing provisions in Chapter 176 is a Class C misdemeanor. It is a defense to prosecution that the required filing was made not later than the seventh business day after receiving notice from the local governmental entity of the alleged violation.^{*} The requirements of Chapter 176 are in addition to any other disclosures required by law.²

For comparison, the former version of the statute was H.B. 914 (79th Regular Session, 2005). Requests for clarification of the prior version of the statute by Representatives Beverly Woolley and John Smithee and others can be found on the Texas Attorney General’s website along with the Attorney General’s response, dated August 2, 2006. (See GA-0446 and RQ-0451-GA at www.oag.state.tx.us). Interpretation from GA-0446 which is still applicable to the amended statute (marked with a “♦♦♦”) is provided herein. The Texas Ethics Commission (“the Commission”) was charged with developing the forms for the Conflicts Disclosure Statement (FORM CIS) and the Conflict of Interest Questionnaire (FORM CIQ). These forms are available on the Commission’s website at www.ethics.state.tx.us.³ The Ethics Commission does not provide advice or interpretation relating to Chapter 176.

Who is a “person” to whom Chapter 176 applies?

Section 176.002 makes Chapter 176 applicable to any person who:

1. Enters or seeks to enter into a written contract for the sale or purchase of real property, goods, or services with a local governmental entity; * or
2. Is an agent of such a person in their business with a local governmental entity.

This does not include a state, a political subdivision of a state, the federal government, a foreign government, or an employee of any of these entities acting in their official capacity.

This paper will use the term “vendor” interchangeably with a “person” under 176.002.

¹ Attorneys representing municipal clients may review discussion of this Bill in the *Texas Municipal League Legislative Update*, June 7, 2007 (Number 20, at pg. 7 and Summary at pg. 41).

² Local public officials are still required to file an affidavit and abstain from voting under Section 171.004 of the Local Government Code if they have a substantial interest in a business entity or in real property for which an action on the matter will have a special economic effect. Provisions of the Texas Penal Code which generally prohibits a person from giving gifts to public officials still apply as well.

³ Additionally, on May 15, 2006, the Texas Municipal League obtained approval from the Commission for an electronic Conflict of Interest Questionnaire (FORM E-CIQ) prepared by the Texas Purchasing Management Association which is available at www.tml.org.

What is a "local government entity"?

Under Section 176.001(3) of Chapter 176, "local governmental entity" includes:

- County, municipality, school district, junior college district;
- Local government corporations (e.g., economic development corporations);
- Boards and commissions (e.g., boards of adjustment, P & Z commissions);
- Local government authorities (e.g., housing authorities); and
- Almost every other type of political subdivision in Texas.⁴

♣ Also includes open-enrollment charter schools operating under Subchapter D, Chapter 12, Education Code (H.B. 1491 added definition at 176.001 (1-b)).

Corporations, boards, commissions, districts, or authorities are included if a member is appointed by a mayor, commissioners court of a county, or the governing body of a municipality. The term excludes certain types of cooperatives organized for purposes such as legislative representation. Under this definition, most planning and zoning commissions, zoning boards of adjustment, economic development corporations, historic design review commissions and other commissions and boards of a municipality will be covered.

II. Requirement for Local Government Officers to File Conflicts Disclosure Statements:

Section 176.003 (a) of Chapter 176 provides that a local government officer must file a conflicts disclosure statement with respect to a vendor if:

- (1) the vendor enters into a contract with the local governmental entity or the local governmental entity is considering entering into a contract with the vendor^{*} and
- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that: (i) a contract described by Subdivision (1) has been executed; or (ii) the local governmental entity is considering doing business with the vendor⁴⁵;

or

⁴ See *TML Legislative Update*, December 16, 2005.

⁵ Former version had no minimum amount and did not exclude investment income.

(B) has given to the local government officer or a family member of the officer one or more gifts, other than gifts of food, lodging, transportation, or entertainment accepted as a guest, that have an aggregate value of more than \$250 in the 12-month period preceding the date the officer becomes aware that: (i) a contract described by Subdivision (1) has been executed; or (ii) the local governmental entity is considering doing business with the vendor.

Given the fact that many cities have hundreds and sometimes thousands of people seeking to do business with the city, some cities are making lists of vendors available for review by the officers of the city. However, it is often impractical to keep these lists updated and to provide for regular review of the lists by the affected officers.

♣ The exclusion of investment income means that dividends, capital gains, or interest income generated from a personal or business checking or savings account, a personal or business investment or a personal or business loan will not trigger the reporting requirement.

♣ Section (a-1) has been added to provide an exception for:

- (1) gifts given by a family member;
- (2) political contributions defined by Title 15 of the Election Code; and
- (3) food, lodging, transportation, or entertainment accepted as a guest.

Who is a "local government officer"?

Under Section 176.001(3) of Chapter 176, "local government officer" includes any member of the governmental body and the director, administrator, or other executive officer of the entity. For a city, this would include:

- Mayors and city council members;
- A city manager or administrator;
- Local government board, commission, and authority members;
- Economic development corporation board members;
- An executive director of an economic development corporation; and
- Any other person who is designated as an executive officer of a local government entity.⁶

♣ Under Section 176.005, The local government entity may extend the disclosure requirements of the Chapter to any employee who has the authority to approve contracts on behalf of the entity, including a designated representative under Chapter 271. The designated employees will be considered local government officers for purposes of Chapter 176 and must be identified on a list which is made available to requestors.

⁶ See *TML Legislative Update*, December 16, 2005. Note this would not usually include the City Attorney.

What is a "business relationship"?

- ♣ Under amended Section 176.001 (1-a), a "business relationship" is a connection between the vendor and the local government officer or their family member based on a commercial activity of one of the parties, but does not include a connection based on:

(A) a transaction that is subject to government rate or fee regulation;

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

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

When and where does the local government officer have to file?

Pursuant to Section 176.003(b), an officer must file a Conflicts Disclosure Statement with the records administrator (see discussion below under "Where are Conflict of Interest Questionnaires Required to be filed") not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement pursuant to Section 176.003(a).

Who qualifies as a family member of an officer?

Chapter 176 defines "family member" as a person related to another person within the first degree of consanguinity or affinity, as described by Subchapter B, Chapter 573, Government Code, but not a person who is only related because of Section 573.024(b) of the Government Code.* This definition would include children, spouses, parents, step-children and parents-in law or children in-law, except that relationships by affinity would end upon divorce.

What if a family member of an officer does business with the city?

Chapter 176's disclosure requirements apply to contracts even when the vendor is a family member of a local government officer. However, the amendment specifically excludes gifts from family members from the reporting requirements.*

How is the \$250 threshold on gifts calculated?

- ◆◆◆ The reporting requirements of chapter 176 are triggered upon receipt of more than \$250 in gifts by the local government officer and the officer's family as individuals rather than as a family unit... (citations omitted). [GA-0446].

What must be included in the Conflicts Disclosure Statement?

Pursuant to Section 176.004, the Conflicts Disclosure Statement must be sworn and signed, and must:

- disclose the relevant employment or other business relationship, including the nature and extent of the relationship and any applicable gifts received; and
- acknowledge the disclosure applies to each family member of the officer and covers the required 12-month period.

What Filing Issues May Arise Where a Local Government Official is Also an Attorney?

- ♦ ♦ ♦ "Many local government officials are also attorneys and may have clients who qualify as vendors."...As a general rule, the identity of a client is not protected by the attorney-client privilege. There is a narrow and limited exception that protects a client's identity if revelation of a client's identity would also reveal a privileged communication. Because the exception is narrow and depends on the nature of the specific factual circumstances, the question of when it applies in any given situation must be determined on a case-by-case basis...Therefore we cannot advise on when the identity of a vendor who is also a client of an attorney who is an officer may be withheld from disclosure under chapter 176 pursuant to the exception to the attorney-client privilege. [GA-0446].

The safest course of action would be to inform the client whose information will be revealed and obtain their consent before listing the client relationship on the Questionnaire.

How do the Conflict Disclosure Statements Affect Ethical Abstention Decisions?

There is no provision in Chapter 176 requiring an officer to abstain from a vote relating to a conflict disclosed on a Disclosure Statement. However, where other laws allow abstention, an officer should abstain for ethical reasons in these circumstances. There is no requirement for anyone at the local government to police this abstention.

Do relationships which are protected under the Open Records Act need to be disclosed?

- ♣ Section 176.012 provides that Chapter 176 does not require the disclosure of information excepted from disclosure under Chapter 552 of the Government Code.⁷

⁷ See Govt Code Section 552.105 which protects information regarding the location of property which might lead to the disadvantage of a local government in real estate transactions and Section 552.131 which protects information relating to economic development negotiations until a contract is actually reached.

III. Requirement Vendors and Other Persons File Conflict of Interest Questionnaire:

♣ Section 176.006 requires a vendor who enters or seeks to enter into a contract for the sale or purchase of property, goods, or services with the local governmental entity and any of their agents involved in the business with the entity (see "Who is a person to whom Chapter 176 applies" heading above) to file a conflict of interest questionnaire if the vendor has a business relationship with the local governmental entity, and:

(1) has an employment or other business relationship with an officer of the entity or their family member as set out in Section 176.003(a), or

(2) has given an officer of the entity or their family member gifts with the aggregate value set out in Section 176.003(a) (except excluded gifts).⁸

The form must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the person: (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the person becomes aware of the employment or business relationship or gifts which would trigger the requirement.*

What persons are required to file Conflict of Interest Questionnaires?

The amended version of this provision reduces significantly the number of persons who must file Questionnaires. Persons who enter into or seek to enter into contracts with local governmental entities through the bidding, purchasing, or professional services procurement processes of an entity as well as persons who are providing services (including professional services such as legal services) or buying property from or selling property to the entity would be required to file under the old version of the statute. Under the new amendment, they are only required to file if they have the requisite business relationships and/or have provided the aggregate amount of gifts under the statute. The amendment still does not require persons who are seeking permits, zoning, plat approval, or licensing to file. In fact, a provision which would have required disclosures from these persons was removed from the former bill at the Committee level. See also, the discussion relating to "Who is a person to whom Chapter 176 applies" above.

⁸ Under the former version, vendors had to file the forms even if there was no relationship and an undefined term, affiliations, added to the confusion.

Must Questionnaires be filed by all employees and agents of a business?

- ♣ Section 176.001(a) defines "Agent" as a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person.
- ◆◆◆ Partnerships, corporations and other corporate bodies are "persons" subject to chapter 176. As applied to a corporate or legal entity, chapter 176.002's disclosure requirements apply to only the legal entity that is the "person" contracting or seeking to contract with the local governmental entity. Third-party individuals who act as agents under agency law for a legal entity contracting or seeking to contract with the local governmental entity are independently subject to chapter 176 under section 176.002(a)(2)...We see no indication that the legislature intended to exclude corporate bodies from the reach of the disclosure requirements, thus a partnership, corporation or other corporate body is a "person" subject to chapter 176 under the plain language of section 176.002(a)(1). We believe that when a partnership, corporation or other legal entity contracts or seeks to contract with the entity, the partnership, corporation or other legal entity is the party obligated to file the statement...But chapter 176 also applies to an "agent of a person described by Subdivision (1) in the person's business with a local governmental entity."Considering that definition of "agent," we do not construe the term in subsection 176.002(a)(2) to include the individuals who compose the legal entity. (citations omitted). [GA-0446].

Is there a minimum amount for the size of contracts triggering the requirement?

Although there are minimum thresholds for the employment or business relationships and value of gifts which must be reported under Chapter 176, there is no minimum size for the contract which is being entered into or sought between the vendor and the governmental entity which triggers the application of Chapter 176.

- ◆◆◆ Unlike chapter 171 of the Local Government Code pertaining to conflicts of interest, chapter 176 contains no minimum threshold amount for contractual transactions. Chapter 171 provides that an officer must disclose any substantial interests the officer has in a business interest or real property when that business interest or real property is the subject of a vote or decision before the entity. A substantial interest is generally defined through a minimum threshold of at least 10 percent of the business interest or gross income of the officer or \$2,500 of the market value of any real property. Chapter 176 does not contain any minimum threshold contract amount...Pursuant to the plain language of the statute, we conclude that even contracts involving small and routine purchases are subject to chapter 176. (citations omitted). [GA-0446].

Are attorneys and other professional services providers "persons"?

◆◆◆ Chapter 176 includes professional services contracts. [GA-0446].

Where are Conflict of Interest Questionnaires Required to be Filed?

The Conflict of Interest Questionnaires are to be filed with the records administrator for the entity. This is defined in 176.001 as the director, county clerk, municipal secretary, superintendent, or other person responsible for maintaining the records of the entity or other person designated by the entity to maintain statements and questionnaires filed.^{9*} Under the amended version of the statute, local government entities may want to restructure their filing procedures for the forms to place responsibility under the purchasing department which has contact with the vendors.

When must an updated Questionnaire be filed?

An updated Questionnaire must be filed between June 1 and September 1 of each year that the contract or activity continues and on or before the seventh business day after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

What is required to be included in the Conflict of Interest Questionnaire?

Chapter 176 requires that the CIQ form ask each vendor or other person seeking business to describe:

(1) each employment or business relationship the person has with each local government officer of the local governmental entity and identify those with respect to which:

- the local government officer receives, or is likely to receive, taxable income, other than investment income, from the person; or
- the person filing the questionnaire receives, or is likely to receive, taxable income, other than investment income, from, or at the direction of, a local government officer, that is not from the entity; and

(2) each employment or business relationship with a corporation or other business entity with respect to which a local government officer of the local governmental entity serves as an officer or director; or holds an ownership interest of 10 percent or more. ♣¹⁰

⁹ This is a change from the former version which did not allow for a different person to be designated.

¹⁰ ◆◆◆ To the extent a vendor merely adopts the list of the various entities and relationships provided by the local governmental entity, the vendor does not "describe" the required relationships and affiliations and therefore does not comply with chapter 176. Similarly, to the extent a vendor adopts an incomplete list of the various entities and relationships provided by the local governmental entity, the vendor does not "identify" and "describe" all relevant relationships and affiliations and therefore does not comply with chapter 176. [GA-0446].

IV. Requirements for List and Posting by Local Governmental Entity:

Chapter 176 also provides specific requirements for the local government entity:

- Section 176.007 requires the records administrator to maintain a list of the officers of the entity subject to the bill and make the list available to the public.
- Section 176.009 requires the entity to provide access to the statements and questionnaires which have been filed on the Internet Web site of the entity, but does not require an entity to maintain a website.^{11*}
- ♣ Section 176.011 requires the statements and questionnaires filed to be maintained in accordance with the entity's records retention schedule.¹²

Is contract validity affected?

- ♣ Pursuant to Section 176.006 (i), a contract between a local governmental entity and a vendor who fails to comply with chapter 176 is not void.¹³

V. Conclusion:

H.B.1491 has amended Chapter 176 disclosure requirements for both local government officers and persons seeking business with local governments to clarify confusion in the previous version of Chapter 176. The amendments to the Chapter significantly limit the situations in which forms will be required while still meeting the goal of requiring additional disclosures of relationships between local government officers and vendors who are seeking contracts with the local governmental entities they represent.

[note the term affiliations no longer applies; the amended version eliminates confusing language regarding these and other relationships which existed in the previous version.]

¹¹ Counties with a population of 800,000 or more and cities with a population of 500,000 or more must also provide access on the website for each report of political contributions and expenditures filed under Chapter 254 Election Code by members of the governing body.

¹² There is nothing in the law which states an entity should only post forms filed by persons who are awarded contracts, so all forms filed by any bidder or other person seeking a contract should be posted on the internet. Pursuant to Section 176.006 (h), a local governmental entity does not have an affirmative duty to require vendors to comply with chapter 176.

¹³ ♦♦♦... local governmental entities may choose to impose such a requirement on all its vendors and to provide for the voidability of a contract entered into in violation of chapter 176. Texas law "recognizes that there is no duty to inform others of the requirements of the law because all persons are presumed to know the law." [GA-0446].

Eulr33

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

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

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

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

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

OFFICE USE ONLY

Date Received

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

2 ☐ Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

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

Name of Officer

This section (item 3 including subparts A, B, C, & D) must be completed for each officer with whom the vendor has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes

☐ No

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

☐ Yes

☐ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more?

☐ Yes

☐ No

D. Describe each employment or business and family relationship with the local government officer named in this section.

4

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire is being filed in accordance with chapter 176 of the Local Government Code by a person doing business with the governmental entity.

By law this questionnaire must be filed with the records administrator of the local government not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

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

OFFICE USE ONLY

Date Received

1 Name of person doing business with local governmental entity.

2

☐

Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than September 1 of the year for which an activity described in Section 176.006(a), Local Government Code, is pending and not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3

Name each employee or contractor of the local governmental entity who makes recommendations to a local government officer of the governmental entity with respect to expenditures of money AND describe the affiliation or business relationship.

4

Name each local government officer who appoints or employs local government officers of the governmental entity for which this questionnaire is filed AND describe the affiliation or business relationship.

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor or other person doing business with local governmental entity

FORM CIQ

Page 2

5 Name of local government officer with whom filer has affiliation or business relationship. (Complete this section only if the answer to A, B, or C is YES.)

This section, item 5 including subparts A, B, C & D, must be completed for each officer with whom the filer has affiliation or other relationship. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income from the filer of the questionnaire?

☐

Yes

☐

No

B. Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the local government officer named in this section AND the taxable income is not from the local governmental entity?

☐

Yes

☐

No

C. Is the filer of this questionnaire affiliated with a corporation or other business entity that the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

☐

Yes

☐

No

D. Describe each affiliation or business relationship.

6

Signature of person doing business with the governmental entity

Date

GRAPPE VINE

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

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

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

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

OFFICE USE ONLY

Date Received

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

2 ☐ Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

☐ Yes

☐ No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

☐ Yes

☐ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

☐ Yes

☐ No

D. Describe each employment or business relationship with the local government officer named in this section.

4

Signature of person doing business with the governmental entity

Date

INFORMATION REGARDING VENDOR CONFLICT OF INTEREST QUESTIONNAIRE

WHO: The following persons must file a conflict of interest questionnaire with the City if the person has an employment or business relationship with an officer of the City that results in taxable income exceeding \$2,500 during the preceding twelve month period, or an officer or a member of the officer's family has accepted gifts with an aggregate value of more than \$250 during the previous twelve month period and the person engages in any of the following actions:

1. contracts or seeks to contract for the sale or purchase of property, goods or services with the City, including any of the following:
 - a. written and implied contracts, utility purchases, purchase orders, credit card purchases and any purchase of goods and services by the City;
 - b. contracts for the purchase or sale of real property, personal property including an auction of property;
 - c. tax abatement and economic development agreements;
2. submits a bid to sell goods or services, or responds to a request for proposal for services;
3. enters into negotiations with the City for a contract; or
4. applies for a tax abatement and/or economic development incentive that will result in a contract with the City

THE FOLLOWING ARE CONSIDERED OFFICERS OF THE CITY:

1. Mayor and City Council Members;
2. City Manager;
3. Board and Commission members and appointed by the Mayor and City Council members;
4. Directors of 4A and 4B development corporations;
5. the executive directors or managers of 4A and 4B development corporations; and
6. Directors of the City of Southlake who have authority to sign contracts on behalf of the City.

EXCLUSIONS: A questionnaire statement need not be filed if the money paid to a local government official was a political contribution, a gift to a member of the officer's family from a family member; a contract or purchase of less than \$2,500 or a transaction at a price and subject to terms available to the public; a payment for food, lodging, transportation or entertainment; or a transaction subject to rate or fee regulation by a governmental entity or agency.

WHAT: A person or business that contracts with the City or who seeks to contract with the City must file a "conflict of interest questionnaire" (FORM CIQ) which is available online at www.ethics.state.tx.us and a copy of which is attached to this Guideline. The form contains mandatory disclosures regarding "employment or business relationships" with a municipal officer. Officials may be asked to clarify or interpret various portions of the questionnaire.

WHEN: The person or business must file:

1. the questionnaire no later than seven days after the date the person or business begins contract discussions or negotiations with the municipality, or submits an application, responds to a request for proposals or bids, correspondence, or other writing related to a potential contract or agreement with the City; and
2. an update questionnaire within seven days after the date of an event that would make a filed questionnaire incomplete or inaccurate.

It does not matter if the submittal of a bid or proposal results in a contract. The statute requires a vendor to file a FORM CIQ at the time a proposal is submitted or negotiations commence.

WHERE: The vendor or potential vendor must mail or deliver a completed questionnaire to the Finance Department. ***The Finance Department is required by law to post the statements on the City's internet website.***

ENFORCEMENT: Failure to file a questionnaire is a class c misdemeanor punishable by a fine not to exceed \$500. It is an exception to prosecution that the person files a FORM CIQ not later than seven business days after the person received notice of a violation.

NOTE: The City does not have a duty to ensure that a person files a conflict of interest questionnaire.

NON-CONFLICT SAMPLE

CONFLICT OF INTEREST QUESTIONNAIRE For vendor or other person doing business with local governmental entity		FORM CIQ
This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session. This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a). By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code. A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.		OFFICE USE ONLY
1 Name of person who has a business relationship with local governmental entity. <i>COMPANY OR INDIVIDUAL NAME</i>		
2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)		
3 Name of local government officer with whom filer has employment or business relationship. <u>N/A</u> Name of Officer This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary. A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire? ☐ Yes ☒ No B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity? ☐ Yes ☒ No C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more? ☐ Yes ☒ No D. Describe each employment or business relationship with the local government officer named in this section.		
4 <u>JOHN Q. BUSINESS OWNER SIGNATURE</u> Signature of person doing business with the governmental entity <u>1-1-2013</u> Date		

Adopted 06/29/2007

CONFLICT SAMPLE

CONFLICT OF INTEREST QUESTIONNAIRE For vendor or other person doing business with local governmental entity		FORM CIQ
This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session. This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a). By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code. A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.	OFFICE USE ONLY	
1 Name of person who has a business relationship with local governmental entity. <i>COMPANY OR INDIVIDUAL NAME</i>	Date Received	
2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)		
3 Name of local government officer with whom filer has employment or business relationship. <u>CITY OFFICER AS DEFINED</u> Name of Officer This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary. A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire? ☒ Yes ☐ No B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity? ☒ Yes ☐ No C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more? ☒ Yes ☐ No D. Describe each employment or business relationship with the local government officer named in this section.		
4 <u>JOHN Q. BUSINESS OWNER SIGNATURE</u> Signature of person doing business with the governmental entity <u>1-1-2013</u> Date		



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-2

Agenda Date 11/01/2016

Type Worksession

Department Community Development

Title

Discussion of sign ordinance relative to directory signage

Strategy Map Connection

C3- Attract and retain high quality businesses to provide a thriving, diversified tax base that attracts visitors

B2- Proactively seek process improvements and sustainable solutions

Explanation

Town Center Colleyville is a retail development consisting of a grocery store, a movie theater, several restaurants, retail stores, and other commercial uses. Due to the large size and large number of uses, the property owner is requesting to utilize some wayfinding signage, or directory signage, to help customers locate the specific businesses located within the development. The subject property is zoned CC-2 Shopping Center district. These types of signs are not permitted within the City of Colleyville.

Existing Conditions/Background: The subject property is currently known as Town Center Colleyville and is developed as an approximately 275,000 square foot commercial complex with a mix of retail, restaurant, office, and other commercial uses.

Existing Ordinance Language: Per the Land Development Code (LDC), businesses are allowed to have a monument sign and wall signage. Additionally, commercial development which has a single or multi-occupancy building containing a minimum of one hundred thousand (100,000) square feet of floor area and situated on a single platted lot or on two or more contiguous platted lots, shall be allowed major shopping center entry-wall signs and plaques. However, these signs are located along the street right-of-way or on the building and do not direct customers once internal to the development.

The LDC already has a definition for Directory Signs: "A sign listing the occupants within a shopping center, industrial site, retail district, office districts, and commercial site located on the same premises." However, no regulation is contained within the LDC for such signs.

The LDC does allow for traffic directional signs. The purpose of these signs are to guide vehicular traffic into or out of commercial businesses by identifying a public entrance and exit for vehicular traffic. These signs are restricted to six square feet in area and

30 inches in height.

Proposed Signage: Per the attached sign exhibits and site plan, the applicant is proposing to install four directory signs within the interior of the site to help direct customers to the specific businesses located within the development. The applicant is proposing two signs to be double-sided with a height of 6'-3" and a width of 4'-0". The two other signs will be four-sided with the same dimensions as described above for each side. The signs are proposed to be internally illuminated. The design will allow for up to six business names listed per sign face with an arrow pointing toward the direction of the business.

The locations of the signs are internal to the site and would be installed within existing interior landscape islands. The closest distance to a public right-of-way is over 250 feet from Church Street to the south. The sign exhibits and site plan are included as attachment "A".

Benchmark Review: The cities of Grapevine and Hurst do not have specific regulations for directory signs. However, Grapevine has utilized ground signs for the purpose of directing traffic at the mall and within other large developments with approval of a Conditional Use Permit as allowed by their sign regulations. Similar to Colleyville, the cities of Coppell, Keller, Flower Mound, and North Richland Hills allow for traffic directional signs. But like Colleyville, these signs are small. The City of Southlake regulates directory signs similar to what is being proposed. They are allowed within commercial developments as long as they meet height and area requirements and are set back from the property line adjacent to a street a minimum of 75 feet. A full benchmark analysis is provided as attachment "B".

Analysis– Large developments typically contain a number of uses making it difficult to find a specific business without maneuvering through the entire development. Directory signs, signs that provide a list of businesses and direct patrons to these businesses, are an effective means of minimizing traffic conflicts and maximizing customer movement. The best examples of directory signs are located at large regional malls. The names of the tenants are listed with an arrow pointing toward the business. These signs are typically located near entrances and at other strategic locations.

The proposed regulations would be similar to those allowed by the City of Southlake; however, the signs would only be available for major multi-tenant shopping centers with 250,000 square feet of total commercial space, limited to 4 signs total, with a maximum sign area of 25 square feet, and each directory sign must be constructed as a monument sign, as defined in the Land Development Code. The proposed language associated with the amendments is included as attachment "C".

The ordinance amendment request up for consideration is consistent with other signage regulations for large commercial developments. As stated before, commercial development containing a minimum of one hundred thousand (100,000) square feet of

floor area shall be allowed major shopping center entry-wall signs and plaques. Additionally, the City Council can approve a major shopping center landmark sign for such developments.

Based on the information provided for the Town Center Colleyville development, the proposed two-sided directory signs will comply with the proposed area and height regulations, but would need to be of a monument style sign. The four-sided signs would not comply. The proposal does not appear to be of a nature anticipated to adversely impact the adjacent properties.

Finally, discussion was held on including a requirement to incorporate the City's brand into each directory sign. It is staff's recommendation that the signs should match with the style and look of the development where these signs may be located and utilize wayfinding signage that would be located in street rights-of-way for a common branding and look and feel. Additionally, these signs will be a great distance away from the street and only visible within the development.

Staff Recommendation: The proposed amendment is consistent with the land uses located on the subject property and the governing zoning district.

Attachments

1. Sign Presentation - November 1, 2016
2. Attachment A: Proposed Sign Exhibits & Site Plan
3. Attachment B: Benchmark Analysis
4. Attachment C: Draft Ordinance Amendment



Sign Ordinance Relative To Directory Signage

**City Council Worksession
November 1, 2016**

Ordinance Amendment – Directory Signs (Ch. 7)

Discussion about a possible amendment to the Land Development Code relative to directory signage for large retail developments

Objective

To receive direction from the City Council regarding an ordinance amendment to allow for directory signs

Aerial Map

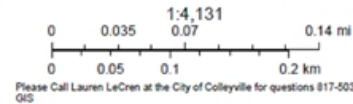
Town Center Colleyville

±275,000 SF



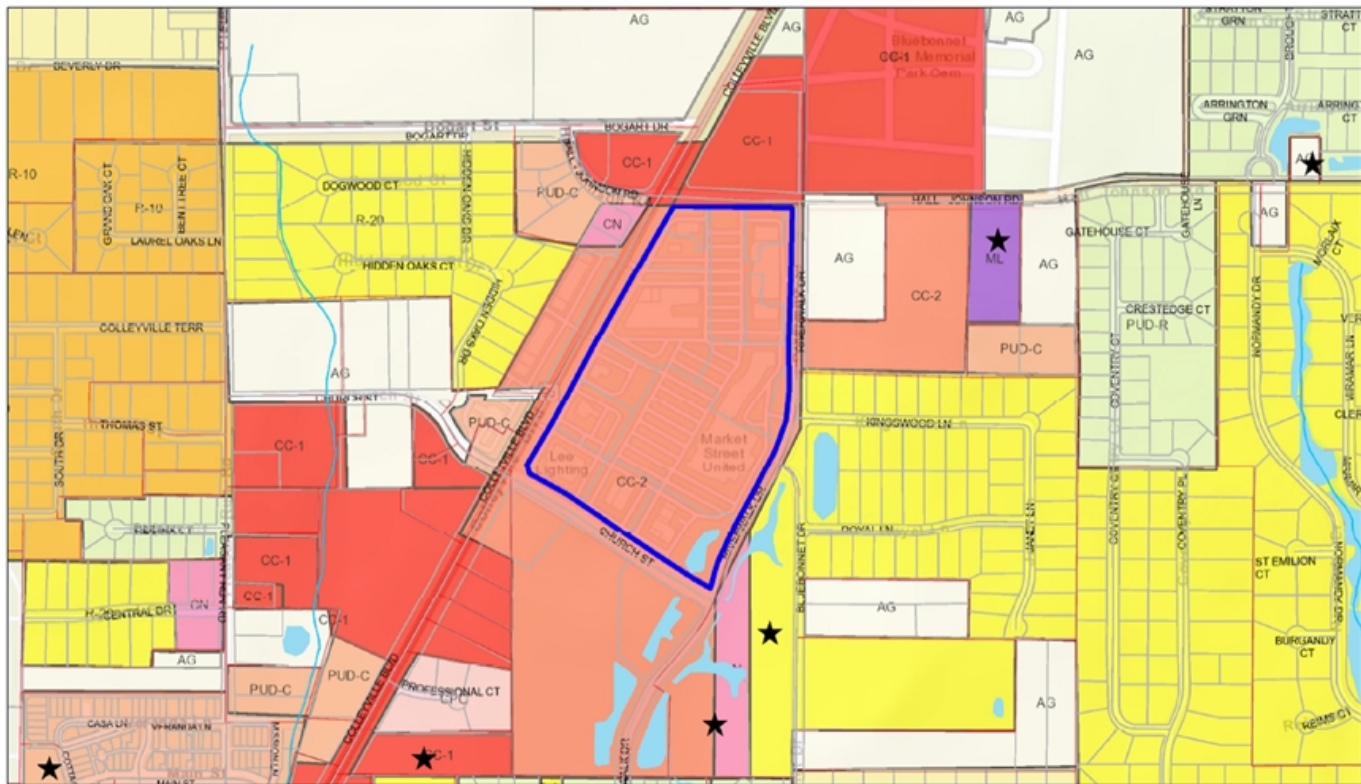
August 10, 2016

- City Limit
- ★ Municipal
- Subdivisions
- + Railroad
- Streams
- Parcels
- Roads
- Ponds



Zoning Map

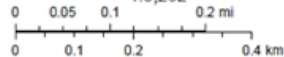
Town Center Colleyville



August 10, 2016

-  City Limit
  Municipal
  Subdivisions
 Railroad
 Streams
 Roads
 Ponds

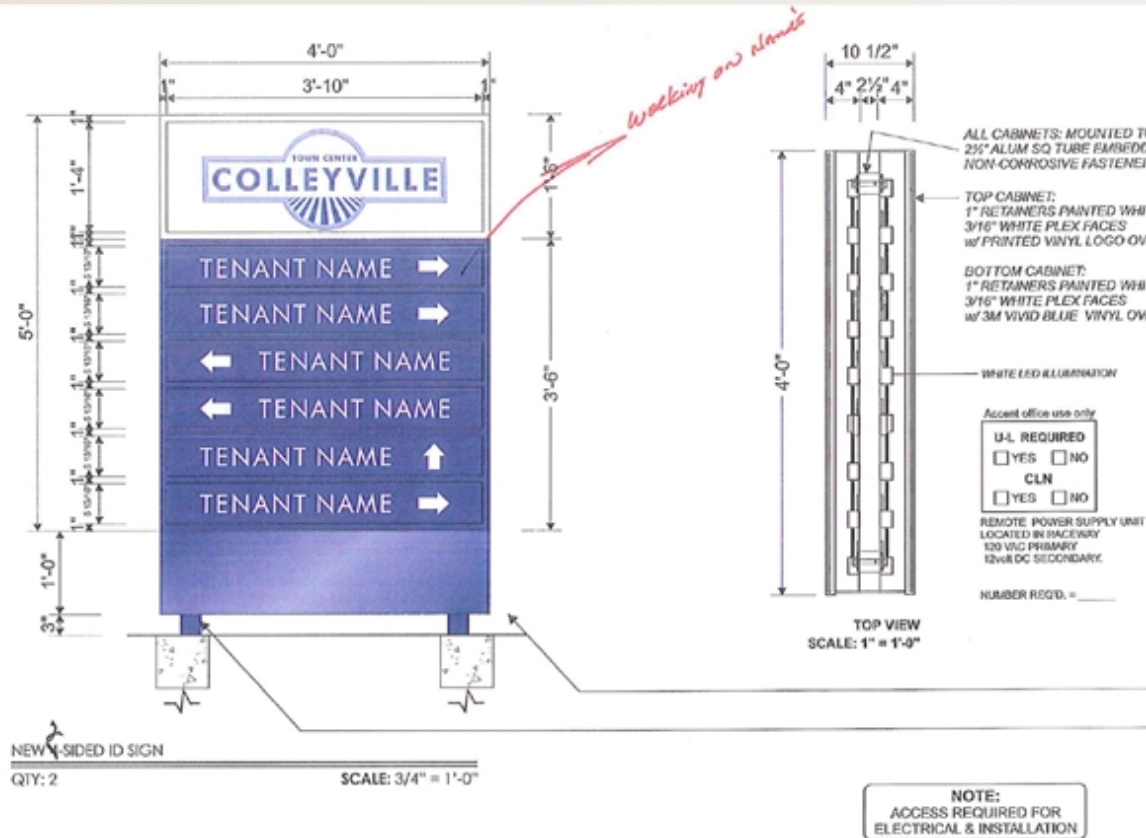
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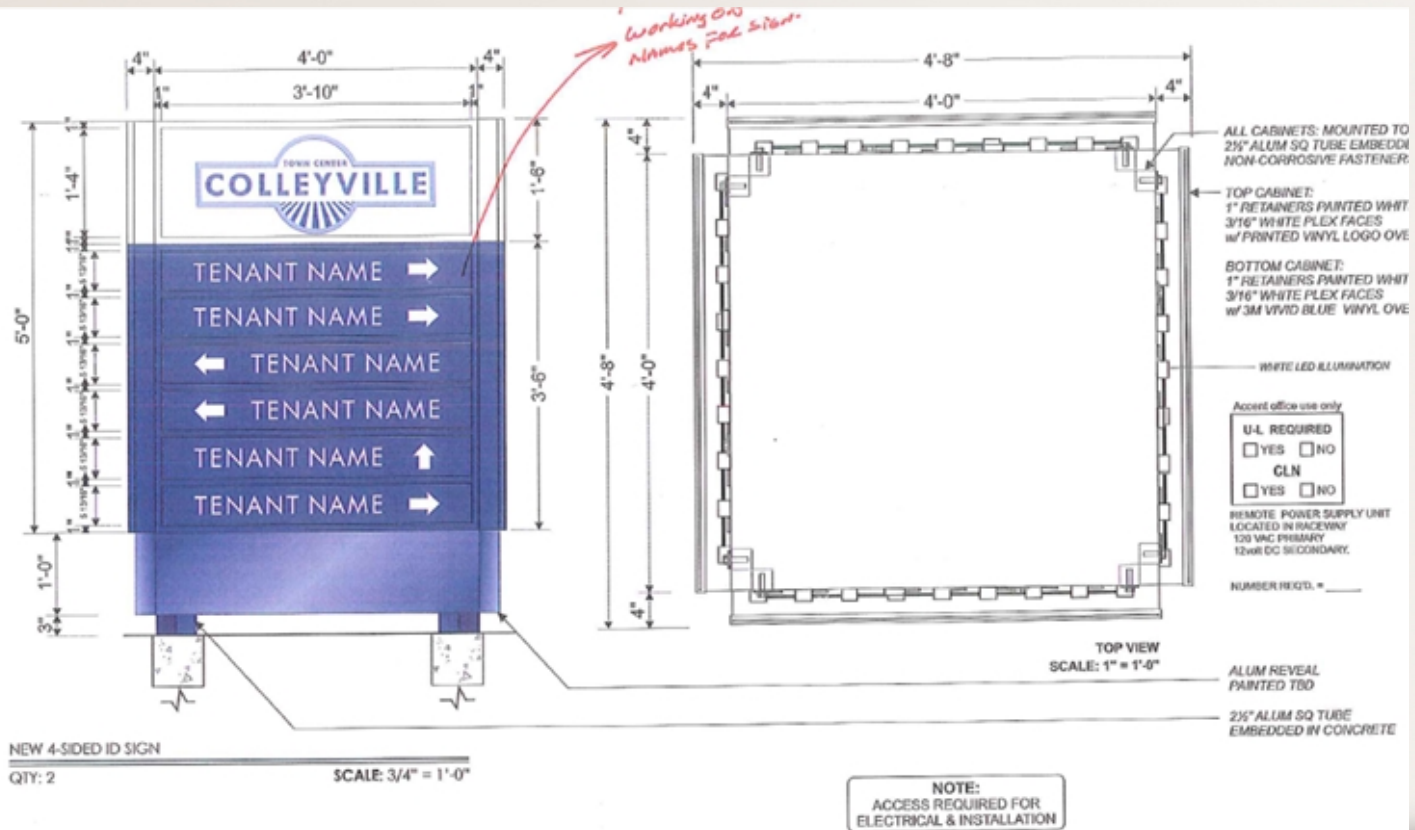
Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community
Please Call Lauren LeCren at the City of Colleyville for questions 817-503-1085



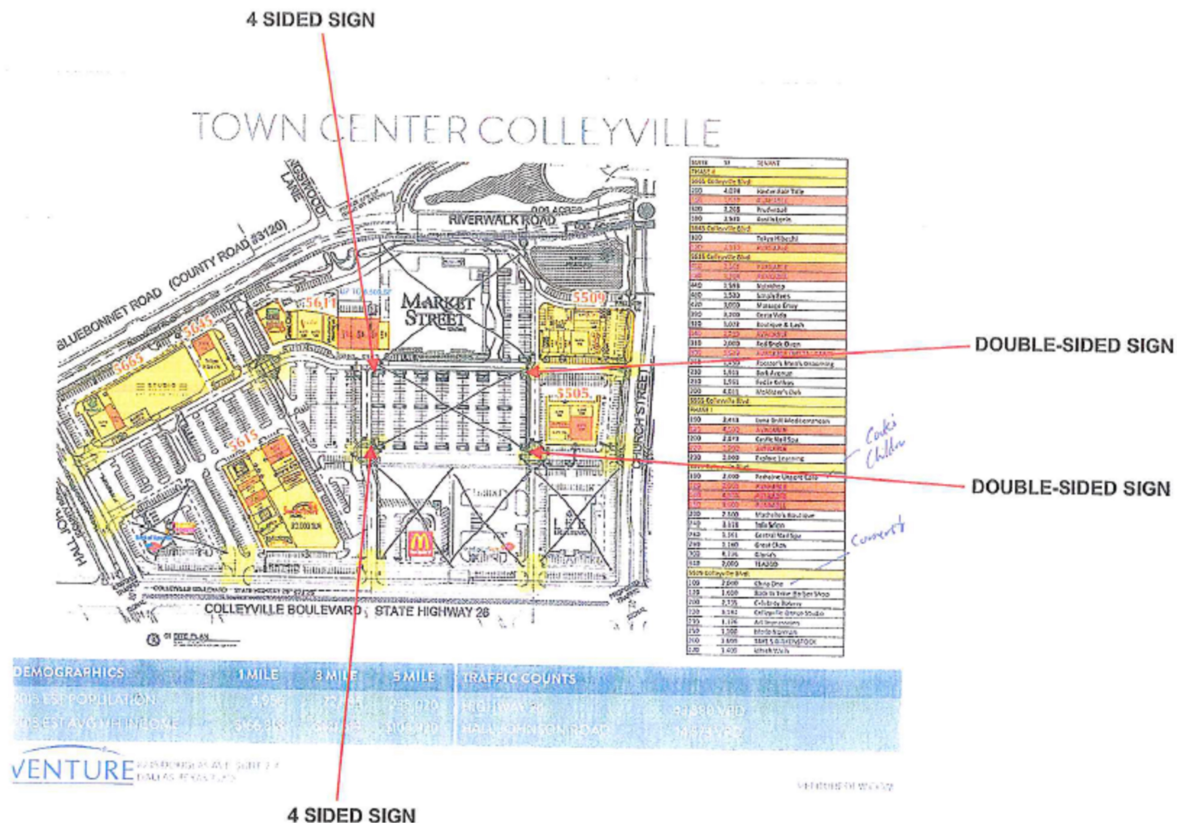
Sign Exhibits



Sign Exhibits

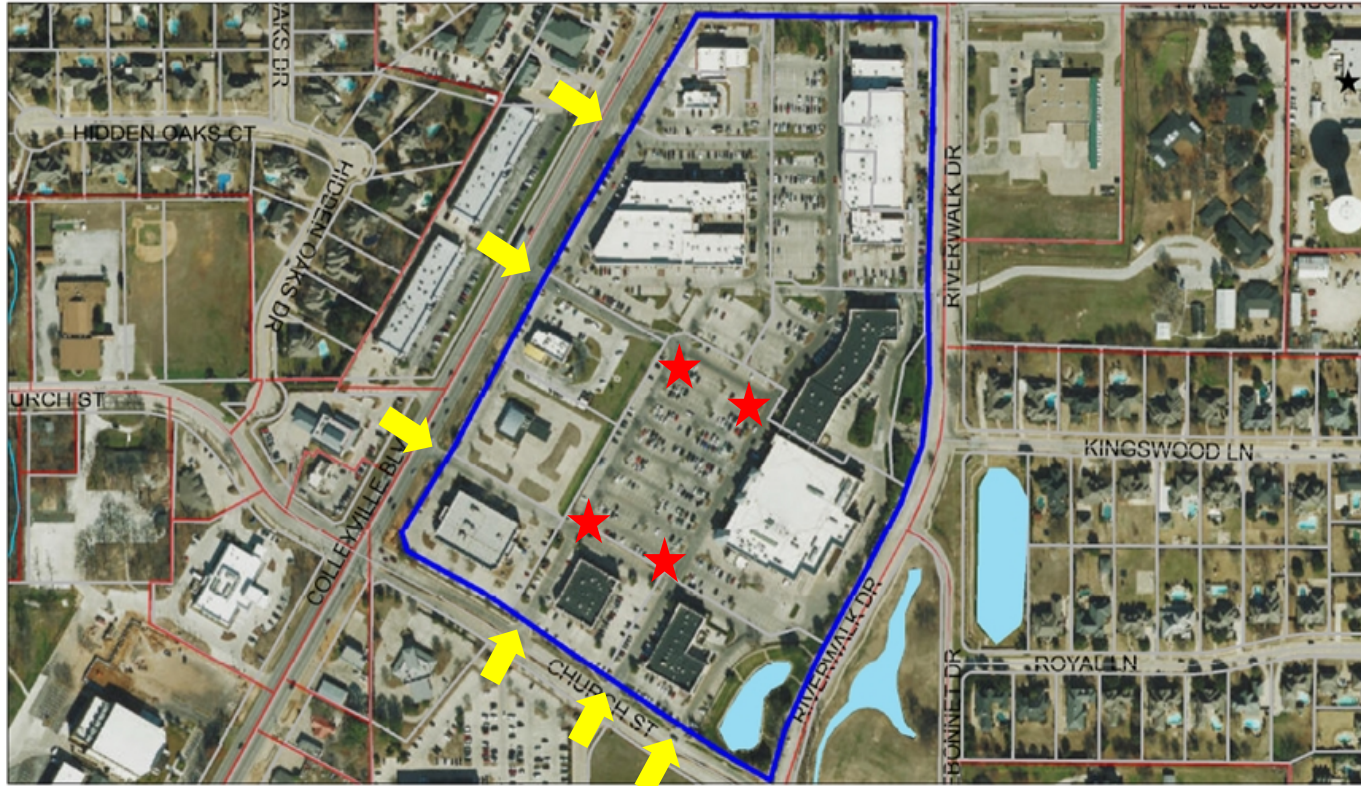


Site Plan



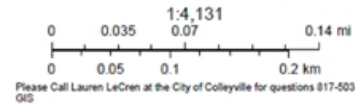
Aerial Map

Town Center Colleyville



August 10, 2016

- City Limit
- ★ Municipal
- Subdivisions
- + Railroad
- Streams
- Parcels
- Roads
- Ponds



Street View #1



Colleyville Blvd (middle entrance)

Street View #2



Street View #3



Church St (west entrance)

Street View #4



Church St (middle entrance)

Benchmark Analysis

City	Sign Type Allowed	Comments
Colleyville	Traffic Directional Signs	6 sq ft; 30" in height; 2 per curb cut; additional signs allowed behind the building setback line
Coppell	Movement Control Signs	3 sq ft; detached or attached; no limitation on number
Flower Mound	Directional Signs	5 sq ft; 3' in height; no limitation on number
Grapevine	Ground Signs	60 sq ft; 6' in height; 1 sign per lot unless a Planned Commercial Center
Keller	Movement Control Sign	6 sq ft; 4' in height; no limitation on number
North Richland Hills	Traffic Directional Signs	2 sq ft; 30" in height; 2 per public street drive approach Exemption: signs setback a min of 30' @ centers >200,000 sq ft (requires approval of the Sign Review Committee)
Southlake	Directory Sign	50 sq ft/sign face, 100 sq ft/sign; 6.5' in height; 1 per street entrance; 75' setback

Traffic Directional Sign Examples



Directory Sign Examples



Proposed Regulations

Section 7-150 Permanent Freestanding Signs – Sign Classifications & Regulations

- F. Directory Signs – The purpose of a directory sign is to provide a listing of the occupants within a major multi-tenant shopping center and direction to the buildings in the development. All directory signs shall be constructed as a monument sign as defined in this Land Development Code. Directory signs shall be allowed in accordance with Table 7-1 and only for retail shopping centers that contain more than four (4) tenants and contain a minimum of 250,000 square feet of gross floor area. One (1) directory sign shall be permitted per street entrance with no more than 4 such signs permitted total per retail shopping center. The maximum area, height, spacing, and setbacks of a directory sign shall conform to the specifications contained in Table 7-2.

Section 7-160 Permanent Freestanding Signs – Allowable Districts

Table 7 - 1 Allowable Districts for Permanent Freestanding Signs																		
Sign Classification	Permit Required (Y or N)	Residential Districts								Commercial Districts						Special Districts		
		R15	R20	R30	R40	RE	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML	AG	PUD	
General Business Signs	Y									P	P	P	P	P	P			(1)
Freeway Pole Signs	Y									(2)	(2)	(2)	(2)	(2)	(2)			(2)
Institutional Signs	Y	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Multi-family Signs	Y							P										(3)
Subdivision Monument Signs	Y	P	P	P	P	P	P	P	P									P
Traffic Directional Signs	N	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	P	P	P	P	P	P	P	P	(1)
<u>Directory Signs</u>	<u>Y</u>													(5)	(5)			(5)

Notes for Table 7-1:

(1) Permitted where the PUD ordinance allows commercial uses

(2) Permitted only in the Freeway Overlay Zone

(3) Permitted where the PUD ordinance allows multi-family uses

(4) Permitted for Institutional uses in the applicable districts

(5) Permitted for retail shopping centers containing a minimum of 250,000 square feet of gross floor area

Legend: P = Sign permitted in this district

(1) = Sign permitted in this district

per special footnote

Section 7-165 Permanent Freestanding Signs – Area, Height and Setback Requirements

Table 7 - 2 Area, Height and Setback for Permanent Freestanding Signs						
Type of Sign	Maximum Sign Area	Maximum Sign Height	Minimum Front Property Line Setback (1)	Minimum Side Property Line Setback	Minimum Spacing B/T Next Free-Stand. Sign	Special Conditions
General Business Signs	112 s. f. (2)	8 ft. (2)	8 ft.	30 ft.	60 ft. (7)	1 per 250' street frontage
Freeway Pole Signs	250 s. f.	35 ft.	8 ft.	30 ft.	60 ft. (7)	1 per lot (3)
Institutional Signs (on-premises)	45 s f. (4)	5 ft.	8 ft.	30 ft.	60 ft.	1 per street frontage
Institutional Signs (off-premises)	16 s f.	5 ft.	none	none	none	Maximum of two signs
Multi-family Signs	25 s. f.	5 ft.	8 ft.	30 ft.	60 ft.	1 per street frontage
Subdivision Monument Signs	(8)	10 ft.	0 ft.	0 ft. (5)	n/a	Maximum 2 per entrance
Traffic Directional Signs (6)	6 s. f.	30 inches	0 ft.	0 ft.	0 ft.	2 per curb cut
<u>Directory Signs</u>	<u>25 s.f.</u>	<u>6 ½ ft. (2)</u>	<u>150 ft.</u>	<u>N/A</u>	<u>N/A</u>	<u>1 per street entrance and no more than 4 signs per retail shopping center; Sign shall only be located along an internal drive or street within the development</u>

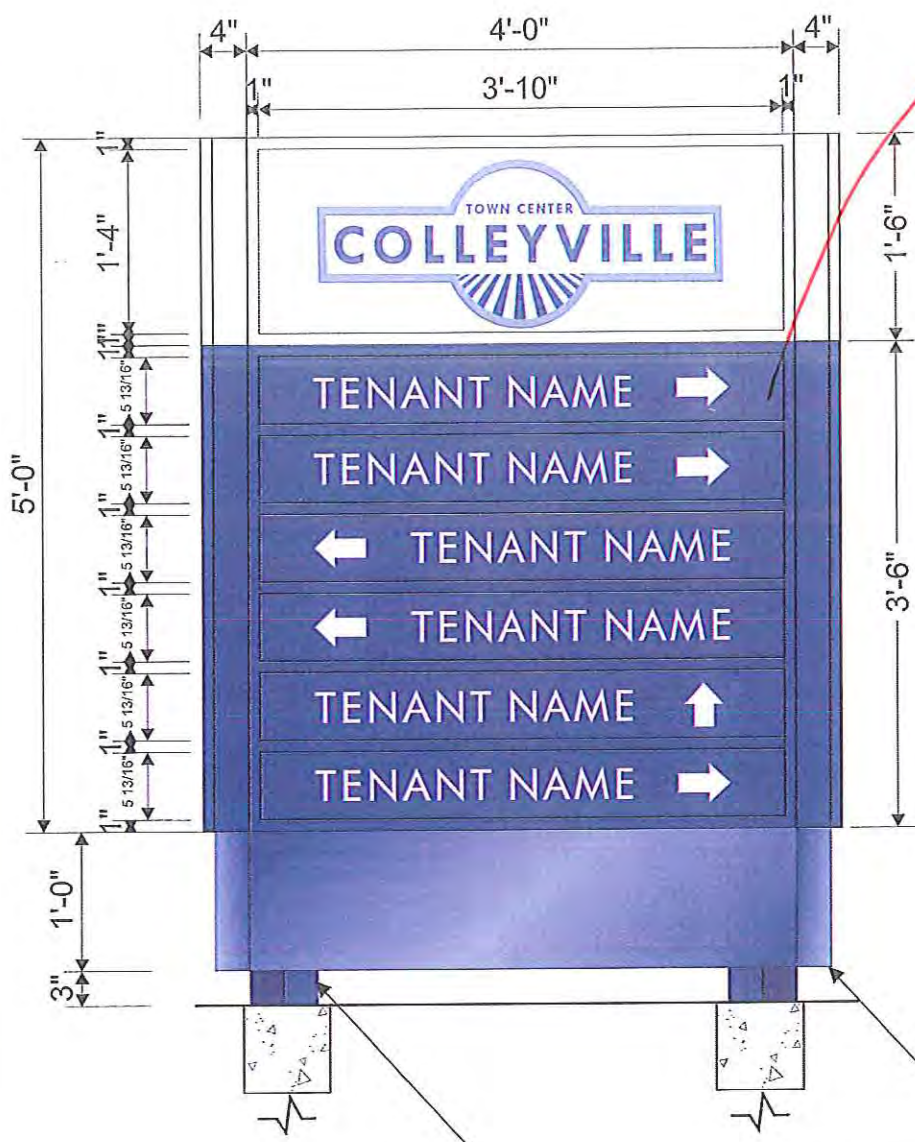
Notes for Table 7-2:

- (1) Any street frontage shall be considered a front property line
- (2) Maximum structure size.
- (3) Only permitted within 250 feet of Hwy. 121 right-of-way.
- (4) An on-premises Institutional Sign located in a non-residential zoning district may be constructed in accordance with the General Business Sign regulations for the applicable zoning district.
- (5) Signs on a street island must be designed to permit appropriate driver visibility- joint use agreement required.
- (6) Spacing requirements for Freestanding Signs are not applicable to Traffic Directional Signs.
- (7) 100 feet between signs when signs are located on the same lot.
- (8) Maximum message area is 50 s.f.

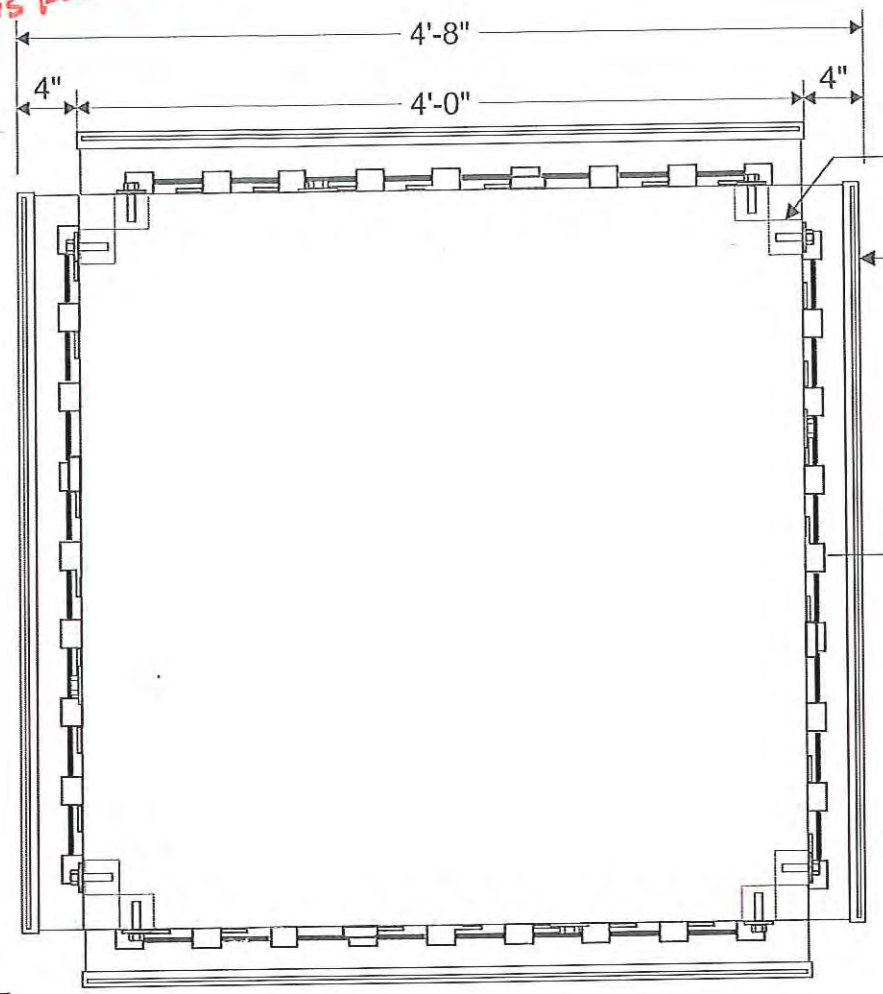
Summary

- A request was submitted to install 4 directory signs at the Town Center Colleyville development
- The current Sign Regulations do not allow for such signs
- The proposed regulations would apply only to retail shopping centers containing a minimum of 250,000 square feet of gross floor area
- Monument style; 25 sq. ft.; 6.5' tall; 1 sign per drive with a max of 4 signs total
- To be located on private property & used internal to the site

Attachment "A" Proposed Sign Exhibits & Site Plan



MONOM. 6/27/16
Working on
Names for sign.



ALL CABINETS: MOUNTED TO
2 1/2" ALUM SQ TUBE EMBEDDED IN CONCRETE
NON-CORROSIVE FASTENERS AS REQUIRED

TOP CABINET:
1" RETAINERS PAINTED WHITE
3/16" WHITE PLEX FACES
w/ PRINTED VINYL LOGO OVERLAY

BOTTOM CABINET:
1" RETAINERS PAINTED WHITE
3/16" WHITE PLEX FACES
w/ 3M VIVID BLUE VINYL OVERLAYS

WHITE LED ILLUMINATION

Accent office use only

U-L REQUIRED
☐ YES ☐ NO
CLN
☐ YES ☐ NO

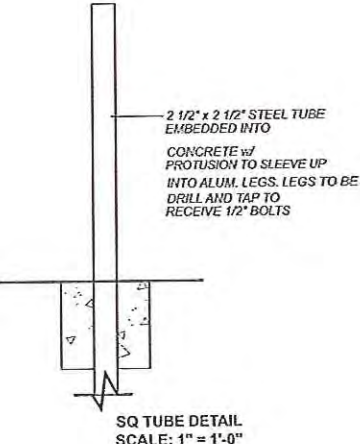
REMOTE POWER SUPPLY UNIT
LOCATED IN RACEWAY
120 VAC PRIMARY
12volt DC SECONDARY.

NUMBER REQ'D. = _____

TOP VIEW
SCALE: 1" = 1'-0"

ALUM REVEAL
PAINTED TBD

2 1/2" ALUM SQ TUBE
EMBEDDED IN CONCRETE



NEW 4-SIDED ID SIGN

QTY: 2

SCALE: 3/4" = 1'-0"

NOTE:
ACCESS REQUIRED FOR
ELECTRICAL & INSTALLATION

DATE	REVISIONS	NAME
5-17-16	REVISE SIGN TYPE	AB
5-20-16	UPDATE SIZE SPECS	AB
6-1-16	REMOVE "L" SHAPED SIGNS; UPDATE QTYS	AB

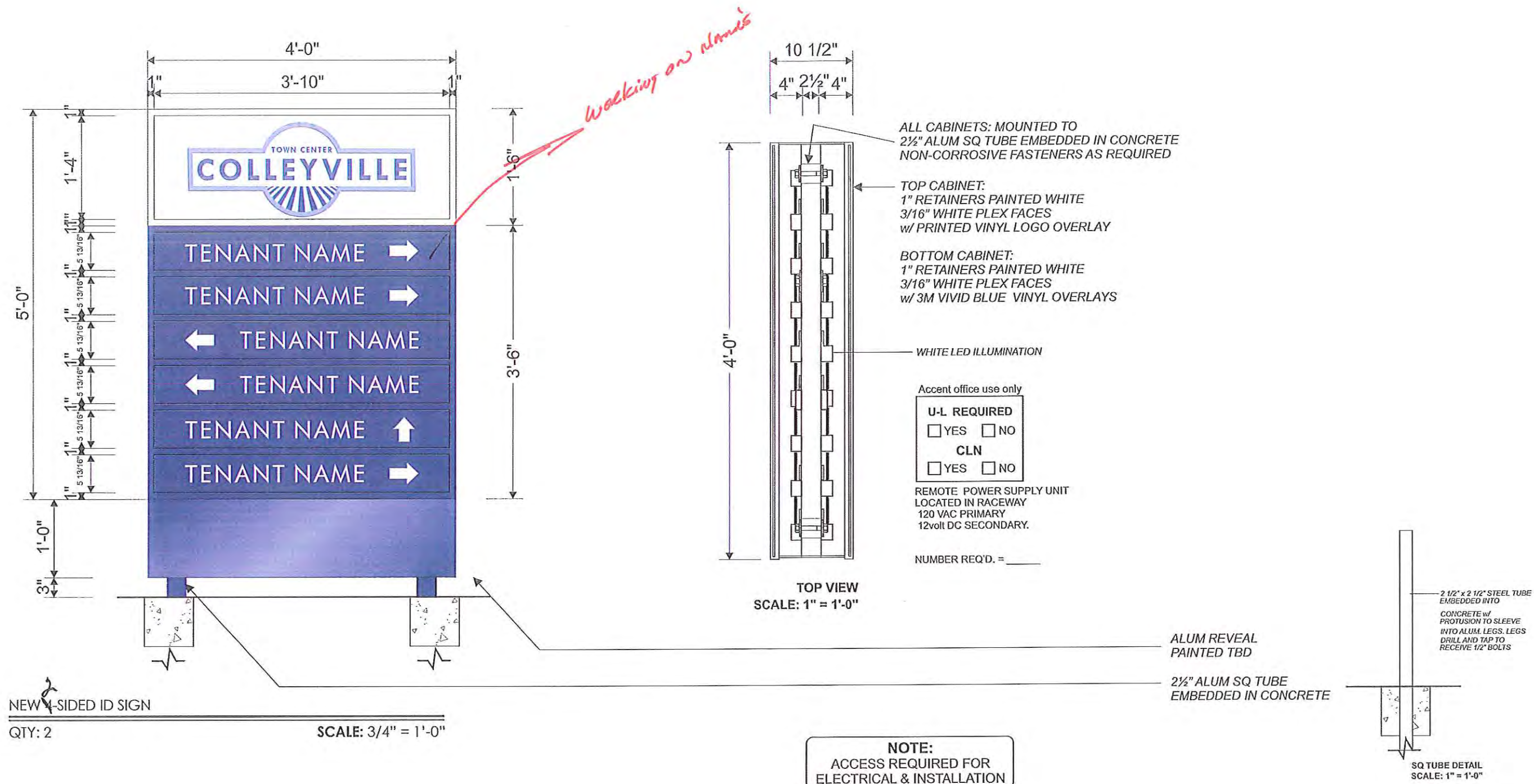
AUTHORIZATION	
CLIENT	DATE
ACCOUNT EXECUTIVE	DATE
LANDLORD	DATE
ALL CHANGES MUST BE INITIALED BY CLIENT AND ACCOUNT EXECUTIVE ON FINAL APPROVED PRINT.	

This drawing is the exclusive property of Accent Graphics, Inc. and is the result of the original work of its employees. The plans are provided to your company for the sole purpose of considering the purchase of a sign manufactured by Accent Graphics, Inc. based on these plans OR the purchase of the plans and design concepts contained therein for manufacture elsewhere. Distribution or exhibition of the plans to anyone outside of your company or the use of the plans by others to manufacture or design a similar sign as displayed in the plans is expressly forbidden. In the event that such exhibition occurs, Accent Graphics will expect payment of a minimum \$2000 design fee in recompense for the time and effort entailed to produce the plans.

CLIENT TOWN CENTER STORE #
INSTALLATION ADDRESS COLLEYVILLE BLVD. & HWY 26 COLLEYVILLE, TX
DESIGNER AB ACCOUNT EXECUTIVE KEVIN KENDALL
DATE 5-5-16 SHEET 1 OF 3 DESIGN # AB 5-5-16 R2

accent SIGNS graphics
COMPLETE SIGN SERVICE & FABRICATION
23 E. ROCK ISLAND
RAND PRAIRIE, TX 75050
TOLL FREE (800) 810-3044
METRO (972) 399-0333
FAX (972) 986-4456
MAIL k.kendall@accentgraphicsinc.com
WEBSITE www.accentgraphicsinc.com FAX (800) 810-3045

Attachment "A" Proposed Sign Exhibits & Site Plan



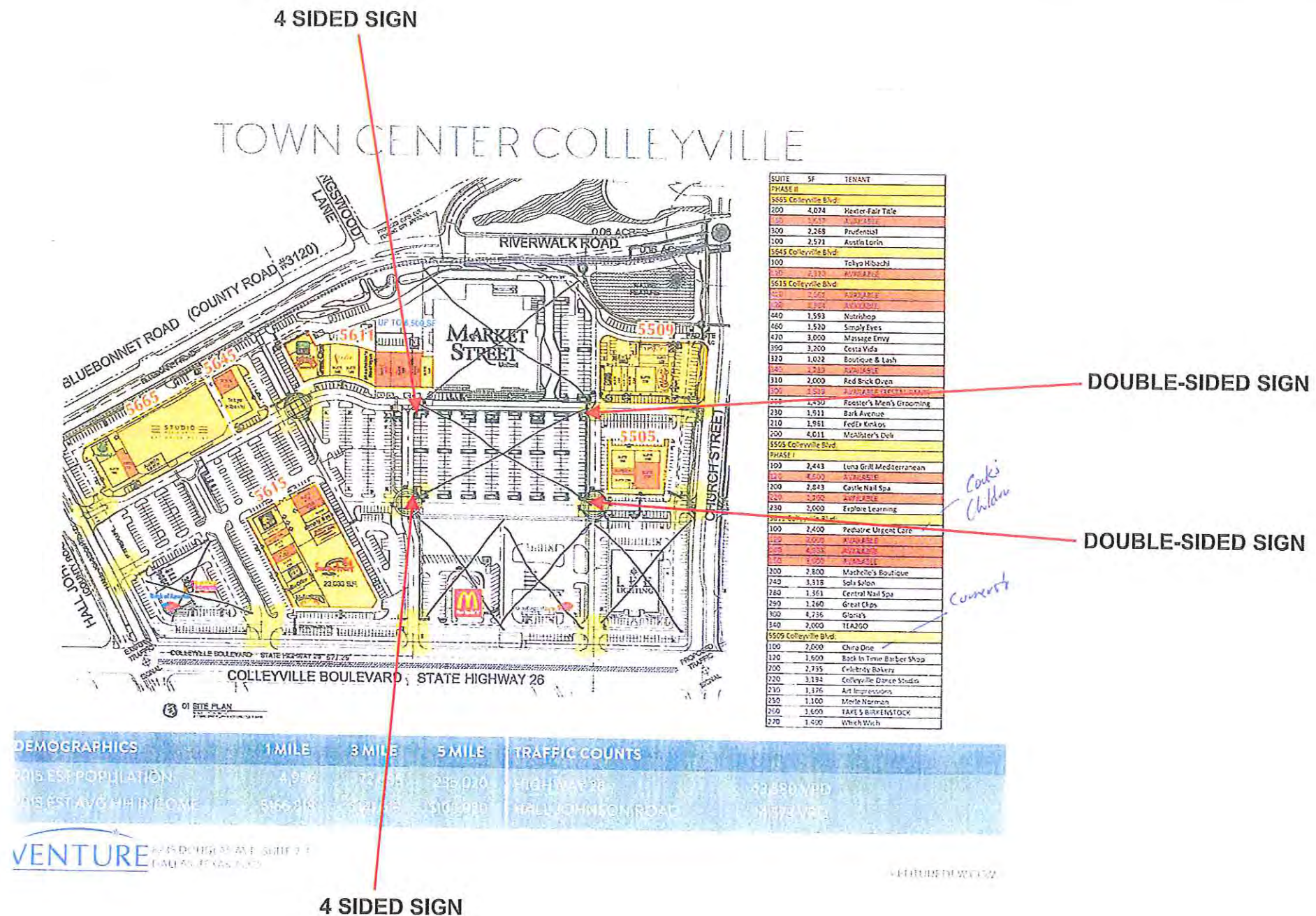
DATE	REVISIONS	NAME	AUTHORIZATION
			CLIENT: <i>[Signature]</i> DATE: 5/24/16
			ACCOUNT EXECUTIVE: <i>[Signature]</i> DATE: 5/24/16
			LANDLORD: <i>[Signature]</i> DATE: 5/24/16
			ALL CHANGES MUST BE INITIALED BY CLIENT AND ACCOUNT EXECUTIVE ON FINAL APPROVED PRINT.

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CLIENT: TOWN CENTER STORE # _____
INSTALLATION ADDRESS: COLLEYVILLE BLVD. & HWY 26 COLLEYVILLE, TX
DESIGNER: AB ACCOUNT EXECUTIVE: KEVIN KENDALL
DATE: 5-5-16 SHEET 2 OF 3 DESIGN # AB 5-5-16 R2

accent graphics
COMPLETE SIGN SERVICE & FABRICATION
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WEBSITE www.accentgraphicsinc.com

Attachment "A" Proposed Sign Exhibits & Site Plan



SITE PLAN

SCALE: NTS

DATE	REVISIONS	NAME	AUTHORIZATION	This drawing is the exclusive property of Accent Graphics, Inc. and is the result of the original work of its employees. The plans are provided to your company for the sole purpose of considering the purchase of a sign manufactured by Accent Graphics, Inc. based on these plans <u>OR</u> the purchase of the plans and design concepts contained therein for manufacture elsewhere. Distribution or exhibition of the plans to anyone outside of your company or the use of the plans by others to manufacture or design a similar sign as displayed in the plans is expressly forbidden. In the event that such exhibition occurs, Accent Graphics will expect payment of a minimum \$2000 design fee in recompense for the time and effort entailed to produce the plans.	CLIENT _____ TOWN CENTER _____ STORE # _____	 accent SIGNS graphics COMPLETE SIGN SERVICE & FABRICATION 23 E. ROCK ISLAND TOLL FREE (800) 810-3044 RAND PRAIRIE, TX 75050 METRO (972) 399-0333 MAIL k.kendall@accentgraphicsinc.com FAX (972) 986-4456 WEBSITE www.accentgraphicsinc.com FAX (800) 810-3045
			CLIENT _____ DATE _____		INSTALLATION ADDRESS _____	
			ACCOUNT EXECUTIVE _____ DATE _____		COLLEYVILLE BLVD. & HWY 26 COLLEYVILLE, TX	
			LANDLORD _____ DATE _____		DESIGNER <u>AB</u> ACCOUNT EXECUTIVE <u>KEVIN KENDALL</u>	
			ALL CHANGES MUST BE INITIALED BY CLIENT AND ACCOUNT EXECUTIVE ON FINAL APPROVED PRINT.		DATE <u>5-5-16</u> SHEET <u>3</u> OF <u>3</u> DESIGN # <u>AB 5-5-16 R2</u>	

Attachment "B"
Benchmark Analysis

City of Colleyville:

Traffic Directional Signs – The purpose of a traffic directional sign is to guide vehicular traffic into or out of an institutional use or commercial business by identifying a public entrance and exit for vehicular traffic. No more than two traffic directional signs per entrance or exit shall be allowed in accordance with Table 7-1, provided additional traffic directional signs shall be allowed when located behind the building set-back line. The maximum area and height of a traffic directional sign shall conform to the specifications contained in Table 7-2. No permit shall be required for a traffic directional sign, provided all such signs shall comply with the regulations contained in this section.

Table 7 - 2 Area, Height and Setback for Permanent Freestanding Signs						
Type of Sign	Maximum Sign Area	Maximum Sign Height	Minimum Front Property Line Setback (1)	Minimum Side Property Line Setback	Minimum Spacing B/T Next Free-Stand. Sign	Special Conditions
Traffic Directional Signs (6)	6 s. f.	30 inches	0 ft.	0 ft.	0 ft.	2 per curb cut

Movement Control /Directional Signs

Coppell:

Movement control signs: Movement control signs may be erected at any occupancy or any premises, other than single-family or duplex premises, may be attached or detached, and may be erected without limits as to number; provided that such signs shall comply with all other applicable requirements of this section. Movement control signs shall be premise signs only and shall not be construed as any sign listed in sections 12-29-4 or 12-29-5. The occupant who erects a movement control sign on the premises shall comply with the following requirements:

- i. Each sign must not exceed three square feet in effective area;
- ii. If a sign is an attached sign, the words must not exceed six inches in height;
- iii. Each sign must convey a message which directs vehicular or pedestrian movement within or onto the premises on which the sign is located;
- iv. The signs must contain no advertising identification message unless it is a logo, then the logo may cover ten percent of the sign.

Flower Mound:

Directional Signs. No permit shall be required for small signs not exceeding five square feet in sign area and three feet in height that are displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, location of drive-up windows, directions to parking areas, one-way

drives, restrooms, freight entrances and the like. These signs shall be directional only and may contain advertising with registered corporate logos. Maximum height applies to ground mounted signs and is not intended to prohibit placement of these signs over doorways, freight entrances, etc.

Grapevine:

GROUND SIGNS. A sign, except a portable sign, permanently placed upon, or supported by the ground independent of the principal building or structure on the property, the top edge of which sign is no more than six (6) feet above ground level, except ground signs in the HGT District shall be three (3) feet above ground level. All ground signs must conform to the following regulations:

- (1) Sign support shall be masonry, non-decaying wood, or structural steel tubing.
- (2) Sign face shall be non-decaying wood, or flat, clear acrylic sheet with all copy and background sprayed on second surface with acrylic colors.
- (3) Maximum gross surface area: Sixty (60) square feet, except signs in the HGT District shall be nine (9) square feet.

PERMITTED MONUMENT AND GROUND SIGNS. In all districts where monument and ground signs are permitted, only one of the two (2) structural types shall be permitted per lot. More than one monument or ground sign may be permitted for Planned Commercial Centers provided they meet the provisions of Section 48, and a Conditional Use Permit is issued.

Planned Commercial Centers are defined as having a five (5) acre minimum size with a combination of retail stores, offices, personal service establishments and similar uses.

City of Keller:

Detached Type	Max. Size	Number	Height	Width	Zoning Districts	Additional Standards
Movement Control Sign	6 sf	No Limit	4'	None	All Non-residential	The letters shall not exceed 4" in height.

North Richland Hills:

Traffic directional signs. The purpose of a traffic directional sign is to aid vehicular traffic into or out of a business establishment by identifying only the vehicle entrances or exits. Traffic directional signs shall comply with the following regulations:

a. Generally.

1. Traffic directional signs shall be allowed in zoning districts shown in section 106-9, table of permitted signs.
2. Only two traffic directional signs may be allowed at each public street drive approach. Each sign must be either an "entrance" or an "exit" labeled sign, and/or may contain an arrow guiding the proper direction.
3. A traffic directional sign shall not exceed two square feet in area with a maximum height of 30 inches.
4. Traffic directional signs may include a company name or logo.
5. A traffic directional sign may be internally illuminated.

6. Traffic directional signs shall be located on private property.
7. Portable and temporary signs shall be prohibited.
8. Traffic directional signs shall be permanently installed on a concrete footing or other approved foundation system with above grade bases or pedestals consisting of decorative concrete, masonry, plastic, or metal finishes.
9. Interior traffic directional signs on sites having combined building areas greater than 200,000 square feet and setback a minimum of 30 feet from public right-of-way may be exempted from the above requirements by approval of the sign review committee.

Directory Signs

City of Southlake:

<i>Sign Type</i>	<i>Maximum Sign Height</i>	<i>Maximum Sign Face Area</i>	<i>Maximum Sign Structure Area</i>	<i>Number of Signs</i>	<i>Location</i>	<i>Illumination</i>	<i>Additional regulations</i>
5. Directory	Total Height: 6'6" Base: 18" Sign Face: 4' Sign Structure: 5'	50 s.f. per sign face; 100 s.f. per sign	70 s.f.	One sign per street entrance.	Minimum of 75 feet from drive entrance at ROW.	Ground lighting where the light itself and supporting structure are not visible from public ROW. Internal lighting may be utilized for sculpted aluminum panels.	A minimum of 6 inches of sign structure must completely surround sign face. Sign shall only be located along an internal drive or street within the development.

Attachment “C”

AMEND: Section 7-150 Permanent Freestanding Signs – Sign Classifications & Regulations

ADD: Add a classification for ‘Directory Signs’ to include the regulations pertaining to such signs

F. Directory Signs – The purpose of a directory sign is to provide a listing of the occupants within a major multi-tenant shopping center and direction to the buildings in the development. All directory signs shall be constructed as a monument sign as defined in this Land Development Code. Directory signs shall be allowed in accordance with Table 7-1 and only for retail shopping centers that contain more than four (4) tenants and contain a minimum of 250,000 square feet of gross floor area. One (1) directory sign shall be permitted per street entrance with no more than 4 such signs permitted total per retail shopping center. The maximum area, height, spacing, and setbacks of a directory sign shall conform to the specifications contained in Table 7-2.

AMEND: Section 7-160 Permanent Freestanding Signs – Allowable Districts

ADD: Add listing for directory signs in Table 7-1

Table 7 - 1 Allowable Districts for Permanent Freestanding Signs																	
Sign Classification	Permit Required (Y or N)	Residential Districts								Commercial Districts						Special Districts	
		R15	R20	R30	R40	RE	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML	AG	PUD
General Business Signs	Y									P	P	P	P	P	P		(1)
Freeway Pole Signs	Y									(2)	(2)	(2)	(2)	(2)	(2)		(2)
Institutional Signs	Y	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Multi-family Signs	Y							P									(3)
Subdivision Monument Signs	Y	P	P	P	P	P	P	P	P								P
Traffic Directional Signs	N	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	P	P	P	P	P	P	P	(1)
Directory Signs	Y												(5)	(5)			(5)

Notes for Table 7-1:

(1) Permitted where the PUD ordinance allows commercial uses

(2) Permitted only in the Freeway Overlay Zone

(3) Permitted where the PUD ordinance allows multi-family uses

Legend: P = Sign permitted in this district

(1) = Sign permitted in this district

(4) Permitted for Institutional uses in the applicable districts

(5) Permitted for retail shopping centers containing a minimum of 250,000 square feet of gross floor area

per special footnote

AMEND: Section 7-165 Permanent Freestanding Signs – Area, Height and Setback Requirements

ADD: Add listing for directory signs in Table 7-2

Table 7 - 2 Area, Height and Setback for Permanent Freestanding Signs						
Type of Sign	Maximum Sign Area	Maximum Sign Height	Minimum Front Property Line Setback (1)	Minimum Side Property Line Setback	Minimum Spacing B/T Next Free-Stand. Sign	Special Conditions
General Business Signs	112 s. f. (2)	8 ft. (2)	8 ft.	30 ft.	60 ft. (7)	1 per 250' street frontage
Freeway Pole Signs	250 s. f.	35 ft.	8 ft.	30 ft.	60 ft. (7)	1 per lot (3)
Institutional Signs (on-premises)	45 s f. (4)	5 ft.	8 ft.	30 ft.	60 ft.	1 per street frontage
Institutional Signs (off-premises)	16 s f.	5 ft.	none	none	none	Maximum of two signs
Multi-family Signs	25 s. f.	5 ft.	8 ft.	30 ft.	60 ft.	1 per street frontage
Subdivision Monument Signs	(8)	10 ft.	0 ft.	0 ft. (5)	n/a	Maximum 2 per entrance
Traffic Directional Signs (6)	6 s. f.	30 inches	0 ft.	0 ft.	0 ft.	2 per curb cut
<u>Directory Signs</u>	<u>25 s. f.</u>	<u>6 ½ ft. (2)</u>	<u>150 ft.</u>	<u>N/A</u>	<u>N/A</u>	<u>1 per street entrance and no more than 4 signs per retail shopping center; Sign shall only be located along an internal drive or street within the development</u>

Notes for Table 7-2:

(1) Any street frontage shall be considered a front property line

(2) Maximum structure size.

(3) Only permitted within 250 feet of Hwy. 121 right-of-way.

(4) An on-premises Institutional Sign located in a non-residential zoning district may be constructed in accordance with the General Business Sign regulations for the applicable zoning district.

(5) Signs on a street island must be designed to permit appropriate driver visibility- joint use agreement required.

(6) Spacing requirements for Freestanding Signs are not applicable to Traffic Directional Signs.

(7) 100 feet between signs when signs are located on the same lot.

(8) Maximum message area is 50 s.f.



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-3

Agenda Date 11/01/2016

Type Pre Council

Department City Manager

Title

Discussion of Joint Access Agreements along SH26

Strategy Map Connection

C2- Deliver high quality and unique customer service

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

Explanation

At the March 3, 2015 City Council meeting, the Guidelines and Criteria for Economic Development Incentives were revised to include a new Matching Grant category for joint access easements along SH26, per attached Resolution R-15-3854. The addition of this category provides up to \$30,000 in matching grants at the City Council's discretion for joint access easements constructed between adjacent properties along SH26, and was added to support businesses that might be impacted by the SH26 reconstruction project, which includes the addition of curbed center medians.

In general, the dedication of joint access easements is now required for new developments along all Collector and Arterial Streets identified on the Master Thoroughfare Plan and the matching grant incentive targets properties developed prior to this regulation.

Staff has identified six locations in which it appears feasible and beneficial to construct joint access drives. The construction of such connections would likely result in the reduction of parking spaces.

Prior to working with property owners to encourage the construction of these connections and address questions that will arise in the planning stages, staff is seeking City Council direction regarding an ordinance that would address the loss of parking, on the identified properties, in the following scenarios:

1. Current occupancy/use
2. Future occupancy/use
3. Building expansion
4. Redevelopment (tear down/rebuild)

Based on City Council direction, staff is prepared to seek a recommendation from the Planning and Zoning Commission and to bring forward an ordinance for consideration by the City Council that addresses the above scenarios.

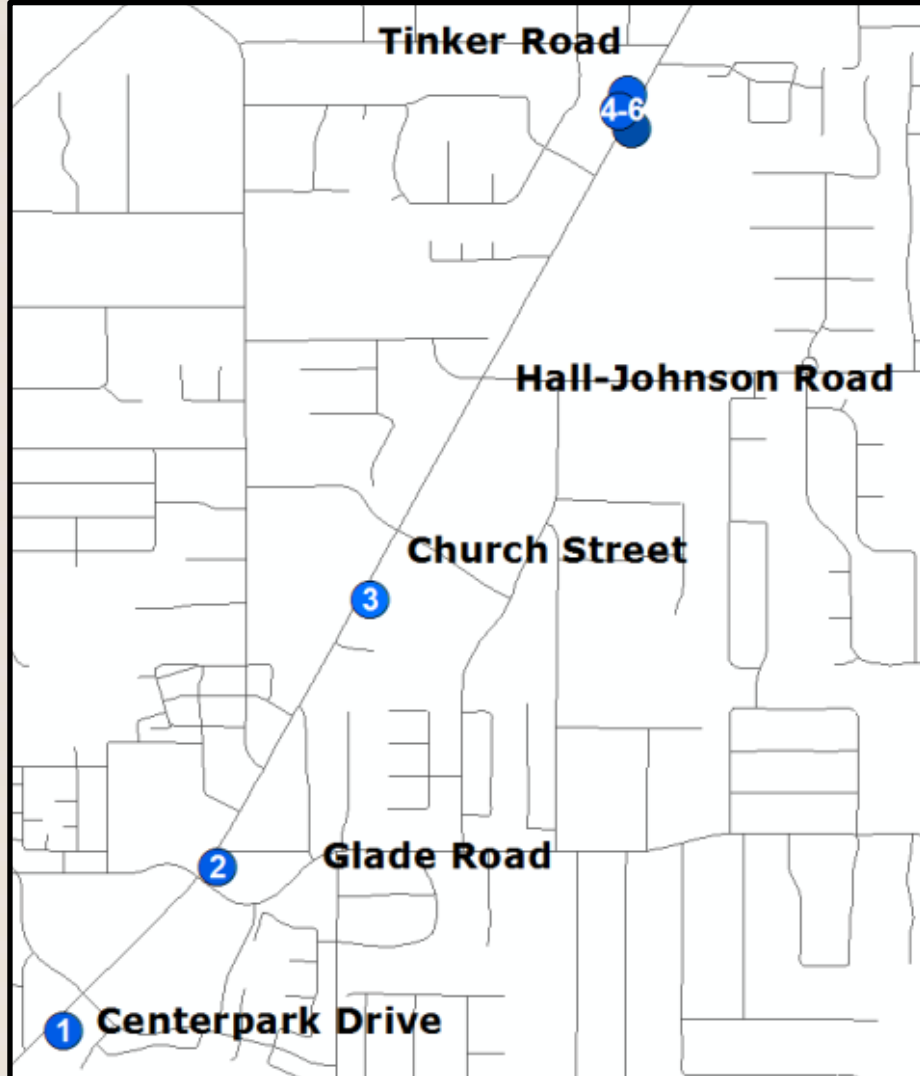
Attachments

1. Joint Access Easements Presentation
2. Resolution R-15-3854

Discussion of Joint Access Easements along SH26

City Council Worksession
November 1, 2016

Overview



Location Map

- Matching grant for joint access easements along SH26 added to the *guidelines and criteria for economic development incentives* in 2015, per Resolution R-15-3854
- 6 potential locations have been identified by staff
- Construction of such connections would reduce current parking spaces

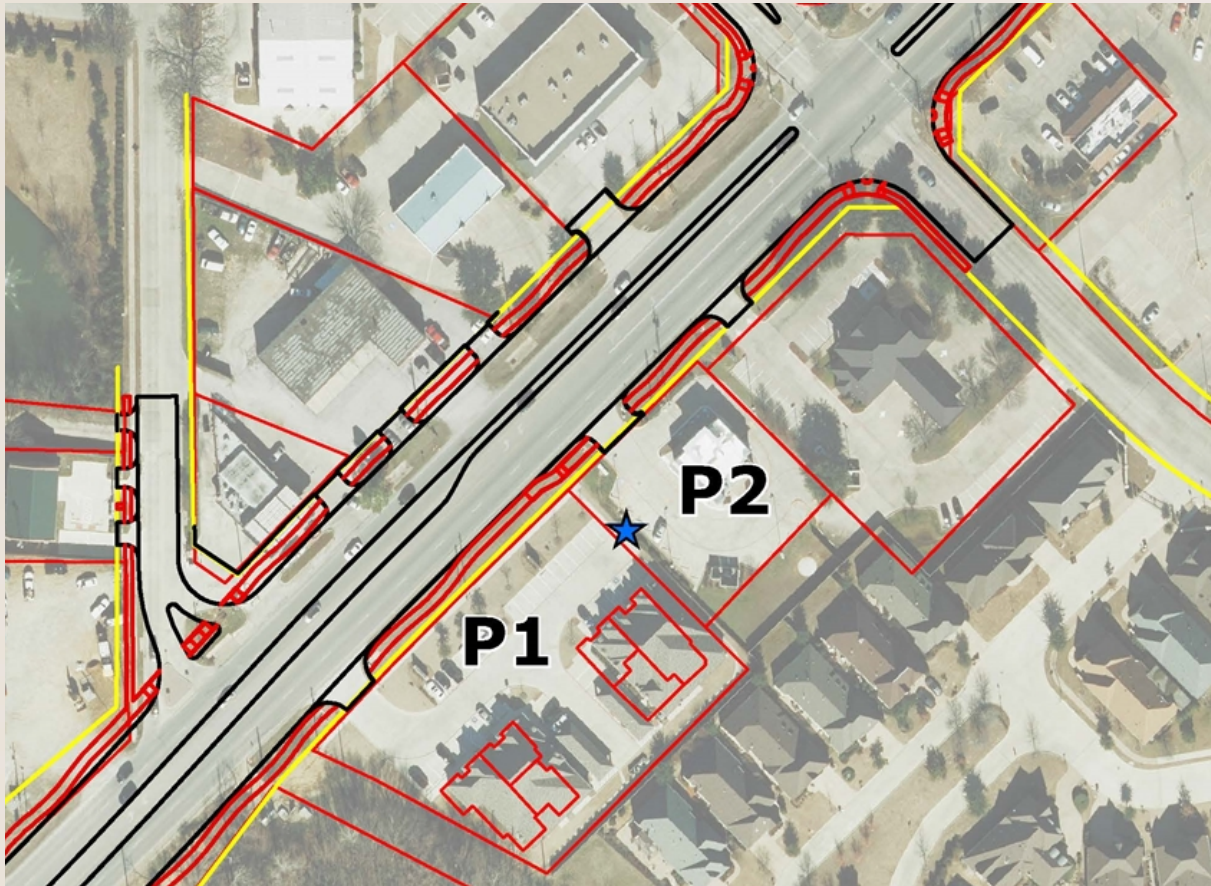
Purpose



- To obtain City Council direction regarding an ordinance that would address the loss of parking, on the identified properties, in the following scenarios:
 - (1) Current occupancy/use
 - (2) Future occupancy/use
 - (3) Building expansion
 - (4) Redevelopment (tear down/rebuild)

(1) Current Occupancy/Use

Will existing businesses that seek to construct a joint access drive that results in a reduction of parking spaces to a number below the required parking ratio be permitted to stay in operation?



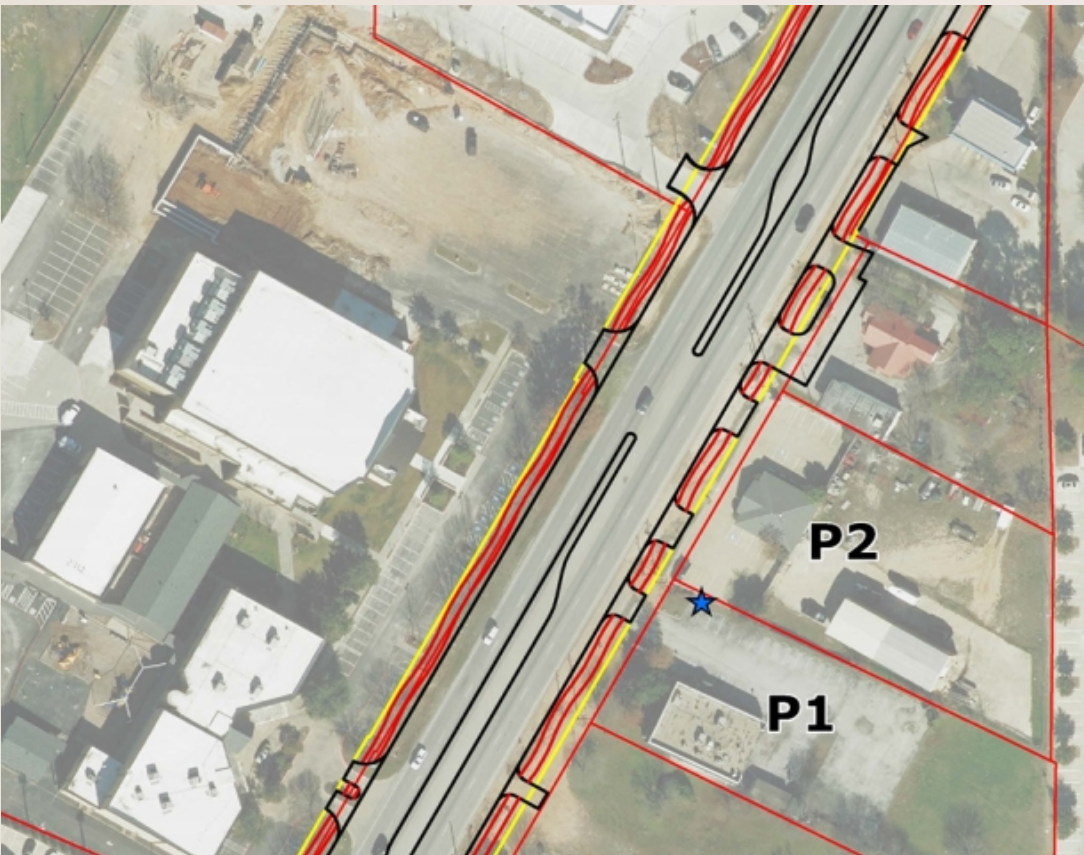
(2) Future Occupancy/Use

Should land use change to require additional parking, will the parking spaces removed to construct the joint access drive be credited toward the new use?



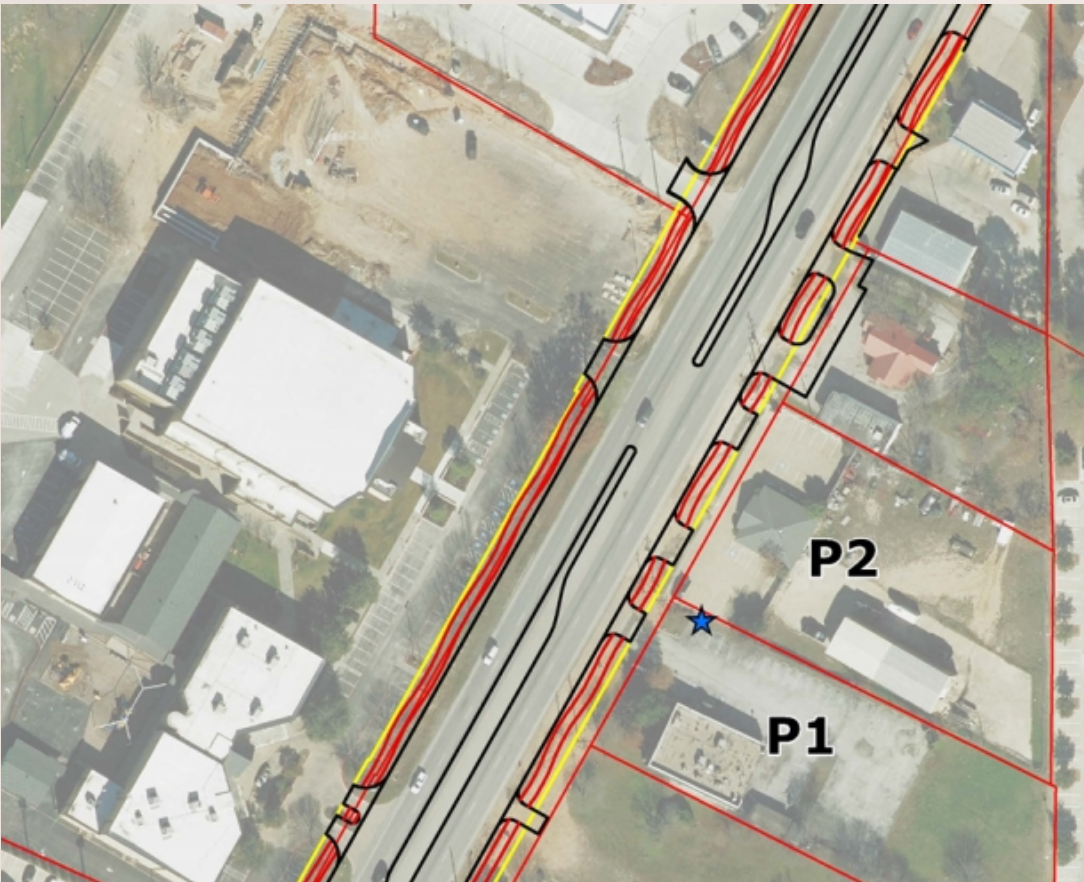
(3) Building Expansion

Should a business expand on a property, which had spaces removed due to the construction of a joint access drive, will they only be required to add parking spaces proportional to the addition?



(4) Redevelopment

If a site is redeveloped, or properties assembled, will the spaces removed due to the construction of a joint access drive be credited in the redevelopment process?



Summary



City Council direction regarding the following scenarios is needed:

1. Current occupancy/use

- Will existing businesses that seek to construct a joint access drive that results in a reduction of parking spaces to a number below the required parking ratio be permitted to stay in operation?

2. Future occupancy/use

- Should land use change to require additional parking, will the parking spaces removed to construct the joint access drive be credited toward the new use?

3. Building expansion

- Should a business expand on a property, which had spaces removed due to the construction of a joint access drive, will they only be required to add parking spaces proportional to the addition?

4. Redevelopment (tear down/rebuild)

- If a site is redeveloped, or properties assembled, will the spaces removed due to the construction of a joint access drive be credited in the redevelopment process?

Based on City Council direction staff is prepared to seek a recommendation from the Planning and Zoning Commission and to bring forward an ordinance for consideration by the City Council that addresses the above scenarios

Questions and Discussion

RESOLUTION R-15-3854

**A RESOLUTION REVISING RESOLUTION R-12-3565 ADOPTING
GUIDELINES AND CRITERIA FOR ECONOMIC DEVELOPMENT
INCENTIVES**

WHEREAS, Texas State law provides for a home rule municipality to offer various economic development incentives; and

WHEREAS, the City of Colleyville has made a long term commitment to economic development, and the City seeks to foster a more diversified tax base so that it may deliver sustainable government; and

WHEREAS, the economic viability of the City of Colleyville depends upon the City's ability to retain and foster the expansion of existing businesses, as well as attract new investment through the location of new businesses; and

WHEREAS, the City of Colleyville recognizes it must also enhance its competitiveness with other communities and especially neighboring municipalities; and

WHEREAS, the City of Colleyville recognizes the value in adding an additional Matching Grant category to assist in the construction of joint access easements between several existing property owners and businesses, especially before the start of Phase II, State Highway 26 reconstruction; and

WHEREAS, Chapter 312 of the Texas Tax Code requires that each taxing entity who wishes to consider granting economic development incentives must first adopt a set of guidelines and criteria, and the City of Colleyville desires to update Resolution R-12-3550.

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

Sec. 1. THAT the Economic Development Incentive Guidelines and Criteria contained in the attached Exhibit "A" are hereby adopted.

Sec. 2. THAT the City of Colleyville will utilize said Guidelines and Criteria to negotiate and consider economic development incentive programs.

Sec. 3. THAT prospective joint access easements along State Highway 26 are hereby eligible for Matching Grant fund application and consideration.

AND IT IS SO RESOLVED.

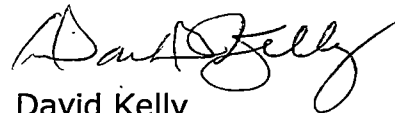
APPROVED BY A VOTE OF 6 AYES, 0 NAYS AND 0 ABSTENTIONS ON THIS THE 3rd DAY OF MARCH 2015.

ATTEST:



Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

Exhibit "A"
CITY OF COLLEYVILLE, TEXAS
ECONOMIC DEVELOPMENT INCENTIVES
GUIDELINES AND CRITERIA

Section 1. General Purpose and Objectives

General Purpose

The policy herein is intended as a guide for use in developing economic development incentive packages under the provisions of state law. Notwithstanding the policy herein established, the City Council of the City of Colleyville retains the right to act within the provisions of such act without the necessity of amending the general policy and/or purpose adopted within this set of *Guidelines and Criteria*.

Objectives

The City of Colleyville, Texas, has made a long-term commitment to economic development. The City seeks to foster a more diversified tax base so that it may deliver sustainable government. Insofar as these objectives are generally served by the enhancement and expansion of the local economy, the City of Colleyville will, on a case-by-case basis, give consideration to providing tax abatements and other forms of economic development incentives as stimulation for economic growth in Colleyville. It is the policy of the City of Colleyville that said consideration will be provided in accordance with the criteria outlined in this document. Nothing herein shall imply or suggest that the City of Colleyville is under any obligation to provide any type of incentive to any applicant.

The City of Colleyville's Economic Development Department is charged with retaining existing businesses, attracting new businesses and marketing Colleyville—with the goal of expanding the City's commercial tax base. In keeping with this overall mission, the City has implemented a three point strategy in order to accomplish these important tasks:

- To identify and assist retail developers, corporate offices, and medical/physician specialist/laboratory-related facilities to invest and

build new, high quality, sales and property tax-generating projects in Colleyville;

- To assist landowners in the sale, development, and redevelopment of potential retail, office, and hotel sites to their highest and best use; and
- To recruit new, and retain existing, Colleyville retailers, restaurants, corporate offices, and medical/physician specialist/laboratory-related facilities and other sales tax and property tax generating businesses compatible with Colleyville's available land, land use plan, and demographics.

To achieve this goal, the City wishes to enhance its economic development efforts by developing an incentive policy to promote retention and expansion of existing retailers, restaurants, corporate offices, and medical/physician specialist/laboratory-related facilities, and to attract similar new businesses to Colleyville.

Within the context of these goals, the City of Colleyville will give consideration to providing reasonable incentives as a stimulus for new development and redevelopment on a case-by-case basis. Nothing herein implies or suggests that the City of Colleyville is under any obligation to provide any incentive to an applicant. The City recognizes that only certain businesses are worthy of incentives.

Section 2. Criteria

Any request for a tax abatement or any other type of economic development incentive shall be reviewed by the City Council. Their decision shall be based upon an evaluation of the following criteria, which each applicant will address in narrative form within or on pages attached to the City's Application for Economic Development Incentives:

Employment Impact

- Total number of full time equivalent jobs brought to Colleyville;
- Types of jobs created;
- Total annual payroll.

Fiscal Impact

- Total real and personal property value to be added to the tax roll;
- Anticipated direct sales tax to be generated at one (1) percent of taxable sales;
- Other revenues generated for the City: franchise payments, occupancy taxes, utility revenues, etc.;

- Amount of City infrastructure construction or participation required;
- Projected total annual operating budget of the facility.

Community Impact

- The expected effect the project will have on the local housing market;
- The expected environmental impact, if any, created by the project;
- The compatibility of the project with the City's Comprehensive Plan;
- The impact on neighboring businesses and/or property owners;
- The project's location (i.e. is it proposed to be located in a targeted area or an area designated for redevelopment?);
- The project's impact on the cost or provision of Colleyville municipal services;
- The project's type of business enterprise (i.e. is it among the types of businesses targeted for retention within or attraction to Colleyville?).

Competitive Impact

- The effect the project would have on existing businesses in Colleyville;
- A list of the types of products or services to be sold by the applicant which are currently sold by existing Colleyville merchants;
- A list of specific businesses seen as direct competitors to the applicant.

Please note that the City of Colleyville seeks first to retain existing businesses and therefore will consider whether an applicant will compete or potentially displace existing Colleyville businesses.

Section 3. Types of Incentives

It is the policy of the City of Colleyville to customize the provisions of economic development incentives on a case-by-case basis. This individualized design of a total incentive package is intended to allow maximum flexibility in addressing the unique concerns of each applicant while enabling the City of Colleyville to better respond to the changing needs of the community. Colleyville's goal is to adequately package incentives, with clear parameters, that are tailored to match business needs—as well as to the types of businesses Colleyville prefers. Likewise, Colleyville recognizes how incentives that encourage business growth and development are often unique to the needs of each individual business. The City is therefore open to discuss any particular incentive(s) that may be necessary for a business to ensure its success in Colleyville.

Consideration will be given to providing any type of economic development incentives not prohibited by state or federal law including, but not limited to:

tax abatements, in-lieu-of Freeport exemptions, state tax grants, and other grants in general, as well as participation in infrastructure and waiver of fees.

These economic development incentives are in addition to an ongoing tax increment financing program offered by the various taxing entities, which is not a part of this incentive program. The provision of incentives will be subject to the procedural and other requirements outlined in this document as well as those mandated by state or federal law, and by other actions of the City of Colleyville. All incentive agreements will be performance-based.

Nothing within these guidelines shall imply or suggest that the City of Colleyville is under any obligation to provide any incentive to any applicant.

Section 4. Value of Incentives

Following an assessment of the response provided to the criteria contained in Section 2, the City Council shall determine whether it is in the best interests of the City of Colleyville that economic development incentives be granted to the applicant. The review process will examine the "value added" terms of the project. Additional consideration, beyond the criteria, will include such items as the degree to which the project/applicant furthers the goals and objectives of the community or meets or compliments a special need identified by the City Council. Moreover, the City will consider whether the proposed business type is included on the targeted list identified within the three point strategy included in Section 1. Preference is given to medical/physician specialist/laboratory-related facilities and corporate office uses.

Tax Abatements:

A Tax Abatement may be offered in two categories:

1. Real Property (not located in the TIF District); and/or
2. Business and Personal Property

Real property abatements may be offered to applicants which will pursue the construction of new or expanded facilities in which to house the applicable project. The abatement may apply only to the value of improvements made.

Business Personal property abatements may be offered to applicants which will pursue the purchase or long-term lease of existing facilities. The abatement will apply to the value of new personal property brought into the taxing jurisdiction.

State law permits municipalities to grant a maximum property tax abatement of 100 percent each year for up to ten (10) years. Once a determination has been made that a tax abatement may be offered, the City will determine the value and term of the abatement according to the following schedule:

Minimum Property	Abatement Duration	Percentage of Abatement Investment Considered by Council
\$2 million*	1 st year	Up to 100%
	2 nd year	Up to 90%
	3 rd year	Up to 80%
\$5 million	1 st year	Up to 80%
	2 nd year	Up to 70%
	3 rd year	Up to 60%
\$10 million+	1 st year	Up to 60%
	2 nd year	Up to 50%
	3 rd year	Up to 40%

*Only medical/physician specialist/laboratory-related facilities are eligible for consideration.

Each application for consideration of a tax abatement, whether for Real Property or Business and Personal Property, shall include a \$1,000 tax abatement application fee. The fee shall cover the cost of staff time spent analyzing and evaluating the application's merits.

Grants

The City of Colleyville may agree to extend a grant based on the amount of revenues to be generated by the economic development project to the City of Colleyville for such categories as sales tax, occupancy taxes, utility fees, or similarly related revenues. Chapter 380 of the Texas Local Government Code also permits loans and grants of City funds and use of City staff and City facilities at minimal or no charge. Any such use must be construed as serving a "public purpose". Likewise, any type of loan, grant or waiver requires a contract between the City and the applicant.

Retail Sales Tax Grants

By contract, the City may provide an incentive consisting of an annual grant through a tax rebate, based on a percentage of the sales and use tax received by the City from the sale of taxable items by the applicant. The City is authorized by Section 380.001, Texas Local Government Code, to make such grants.

Sales and use tax means the City's one (1) percent sales and use tax on the sale of taxable items by the applicant at the applicant's business location in the City. The applicant by contract will be required to provide a sales tax certificate setting forth the applicant's collection of sales and use tax for the sale of taxable items consummated at the applicant's business location in the City for the previous ending twelve (12) calendar month period, with such supporting documentation as may be required by the City.

The grant would be conditioned on the applicant's continued ownership / occupancy of the project site.

The sales tax grants would be paid in annual installments within ninety (90) days of the end of each twelve (12) calendar month period following the issuance of the certificate of occupancy for the facility, or other commencement date if no certificate of occupancy is required. The grant would not include any of the City sales and use tax receipt from the imposition and collection of sales and use tax for taxable items consummated at any location, business establishment or by any other entity in the City, other than from the applicant's sale of taxable items at the applicant's business location in the city.

Any sales tax grant payable would be limited to the extent that the City has received sales tax from taxable sales by the applicant. The City would not be required to provide any grant for any twelve (12) calendar month period during the term of the agreement for which the City has not received sales tax revenue from taxable sales by the applicant for such twelve (12) calendar month period.

The City's obligation to pay the sales tax grants in the agreement would additionally be conditioned upon the applicant requesting and providing sales tax documentation from the Office of the Comptroller of the State of Texas.

The City may also condition the incentive upon the creation of employment, construction of improvements, certain development, continued operations for a stated period, or other public consideration. Any incentive agreement shall be written in a legally enforceable contract. The contract shall require the

applicant to construct certain improvements or expansions and contain at a minimum the following terms:

1. Generation of a certain level of sales tax;
2. An annual written certification that applicant is in compliance with the agreement;
3. Authority to terminate or modify the agreement if applicant fails to comply with agreement;
4. Minimum term of occupancy or continued operations within the City;
5. Authority/permission for the City to schedule an annual inspection of the business or facility;
6. Annual review of the business entity's financials;
7. Agreement that the applicant will not contest any Tarrant Appraisal District appraisal increases throughout the term of the contract;
8. Claw-back or recapture of any and all rebated grants should the applicant default on any portion of the contract (see Section 5. Recapture).

In the event the applicant files an amended sales and use tax return or report with the State of Texas, or if additional sales and use tax is due and owing, as determined by the State of Texas, affecting sales tax receipts for a previous twelve (12) calendar month period, the sales tax grant payment for the next twelve (12) month calendar period immediately following such State of Texas approved amendment could be adjusted accordingly; provided that the City has received sales tax receipts attributed to such adjustment. As a condition precedent to payment of such adjustment, the applicant should provide the City with a copy of any such amended sales and use tax report or return, and the approval thereof by the State of Texas.

In the event the State of Texas determines that the City erroneously received sales tax receipts, or that the amount of sales and use tax paid to the City exceeds the correct amount of sales and use tax for a previous twelve (12) calendar month period for which the applicant has received a sales tax grant, the applicant will be required within thirty (30) days after receipt of notification thereof, from the City, specifying the amount by which such sales tax grant exceeds the amount to which the applicant was entitled pursuant to such State of Texas determination, repay such amount to the City.

TIF Grants

By contract (as authorized by Chapter 312 of the Texas Local Government Code), the City may provide an incentive consisting of a Tax Increment Financing (TIF) Grant. The Economic Development TIF Grant Program has the purpose of benefiting the City, its residents, and property owners.

The objectives of the Economic Development TIF Grant Program are to promote within the TIF:

- 1) development and diversification of the economy;
- 2) elimination of unemployment and underemployment; and
- 3) development and expansion of commerce.

These objectives will be achieved by making grants and loans from the Tax Increment Fund of the TIF in an aggregate amount not to exceed the amount of tax increment produced by the City and paid into the TIF fund for activities that benefit the TIF and stimulate business and commercial activity within the TIF.

The City is authorized by Texas Local Government Code §380.001 to provide economic development grants to promote local economic development and to stimulate business and commercial activity in the City. The City Council shall make the final determination of all grant award amounts and awardées. The City Council shall also authorize by resolution, any development agreement entered into by the TIF board.

Nothing contained herein shall obligate the TIF Board or the City Council to provide grant awards, as this Economic Development TIF Grant Program does not constitute an entitlement.

Infrastructure Participation and Waiver of Fees

The City of Colleyville may agree to partial or complete cost participation for the extension, construction, or reconstruction of infrastructure necessary for the development of an economic development applicant's project. In addition, the City Council may approve the waiver of fees for, but not limited to, building permit applicants, utility taps, and similar fees.

Matching Grants

In accordance with the City Council's strategic initiatives plan, the City of Colleyville will also consider providing matching grants of up to \$30,000 for any and only one of the following types of investments through a public/private, cost-sharing program:

1. Façade improvements—Existing building façade improvements that meet the following criteria:
 - Proposed improvements must exceed City's minimum rating criteria for commercial building designs;

- Proposed improvements must be reviewed and approved by an Architectural Review Commission.
2. Signage removal and replacement—Assistance with pole sign removal and/or replacement as landscaped monument signs or landmark signs (if applicant meets the City's square footage requirement); signage plan must meet the following criteria:
 - Proposed signage removal and replacement must meet all the current requirements of the City's Land Development Code and be reviewed and approved by an Architectural Review Commission.
 3. Joint access easements between adjoining businesses of any type located along Colleyville Boulevard (i.e. toward paving costs associated with construction of new access easements).
 4. Tenant improvements for destination restaurants and retailers—Restaurants or retailers interested in applying for a matching grant for tenant improvements must not be presently located in Colleyville or any immediately adjacent city, if new, and not replicated in any adjacent city if existing; moreover, applicants must show that they will attract residents of other, neighboring communities (in addition to Colleyville residents).

Matching grants for this purpose are designed to help stimulate redevelopment and development (i.e. tenant finish out) of spaces to accommodate these types of restaurants and retailers, providing a way to attract diners, shoppers, and expenditures from other parts of our region, from even outside the region and to reduce existing leakage within the region. Those associated expenditures become additional revenues to Colleyville's businesses, wages to the employees, and tax receipts to the City.

By definition, a destination restaurant or retailer is a dining or shopping establishment that is unique to the City's primary trade area, as delineated by the Colleyville Merchandising Plan.

As it relates to the idea of "destination" restaurants and retailers, Wikipedia defines a destination restaurant as "one that has a strong enough appeal to draw customers from beyond its community."

Prentice-Hall's On-line Glossary notes that a destination retailer is "A retailer to whom consumers will make a special shopping trip." And BusinessDirectory.com adds that it is a "Popular retailer (catalog, store,

or website) from whom customers, attracted by its ambience, price, and/or variety, will make a special effort to buy.”

To qualify for matching grant consideration under Matching Grant Program category 4, applicants must illustrate their proposed restaurant or retail establishment:

- 1) Will be unique to Colleyville’s primary retail market;
- 2) Is investing a minimum of twice the amount of sought for interior tenant improvements (qualifying as real property improvements that will remain with the building in a worst case scenario), and exclusive of any equipment or fixtures (i.e. personal property which could be removed and sold on the secondary market, again in a worst case scenario).

All applications for Matching Grants associated with a new or relocating business venture occupying an existing building must also submit a written business plan for review and comment by the City’s SCORE business counseling office.

When considering applications for Matching Grants, highest priority will be given to:

1. Applicants whose property is located on or adjacent to Colleyville Boulevard (SH26). Not all projects submitted for City Council consideration have the same merit; therefore there is no guarantee that a grant will be awarded to each applicant.
2. Applicants that generate or which has signed, contingent leases with a tenant or tenants that generate sales tax revenues.

Please note, City Council will not consider applications for the same address of a previous grant recipient unless the time period of the first grant has expired, all of the original criteria have been met, and the property ownership has changed.

As identified by the Architectural Review Commission, projects having the greatest aesthetic impact in the City should likewise be given priority. In evaluating applications, they have recommended that Colleyville focus on and seek the following:

1. Projects that will encourage other restoration or redevelopment in the local proximity.
2. Projects where an immediate renovation will stop serious deterioration of the building’s facade.

3. Projects that improve the architectural integrity of the building façade.
4. Projects that demonstrate collaboration with adjacent properties and will help to attract people to Colleyville.
5. Projects that will result in new or increased property values or the generation of either sales or occupancy tax revenues for the City.
6. Projects which are strategically located.
7. Projects that may have a positive impact on existing, adjacent properties.

In addition, proposed projects will be reviewed and based on the merits of individual applications. Individuals contemplating an application to the City's Matching Grant Program should note that general building maintenance is not eligible under this program. All applicants will be considered on a case-by-case basis.

Matching Grant incentives approved for the first three categories will consist of cash payments payable upon successful completion and inspection of all facility improvements or redevelopment, as outlined in an incentive agreement to be entered into between the City and the owner of the facility or facilities to receive the grant. If the City chooses to utilize the Matching Grant program for one of the first three categories of improvements, the City may elect to make a grant in an amount up to 50% of the cost of improvement, not to exceed \$30,000 per improvement, with a minimum business investment of \$15,000.

Matching Grant incentives approved for the fourth category will be paid out, likewise as outlined in an incentive agreement to be entered into between the City and the owner of the facility or facilities to receive the grant, in two equal payments within the first two years of operation (i.e. one half after improvements have been inspected and the business opens its doors and the other one half after completion of one year of operation).

Forgivable Loans

The City of Colleyville will consider providing destination restaurants or retailers (again, ones that have "a strong enough appeal to draw customers from beyond" our community or "to whom consumers will make a special shopping trip") with forgivable loans of up to an amount negotiated by the City Council, in which the restaurant or retailer is forgiven a portion of its loan for each year it is open and operates. Any loan approved under this program shall be forgiven 20% each year for up to 5 years. Thus for example, if City Council approves a forgivable loan amount of \$100,000, it is to be forgiven in annual increments of 20% or \$20,000, beginning one year after the issuance of a certificate of occupancy. The entire loan amount may be recaptured by

the City, should the restaurant or retailer suspend operations at any time within 5 years following the issuance of a certificate of occupancy.

Non-Cash Incentives

The City of Colleyville will also consider providing non-cash incentives (primarily procedural in nature) for stimulation of development and redevelopment. Such incentives include:

1. Signage and intersection improvements already funded within the CIP;
2. Fast-track planning, plans review, and permitting; as staff work level allows;
3. Dedicated inspections;
4. Corporate relocation assistance for employees and their families;
5. Employee recruitment and training, as funded through State of Texas grant programs and Tarrant County College;
6. Possible access to community bank lending through the City's CDARS program;
7. Recreational opportunities;
8. Business promotion and assistance;
9. Assistance with demolition of existing structures for redevelopment and new investment.

Public Improvement Districts

The City of Colleyville is also willing to consider the creation of Public Improvement Districts (PIDs). Public Improvement Districts may be created by a municipality at the request or with the consent of property owners. PIDs allow for the levy of voluntary assessments and the issuance of tax exempt bonds. Funds collected through PIDs and any associated bonds may be used for capital improvement projects and maintenance within the geographic area.

Section 5. Recapture

All incentive agreements shall include a provision allowing City staff access to the applicant's business and/or facilities for an annual inspection, so the City may monitor and enforce accountability. In the event a business receiving incentives from the City of Colleyville fails to perform under the agreement executed between the City and the business, the incentive obligation on the part of the City will be void. Any incentive paid to the business up to the point of failure shall be returned to the City of Colleyville in full. All incentive agreements will be negotiated and executed to include claw-back provisions.

Section 6. Procedural Guidelines

Any person, organization or corporation desiring that the City of Colleyville consider providing economic development incentives to encourage location or expansion of operations within the City limits of Colleyville shall be required to comply with the following procedural guidelines. Nothing within these guidelines shall imply or suggest that Colleyville is under any obligation to provide incentives of any amount or value to any applicant.

Preliminary Application Steps

1. Applicant shall complete an "Application for Economic Development Incentive" as provided by the City.
2. Applicant shall address all criteria questions outlined in Section 2. above directly on the application form and in letter format, if additional explanation and information are necessary.
3. Applicant shall prepare a plat showing the precise location of the property, all roadways within 200 feet of the site, and all existing land uses and zoning within 200 feet of the site. If the property is described by metes and bounds, then the applicant shall also provide a complete legal description.
4. Applicant shall present the application to the Director of Economic Development and obtain his/her signature that the package is complete before formal submission to the City.

Applicant shall complete all forms and information detailed in items 1 through 3 above and submit them to the Director of Economic Development, City of Colleyville, 100 Main Street, Colleyville, Texas 76034.

Application Review Steps

1. All information in the application package detailed above will be reviewed for completeness and accuracy. Additional information may be requested as needed.
2. The application will be distributed to the appropriate City departments for internal review and comments. Additional information may be requested as needed.
3. Copies of the complete application package and staff comments will be provided to the City Council.
4. In light of the proprietary nature of this data, all information included within the application shall remain confidential unless and until formal action is taken to establish an incentive agreement.

Consideration of the Application

The City Council will consider the application at a regular or called meeting(s). State law stipulates that incentives need to be endorsed by a local governing body. Therefore, additional information may be requested as needed.

The City Council of Colleyville may consider a resolution calling a public hearing to consider establishment of a tax reinvestment or redevelopment zone or other zone designation as deemed appropriate.

The Colleyville City Council shall hold a public hearing and determine whether the project is "feasible and practical" and whether it "would be of benefit to the land to be included in the zone and to the municipality."

The City Council of Colleyville may consider adoption of an ordinance or resolution, as deemed appropriate, designating the area described in the legal description of the proposed project.

The City Council may consider adoption of a resolution approving the terms and conditions of a contract between the City and the applicant governing the provision of the economic development incentives.

If the City Council chooses to grant a tax abatement, the City must designate an area as a reinvestment zone. Any City designating a reinvestment zone must make two findings:

1. Proposed improvements are feasible and practical and would benefit the zone; and
2. The zone meets one of the eligible criteria for reinvestment zones. The City's criterion include:
 - 1) whether the proposed project within the zone is likely to contribute to the retention or expansion of primary employment, or
 - 2) to attract investment within the zone.



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-4

Agenda Date 11/01/2016

Type Pre Council

Department City Manager

Title

Discussion of dates for future City Council worksessions

Strategy Map Connection

B4- Cultivate a culture of transparency and consistent communication

Explanation

The purpose of this item is to discuss dates for future City Council worksessions. The worksession topics include the Comprehensive Plan, Glade Road follow up, and Stormwater/Drainage.

Potential dates for the Comprehensive Plan worksession:

Tuesday, November 29th
Wednesday, November 30th
Thursday, December 1st
Monday, December 5th
Wednesday, December 7th
Thursday, December 8th
Wednesday, December 14th
Monday, December 19th
Wednesday, December 21st
Thursday, December 22nd
Wednesday, January 4th
Thursday, January 5th
Wednesday, January 11th
Thursday, January 12th
Wednesday, January 18th
Thursday, January 19th
Monday, January 23rd
Tuesday, January 24th
Wednesday, January 25th
Thursday, January 26th
Monday, January 30th
Tuesday, January 31st

Potential dates for the Glade Road worksession:

Wednesday, January 18th
Thursday, January 19th

Monday, January 23rd
Tuesday, January 24th (consultant preferred date)
Wednesday, January 25th
Monday, January 30th
Wednesday, February 1st
Thursday, February 2nd
Monday, February 6th
Wednesday, February 8th
Thursday, February 9th

Potential dates for the Stormwater/Drainage worksession:

Thursday, December 1st
Monday, December 5th
Wednesday, December 7th
Thursday, December 8th
Monday, December 12th
Tuesday, December 13th
Wednesday, December 14th
Thursday, December 15th
Monday, December 19th
Wednesday, December 21st
Wednesday, January 4th
Thursday, January 5th
Monday, January 9th
Tuesday, January 10th
Wednesday, January 11th
Thursday, January 12th
Wednesday, January 18th
Thursday, January 19th
Monday, January 23rd
Tuesday, January 24th
Wednesday, January 25th
Monday, January 30th
Tuesday, January 31st
Wednesday, February 1st
Thursday, February 2nd
Monday, February 6th
Wednesday, February 8th
Thursday, February 9th

Staff is prepared to have a training session on the voting software prior to the November 15, 2016 worksession, unless City Council prefers to hold a stand-alone worksession.

In addition, Mayor Newton has proposed the City Council convene in a daytime

workshop setting to devote time and thought to a wide ranging conversation about the future direction of the City of Colleyville. It has been more than two years since the City's Strategy Map was adopted and the key objectives of a City Council visioning workshop include the following:

- Continue the process of collaboration and understanding among members of the City Council and senior staff.
- Develop and document a common understanding of the City Council's future vision for the community.
- Review and refine, as necessary, the City's statements of vision and mission.
- Identify important shared norms and values to guide municipal operations and service delivery.
- Identify, define and prioritize a set of specific and measurable strategic goals and/or focus areas, consistent with the agreed vision and mission.

This City Council Strategic Visioning Worksession (9:00 a.m. to 5:00 p.m.) is planned to be held at The Marq in Southlake; possible dates include:

Friday, December 2nd
Friday, December 16th
Thursday, January 5th
Friday, January 6th
Thursday, January 12th
Friday, January 13th

Attachments



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-5

Agenda Date 11/01/2016

Type Pre Council

Department City Secretary

Title

Discussion of the November 1, 2016, City Council regular agenda items



City of Colleyville City Council Agenda Briefing

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

Agenda Number 1

Agenda Date 11/01/2016

Type Executive Session

Department City Secretary

Title

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

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

Attachments

RESOLUTION R-16-4049

A RESOLUTION APPROVING COUNCIL ACTION REGARDING
EXECUTIVE SESSION ITEMS AT THE
REGULAR CITY COUNCIL MEETING OF NOVEMBER 1, 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 1ST DAY OF NOVEMBER 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

RESOLUTION R-16-4050

A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
NOVEMBER 1, 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 Joint City Council and Water and
Wastewater Rate Advisory Committee Worksession of October
18, 2016
- b. Approval of the minutes of the regular City Council meeting of
October 18, 2016

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS
ON THIS THE 1ST DAY OF NOVEMBER 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
Joint City Council and
Water and Wastewater
Rate Advisory Committee
Worksession
Minutes - Draft

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

Tuesday, October 18, 2016
5:00 p.m.

Executive Conference Room
Third Floor – City Hall

Mayor Richard Newton called the Joint City Council and Water and Wastewater Rate Advisory Committee Worksession to order on Tuesday, October 18, 2016, at 5:01 p.m.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Chris Putnam, and Councilmembers Tammy Nakamura, Bobby Lindamood, Jody Short, Nancy Coplen and Mike Taylor. Water and Wastewater Rate Committee Chair Susan Mathisen, Vice Chair Gerald Gibson, and Committee members Raymond Allee, George Dodson, James Dove, Jeff Gilstrap, Joe Moore, Tim Raine, and Samuel van Bever

Absent: Councilmember Tammy Nakamura, Committee member Thomas Bauch and Jeff Pistor

City Manager Jennifer Fadden, Deputy City Manager Chris Fuller, Fire Chief Brian Riley, Police Services Lieutenant Hillary Wreay, Chief Financial Officer Brian Hogan, Human Resources Director Rachel Huitt, Public Works Director Jeremy Hutt, City Engineer Cheryl Taylor, Community Development Director Ben Bryner, Recreation and Library Director Mary Rodne, Accounting Manager Karen Hines, Parks Manager Heather Dowell, Information Systems Manager Chris Pena, and City Secretary Amy Shelley were also present.

1. APPROVAL OF MINUTES
October 12, 2016

Committee member Moore made a motion to approve the October 12, 2106 Water and Wastewater Advisory Committee minutes. Committee member Dodson seconded the motion.

The motion to approve carried by the following vote:

Aye: 9 – Chair Mathisen, Vice Chair Gibson, Committee members Allee, Dodson, Dove, Gilstrap, Moore, Raine, and van Bever

Absent: 2 – Committee members Bauch and Pistor

2. PRESENTATION AND DISCUSSION

2a Presentation of the Water and Wastewater Rate Advisory Committee
Recommendations

Committee member Jeff Pistor was present for this portion of the worksession.

Chair Susan Mathisen presented the recommendations of the Water and Wastewater Rate Advisory Committee to the City Council and answered questions.

Mayor Newton expressed his appreciation to the members for their work and service on this committee.

Councilmember Coplen asked the committee about why they are not recommending incurring the costs for capital improvements at a small rate now versus four years from now. Vice Chair Gibson replied looking at the capital improvement costs and budget was not their charge nor to recommend a rate which could change City policy.

Committee member Raine added the discussion did evolve into the charge of the committee, but it was not to determine the appropriateness and accuracy estimates of the ongoing capital improvement projects; however, City Council can add those back in, if they deem it necessary.

Committee member Dodson added the model can be easily modified now, but it was not for the committee to decide policy. Committee member Raine also added the committee could not evaluate those projects, nor determine how much money should accumulate based on the schedule.

Committee member Pistor added the committee realized there was a fund there to do capital improvements projects, but to cover the base costs for transparency was the priority. He stated right now there is an opportunity to use a part the excess Utility Reserves (Fund Balance), over time. He stated the committee did discuss leaving something in there, but right now it would be funding something that is an unknown. He stated using the excess reserves now, and the estimate was about \$2 million a year or so, and with ongoing maintenance pieces, but the mechanism is in place to budget for those capital projects.

Committee member Allee added it would be easy to add the capital improvement fund on the water bill. He stated you may want to spend down the reserve fund, then in 2019 add to the budget a line item, maybe a certain percent per gallon or thousand gallons, but it could be structured many different ways, you can add the line item that is transparent, while not varying in the water volumetric/usage rate or the base rate.

Chair Mathisen stated there are investments in the Utility Fund and a part of them are to be set aside for impact fee related projects, but that represents only about half of the investment account, the rest is available for any use within the Utility Fund. She stated there is \$7.6 million in this investment account. Some of these investments come from impact fees received and the rest is from excess utility revenues. These funds are all available for capital improvement projects. She stated that it is up to City Council to modify the rates as necessary.

Chair Mathisen stated it would be a good discussion by City Council as a whole as to what that Utility Reserve balance should be, in addition to the reserve. She stated the committee did not have a parameter for that fund, only what the base and volumetric charges should be to achieve full cost recovery.

Mayor Pro Tem Putnam stated he was trying to map the \$11.2 million back to the original budget discussion but still does not understand which fund it sits in. Mayor Newton stated it is on the balance sheet. Chair Mathisen stated she attempted to reconcile this but there are a couple of pieces she did not have. She stated she looked at the full fund balance as reported on the financial statements and tried to reconcile it to that on the budget and could not reconcile it. Maybe it was because she did not know what the impact fees and expenditures were historically and then for 2016. She stated it will be important for someone to try to figure out what the fund balance is.

Councilmember Taylor asked Chair Mathisen if she contacted staff with her questions. Chair Mathisen replied yes, her issue was that she did not know all the questions to ask initially. Answers provided led to more questions. It was unclear what was being included in the fund balance. She stated she has not had a chance to look at the impact fees to get through her reconciliation process.

Discussion ensued about City Council's responsibility to look at the model, in the future, and determine whether or not rates will need to be adjusted to meet capital improvement projects.

Vice Chair Gibson stated this plan is much simpler to explain to the general public, and that this meets the objectives of the committee.

Mayor Newton also expressed his appreciation to staff and their support provided to the committee.

Councilmember Taylor asked staff if the line items will work on the utility bill. Chief Financial Officer Brian Hogan replied staff will work with the programmer to make sure the items are clear on the bill.

Councilmember Short stated the reserve balance conversation needs to happen sooner rather than later.

Mayor Pro Tem Putnam asked Mayor Newton if it is the policy to spend down the existing budget. Mayor Newton replied he calls it policy, but that has been the practice, and there has been no discussion to change it.

Councilmember Short asked the committee about recommendation number 5 and why conservation measures were not recommended by the consultant. Committee member Raine stated conservation was discussed and it was explained that even as it was structured with the tiered rates, there was no change in the volumetric use.

Committee member Allee stated looking at a conservation plan is a bigger picture to study, which was outside the scope of the committee, but there was a discussion about it and how it could be done.

Committee member Moore stated it is an educational component, conservation does work, and to set that rate to the elasticity of the rate is there; however, the committee just could not get to it.

Councilmember Short stated the watering restrictions were in place for a long period of time, and when the watering restrictions were lifted, it had stopped raining. He stated he began to water more and with that, his water bill went up. He stated he then changed his habits to control the increase in his bill.

Councilmember Taylor stated he believed it could be line itemed on the bill similar to the tiered rates.

Mayor Pro Tem Putnam stated this is great in terms of solving the Colleyville end of it, but he stated he still refuses to accept that accepting rate increases from TRA on an annual basis is an acceptable answer, that we cannot sustain. He stated we should pursue other forms of water resources. He asked Mayor Newton if a committee could be formed to and be tasked with looking at other options. Mayor Newton replied there are options and if we can reduce Colleyville's percentage of water usage, then we can reduce Colleyville's portion of the debt.

Councilmember Taylor asked Chair Mathisen about the recommendation of the City now paying for water and wastewater through the government fund. Chair Mathisen replied there are meters that the City uses for parks and City facilities etc., about 79 meters. She stated that water usage is tracked and monitored but not being billed. If the usage was billed, about \$188,000, would be due to the Utility Fund from the General Fund. She stated the Utility Fund is an enterprise

fund. All of the income and expenses of an enterprise fund should be reflected within itself. That is currently not happening. She stated there are shared services and those expenses should be allocated proportionally through the Utility Fund in order to promote true transparency.

Mayor Newton stated for this year it is virtually a wash, but for next year, the budget will reflect those shared services and expenses being used in both the General Fund and the Utility Fund.

3. ADJOURNMENT

There being no further business before the City Council and committee the worksession was adjourned at 6:28 p.m.

APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE 1ST DAY OF NOVEMBER 2016.

Minutes taken and prepared by:

Amy Shelley, TRMC
City Secretary



City of Colleyville City Council Minutes - Draft

City Hall
100 Main Street
Colleyville, Texas 76034
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Tuesday, October 18, 2016

City Council Chambers

Mayor Richard Newton called the Executive Session of the Colleyville City Council to order on Tuesday, October 18, 2016, at 6:32 p.m.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Chris Putnam, and Councilmembers Bobby Lindamood, Jody Short, Nancy Coplen and Mike Taylor.

Absent: Councilmember Tammy Nakamura

City Manager Jennifer Fadden, Deputy City Manager Chris Fuller, Police Services Lieutenant Hillary Wreay, Fire Chief Brian Riley, Assistant Police Chief Robert Hinton, Chief Financial Officer Brian Hogan, Human Resources Director Rachel Huitt, Public Works Director Jeremy Hutt, City Engineer Cheryl Taylor, Community Development Director Ben Bryner, Principal Planner Shane Pace, Recreation and Library Director Mary Rodne, Accounting Manager Karen Hines, Parks Manager Heather Dowell, Information Systems Manager Chris Pena, Assistant City Attorney Ben Stool, and City Secretary Amy Shelley.

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

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

Section 551.071 - Legal - Consultation with 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

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. The executive session was adjourned at 6:40 p.m.

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

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

Mayor Richard Newton called the regular meeting of the Colleyville City Council to order on Tuesday, October 18, 2016, at 7:30 p.m.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Chris Putnam, and Councilmembers Bobby Lindamood, Jody Short, Nancy Coplen and Mike Taylor.

Absent: Councilmember Tammy Nakamura

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

Mayor Newton read Resolution R-16-4043 in its entirety.

Councilmember Taylor expressed his appreciation to the current attorney firm and their service to the City of Colleyville. Mayor Newton agreed.

Mayor Newton opened the public hearing at 7:34 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 7:34 p.m.

Councilmember Taylor made a motion to approve Resolution R-16-4043 and Councilmember Lindamood seconded the motion.

The motion carried with the following vote:

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

Absent: 1 – Councilmember Tammy Nakamura

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Announcements of civic and charitable events

Presentation of calendar events and updates

Announcements of awards and recognition

Mayor Newton stated the Olympian Homecoming reception was a success, and that both Olympians are outstanding people.

Councilmember Coplen expressed her appreciation to Communications and Marketing Coordinator Dustin Dangli for his efforts in putting together the ceremony.

Councilmember Coplen announced that early voting begins next Monday, October 24, 2016.

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

Tommy Clark, Atmos Energy Operations Supervisor, presented a check to the Colleyville Fire Department in recognition of the partnership established between the Department and Atmos Engery. Mr. Clark stated the fire department is very helpful to Atmos, providing safety and security, especially during line locates and repair.

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

Mayor Newton and Fire Chief Brian Riley presented Emergency Management Coordinator Kenny Phillips with the Safe Kids Tarrant County Outstanding Community Partner Award in recognition of the Fire Department's Drowning Prevention program.

In recognition of Colleyville's Featured Business of the Month - Village Lane Apothecary, 60 Village Lane, Store Manager Sarah Pruett - Mayor Richard Newton

Mayor Newton recognized Village Lane Apothecary as the featured business and welcomed Sarah Pruett, store manager.

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

Mayor Newton read Resolution R-16-4044 in its entirety.

Mayor Newton explained two paragraphs he would like added to the October 3, 2016 meeting minutes: page 3, the last paragraph of discussion W-1: "Mayor Newton indicated agreement with staff that there are issues with the current tree preservation ordinance, and that revisions are in order to address these issues."

Add this as the last paragraph, page 4, after discussion of W-2: "There was general agreement that any change could be made within 30 days, and that was sufficient to address issues as they arose."

Public Works Director Jeremy Hutt presented and briefed the City Council relative to item 4b.

Library and Recreation Director Mary Rodne presented and briefed the City Council relative to item 4c.

Human Resources Director Rachel Huitt presented and briefed the City Council relative to item 4d.

Mayor Newton opened the public hearing at 8:00 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 8:00 p.m.

Councilmember Taylor made a motion to approve Resolution R-16-4044 with the amendment to the meeting minutes. Councilmember Short seconded the motion.

The motion carried with the following vote:

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

Absent: 1 – Councilmember Tammy Nakamura

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

Mayor Newton recused himself from this item.

Mayor Pro Tem Putnam read the caption of Ordinance O-16-1993.

Mayor Pro Tem Putnam stated the applicant wished to withdraw the request.

Councilmember Taylor made a motion to remove Ordinance O-16-1993 from the agenda without prejudice. Councilmember Coplen seconded the motion.

The motion carried with the following vote:

Aye: 5 – Mayor Pro Tem Chris Putnam, and Councilmembers Bobby Lindamood, Jody Short, Nancy Coplen, and Mike Taylor

Absent: 1 – Councilmember Tammy Nakamura

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 read the caption of Ordinance O-16-1994.

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

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

Mayor Newton asked Mr. Assad why RE-Residential Estate zoning was not considered for the 2.5 acre lot. Mr. Assad replied it is all one subdivision and the main reason it is 2.5 acres is because of the pond. He stated they do not want to encroach on the pond with a house.

Mayor Newton asked Mr. Assad if the pond will remain. Mr. Assad replied yes.

Councilmember Taylor asked Mr. Assad if the existing drainage easement across the property will remain. Mr. Assad replied yes, and it includes the pond area.

Mayor Newton asked Mr. Assad about the lines going through the conceptual zoning exhibit. Mr. Assad replied those are utility and drainage easements noted by the lines per the previous plat.

Councilmember Taylor asked Mr. Assad about the relationship with Councilmember Lindamood and this project. Mr. Assad replied this is not the property in which he is doing work, it is an address in North Richland Hills.

Mayor Newton opened the public hearing at 8:08 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 8:08 p.m.

Mayor Pro Tem Putnam stated this is an ideal use for this property and glad to see it is being developed the way it is. Councilmember Lindamood concurred.

Councilmember Taylor made a motion to approve Ordinance O-16-1994 and Mayor Pro Tem Putnam seconded the motion.

The motion carried with the following vote:

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

Absent: 1 – Councilmember Tammy Nakamura

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 Bryner presented this item and briefed the City Council.

Mayor Newton opened the public hearing at 8:11 p.m.

Janet Suedmeier, 2301 Mulberry Court, spoke neutral about this request, but stated having a concern about the 12 very mature live oak trees along the subject property line and her property line. She stated she would like for the trees to be identified as protected, but the tree protection ordinance does not address this.

There were no others present wishing to speak and Mayor Newton closed the public hearing at 8:13 p.m.

Skip Blake, Blake Architects, 1202 South White Chapel, Southlake, stated they are staying way off of the property line for the construction of the new home. Director Bryner concurred, the house will be placed 60 feet from the rear property line.

Councilmember Taylor stated a hard surface such as concrete could go beyond the building line, but not a structure. Mr. Blake agreed.

Mayor Newton asked staff if there is anything in the tree preservation ordinance to address this. Director Bryner replied the requirement is to survey existing trees on the subject property, and at the same time, they would not be able to touch the other trees, other than trim limbs. Mayor Newton stated it is really about the root system.

Councilmember Lindamood asked Mayor Newton if City Council could just ask the builder to put up the safety fencing around the trees to give the neighbor some assurances that there would be no equipment in those areas. Mayor Newton replied yes.

Cary Hy, 3501 Emerald Court, Grapevine, the homebuilder, stated there is a 25 foot building line, and if the City Council would like, they can provide tree protection on the property line with no problem.

Councilmember Lindamood suggested to at least follow the drip line to provide a boundary in which the construction workers will not park their vehicles. Mr. Hy agreed.

Tom McCurry, 5110 Old Oak Lane, Colleyville, the property owner, stated his passion is landscaping, and they plan to work with the Suedmeiers and the trees.

Ms. Suedmeier stated having a concern of other buildings being built, maybe not now but in the future, and how the water is going to drain from the property.

Mayor Newton asked staff about the direction of drainage. Director Bryner replied the property drains to the west toward the street. Mr. Hy stated the front part of the lot flows to the west; however, half way into the lot, it flows to the southeast corner, and there is a drainage easement.

Mayor Newton asked staff about the difference in the lot coverage percentage between R40 and R30 zoning. Director Bryner replied for R40, 20 percent is allowed, and for R30, 25 percent is allowed. He added currently the site plan is at 24 percent of lot coverage.

Councilmember Taylor made a motion to approve Ordinance O-16-1995 and Councilmember Short seconded the motion.

The motion carried with the following vote:

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

Absent: 1 – Councilmember Tammy Nakamura

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

Mayor Newton read Resolution R-16-4045 in its entirety.

Director of Public Works Jeremy Hutt presented this item and briefed the City Council.

Mayor Newton asked staff how they knew the line was to be taken to the edge of the development. Director Hutt replied the water line extensions were on the original plans for the Woodland Hills development and the valves were installed, but the lines were not stubbed out sufficiently to reach the limits of the subject property.

Mayor Newton asked staff if everything is done properly in terms of the installation and design, but the developer made the decision to proceed without the approval of the City. Director Hutt replied correct.

Mayor Newton asked staff if the developer was given any assurances the City would reimburse the costs. Director Hutt replied no, the developer was informed a City Developer Agreement would be required and would also require City Council approval.

Councilmember Taylor asked staff if the waterline was built to specs and inspected by City staff. Director Hutt replied yes, it met all regulations and was incorporated into the public improvements for the development.

Councilmember Taylor asked staff at what time the deficiencies were found. Director Hutt replied it was originally discovered in late 2015.

Councilmember Taylor asked staff if the developer was told he could put in the waterline, but a reimbursement could not be approved, at that time. Director Hutt replied when the developer requested assistance from the City, staff researched and confirmed the waterline did not exist, and in those discussions, the developer was informed any assistance from the City would require a City Developer Agreement approved by City Council.

Councilmember Taylor asked staff if the developer would have been able to do this project without the tie-in at either location. Director Hutt replied not with the original design, the line would need to be looped.

Councilmember Taylor asked staff if the plans were approved based on the stub-out being there. Director Hutt replied correct, based on the infrastructure staff believed was there.

Councilmember Taylor asked staff if the stub-out helps to loop out the water system. Director Hutt replied correct.

Brett Pedigo, applicant, presented this item and briefed the City Council.

Mayor Newton asked Mr. Pedigo did you understand there were risks of getting a reimbursement when making the decision to proceed. Mr. Pedigo replied he understood there would be an agreement that would need to be put together and that would need to come before City Council, not that there would be a risk that it would not be reimbursed. He added the plans for the development were approved, this was beyond our original plans.

Mayor Newton asked Mr. Pedigo what the impact would have been to the development if he had chosen not to do this. Mr. Pedigo replied a waterline would have been looped back around into an existing water line on the cul-de-sac, and not made the connection through the Woodland Hills addition.

Mayor Newton asked Mr. Pedigo if there were other things he could have worked on in the development had he waited for the City to install the waterline. Mr.

Pedigo replied he would not have waited, he would have just built his approved plans. He added there was a three to four month delay in order to facilitate the timing of the bids to get the additional work done.

Councilmember Taylor asked staff if these prices are in-line per his approved plans, in order to loop the existing water system. Director Hutt replied the prices are very reasonable, and staff worked very closely with the developer. He stated if we had had to bid them, we would have incurred engineering costs associated with the project; however, the developer used his engineers which he already had on the project.

Mayor Pro Tem Putnam asked Mr. Pedigo what other projects in Colleyville has he ran into issues. Mr. Pedigo replied the Preservation development had drainage issues that were left by the previous developer. He stated they made some improvements which were actually on the other side of their property line.

Councilmember Lindamood asked Mr. Pedigo how he helped the people on the other side of the Preservation development. Mr. Pedigo replied they were still having issues with drainage, but when they researched the situation, there were tree roots growing through the late Ms. Sage's drainage system. He stated they finally figured out the problem and they re-installed the drainage system line away from the trees to get it back to functioning for about four property owners.

Councilmember Lindamood asked Mr. Pedigo if staff had suggested going before City Council prior to the installment of the waterline, given that City Council meets every two weeks. Mr. Pedigo replied that was not suggested at the time, the suggestion was to ensure the bid process was done properly, just as a public improvement would have to be bid. He stated we were told to make sure the pricing was in line with everything else, like a straight pass through on costs. He added there were other costs incurred that were not put in the reimbursement request.

Councilmember Lindamood asked Mr. Pedigo when the work was done. Mr. Pedigo replied he believed it was April or May of this year.

Mayor Pro Tem Putnam stated not being in favor of this request, given the issues with the Preservation development. Councilmember Lindamood stated he is still visiting with the homeowners adjacent to the Preservation development about drainage issues.

Mayor Newton stated he views this as a learning experience, and stated he now supports this request, but only because he believes the process could be done differently in the future and that he believes in this developer.

Councilmember Short stated he appreciates the developer being mindful and saving money on the project.

Councilmember Taylor stated he appreciates the developer working with staff on the project and that they were mindful of the costs. He stated he has also spoke with the homeowners adjacent to the Preservation development about their drainage issues.

Councilmember Coplen agreed, and stated if City Council needs to meet for an emergency situation, a meeting can be called to take care of business.

Mayor Newton opened the public hearing at 9:06 p.m.

Kathy Hadley, 204 Timberline Drive North, stated having a concern about the muddy pond at the Preservation development. She stated being curious about how much money the City has spent in fixing this pond. She stated she would like to see some landscaping around the pond to make it look nice.

There were no others wishing to speak and Mayor Newton closed the public hearing at 9:08 p.m.

Councilmember Taylor made a motion to approve Resolution R-16-4045 and Councilmember Short seconded the motion.

Councilmember Lindamood stated because of the pricing of the project, he supports the request.

The motion carried with the following vote:

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

Absent: 1 – Councilmember Tammy Nakamura

- 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

Mayor Newton read Resolution R-16-4046 in its entirety.

Director of Public Works Jeremy Hutt presented this item and briefed the City Council.

Mayor Newton asked staff if the drainage work is in addition to the waterline. Director Hutt replied it is a combination of both. He stated as a result of the

waterline being built in the parkway and with the layout of the parkway, the addition of a 24 inch storm drain along that to take some of the water underground was a request by the City to incorporate and clean up some of the parkway.

Mayor Newton asked staff what is the benefit to the City. Director Hutt replied it is a matter of extending an existing storm drain from the Woodland Hills development and will take the water underground to alleviate a maintenance issue.

Mayor Newton asked staff if the storm drain is on the Woodland Hills development or the Creekside development. Director Hutt replied it is on both.

Mayor Newton asked staff if this will raise the depth of the ditch. Director Hutt replied correct.

Councilmember Taylor asked staff if the City actually owned that property at the time this was discussed. Director Hutt replied this is actually further west from the corner.

Mayor Newton asked staff why there are two different agreements. Director Hutt replied there are two different development groups that Mr. Pedigo represents.

Mayor Newton asked Mr. Pedigo about the difference in the agreements. Mr. Pedigo replied there are two different builders in two separate areas of the Creekside development, but he is representing both.

Mayor Pro Tem Putnam asked Mr. Pedigo who is the builder. Mr. Pedigo replied Mainvue, TX has the two model homes and M/I Homes is right off of Cheek-Sparger Road.

Mayor Newton asked Mr. Pedigo if he is the accountable party. Mr. Pedigo replied yes, and clarified that there are some remedies on the pond at the Preservation.

Mayor Newton opened the public hearing at 9:17 p.m.

Janet Suedemeier, 2301 Mulberry Court, spoke in opposition to this request with a concern for the City to extend warranty services to two different developers and the precedent it sets with future developers.

There were no others wishing to speak and Mayor Newton closed the public hearing at 9:18 p.m.

Mayor Newton stated it was the City's obligation to put in the infrastructure, but in this case the developer chose to put them in instead. He stated in the future, these will be brought forward ahead of time.

Councilmember Taylor made a motion to approve Resolution R-16-4046 and Councilmember Coplen seconded the motion.

Councilmember Taylor stated once the infrastructure is dedicated to the City, it will be the City's responsibility to maintain.

Councilmember Coplen stated homeowners in Woodland Hills have complained about the drainage issues and are glad that they are going to be fixed.

The motion carried with the following vote:

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

Absent: 1 – Councilmember Tammy Nakamura

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

Mayor Newton read Resolution R-16-4047 in its entirety.

Mayor Newton presented this item and briefed the City Council.

Mayor Newton opened the public hearing at 9:23 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 9:23 p.m.

Mayor Newton made a motion to approve Resolution R-16-4047 and Mayor Pro Tem Putnam seconded the motion.

The motion carried with the following vote:

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

Absent: 1 – Councilmember Tammy Nakamura

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

Kathy Hadley, 204 Timberline Drive North, spoke about a pasture having to be mowed because of a code enforcement violation. She stated areas such as this should be allowed to grow wildflowers which is more pleasant to look than dirt.

Stuart Gardner, 6000 Montford Drive, spoke on behalf of the Colleyville Neighborhood Council and handed out their bylaws to City Council. He stated this organization would represent homeowners who are not currently in a homeowners association, and could represent those who are.

David Medlin, 605 Montreux Avenue, spoke about the investment fund in the Utility Fund; a policy about the reserve; adding a line item in the budget for capital improvements; and looking at leadership.

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

There was no discussion of this item.

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

This resolution was not needed.

10. ADJOURNMENT

There being no further business before the City Council, Mayor Newton adjourned the City Council meeting at 9:39 p.m.

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 5a

Agenda Date 11/01/2016

Number Ordinance O-16-1996

Type Ordinance

Department Public Works

Title

An ordinance amending Sections 3A and 3B of the Water and Sewer Policy and Procedure manual as contained in the Code of Ordinances of the City of Colleyville, Texas, by implementing the recommendations of the Water and Wastewater Rate Advisory Committee, and providing for an effective date

Strategy Map Connection

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

Explanation

First Reading and Public Hearing

At the September 6, 2016 City Council meeting, City Council created a citizen ad hoc committee to review water and wastewater utility rates based on a cost of service study conducted by NewGen Strategies & Solutions. The purpose of this ad hoc committee was to review the cost of service study; review options to implement the cost of service; make a recommendation to City Council; and help communicate with and educate the community about utility rates. The ad hoc committee presented a total of five recommendations to the City Council at the October 18, 2016 joint worksession of the Committee and City Council (presentation attached). The proposed ordinance implements the first two recommendations, which were those relating to specific water and wastewater rate changes.

Water Rates

The proposed rate changes separate water distribution costs from the cost of purchased water, recovering distribution costs through the base charge and the cost of purchased water from the Trinity River Authority (TRA) through a flat volumetric charge. It also implements the meter equivalencies suggested by the American Water Works Association (AWWA), which sets different base charges according to meter size. A \$4 per month rate differential between residential base charges for customers in the city limits and residential customers outside of the city limits is maintained.

Wastewater Rates

The proposed rate changes separate wastewater collection costs from the cost of purchasing wastewater treatment, recovering collection costs through the base charge and the cost of wastewater treatment from TRA through the volumetric charge. A \$6 rate differential between the residential base charge and commercial base charge is also implemented, as planned for within attached Ordinance O-15-1960.

Financial Impact

Adoption of this ordinance will provide the revenue to recover the costs of the Utility Fund for the next 12 months and is consistent with the revenue forecasted in the FY 2017 Utility Fund budget. Water and wastewater rates will need to be evaluated annually to determine if rates need to be adjusted to recover costs, particularly as cost increases from TRA are anticipated each year effective December 1.

The proposed rate structure separates the City's distribution and collection costs from costs related to purchasing treated water and wastewater treatment from the Trinity River Authority.

Recommendation

Approve

Attachments

1. November 1, 2016 Water and Wastewater Advisory Committee Recommendations Presentation
2. Water and Wastewater Advisory Committee Recommendations 10-18-2016
3. Ordinance O-15-1960
4. Ordinance O-16-1996



Colleyville Water & Wastewater Rate Advisory Committee

Report to the City Council
November 1, 2016

Objectives for the Water and Wastewater Committee

City Staff commissioned a comprehensive utility rate study to analyze the costs of delivery of water and wastewater to the city. NewGen Strategies and Solutions was selected to conduct the study. They presented their results to City Council August 16, 2016, recommending rates be modified to provide full distribution cost recovery in the base rate (minimum monthly bill). The City Council formed this committee to provide recommendations from the community in a transparent fashion with regard to potential water and wastewater rate changes.

Our primary objectives:

- Reach a consensus on recommendations to be made to the City Council before October 18th on the structure of water and wastewater utility rates.
- Assist the City Staff and City Council in the communication and education of our community about water and wastewater rates through city publications, city sponsored announcements, local media and personal communication with citizens.

Water & Wastewater Advisory Committee Key Findings

- The meter equivalencies as suggested by the American Water Works Association (AWWA) provide a reasonable basis for base rates according to meter sizes. The base rate of an additional \$4 for non-residential customers is reasonable. A flat volumetric (usage) rate is equitable.
- Required revenue for both Water and Wastewater in the NewGen Study does not align with budgeted revenue. The \$1,900,000 difference is due to the assumption that all capital improvements would be funded via a new rate structure. Current city policy provides that capital improvements are funded with cash.

Water & Wastewater Advisory Committee Key Findings (cont'd)

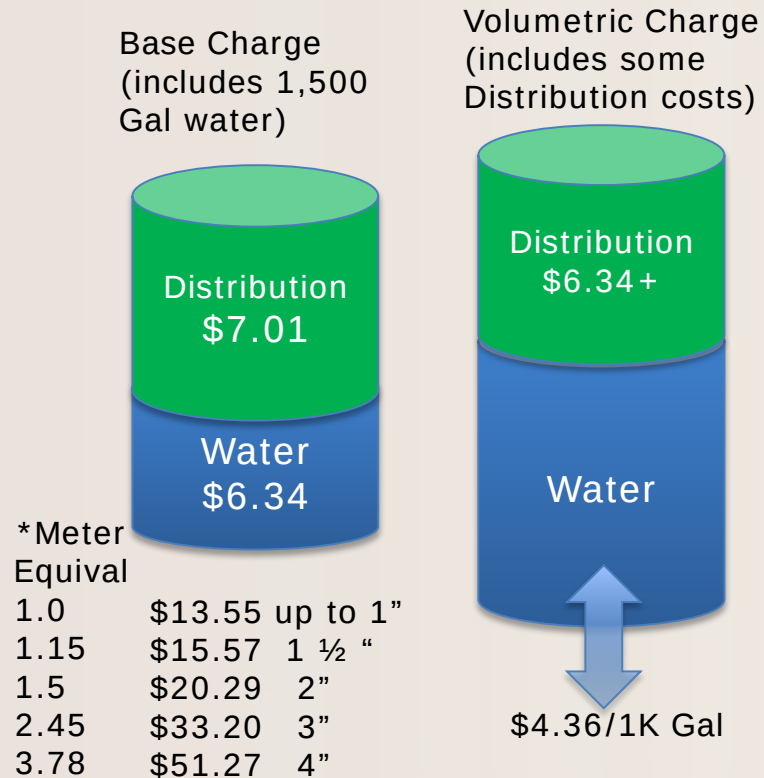
- The Utility Fund currently does not charge the City government departments for their water and wastewater usage.
- City staff provided information that there is an unrestricted Utility Fund Balance of approximately \$11.2 million as of October 2016. The fund balance includes approximately \$7.6 million in investments maturing throughout 2017. City staff estimates the existing Utility Fund balance can be utilized to fund projected capital improvements through fiscal 2020.

Colleyville Water Rates

2016 Interim Water Rates

(Set 8/1/2016)

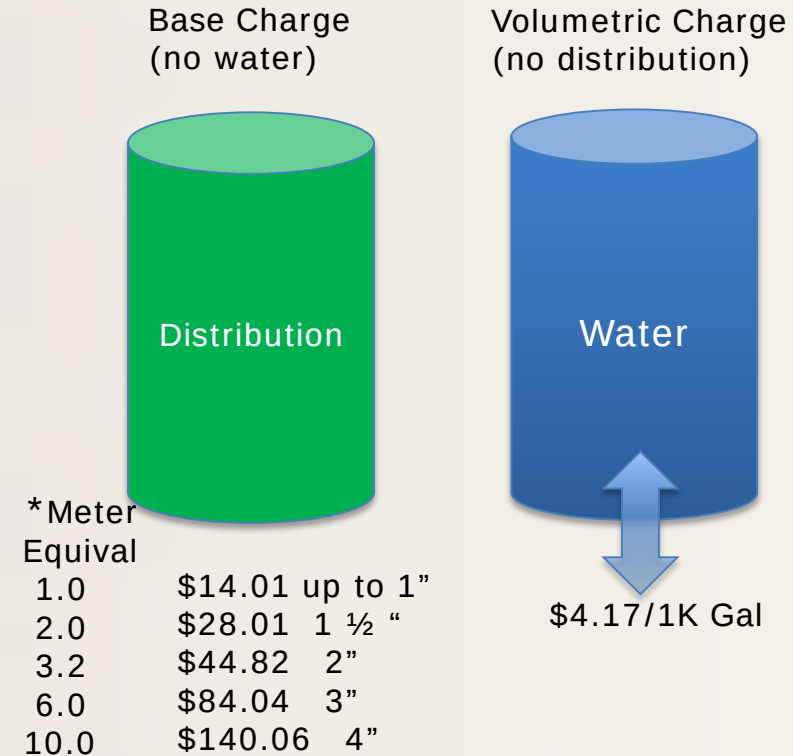
Revenue approximately \$10.7 million



*Meter Equivalency Relative to 1" (Colleyville Set)

= Revenue approximately \$10.7 million

Recommended 2017 Water Rates



*Meter Equivalency Relative to 1" (AWWA Standard) load applied to system from Meter Size

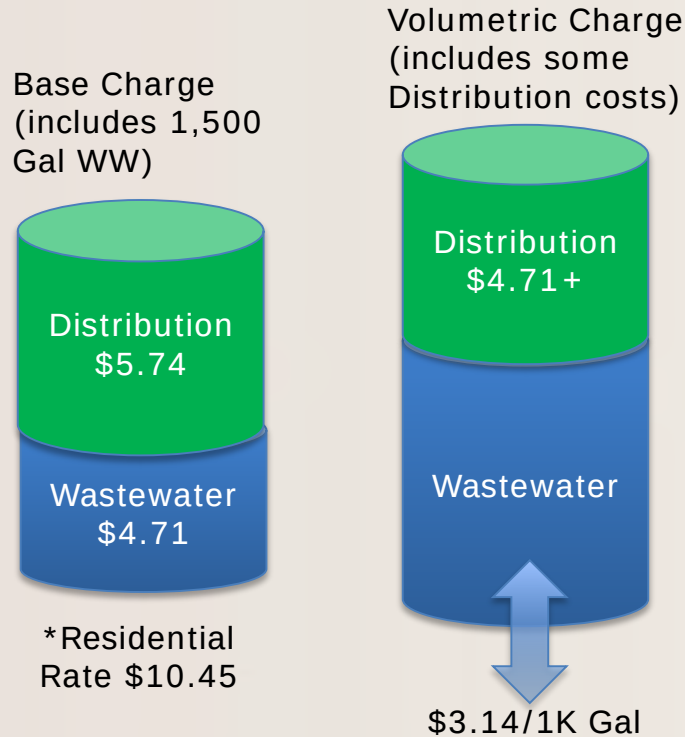
**Includes additional \$.28 / 1,000 Gal TRA Increase

Distribution Costs should be separated from Costs of Purchased Water

Colleyville Wastewater Rates

2016 Wastewater Rates

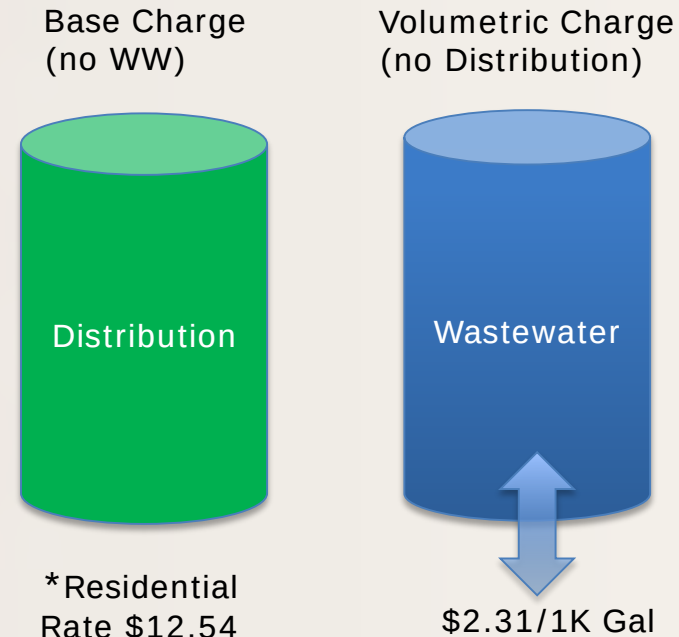
Revenue approximately \$3.8 million =



*Residential Example, Commercial Base Rate is \$13.45,
Volume Charge is Water Volume
**Current Rates are providing excess revenue due to
Volumetric Charge
***Residential Volumetric Rate set for Dec – Feb Avg. Water Use

Recommended 2017 Wastewater Rates

Revenue approximately \$3.8 million



*Residential Example, Commercial Rate of \$18.54 per existing
Ordinance differential of \$6.00, Volume Charge is Water Volume
***Residential Volumetric Rate set for Dec – Feb Avg. Water Use

Distribution Costs should be Separated from Wastewater Treatment Costs

Water and Wastewater Advisory Committee Recommendations

The following five recommendations were approved in a unanimous vote by the committee October 12, 2016:

- 1) The water rates for residential and non-residential be established at:
 - Base Rate for in-city customers:
 - \$14.01 for a 1" or less meter
 - \$28.01 for a 1-1/2" meter
 - \$44.82 for a 2" meter
 - \$84.04 for a 3" meter
 - \$140.06 for a 4" meter
 - Base Rate for out-of-city customers to be established at the rates for in-city customers plus a \$4 differential for all meter sizes.
 - Volumetric rate of \$4.17 per 1,000 gallons.
- 2) The wastewater rates be established at :
 - Base Rate:
 - Residential \$12.54
 - Non-residential \$18.54
 - Volumetric rate of \$2.31 per 1,000 gallons, residential and non-residential.

Water and Wastewater Advisory Committee Recommendations (cont'd)

- 3) Establish a new accounting policy whereas:
 - The Utility Fund charges the General Fund for all municipal usage of water and wastewater.
 - The Government Fund charges the Utility Fund for the value of indirect costs of support personnel provided (by the General Fund) to the Utility Fund.
- 4) Review sources of funding for future capital improvement projects for the water and wastewater system and provide a long term funding policy.
- 5) Consider establishing a separate committee to review and recommend potential water conservation and best practice management options.

Water and Wastewater Advisory Committee

Impact Highlights

Adoption of the recommended water and wastewater rate structures will:

1. Provide a balanced rate structure with full distribution costs in the base charge results in revenue stability in periods of low water usage, mitigating the Utility Fund's financial risk.
2. Provide an equitable rate structure and transparency in charges to all users.
3. Provide a model that separates the City's Delivery Costs from the TRA charges which can be easily modified as a result of changes in cost in either area that may be adopted in the future.
4. Provide all customers with better control of their water and wastewater bill through water usage.



Colleyville Water & Wastewater Rate Advisory Committee

Report to the City Council
October 18, 2016

Colleyville Water and Wastewater Background Information

- Colleyville joined with several other city governments to purchase treated water from the Trinity River Authority (TRA) several years ago. The TRA purchases and treats water and provides the water to Colleyville.
- Colleyville pumps the purchased water into water towers, monitors water quality to ensure it's safety, then distributes it using approximately 200 miles of pipe to customers throughout the city.
- Colleyville employees administer water purchasing, customer billing as well as maintain and operate the water system.
- Under the current rate structure the cost of TRA water is approximately 75% of the cost of delivery of the water to customers. These costs have been rising at roughly 5% annually.
- TRA also provides wastewater treatment for Colleyville customers, with the City providing the infrastructure and staff to manage the infrastructure. There is no metering of wastewater. Billing for residential users is based on the average of December – February water usage.
- The cost of TRA water treatment is approximately 55% of the City's total wastewater utility costs and it is predicted to increase to 69% over the next 5 years.
- There has not been a comprehensive cost of service study for the City of Colleyville to establish the proper allocation of rates between the base and volumetric rates for many years.
- According to the Texas Water Code, rates should be "sufficient, equitable and consistent in application to each class of customer..."

Objectives for the Water and Wastewater Committee

The City Council formed this committee to seek input and recommendations from the community in a transparent fashion with regard to potential water and wastewater rate changes.

Our primary objectives:

- Reach a consensus with regards to recommendations to be made to the City Council before October 18th how water and wastewater utility rates should be structured.
- Assist the City Staff and City Council in the communication and education of our community about water and wastewater rates through city publications, city sponsored announcements, local media and personal communication with citizens.

Water and Wastewater Revenues Prior to August 2016 Adoption of Interim Rate

- The base water and wastewater rates (or minimum charge) in Colleyville have included a specific amount of water plus a portion of the city's cost of distribution. Over the years the volumetric rates have increased because of increasing distribution and delivery costs, and rate increases from TRA.
- Revenues charged through the volumetric rate were not always adequate to cover all of the city's costs in periods of heavy rainfall leading to a decrease in water purchased from the city.
- In 2012 City council adopted a tiered rate structure for water. In July 2015 the City Council adopted new a rate plan under the existing tiered structure that became effective December 2015. This new rate plan included a number of changes. Most notably, the new plan instituted increases in the volumetric rates by 9.3% to 15% within each tier. Customers utilizing high volumes of water were impacted significantly experiencing rates up to 50% more than those using low volumes. The rate structure was intended to encourage water conservation. The primary result of tiered rates was the receipt of water revenues of over and above the city's Utility Fund costs. Water and Wastewater Revenues increased approximately \$1.1 million when comparing the FYE 2012 (no tiered rates) and FYE 2015. The FYE 2016 budget projected a one year increase in revenue of \$1.3 million.

Water and Wastewater Rate Concerns

- In January 2016 when a significant increase in the tiered water rates became effective, Colleyville water customers became increasingly concerned about their water bills.
- City Staff commissioned a comprehensive utility rate study to analyze the costs of delivery. NewGen Strategies and Solutions was selected to conduct the study.
- The City Council adopted an ordinance establishing interim flat volumetric rate effective August 1, 2016.
- NewGen analyzed the cost of delivery of water and disposal of wastewater to the City, presenting their results to the City Council on August 16, 2016. In that report, NewGen recommended rates be modified or rebalanced to provide full cost recovery in the base rates (minimum monthly bill).
- The City Council formed a Water & Wastewater Rate Advisory Committee of Colleyville citizens to study the results of the NewGen report and to report their findings and recommendations to the City Council by October 18, 2016.
- The remainder of this presentation provides the findings and recommendations of the committee.

Water & Wastewater Advisory Committee Key Findings

- The city has not adopted a full cost recovery model in its water and wastewater rate structure.
- The meter equivalencies as suggested by the American Water Works Association (AWWA) provide a reasonable and sufficient basis for determining base rates according to meter sizes.
- A flat volumetric (water and wastewater usage) rate is equitable according to the AWWA.
- A base rate differential of \$6 between residential and non-residential wastewater customers is equitable according to the AWWA.
- The Utility Fund currently does not charge the City government departments for their water and wastewater usage.

Note:

The city is currently using Utility Reserves to fund Utility capital projects for the next several years, so current revenues are not required to fund those projects.

Water & Wastewater Advisory Committee Key Findings (cont'd)

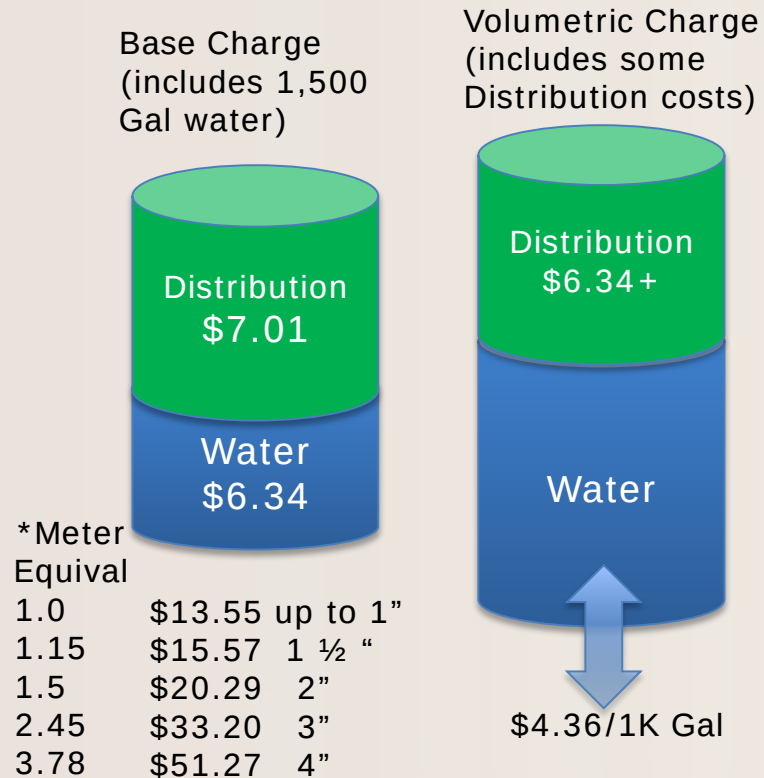
- Required revenue for both Water and Wastewater in the NewGen Study does not align with budgeted revenue. The NewGen Study indicated required revenues of approximately \$16.4 million. The actual revenues required to recover costs are approximately \$14.5 million. The difference is due to the assumption that all capital improvements would be funded via a new rate structure. Current city policy provides that capital improvements are funded with cash.
- City staff provided information that there is an unrestricted Utility Fund Balance of approximately \$11.2 million as of October 2016. The fund balance includes approximately \$7.6 million in investments maturing throughout 2017. City staff estimates the existing Utility Fund balance can be utilized to fund projected capital improvements through fiscal 2020.

Colleyville Water Rates

2016 Interim Water Rates

(Set 8/1/2016)

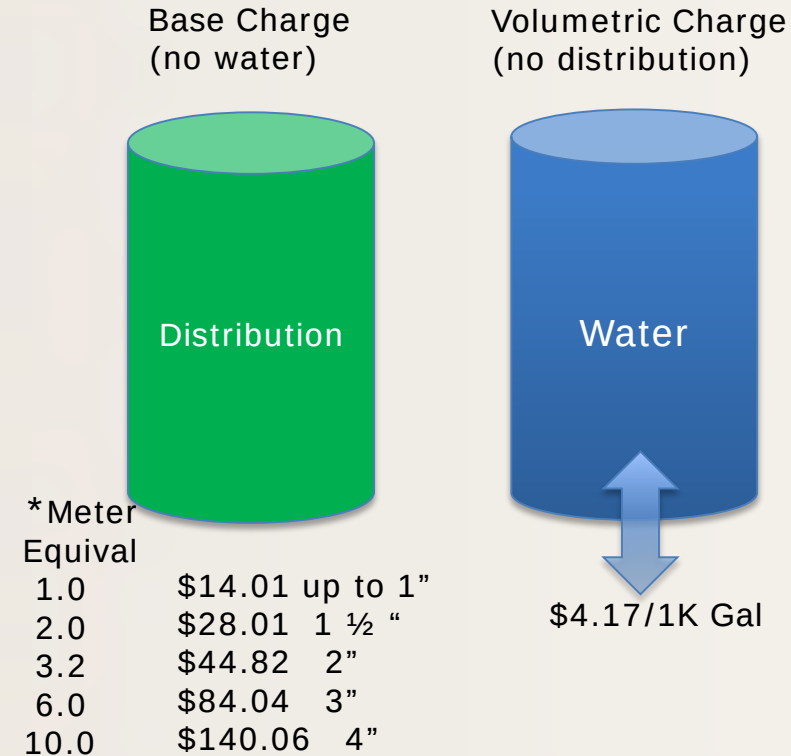
Revenue approximately \$10.7 million



*Meter Equivalency Relative to 1" (Colleyville Set)

= Revenue approximately \$10.7 million

Recommended 2017 Water Rates



*Meter Equivalency Relative to 1" (AWWA Standard)
load applied to system from Meter Size

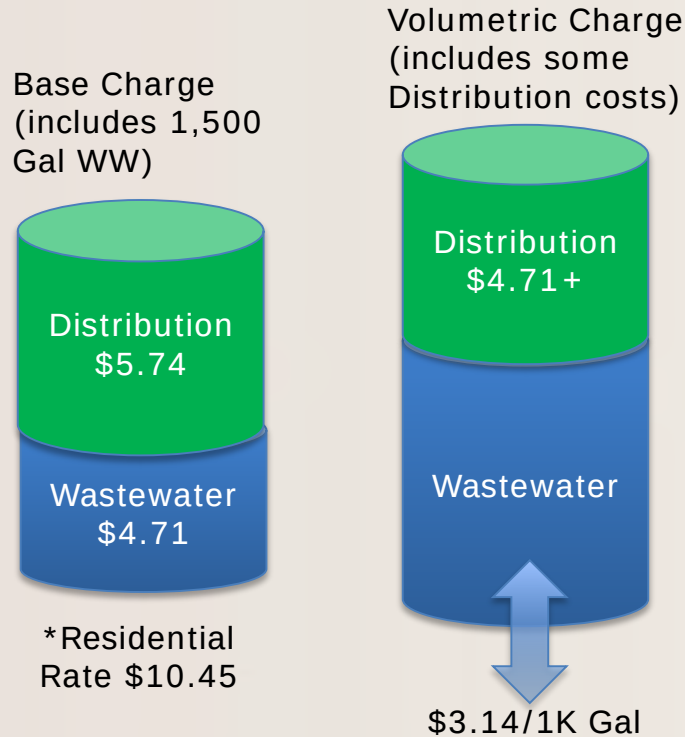
**Includes additional \$.28 / 1,000 Gal TRA Increase

Distribution Costs should be separated from Costs of Purchased Water

Colleyville Wastewater Rates

2016 Wastewater Rates

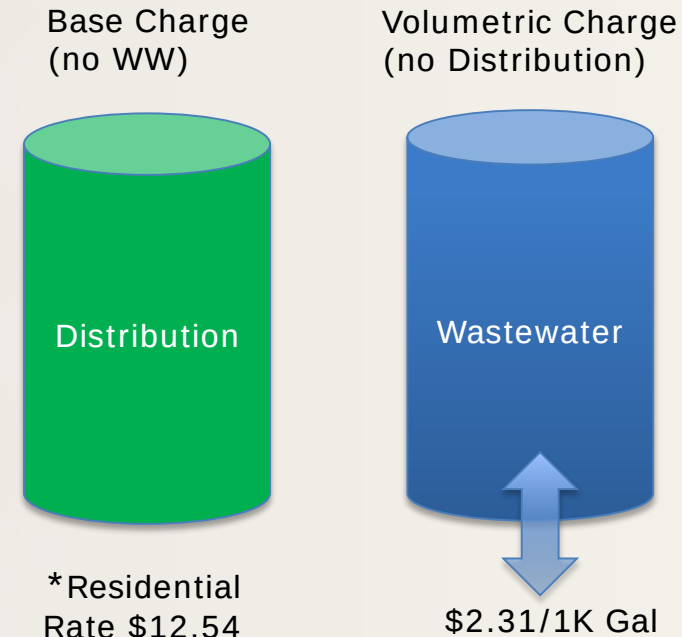
Revenue approximately \$3.8 million =



*Residential Example, Commercial Base Rate is \$13.45,
Volume Charge is Water Volume
**Current Rates are providing excess revenue due to
Volumetric Charge
***Residential Volumetric Rate set for Dec – Feb Avg. Water Use

Recommended 2017 Wastewater Rates

Revenue approximately \$3.8 million



*Residential Example, Commercial Rate of \$18.54 per existing
Ordinance differential of \$6.00, Volume Charge is Water Volume
***Residential Volumetric Rate set for Dec – Feb Avg. Water Use

Distribution Costs should be Separated from Wastewater Treatment Costs

Water and Wastewater Advisory Committee Recommendations

The following five recommendations were approved in a unanimous vote by the committee October 12, 2016:

- 1) The water rates for residential and non-residential be established at:
 - Base Rate:
 - \$14.01 for a 1" or less meter
 - \$28.01 for a 1-1/2" meter
 - \$44.82 for a 2" meter
 - \$84.04 for a 3" meter
 - \$140.06 for a 4" meter
 - Volumetric rate of \$4.17 per 1,000 gallons.
- 2) The wastewater rates be established at :
 - Base Rate:
 - Residential \$12.54
 - Non-residential \$18.54
 - Volumetric rate of \$2.31 per 1,000 gallons, residential and non-residential.

Water and Wastewater Advisory Committee Recommendations (cont'd)

- 3) Establish a new accounting policy whereas:
 - The Utility Fund charges the General Fund for all municipal usage of water and wastewater.
 - The Government Fund charges the Utility Fund for the value of indirect costs of support personnel provided (by the General Fund) to the Utility Fund.
- 4) Review sources of funding for future capital improvement projects for the water and wastewater system and provide a long term funding policy.
- 5) Consider establishing a separate committee to review and recommend potential water conservation and best practice management options.

Water and Wastewater Advisory Committee

Impact Highlights

Adoption of the recommended water and wastewater rate structures will:

1. Provide a balanced rate structure with full cost recovery resulting in revenue stability in periods of low water usage mitigating the Utility Fund's financial risk.
2. Provide an equitable rate structure to all users.
3. Provide a model that separates the City's Delivery Costs from the TRA charges which can be easily modified as a result of changes in cost in either area that may be adopted in the future
4. Provide transparency in utility charges to users.
5. Provide rate decreases to approximately 50% of the monthly billings.
6. Protect low water usage users from high water billings. A maximum one month variance of approximately \$6 has been calculated for low water users under the proposed rates in comparison to the prior rate structures.
7. Provide all customers with better control of their water and wastewater bill through water usage.

ORDINANCE O-15-1960

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS AMENDING SECTIONS 3A AND 3B OF THE WATER AND SEWER POLICY AND PROCEDURE MANUAL OF THE CITY OF COLLEYVILLE BY PHASING OUT THE WATER AND SEWERAGE USAGE INCLUDED IN THE BASE RATE OVER A FOUR YEAR PERIOD; BASING THE MINIMUM MONTHLY USE CHARGE FOR WATER ON WATER METER SIZE, AND INCREASING THE MINIMUM BASE RATE FOR SEWERAGE FOR NON-RESIDENTIAL CUSTOMERS BY \$6.00 PER MONTH OVER A THREE YEAR PERIOD, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council did authorize a water and wastewater rate study; and

WHEREAS, said rate study offered specific recommendations to provide for a financially viable Utility Fund without adding unnecessarily to the burden of the ad valorem tax payer; and

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

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

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

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

Sec.2. THAT Sections 3A and 3B of the Water and Sewer Policy and Procedure Manual of Colleyville, Texas, which is "Appendix A" to Chapter 11 of the Colleyville Code be replaced in their entirety to read as follows:

Sec. A. – Water rates.

(1) For water meter sizes of less than 1.5 inches:

Effective December 1, 2015, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$13.55
<i>Minimum per month charge for out-of-city customers</i>	\$17.55
Usage:	
1,501 gallons to 20,000 gallons	\$4.30 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$4.86 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.42 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$5.98 per 1,000 gallons
Over 50,000 gallons	\$6.54 per 1,000 gallons

Effective December 1, 2016, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$13.69
<i>Minimum per month charge for out-of-city customers</i>	\$17.69
Usage:	
1,001 gallons to 20,000 gallons	\$4.44 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$5.00 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.56 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$6.12 per 1,000 gallons
Over 50,000 gallons	\$6.68 per 1,000 gallons

Effective December 1, 2017, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$13.77
<i>Minimum per month charge for out-of-city customers</i>	\$17.77
Usage:	
501 gallons to 20,000 gallons	\$4.60 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$5.16 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.72 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$6.28 per 1,000 gallons
Over 50,000 gallons	\$6.84 per 1,000 gallons

Effective December 1, 2018, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$13.90
<i>Minimum per month charge for out-of-city customers</i>	\$17.90
Usage:	
1 gallon to 20,000 gallons	\$4.73 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$5.29 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.85 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$6.41 per 1,000 gallons
Over 50,000 gallons	\$6.97 per 1,000 gallons

(2) For water meter sizes of 1.5 inches

Effective December 1, 2015, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$15.57
<i>Minimum per month charge for out-of-city customers</i>	\$19.57
Usage:	
1,501 gallons to 20,000 gallons	\$4.30 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$4.86 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.42 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$5.98 per 1,000 gallons
Over 50,000 gallons	\$6.54 per 1,000 gallons

Effective December 1, 2016, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$18.26
<i>Minimum per month charge for out-of-city customers</i>	\$22.26
Usage:	
1,001 gallons to 20,000 gallons	\$4.44 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$5.00 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.56 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$6.12 per 1,000 gallons
Over 50,000 gallons	\$6.68 per 1,000 gallons

Effective December 1, 2017, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$20.75
<i>Minimum per month charge for out-of-city customers</i>	\$24.75
Usage:	
501 gallons to 20,000 gallons	\$4.60 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$5.16 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.56 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$6.12 per 1,000 gallons
Over 50,000 gallons	\$6.68 per 1,000 gallons

Effective December 1, 2018, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$23.24
<i>Minimum per month charge for out-of-city customers</i>	\$27.24
Usage:	
1 gallon to 20,000 gallons	\$4.73 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$5.29 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.85 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$6.25 per 1,000 gallons
Over 50,000 gallons	\$6.97 per 1,000 gallons

(3) For water meter sizes of 2 inches

Effective December 1, 2015, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$20.29
<i>Minimum per month charge for out-of-city customers</i>	\$24.29
Usage:	
1,501 gallons to 20,000 gallons	\$4.30 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$4.86 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.42 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$5.98 per 1,000 gallons
Over 50,000 gallons	\$6.54 per 1,000 gallons

Effective December 1, 2016, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$27.30
<i>Minimum per month charge for out-of-city customers</i>	\$31.30
Usage:	
1,001 gallons to 20,000 gallons	\$4.44 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$5.00 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.56 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$6.12 per 1,000 gallons
Over 50,000 gallons	\$6.68 per 1,000 gallons

Effective December 1, 2017, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$34.30
<i>Minimum per month charge for out-of-city customers</i>	\$38.30
Usage:	
501 gallons to 20,000 gallons	\$4.60 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$5.16 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.72 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$6.12 per 1,000 gallons
Over 50,000 gallons	\$6.84 per 1,000 gallons

Effective December 1, 2018, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$41.43
<i>Minimum per month charge for out-of-city customers</i>	\$45.43
Usage:	
1 gallon to 20,000 gallons	\$4.73 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$5.29 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.85 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$6.25 per 1,000 gallons
Over 50,000 gallons	\$6.97 per 1,000 gallons

(4) For water meter sizes of 3 inches

Effective December 1, 2015, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$33.20
<i>Minimum per month charge for out-of-city customers</i>	\$37.20
Usage:	
1,501 gallons to 20,000 gallons	\$4.30 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$4.86 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.42 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$5.98 per 1,000 gallons
Over 50,000 gallons	\$6.54 per 1,000 gallons

Effective December 1, 2016, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$53.11
<i>Minimum per month charge for out-of-city customers</i>	\$57.11
Usage:	
1,001 gallons to 20,000 gallons	\$4.44 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$5.00 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.56 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$6.12 per 1,000 gallons
Over 50,000 gallons	\$6.68 per 1,000 gallons

Effective December 1, 2017, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$73.03
<i>Minimum per month charge for out-of-city customers</i>	\$77.03
Usage:	
501 gallons to 20,000 gallons	\$4.60 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$5.16 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.72 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$6.28 per 1,000 gallons
Over 50,000 gallons	\$6.84 per 1,000 gallons

Effective December 1, 2018, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$92.95
<i>Minimum per month charge for out-of-city customers</i>	\$96.95
Usage:	
1 gallon to 20,000 gallons	\$4.73 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$5.29 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.85 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$6.25 per 1,000 gallons
Over 50,000 gallons	\$6.97 per 1,000 gallons

(5) For water meter sizes of 4 inches

Effective December 1, 2015, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$51.27
<i>Minimum per month charge for out-of-city customers</i>	\$55.27
Usage:	
1,501 gallons to 20,000 gallons	\$4.30 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$4.86 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.42 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$5.98 per 1,000 gallons
Over 50,000 gallons	\$6.54 per 1,000 gallons

Effective December 1, 2016, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$89.26
<i>Minimum per month charge for out-of-city customers</i>	\$93.26
Usage:	
1,001 gallons to 20,000 gallons	\$4.44 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$5.00 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.56 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$6.12 per 1,000 gallons
Over 50,000 gallons	\$6.68 per 1,000 gallons

Effective December 1, 2017, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$127.25
<i>Minimum per month charge for out-of-city customers</i>	\$131.25
Usage:	
501 gallons to 20,000 gallons	\$4.60 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$5.16 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.72 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$6.12 per 1,000 gallons
Over 50,000 gallons	\$6.84 per 1,000 gallons

Effective December 1, 2018, the following water rates go into effect:	
<i>Minimum per month charge for in-city customers</i>	\$165.24
<i>Minimum per month charge for out-of-city customers</i>	\$169.25
Usage:	
1 gallon to 20,000 gallons	\$4.73 per 1,000 gallons
20,001 gallons to 30,000 gallons	\$5.29 per 1,000 gallons
30,001 gallons to 40,000 gallons	\$5.85 per 1,000 gallons
40,001 gallons to 50,000 gallons	\$6.25 per 1,000 gallons
Over 50,000 gallons	\$6.97 per 1,000 gallons

(6) Rates for fire hydrant meters:

The use of fire hydrant meters shall only be allowed within the Colleyville city limits. The use of the fire hydrant meters shall be limited to a period of no more than 90 cumulative calendar days. Under special conditions, a customer may submit a written request to the public works department for use of a fire hydrant meter for a period longer than 90 cumulative calendar days, subject to public works director approval. In considering special condition(s), the public works director shall not consider requests which are necessary to relieve a self-created or personal hardship, failure of performance by a contractor, nor for financial reasons. In considering the customer request, the public works director shall solicit the recommendation of the fire chief and fire marshal in consideration of the request. Further, the public works director shall consider alternative means available to the customer. If special condition(s) are approved by the public works director, in no case shall the meter be used for more than an

additional 30 calendar days. The public works director may provide a written ruling within 15 working days of receipt of the customer's written request.

In the event a request for special condition(s) is denied by the public works director, customer shall, within 14 calendar days, make written appeal to the city manager of the public works director's decision. The city manager shall render a written decision within 30 working days of receipt of the customer's appeal. Such decision by the city manager shall be final and not appealable to the city council.

For purposes of this section, written communication shall be considered communication, which is deposited with the United States Postal Service for delivery.

The user must submit in writing, the location of where the meter will be used and such meter shall be used exclusively at the location on record with the city. For purposes of this section, the use of a meter shall be allowed cumulatively for only one location within an individual subdivision and/or development.

For a period of 90 cumulative calendar days after a meter is returned and read by the city, a user shall not be permitted to check out another meter for use at the same designated location, as defined herein.

The minimum monthly bill for water usage for a fire hydrant meter shall be \$50.00 for the first 2,000 gallons of water used each month and the tier five rate (over 50,000 gallons of usage) shall be charged for all usage in excess of 2,000 gallons. If the cost of water used during any month is less than \$50.00; the minimum charge for that month shall be \$50.00.

The customer shall be in possession of and responsible for the meter. The customer will be responsible for bringing the meter to the public works service center by the 20th of each month for reading. The customer is required to use a proper fire hydrant wrench for operation of the fire hydrant. The customer shall be responsible for any damage and repair, as reasonably determined by the city, to the fire hydrant or the fire hydrant meter by the use of a temporary water meter.

The customer will be required to provide for any backflow device necessary to meet the current city ordinance for protection of the city's drinking water supply.

The City of Colleyville, Tarrant County, and Texas Department of Transportation (TxDOT) shall be exempt from the provisions of this policy.

Sec. B. – Sewer rates.

(1) This schedule of rates per month or fraction thereof shall be the basis for determining charges to all customers for rendering sanitary sewage service, where the sewage produced by such customer is a normal strength wastewater (170 mg/l BOD and 260 mg/l suspended solids) and where such customer is located within the City of Colleyville.

A minimum monthly sewer charge shall be charged to all residential customers as follows:	
Effective December 1, 2015	\$ 10.45
Effective December 1, 2016	\$ 10.65
Effective December 1, 2017	\$ 10.73
Effective December 1, 2018	\$ 10.90

A minimum monthly sewer charge shall be charged to all non-residential customers as follows:	
Effective December 1, 2015	\$ 13.45
Effective December 1, 2016	\$ 13.65
Effective December 1, 2017	\$ 16.73
Effective December 1, 2018	\$ 16.90

(2) A monthly sewer volume charge shall also be charged to all customers as set forth hereinafter. The sewer volume charge for residential customers will be based upon the individual customer's average monthly water use during the months of December, January and February. Where no preceding winter quarter average is available from records, a volume of 7,000 gallons shall be used for this volume charge.

The monthly charges to commercial and industrial class customers will be based on total water use each month as measured by appropriate meters, with the provision that if a customer can show to the satisfaction of the public works director that a significant portion of the metered water usage does not enter the sanitary sewers, the customer will be charged for only that volume entering the sewers, as determined by a method approved by the director of public works.

Effective December 1, 2015	\$ 3.14 per 1,000 gallons
Effective December 1, 2016	\$ 3.34 per 1,000 gallons
Effective December 1, 2017	\$ 3.50 per 1,000 gallons
Effective December 1, 2018	\$ 3.63 per 1,000 gallons

Sec. 3. THAT the effective date of this Ordinance shall be December 1, 2015.

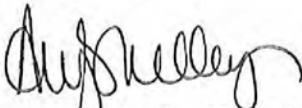
AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 16th day of June 2015.

The second reading and public hearing being conducted on the 7th day of July 2015.

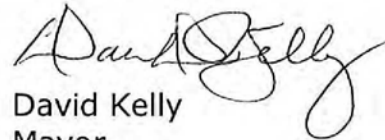
PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 7th day of July 2015.

ATTEST:



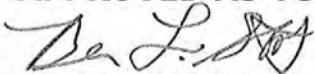
Amy Shelly, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Ben L. Stool, Asst City Attorney
Matthew C.G. Boyle
City Attorney

ORDINANCE O-16-1996

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS AMENDING SECTIONS 3A AND 3B OF THE WATER AND SEWER POLICY AND PROCEDURE MANUAL OF THE CITY OF COLLEYVILLE, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council appointed an ad hoc Water and Wastewater Rate Advisory Committee to review water and wastewater utility rates; and

WHEREAS, a cost of service study was conducted by NewGen Strategies & Solutions and was presented to the City Council and the Water and Wastewater Rate Advisory Committee; and

WHEREAS, the Water and Wastewater Rate Advisory Committee presented recommendations to the City Council on October 18, 2016; and

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

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

Sec. 1. THAT Sections 3A and 3B of the Water and Sewer Policy and Procedure Manual of Colleyville, Texas, which is "Appendix A" of the Colleyville Code be replaced in their entirety to read as follows:

Sec. A. - Water rates.

The following base and volumetric charges shall apply to residential and non-residential water customers:

Base charge per month for in-city customers:	
Water meters 1 inch or less	\$14.01
Water meters of 1.5 inches	\$28.01
Water meters of 2 inches	\$44.82
Water meters of 3 inches	\$84.04
Water meters of 4 inches	\$140.06

Base charge per month for out-of-city customers:	
Water meters 1 inch or less	\$18.01
Water meters of 1.5 inches	\$32.01
Water meters of 2 inches	\$48.82
Water meters of 3 inches	\$88.04
Water meters of 4 inches	\$144.06
Volumetric charge per 1,000 gallons	\$4.17

Rates for fire hydrant meters:

The use of fire hydrant meters shall only be allowed within the Colleyville city limits. The use of the fire hydrant meters shall be limited to a period of no more than 90 cumulative calendar days. Under special conditions, a customer may submit a written request to the public works department for use of a fire hydrant meter for a period longer than 90 cumulative calendar days, subject to public works director approval. In considering special condition(s), the public works director shall not consider requests which are necessary to relieve a self-created or personal hardship, failure of performance by a contractor, nor for financial reasons. In considering the customer request, the public works director shall solicit the recommendation of the fire chief and fire marshal in consideration of the request. Further, the public works director shall consider alternative means available to the customer. If special condition(s) are approved by the public works director, in no case shall the meter be used for more than an additional 30 calendar days. The public works director may provide a written ruling within 15 working days of receipt of the customer's written request.

In the event a request for special condition(s) is denied by the public works director, customer shall, within 14 calendar days, make written appeal to the city manager of the public works director's decision. The city manager shall render a written decision within 30 working days of receipt of the customer's appeal. Such decision by the city manager shall be final and not appealable to the city council.

For purposes of this section, written communication shall be considered communication, which is deposited with the United States Postal Service for delivery.

The user must submit in writing, the location of where the meter will be used and such meter shall be used exclusively at the location on record with the city. For purposes of this section, the use of a meter shall be allowed cumulatively for only one location within an individual subdivision and/or development.

For a period of 90 cumulative calendar days after a meter is returned and read by the city, a user shall not be permitted to check out another meter for use at the same designated location, as defined herein.

The monthly base charge for a fire hydrant meter shall be \$50.00. Water usage for a fire hydrant meter shall be charged at a rate of \$4.17 per 1,000 gallons of water used.

The customer shall be in possession of and responsible for the meter. The customer will be responsible for bringing the meter to the public works service center by the 20th of each month for reading. The customer is required to use a proper fire hydrant wrench for operation of the fire hydrant. The customer shall be responsible for any damage and repair, as reasonably determined by the city, to the fire hydrant or the fire hydrant meter by the use of a temporary water meter.

The customer will be required to provide for any backflow device necessary to meet the current city ordinance for protection of the city's drinking water supply.

The City of Colleyville, Tarrant County, and Texas Department of Transportation (TxDOT) shall be exempt from the provisions of this policy.

Sec. B. - Sewer rates.

This schedule of rates per month or fraction thereof shall be the basis for determining charges to all customers for rendering sanitary sewage service, where the sewage produced by such customer is a normal strength wastewater (170 mg/l BOD and 260 mg/l suspended solids) and where such customer is located within the City of Colleyville.

A base charge per month shall be charged as follows:	
Residential customers	\$12.54
Non-residential customers	\$18.54

A monthly sewer volume charge shall also be charged to all customers as set forth hereinafter. The sewer volume charge for residential customers will be based upon the individual customer's average monthly water use during the months of December, January and February. Where no preceding winter quarter average is available from records, a volume of 7,000 gallons shall be used for this volume charge.

The monthly sewer volume charges to commercial and industrial class customers will be based on total water use each month as measured by

appropriate meters, with the provision that if a customer can show to the satisfaction of the public works director that a significant portion of the metered water usage does not enter the sanitary sewers, the customer will be charged for only that volume entering the sewers, as determined by a method approved by the director of public works.

Volumetric rate per 1,000 gallons:	\$2.31
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Sec. 2. THAT the effective date of this ordinance shall be December 1, 2016.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 1st day of November, 2016.

The second reading and public hearing being conducted on the 15th day of November 2016.

PASSED AND APPROVED BY A VOTE OF __ AYES, __ NAYS, AND __ ABSTENTIONS ON THIS THE 15TH DAY OF NOVEMBER 2016.

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

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5b

Agenda Date 11/01/2016

Number Ordinance O-16-1997

Type Ordinance

Department Community Development

Title

Consideration of an amendment to the PUD-R-Planned Unit Development-Residential district to amend the front building line on Lots 1-9, Block 1, of the Carmel Place Estates Addition, located at 4916, 4912, 4908, 4828, 4824, 4820, 4816, 4812 and 4808 Carmel Place, Case ZC16-015

Strategy Map Connection

There is no strategy map connection for this item.

Explanation

First Reading and Public Hearing

Russell Slovak, the applicant, has submitted a request to amend the PUD-R (Planned Unit Development Residential) zoning on approximately 6.42 acres, known as Carmel Place Estates. As requested, the amendment would revise the front building line from 30 feet to 20 feet on all nine residential lots within the subdivision. The intent of the amendment is to provide a greater buildable area for the lots which are encumbered by floodplain. The applicant is not requesting any additional amendments to the PUD-R ordinance.

Existing Conditions: The subject property is currently platted as the Carmel Place Estates Addition and generally located south of Glade Road and west of Bluebonnet Drive. The subject property consists of nine residential lots, and three open space lots.

Zoning: The subject property is currently zoned PUD-R-Planned Unit Development Residential. The subject property was rezoned from the AG-Agricultural district to PUD-R in February of 2008 by Ordinance O-08-1659 (attached for reference).

Statement of Planning Objectives: The applicant submitted a Statement of Planning Objectives which is attached. Included in the Statement of Planning Objectives, the applicant describes the existing floodplain on the subject property and the reduction of buildable area on Lots 1 thru 9 caused by this natural feature. The applicant further describes the desire to reduce the building setback on the aforementioned lots to allow for a greater buildable area.

Proposed Zoning Change:

Request - The applicant is requesting to amend the existing PUD-R to allow a revision to the front building line for Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9. The applicant requests to

reduce the front building line from the required 30 feet to 20 feet. The applicant has not requested any additional amendments to the PUD-R ordinance.

Ordinance – Per Section 4 (Residential Lot Requirements and Setbacks) of Ordinance O-08-1659 the subject property is subject to the following standards:

Single-family detached residential lot requirements and setbacks shall comply with the following provisions. Building line setbacks established by Exhibit “C”, shall control where such building line setback is different from the following requirements.

1. Minimum Lot Size 20,000 square feet.
2. Minimum Lot Width 100 feet, except for cul-de-sac lots which shall be a minimum 83 feet wide.
3. Front Building Line 30 feet.
4. Side Building Line 10 feet.
5. Rear Building Line 25 feet.

Analysis - The typical course of action for relocating a building line is to request a variance from the Zoning Board of Adjustment. However, since the subject property is zoned PUD-R and the ordinance is prescriptive in nature, only City Council may approve a modification to a provision of the governing ordinance.

The governing PUD-R (Ordinance O-08-1659) is specific in regard to the front building line. Section 4.c establishes the requirement for a 30 foot front building line for all residential lots. This provision is further codified in “Exhibit C” of the governing ordinance which shows a 30 foot front building line along the front of each of the nine residential lots. The applicant contends that each of the nine lots is too encumbered by floodplain to build the size of home desired by prospective homeowners.

The subject property is unique in that it has a significant amount of floodplain covering a large portion of each residential lot. The City’s Engineering Department reviewed the proposal and associated engineering reports at the time of zoning approval and verified that the residential lots were developable. City staff further confirmed the feasibility of the project in the course of reviewing the subdivision plat. Although the lots have a limited buildable area it is feasible to construct a home on each lot. The applicant’s request is due to the desire to construct homes larger than the available buildable area.

Surrounding Development: The properties to the north are zoned PUD-R Planned Unit Development – Residential and are developed with single family homes (Riverwalk at Colleyville, Bridges at Riverwalk, The Preservation). The properties to the south and east are zoned R-20-Single Family Residential and developed with single family homes. The property to the west is zoned AG-Agricultural 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 amendment does not seek to change the use on the subject property from single family residential uses.

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, we have received two letters of opposition. The percentage of property owners within 200 feet in opposition of the original request is 7.76 percent.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of this request at the October 10, 2016 meeting by a vote of 7-0 with the following amendment: "All front facing garages must be located no closer than 25 feet from the front property line."

Staff Recommendation: The requested PUD-R amendment will provide additional flexibility for the developer on the subject property with no apparent adverse impacts on the subdivision or adjacent properties. Staff recommends approval of the request.

Financial Impact

There is no financial impact to the City.

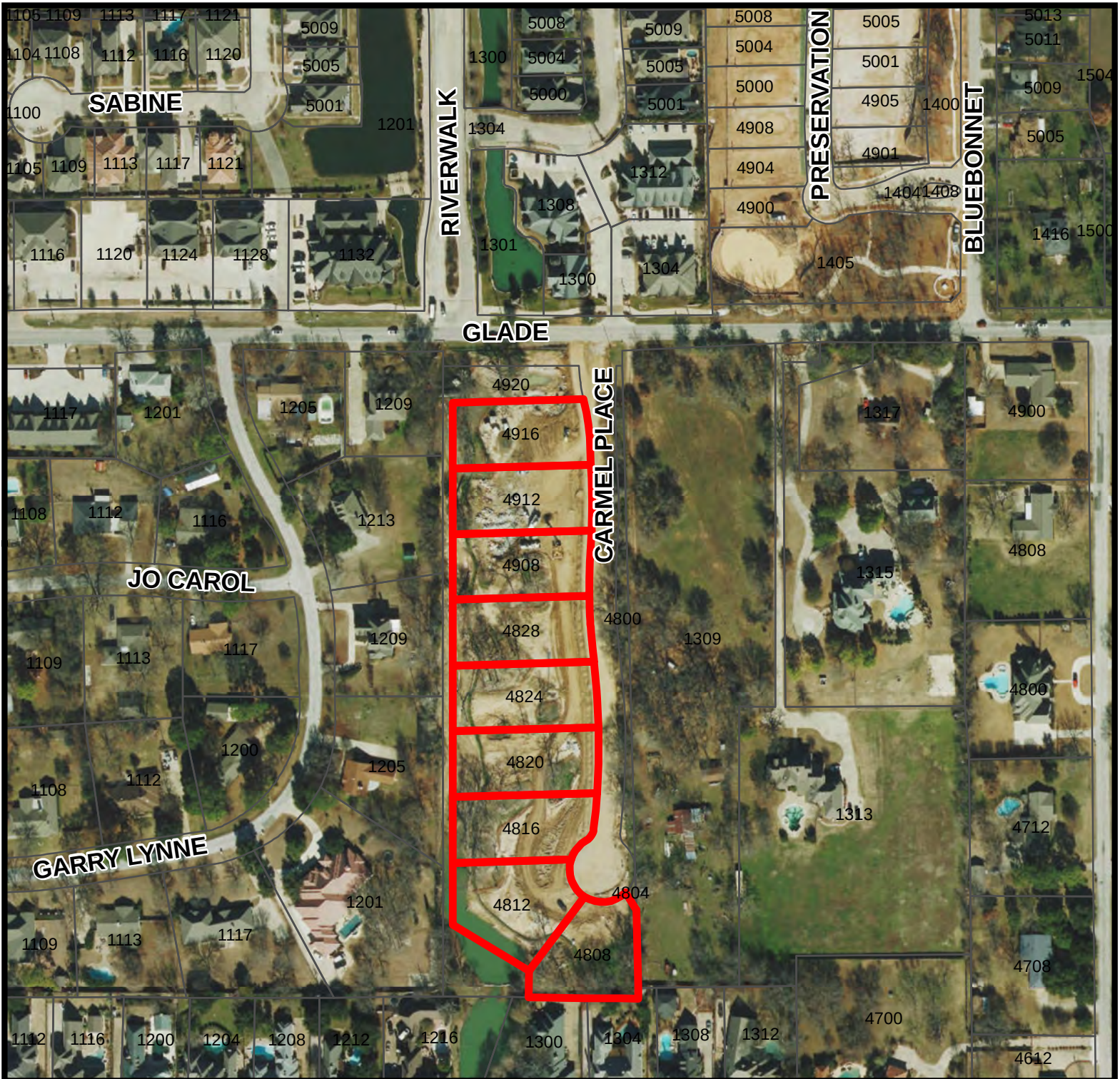
Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Zoning Exhibit
6. Request to Table Item - September 12, 2016
7. Approved Plat
8. Entryway Landscape Plan
9. Existing Ordinance O-08-1659
10. Opposition Map
11. Letters of Opposition
12. Notification Map
13. Notification List
14. Ordinance O-16-1997

AERIAL MAP



ZC16-015

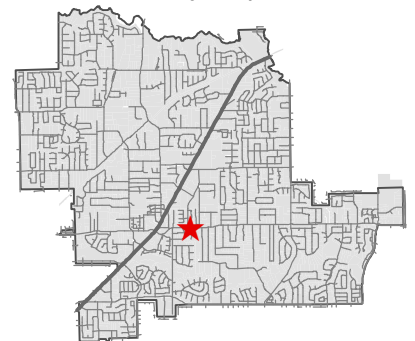
4916, 4912, 4908, 4828,
4824, 4820, 4816, 4812, AND 4808
CARMEL PLACE

 Subject Property



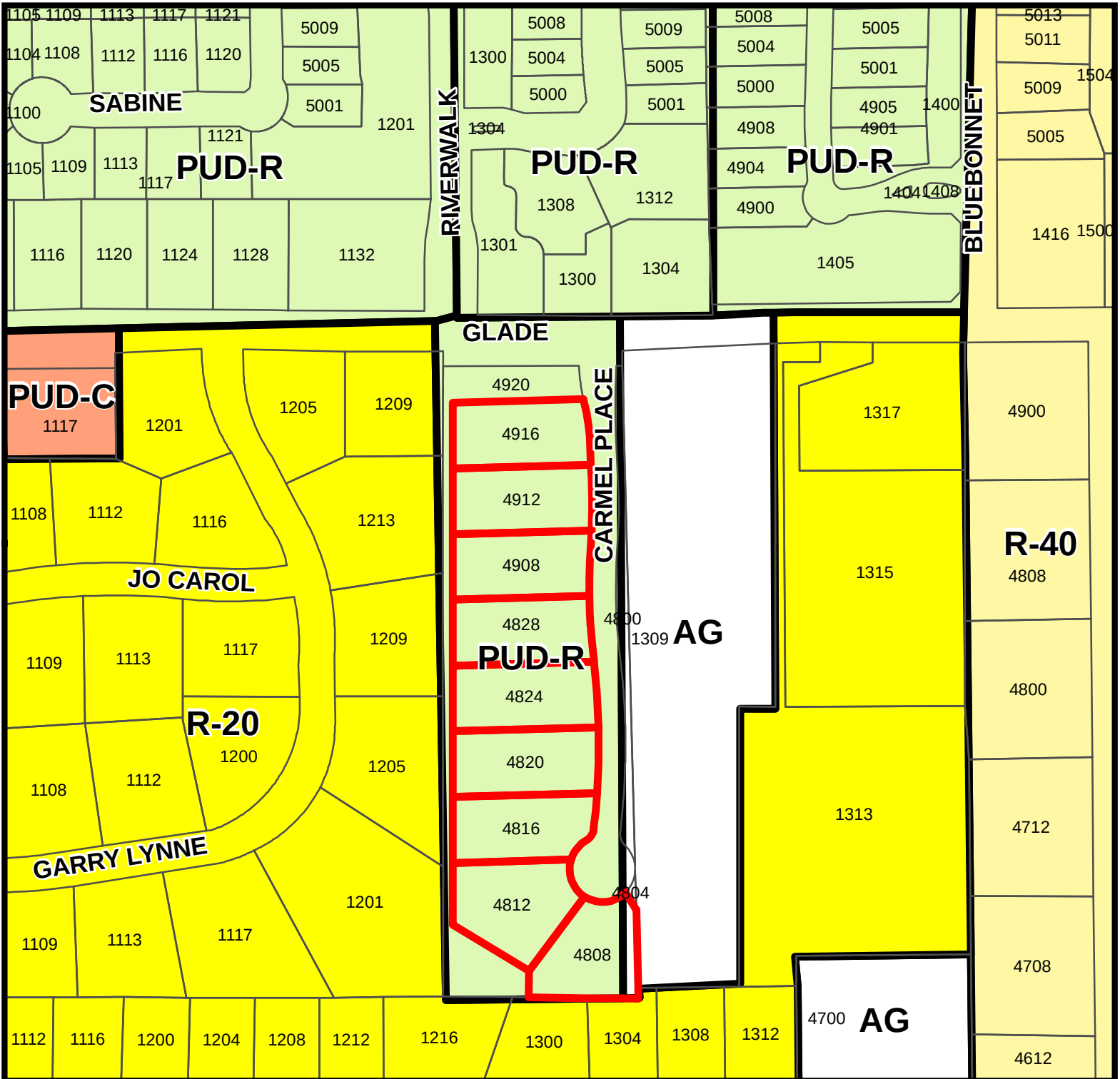
1 inch = 208 feet

Vicinity Map



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

ZONING MAP



ZC16-015

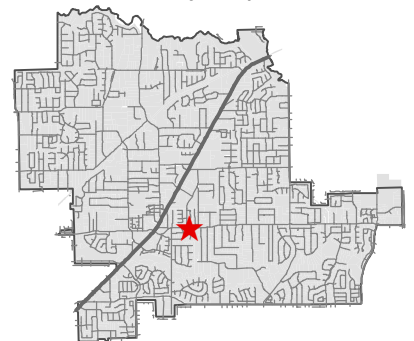
4916, 4912, 4908, 4828,
4824, 4820, 4816, 4812, AND 4808
CARMEL PLACE

Subject Property



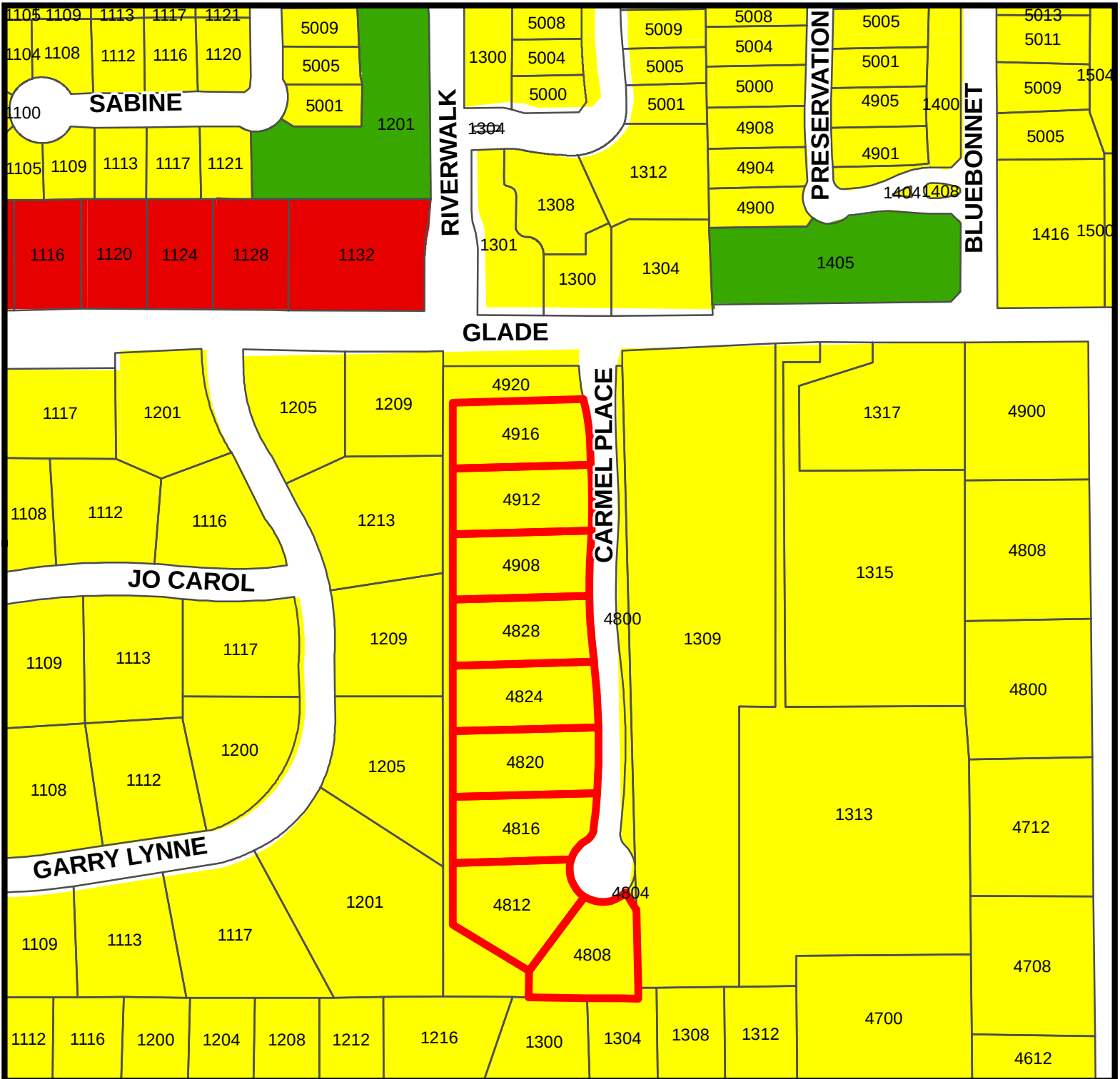
1 inch = 208 feet

Vicinity Map



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FUTURE LAND USE MAP



ZC16-015

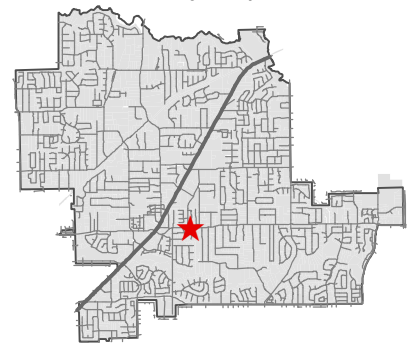
4920, 4916, 4912, 4908, 4828,
4824, 4820, 4816, 4812, 4808,
4804, AND 4800 CARMEL PLACE

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

STATEMENT OF PLANNING OBJECTIVES

Zoning Application Attachment

CARMEL PLACE ESTATES

Existing Zoning: PUD-R (Ordinance O-08-1659)

Carmel Place Estates is an existing single-family development that was just constructed earlier this year. It was originally zoned in 2008 as a PUD.

A creek runs through the site along the west property line. Before the property was developed and improvements were made to the creek, much of the site was in the floodplain. After widening much of the creek channel and cleaning out the rest to improve the flow of water the width of the floodplain was reduced, but not to the extent that was initially anticipated. As a result the buildable area of each lot, the area between the 30' building setback in the front and the floodplain line in the rear, was reduced. Add some nice sized existing trees to the mix, some that we were able to save during construction, and they simply compound the problem. While this was very disappointing, there wasn't much we could do about it.

We had multiple builders and individuals express interest in this development throughout the year, however after a more detailed look we kept hearing the same concern time and time again – that the lots really need to have more buildable area in order to fit the kind of home that they wanted to build. We asked our hydrologist about anything else we might be able to do in the creek that would pull the floodplain back and give the home builders some extra room, but he was only able to come up with some rather minor gains and only in certain isolated areas.

We approached city staff about the possibility of getting a variance to reduce the front building setback from 30' to 20', initially just on the 3 cul-de-sac lots which suffered the most from the wider floodplain. This would essentially add 10' of buildable area across the front of the lots. While staff understood the situation and were generally supportive of the request, they explained that variances can only be granted in straight zoning districts, and being that we have a PUD in Carmel Place, variances are not allowed. Thus we understand that the only way to revise the front setback is to amend the current PUD.

After submitting our request to amend the PUD last month we were approached by another builder who really likes the development and wants to build on all nine lots. He is currently doing his own due diligence in anticipation of putting them under contract, but like those who came before him, he too says that he needs more room in order to fit the kind of product that he feels is needed to sell at the price point he has in mind. He

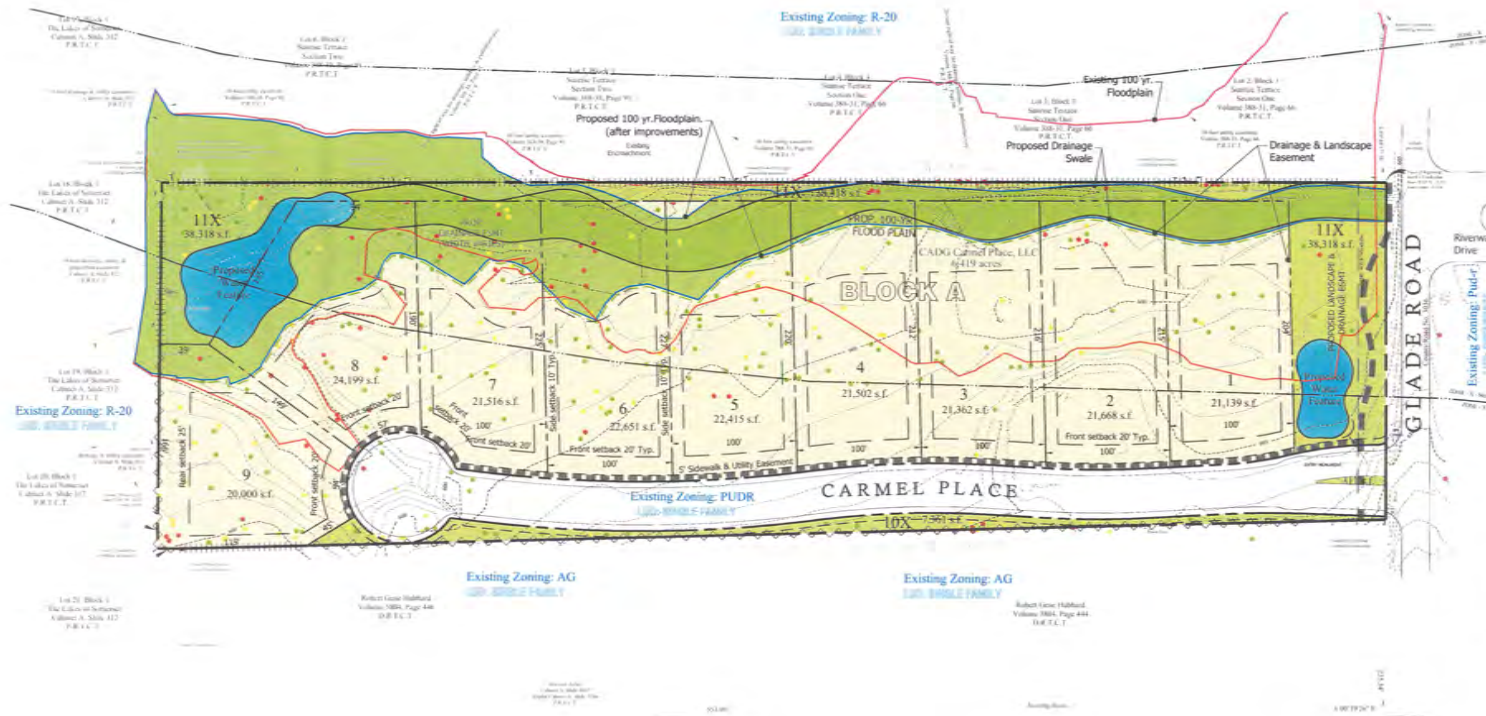
Statement of Planning Objectives

feels that an extra 10' across the front of the lots is sufficient for his needs, so he has requested that we reduce the front building setback from 30' to 20' on all 9 lots instead of trying to continue finding ways to tighten up the floodplain in an effort to gain the needed area in the back of the lots.

This is the ONLY change that we are requesting in regard to the current PUD and thus the SOLE reason behind this proposed zoning case.

This proposed setback reduction will provide for larger homes with higher appraised values, resulting in additional tax dollars for the city and other taxing entities. The larger high-end homes will make for an even nicer neighborhood that we feel will be very complimentary to the City of Colleyville.

Zoning Exhibit



Legal Description

FIELD NOTES:
 The North-East corner of the George H. Taylor Survey, Abstract Number 1105, in the City of Colleyville, Tarrant County, Texas, and being the same tract, described in the deed to Clifton S. Dale and wife, recorded in Volume 5874, Page 10, of the Public Records of Tarrant County, Texas, from which a Survey 1/2 inch wide bears North 12 Degrees East a distance of 0.14 feet.

THENCE: North 89 Degrees 48 Minutes 57 Seconds East, with the north line of the said tract described in the deed to Clifton S. Dale and wife, recorded in Volume 5874, Page 10, of the Public Records of Tarrant County, Texas, said north line hereafter referred to as the "Dale tract" a distance of 277.26 feet to a 1/2 inch iron pin set at the northeast corner thereof and the northeast corner of the tract described in the deed to Robert Gene Hubbard recorded in Volume 5874, Page 10, of the said Public Records.

THENCE: South 31 Degrees 37 Minutes 46 Seconds East, with the east line of the said Dale tract and the west line of the said Hubbard tract described in the deed recorded in Volume 5874, Page 10, and the east line of another tract to said Robert Gene Hubbard this tract recorded in Volume 5874, Page 10, of the said Public Records a total distance of 869.14 feet to a 1/2 inch iron pin set at the northeast corner in the north line of Block 1 of The Lakes of Somerall recorded in Volume 5874, Page 10, of the said Public Records.

THENCE: South 69 Degrees 26 Minutes 53 Seconds West, with the north line of said Block 1 a distance of 53.57 feet to a 1/2 inch iron pin set at a monument corner of said north line.

THENCE: North 85 Degrees 27 Minutes 43 Seconds West, continuing with the north line of Block 1 a distance of 25.35 feet to a 1/2 inch iron pin set at the northeast corner of said Block 1 and from there North 36 Degrees West a distance of 0.38 feet.

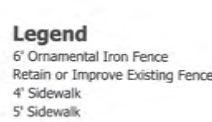
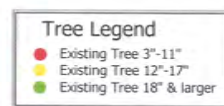
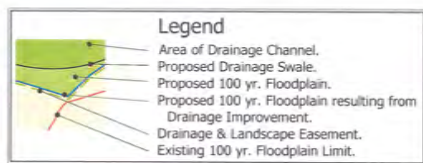
THENCE: North 89 Degrees 20 Minutes 40 Seconds West, continuing with the north line of Block 1 a distance of 276.25 feet to a 1/2 inch iron pin set at the northeast corner of said Block 1 and from there North 36 Degrees West a distance of 0.38 feet.

THENCE: North 89 Degrees 20 Minutes 40 Seconds West, with the west line of the Dale tract and the east line of said Somerall Tract Sections One & Two a distance of 983.56 feet returning to the PLACE OF BEGINNING, and enclosing 6.42 acres.

Surveyor's Notes

1. This survey was performed without the benefit of a commitment for title insurance. Complete copies of the record description of the property, any record documents benefiting the property, the record easements or servitudes and constraints affecting the property ("Record Documents"), documents of record referred to in the Record Documents, and any other documents containing pertinent information affecting the property being surveyed and to which the surveyor shall make reference were not provided to the surveyor for notation on the survey. Therefore, easements, agreements, or other documents, whether recorded, or unrecorded may exist that affect the subject property that are not shown on this survey.

2. The subject property was entirely within CDMA AREAS - ZONE 4 Areas determined to be outside 500-year floodplain and CDMA FLOOD AREAS - ZONE 4 (SHADES) - Areas of 500-year flood area of 500-year flood with average depths of less than 1 foot and with drainage area less than 1 square mile, and area protected by levees from 500-year flood, as shown on the National Flood Insurance Program's Flood Insurance Rate Map (FIRM) for Tarrant County, Texas, and Incorporated Areas, dated 10/15/10, Map Number 480602195 H, Map Revised: August 2, 1995 as published by the Federal Emergency Management Agency (FEMA).



Area Summary	Gross Area	Net of Proposed Glade Road R.O.W. Dedication
Residential Lots	70.25%	4.51 ac.
Right of Way	13.24%	0.83 ac.
Open Space	16.51%	1.06 ac.
Gross Acreage	100.00%	6.42 ac.
Site Data		
Gross Acreage	6.42 ac.	6.28 ac.
Density	1.40 du/ac.	1.43 du/ac.
Lot Summary		
Single Family Residential Lots	9	9
Common Areas	3	3
L.U.D./Zoning		
Existing Zoning:	PUDR	PUDR
Proposed Zoning:	PUDR	PUDR
Ponds		
Total Pond Area	15.09%	0.16 ac.
Total Open Space Area	100.00%	1.06 ac.
		17.02%
		0.16 ac.
		100.00%
		0.94 ac.

20 SEP 16

SAGE GROUP, INC.
 1130 N. CARROLL AVENUE
 SOUTHLAKE, TEXAS 76092
 TEL: 817-424-2626

APPLICANT:
 Name: Centurian American
 Attn: Russell Slovak
 Address: 1800 Valley View Ln.
 Suite 300
 Farmers Branch, TX 75234
 Phone # 817-368-3336

PLANNER:
 Name: Sage Group Inc.
 Attn: Curtis Young
 Address: 1130 N. Carroll Ave.
 Suite 200
 Southlake, TX 76092
 Phone # 817-424-2626

ENGINEER:
 Name: Thomas Hoover Engineering, LLC
 Address: 1361 W. Euless Blvd.
 Suite 99
 Euless, TX 76040
 Phone # 817-571-7524

SURVEYOR:
 Name: Spay Surveyors
 Address: 8241 Mid-Cities Blvd.
 Suite 300
 North Richland Hills, TX 76182
 Phone # 817-776-4049

OWNER:
 Name: CADG Carmel Place, LLC
 Address: 1800 Valley View Ln.
 Suite 300
 Farmers Branch, TX 75234
 Phone # 469-992-7200

**Zoning Exhibit for
 Zoning Change Request
 From PUDR to PUDR
 Zoning Case # _____**

Carmel Place Estates
 Colleyville, Texas

Request to Table Item

Shane Pace

To: Russell Slovak
Subject: RE: September 12, 2016 - Planning and Zoning Commission Meeting

From: Russell Slovak [mailto:]
Sent: Friday, September 9, 2016 12:22 PM
To: Shane Pace <space@colleyville.com>
Cc: Rome Barnes < >
Subject: RE: September 12, 2016 - Planning and Zoning Commission Meeting

Shane,

Please accept our request to table the zoning case on Carmel Place which is currently on the agenda for Monday night's Planning and Zoning Commission meeting. Due to specific requests by the individual who plans to purchase the lots from us, we need to make a change to the siteplan we submitted previously.

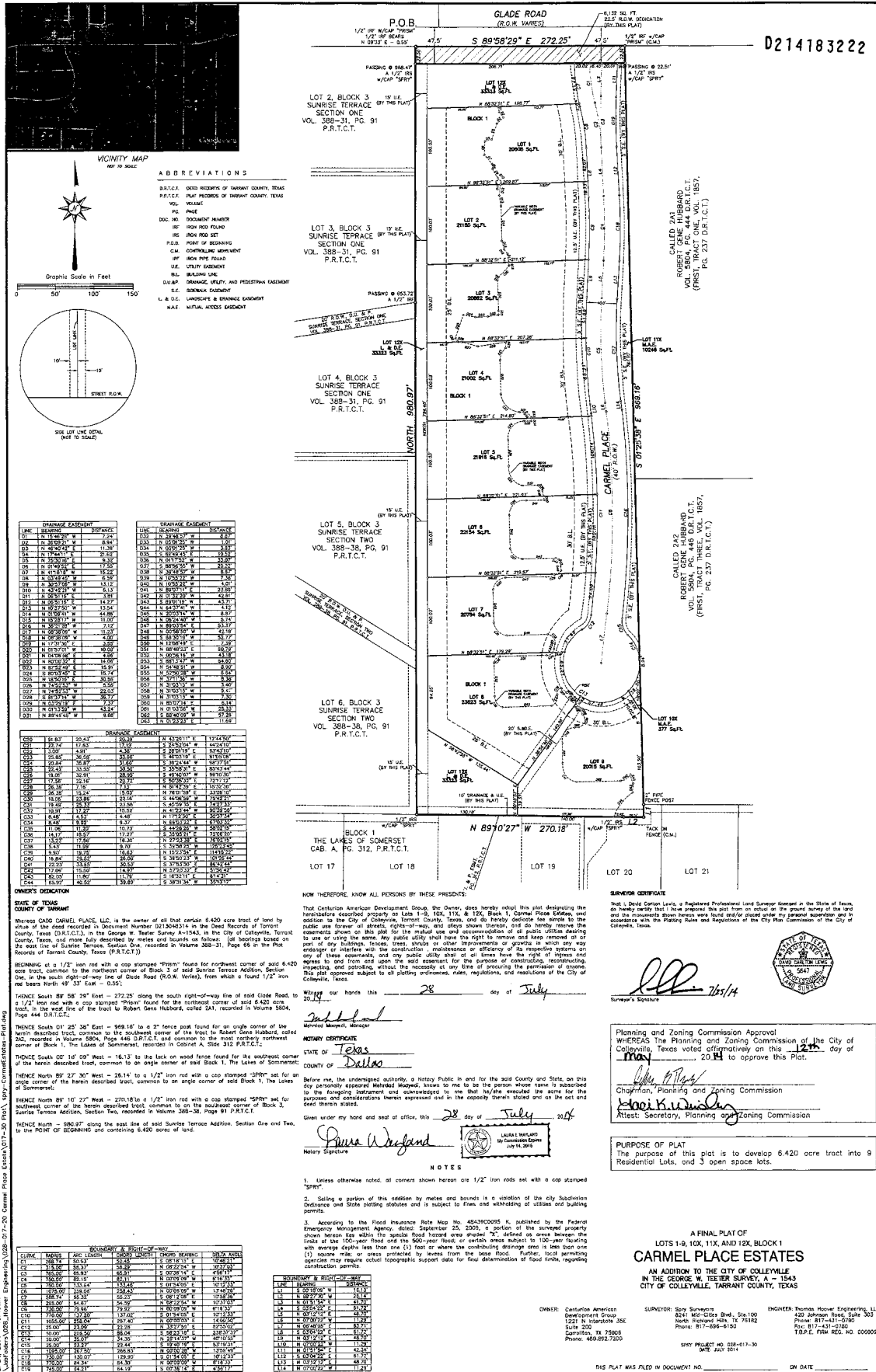
Thank you for your consideration. Feel free to contact me with any questions you may have.

Russell Slovak
Vice President Engineering

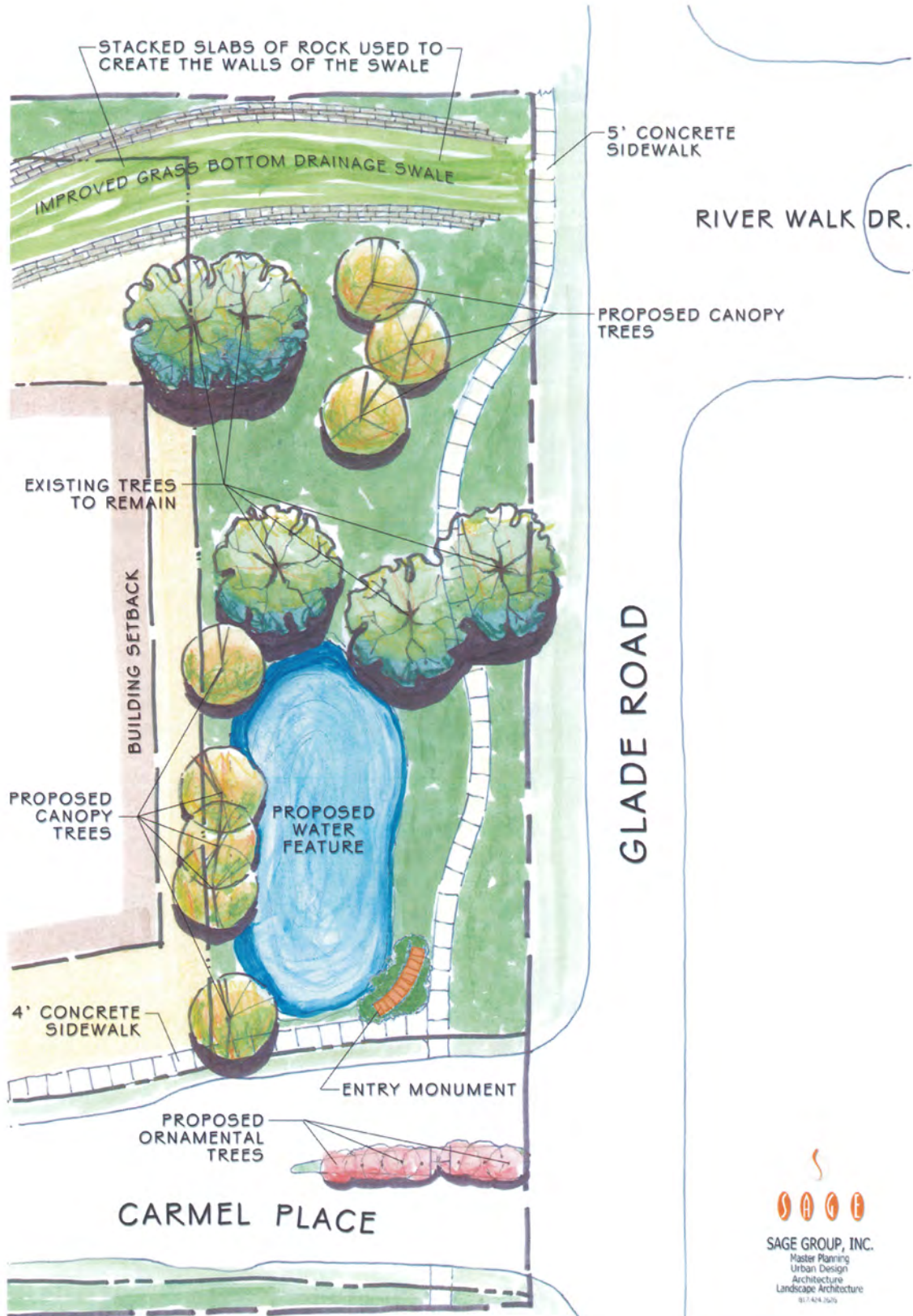


Centurion American Development Group
1800 Valley View Lane, Suite 300
Farmers Branch, TX 75234
(817) 368-3330 (cell)

D214183222



Entryway Landscape Plan



ENTRY LANDSCAPE PLAN CARMEL PLACE ESTATES



SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
917.424.2675



0 10' 20' 40'

1" = 20' 19 FEB 08

Existing Ordinance

ORDINANCE O-08-1659

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AS HERETOFORE AMENDED; BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 6.4 ACRES OUT OF THE GEORGE W. TEETER SURVEY LOCATED AT 1301 GLADE ROAD, FROM THE AG-AGRICULTURAL ZONING DISTRICT TO THE PUDR-PLANNED UNIT DEVELOPMENT RESIDENTIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case No. Z-08-002; 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, 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.

Existing Ordinance

Ordinance O-08-1659

Page 2 of 5

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 6.4 acres out of the George W. Teeter Survey located at 1301 Glade Road, from the AG-Agricultural zoning district to the PUDR-Planned Unit Development Residential zoning district, as depicted in the attached Exhibit "A", labeled Location and Zoning Map and is described in the attached Exhibit "B", labeled Legal Description.
- Sec. 3. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUDR is for a single-family residential development of detached dwelling units, constructed at a gross maximum density of 1.4 dwelling units per acre.
- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. CONCEPTUAL PLAN AND PLATTING

- a. The street layout and arrangement of lots of the subdivision shall be generally consistent with the Conceptual Site Plan, labeled as Exhibit "C", which shall not be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on Exhibit "C" to accommodate topographic, drainage or other conditions.
- b. The developer shall submit and receive approval from the City a Preliminary and Final Plat in accordance with the requirements of the Land Development Code prior to development of this PUDR.

Existing Ordinance

Ordinance O-08-1659

Page 3 of 5

3. PERMITTED USES

- a. Single-family residences, detached
- b. Common open space areas

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Single-family detached residential lot requirements and setbacks shall comply with the following provisions. Building line setbacks established by Exhibit "C", shall control where such building line setback is different from the following requirements.

- | | |
|------------------------|---|
| a. Minimum Lot Size | 20,000 square feet. |
| b. Minimum Lot Width | 100 feet, except for cul-de-sac lots which shall be a minimum 83 feet wide. |
| c. Front Building Line | 30 feet. |
| d. Side Building Line | 10 feet. |
| e. Rear Building Line | 25 feet. |

5. OPEN SPACE

- a. This development shall provide not less than 14.97% common open space, which shall generally be configured as shown on Exhibit "C". All open space areas shall be landscaped and maintained by the Homeowner's Association.
- b. All amenities within the open space areas shall be maintained by the Homeowner's Association.
- c. Landscaping and tree preservation along Glade Road shall conform to the specifications and depictions shown on the attached Exhibit "D" labeled Entry Landscape Plan.

6. SCREENING

- a. All lots backing to open space areas shall contain fencing that consists of decorative metal and/or masonry.
- b. A six (6) foot wrought-iron fence shall be constructed along the entire western property line of the development and shall be maintained by the homeowner's association.

7. SIDEWALKS AND PATHWAYS

- a. Sidewalks shall be required along both sides of the new street and along Glade Road.

Existing Ordinance

Ordinance O-08-1659

Page 4 of 5

8. ARCHITECTURAL FEATURES

- a. Driveways and Private Walkways – All shall be of a washed aggregate or stamped finished concrete.
- b. Masonry Requirement – 100% brick, stone or real stucco. No Finishing System (EIFS) or artificial stucco material shall be permitted.
- c. Garage Standard – Minimum of a three car garage with wood, architecturally enhanced doors.
- d. Roof Pitch and Roof Materials – All prominent pitched roofs shall be not less than a 10:12 pitch. Materials shall consist of 40 pound architectural dimension shingles, slate, tile or standing seam metal.
- e. Windows – All windows shall be insulated glass with a “low-e” specification. No aluminum windows shall be permitted.

9. OTHER

- a. All homes constructed in the development shall be installed with a fire suppression sprinkler system approved by the Fire Marshal.
- b. The street serving this development shall contain a minimum of 40 feet of right-of-way width and a minimum of 31 feet of pavement width, measured from curb-back to curb-back.
- c. Upon platting, a minimum five-foot sidewalk and utility easement shall be located along both sides of the new street serving the development.
- d. A minimum of two (2) three-inch caliper trees shall be planted within the front yard of each lot by the homebuilder upon construction of a new home.
- e. Within 60 days of the certificate of occupancy being issued, all lots must be fully irrigated.
- f. A sign identifying the development shall be built at the southwest corner of the entry to the subdivision as shown on the attached Exhibit “D” labeled Entry Landscape Plan. The sign shall meet the requirements of the Land Development Code and shall not be located within any street right-of-way.
- g. A masonry, or stone, retaining wall shall be constructed, and, where applicable, replace any existing retaining wall structure or material along the creek prior to the acceptance of final public improvements by the Engineering department. The wall shall be approved by, and meet the specifications of, the Engineering department and shall be maintained by the homeowner’s association.

Existing Ordinance

Ordinance O-08-1659

Page 5 of 5

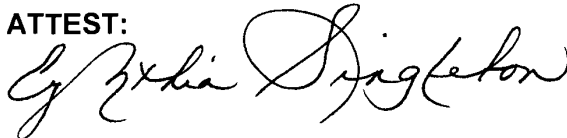
- Sec. 5. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 7. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 8. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 5th day of February 2008.

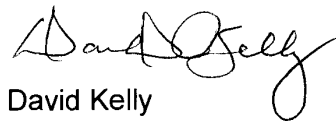
The second reading and public hearing being conducted on the 19th day of February 2008.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



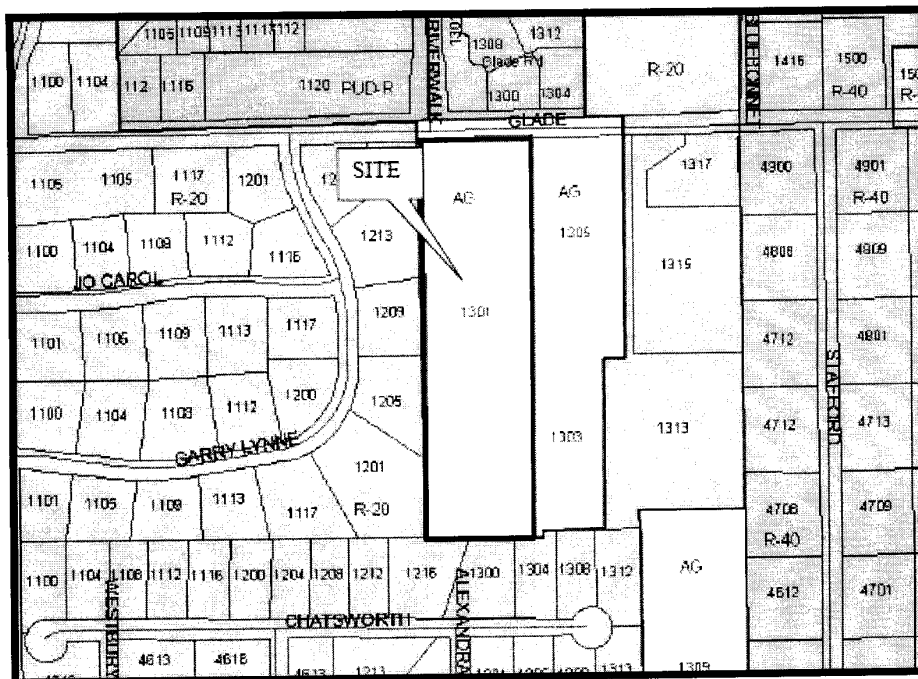
David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

EXHIBIT "A"- Location and Zoning Map



Existing Ordinance

EXHIBIT "B"-Legal Description

Carmel Place Estates
Colleyville, Texas

FIELD NOTES

to that certain tract situated in the George W. Teeter Survey, Abstract Number 1543, in the City of Colleyville, Tarrant County, Texas, and being the same tract, described in the deed to Clifton R. Duke and wife, Candace J. Duke recorded in Volume 6318, Page 328 of the Deed Records of Tarrant County, Texas; the subject tract being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of Sunrise Terrace Section One according to the plat recorded in Volume 388-31, Page 66 of the Plat Records of Tarrant County, Texas, from which a found 1/2 inch rebar bears North 12 Degrees East a distance of 0.54 feet;

THENCE North 89 Degrees 48 Minutes 17 Seconds East, with the north line of the tract described in the deed to Clifton R. Duke and wife, Candace J. Duke recorded in Volume 6318, Page 328 of the Deed Records of Tarrant County, Texas (said tract hereinafter referred to as the "Duke tract") a distance of 272.06 feet to a 1/2 inch rebar found at the northeast corner thereof and the northwest corner of the tract described in the deed to Robert Gene Hubbard recorded in Volume 5804, Page 444 of the said Deed Records;

THENCE South 01 Degree 37 Minutes 46 Seconds East, with the east line of the said Duke tract and the west line of the said Hubbard tract described in the deed recorded in Volume 5804, Page 444 and the west line of another tract to said Robert Gene Hubbard this one recorded in Volume 5804, Page 446 of the said Deed Records a total distance of 969.16 feet to a 5/8 inch rebar found at a salient corner in the north line of Block 1 of The Lakes of Somerset recorded in Cabinet A, Slide 312 of the said Plat Records;

THENCE South 00 Degrees 06 Minutes 01 Second West, with the north line of said Block 1 a distance of 15.97 feet to a 1/2 inch rebar found at a reentrant corner of said north line;

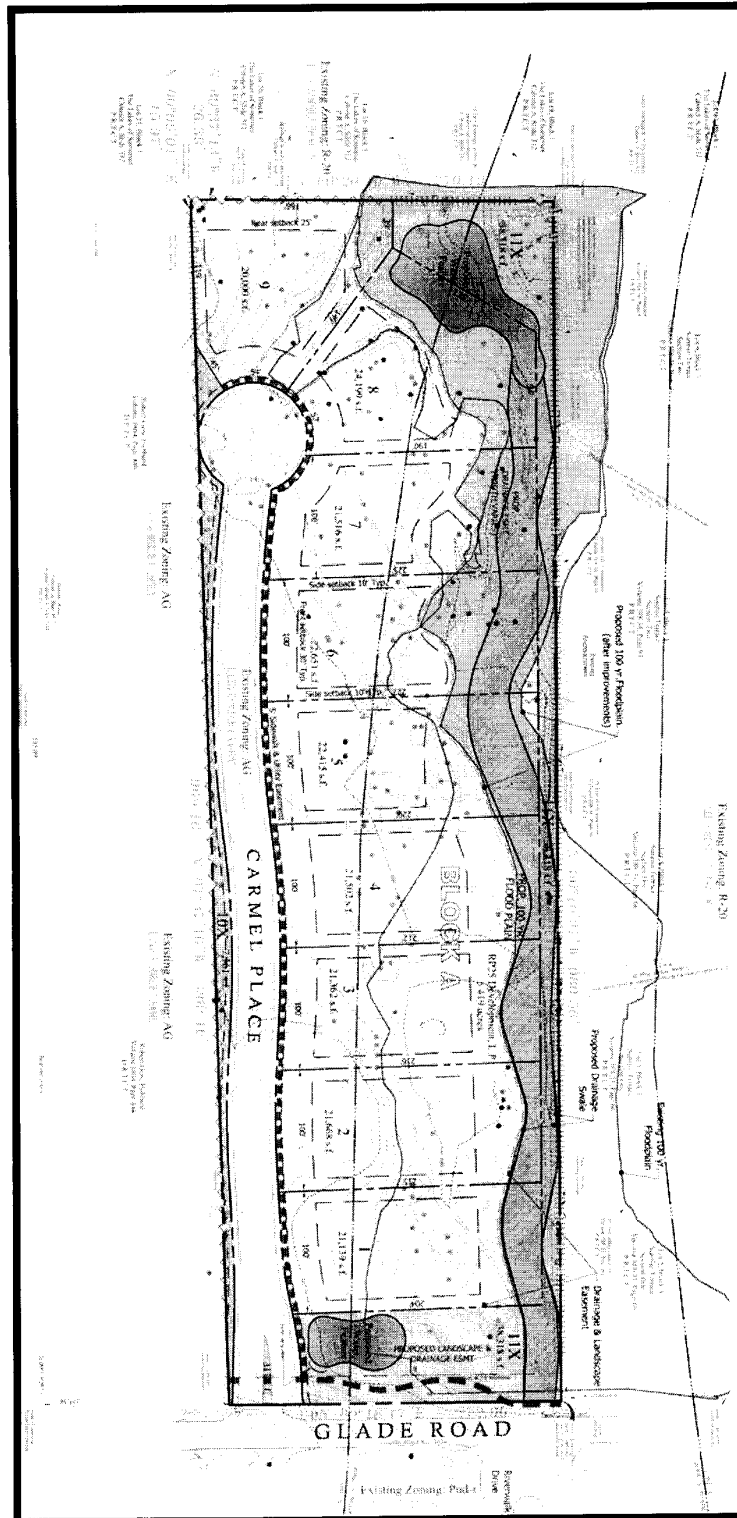
THENCE North 89 Degrees 37 Minutes 43 Seconds West, continuing with the north line of Block 1 a distance of 26.39 feet to a bend in said north line, from which a 5/8 inch rebar found bears North 36 Degrees West a distance of 0.38 feet;

THENCE North 89 Degrees 20 Minutes 40 Seconds West, continuing with the north line of Block 1 a distance of 270.19 feet to a 2 inch iron pipe (said pipe was removed by others and set in another location and shown herein) found at the southeast corner of Sunrise Terrace Section Two recorded in Volume 388-38, Page 91 of the said Plat Records and the southwest corner of the Duke tract;

THENCE North 00 Degrees 10 Minutes 37 Seconds West, with the west line of the Duke tract and the east line of said Sunrise Terrace Sections One & Two a distance of 980.56 feet returning to the PLACE OF BEGINNING and enclosing 6.419 acres.

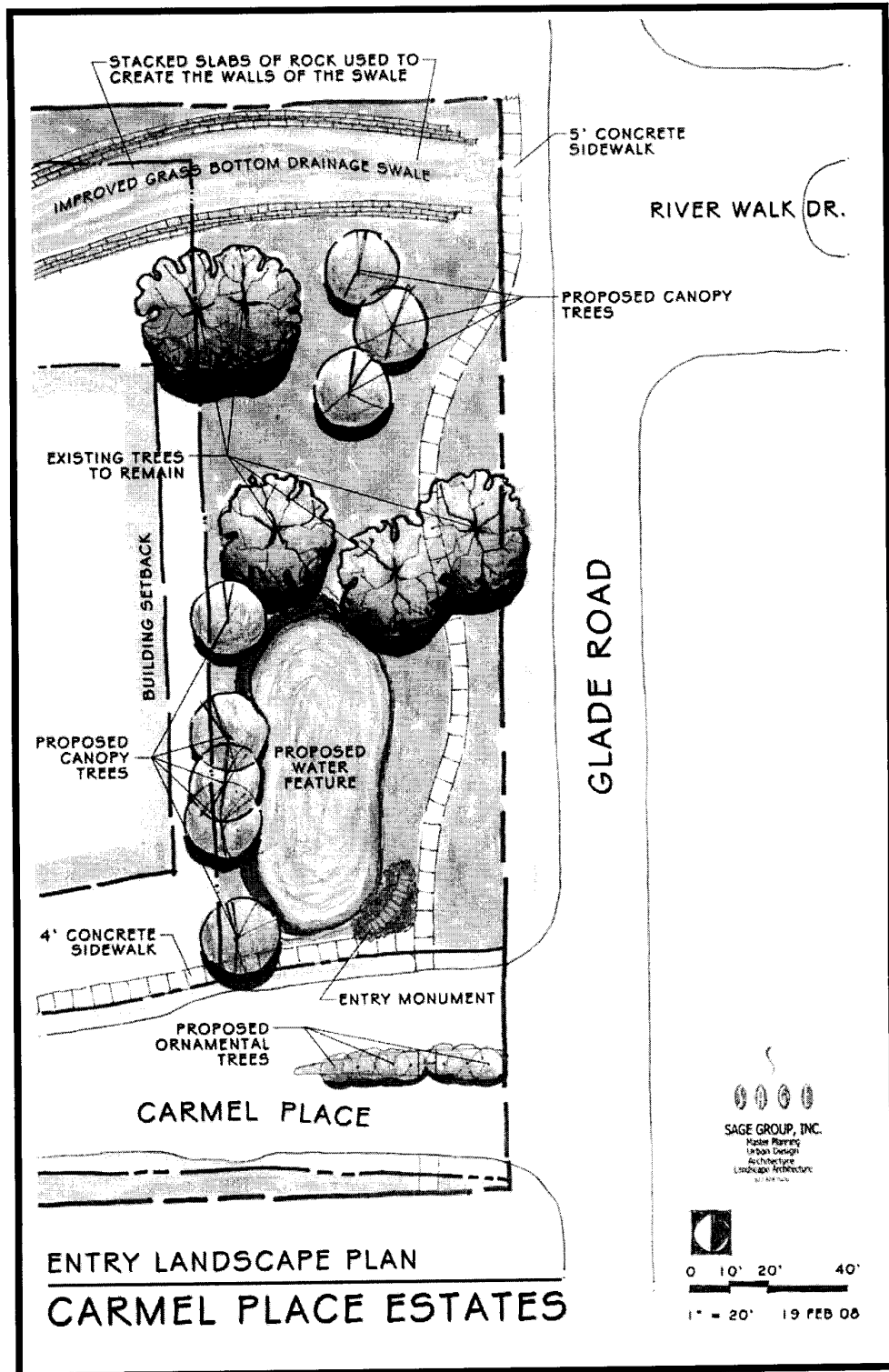
Existing Ordinance

EXHIBIT "C"- Conceptual Site Plan

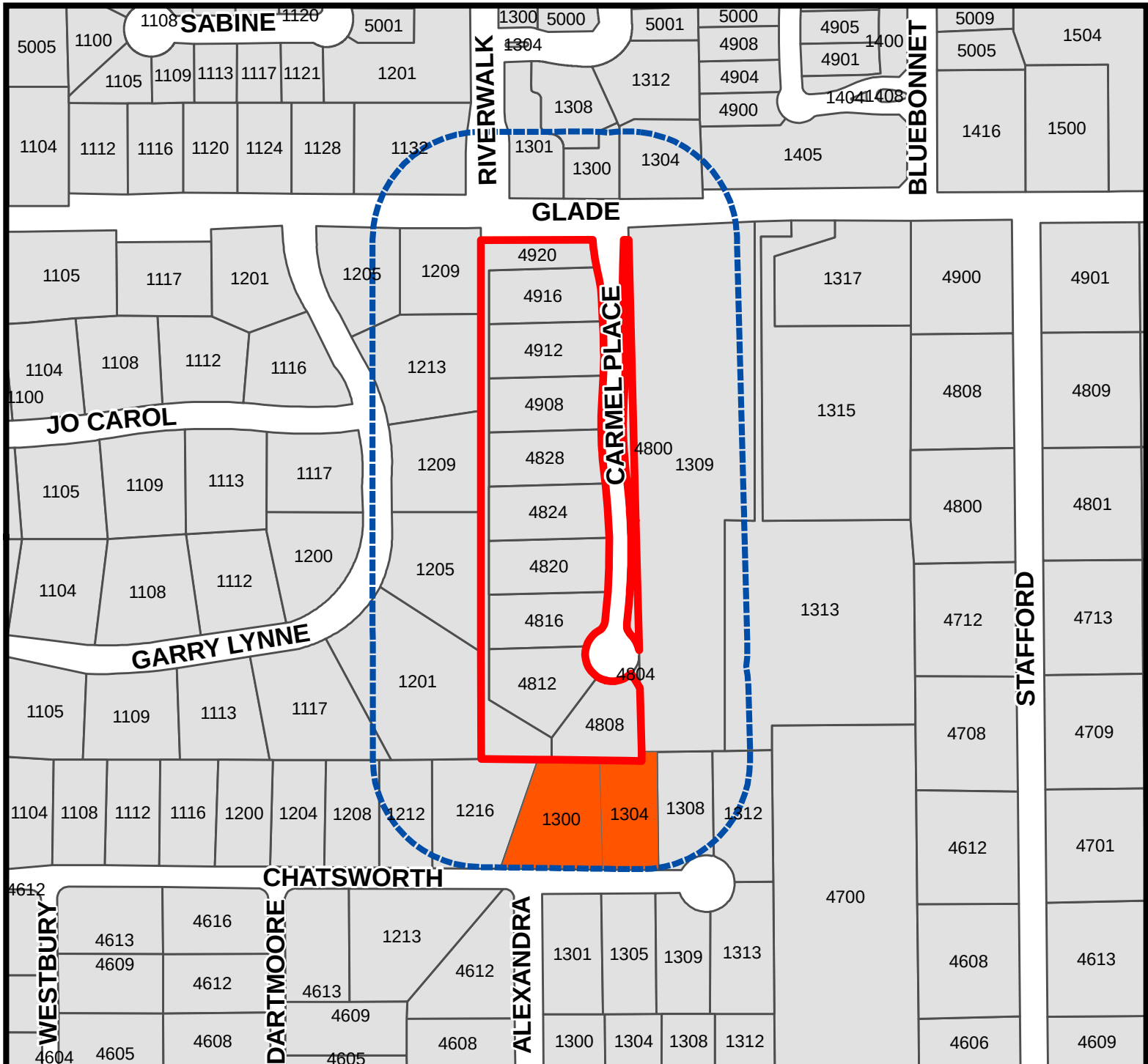


Existing Ordinance

EXHIBIT "D"- Entry Landscape Plan



OPPOSITION MAP



ZC16-015

4920, 4916, 4912, 4908, 4828,
4824, 4820, 4816, 4812, 4808,
4804, AND 4800 CARMEL PLACE



1 inch = 260 feet

- Parcels Opposed
- Subject Properties
- Opposition Area

Total Land Area in Buffer (Includes R.O.W): 661508 Sq Ft /15.18 Total Acres
Total Land Area Opposed (within 200 ft Notice Area): 51310 Sq Ft/ 1.17 Total Acres
Percent of Land Opposed (within the 200 ft. Notice Area): 7.76%

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.

Letters of Opposition

September 4, 2016

To the City of Colleyville Planning and Zoning Commission:

I recently received communication from the city involving an amendment to the Carmel Place Estates – zoning case number ZC16-015. Unfortunately, my wife and I will be out of town for the September 12th Planning and Zoning Meeting. From your communication, it appears that Russell Slovak is asking for an amendment to the planned development we were told about 2 years ago. We have been very disappointed in the pace of this work that has gone on for 18 months. We have gone from an attractive wooded area to months of excavation with ineffective erosion control measures that allowed very significant amounts of silt from freshly excavated ground to pour into our recently dredged pond.

A settlement that we agreed to involved the demolition of the retaining wall at 1216 Chatsworth and an improvement of the dam between the two ponds. After a summer of promises, we have yet to see any work done.

Now, we are asked to approve an amendment which seems to involve a rearrangement of lots and the addition of more lots to Carmel Place Estates. Our concern is that the ground level of the two newly divided lots backing up to 1300 and 1304 Chatsworth is remarkably higher than the Lakes of Somerset homes. When this property was designed for one home we felt there was enough room for the home placement not to invade our privacy. Now with 4808 forced into a more limited space on such high ground, even a one story house will be peering into our yards and back windows. If the P & Z Commission approves this new plan, we ask that Carmel Place Estates be compelled to protect our privacy by building a 10' privacy fence and plant even taller trees to provide a visual barrier between the properties.

Thank you for protecting the current property owners by reviewing the plans of developers. We look forward to the development of quality homes and attractive landscaping of Carmel Place Estates and welcoming them to Colleyville.

Kind Regards,



Dave and Jan Emler

817-944-6960

1300 Chatsworth Court E

RECEIVED
SEP 09 2016
Per

Letters of Opposition

September 6, 2016

To the City of Colleyville Planning and Zoning Commission:

Ref: Zoning case number ZC16-015

I have being very disappointed the way different developers have being dealing with this project.

My main concern is the privacy of my home of 20 years.

As you know these new lots are higher than my home and it looks like these new homes are going to be two story buildings.

As you can see enclosed communication dated March 3.2008 with original developer Clearwater Development I was promised a wall of high trees at my property line to protect my privacy which was my condition to approve the original plan.

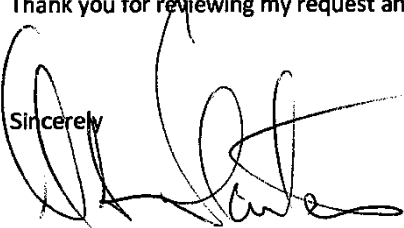
After new developer Centurion American Development Group refused to honor the original promise I asked my lawyer contact them June 25.2014, letter enclosed.

Their response dated July 3.2014 enclosed where they refuse to do anything.

In case Planning and Zoning Commission is going to approve this new plan I am requesting that the developer is going to honor the original promise and addition to that build a privacy wall which is at least 10 feet high.

Thank you for reviewing my request and protecting current property owners.

Sincerely

A handwritten signature in black ink, appearing to read 'Osmo Hautanen', written over the word 'Sincerely'.

Osmo Hautanen

1304 Chatsworth Court East

Colleyville, TX 76034

E-mail:

Cell: 214 435 6800

Letters of Opposition



July 3, 2014

Mr. Chris W. Stenholm
4000 W. Vickery Boulevard, Suite A
Fort Worth, Texas 76107

Via Email

Via Certified Mail RRR 7013 1710 0001 7266 1726

RE: Osmo Hautanen, 1304 Chatsworth Court East, Colleyville, Texas 76034

Mr. Stenholm:

I am in receipt of your correspondence dated June 26, 2014 as it pertains to the above-referenced matter. Unfortunately, Centurion American's ("Centurion") position on this matter is different than your client's.

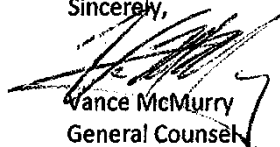
When Centurion acquired the Development property at 1301 Glade Road in Colleyville ("Property") there was no documentation or notice provided of any agreement with Mr. Hautanen and the previous owner regarding the requirement to plant any trees related to your client's property. Centurion is not a party to that agreement with the previous land owner or Mr. Hautanen, and when the title policy was issued, there was nothing in the property records as to such agreement or any such obligation to plant trees at the time Centurion acquired the Property.

Furthermore, you have attached emails between the former owner and your client from over six years ago, which is beyond the applicable statute of limitations period (March 2008) that simply involved a discussion about planting trees and which never cites an agreement follow through, much less a contractual obligation involving an exchange of consideration. Even if the previous owner had a contract with Mr. Hautanen to plant such trees, Centurion was not a party to that agreement and such an agreement is invalid and unenforceable against Centurion.

Finally, your client claims Mr. Rowan verbally agreed to plant trees, between his property and Centurion's Property, and if such is true, such an offer would not rise to a contractual obligation, especially with the lack of an exchange of consideration, which is as you know, a criteria for a contractual obligation.

Thus, Centurion's position is that it is under no obligation to plant any trees related to Mr. Hautanen's property. In the event your client has an actual written agreement that was agreed to or assigned to Centurion or other evidence, which demonstrates an actual binding agreement between Centurion and Mr. Hautanen, feel free to forward that to me and we may reconsider our position.

Sincerely,



Vance McMurry
General Counsel



CENTURION AMERICAN • DEVELOPMENT GROUP

1221 IH 35E, SUITE 200 • CARROLLTON, TX 75006 • (O) 469.892.7200 • (F) 469.892.7201

Letters of Opposition

June 25, 2014

**Via Fax: (469) 892-7201 and
CMRRR 7014 0150 0001 6333 2136**

Vance McMurry
General Counsel
Centurion American Development Group
1221 N. IH 35E
Suite 200
Carrollton, TX 75006

**Via Email: _____
and CMRRR 7014 0150 0001 6333 2143**

Stephen Tome
Clearwater Development
400 Gypsum Creek Road
Gypsum, CO 81637

Re: Osmo Hautanen
1304 Chatsworth Court East
Colleyville, TX 76034

Gentlemen:

We represent Osmo Hautanen, owner of the referenced property (the "Hautanen Residence"). Lot 9 of Carmel Place Estates (the "Development"), which Development is situated at 1304 Glade Road, Colleyville, Texas, backs up to the Hautanen Residence. In connection with obtaining local approvals necessary for the Development project to proceed, and to remove neighborhood objection, Clearwater Development ("Clearwater") agreed that a row of Nellie R. Stevens holly trees would be purchased and planted by Clearwater along the back fence line of the Hautanen Residence to provide a privacy barrier. Clearwater's agreement is

Letters of Opposition

Centurion American Development Group and Clearwater Development
Re: Osmo Hautanen Property
June 25, 2014
Page 2

memorialized by the enclosed email chain. As you can see, the trees were to be planted on Mr. Hautanen's property at the time construction work on the Development started.

We further understand that Centurion American Development Group ("Centurion") subsequently acquired the Development and began development in 2014. Mr. Hautanen then had several discussions and email exchanges (see enclosures) with Chase Rowan of Centurion regarding this issue and, on June 10, 2014, Mr. Rowan orally agreed that the trees would be planted. On June 19, 2014, Mr. Rowan apparently reneged on the agreement.

We are writing both Clearwater and Centurion (i) to demand that the agreement originally made by Clearwater, and subsequently ratified by Centurion, be honored and (ii) because Mr. Hautanen was not privy to the details of the sale transaction between Clearwater and Centurion. We understand that at least 20 trees will be required, and the trees should be at least 6 feet tall. The trees should be promptly purchased, delivered and planted in a professional manner on Mr. Hautanen's property as he directs.

We assume that this dispute is simply the result of a miscommunication or misunderstanding, considering the passage of time and change of ownership of the Development. We further assume you share our interest in resolving this matter as amicably and expeditiously as possible, particularly in light of the cost of purchasing and planting the subject trees. Mr. Hautanen simply desires that the agreement made to secure his cooperation with the Development be honored.

We respectfully request a response by **Wednesday, July 2, 2014, at 5:00 p.m.**

Thank you for your prompt attention to this matter.

Sincerely,

Chris W. Stenholm

CWS:skm
Enclosures

cc Osmo Hautanen

Letters of Opposition

Page 1 of 6

Print

From:
Sent: Thursday, June 19, 2014 12:25
To: Chase Rowan
Subject: Re: 1301 Glade Rd (Carmel Place Estates)

Chase
This is very different what we agreed on the phone?
I will give to my lawyer and let him deal with it.
What is the name and contact information of your lawyer?
Osmo

From: Chase Rowan
Sent: Thursday, June 19, 2014 12:18
To:
Subject: RE: 1301 Glade Rd (Carmel Place Estates)

Osmo,
I spoke to our attorney about this, and he says that unless you have an Agreement with the previous developer that was Recorded, this (email) agreement is solely between you and that developer and in no way does the previous agreement run with the land. You're more than welcome to plant trees on your property, and that is what I recommend you do. I wish I could help you, but my hands are tied. Let me know if you have any questions.

Thanks,

Chase Rowan
Project Manager
Centurion American Development Group
1221 N. IH 35E Suite 200
Carrollton, Texas 75006



From:
Sent: Wednesday, June 18, 2014 7:25 PM
To: Chase Rowan
Subject: Re: 1301 Glade Rd (Carmel Place Estates)

Chase
I am asking you one more time to confirm our phone discussion after sending you multiple e-mails as you can see below as well as voice-mail.
If it was your plan to do what you told me on our last call please confirm it my e-mail.
I will wait until end of business tomorrow your response.
Osmo

6/19/2014

Letters of Opposition

Page 2 of 6

Print

From:

Sent: Monday, June 16, 2014 08:54

To:

Subject: Re: 1301 Glade Rd (Carmel Place Estates)

Chase

Please confirm our phone conversation last week regarding the trees.

Thank you

Osmo

From:

Sent: Friday, June 13, 2014 14:34

To:

Subject: Re: 1301 Glade Rd (Carmel Place Estates)

Chase

I am still waiting your e-mail confirmation for our discussion earlier this week.

Osmo

From:

Sent: Wednesday, June 11, 2014 09:42

To:

Subject: Re: 1301 Glade Rd (Carmel Place Estates)

Chase

Thank you for your call yesterday.

I appreciate your taking care of the trees.

Please just confirm by e-mail your agreement to take of things Oct-Nov 2014.

Thank you very much.

Osmo

From:

Sent: Monday, June 9, 2014 16:00

To:

Subject: Re: 1301 Glade Rd (Carmel Place Estates)

Letters of Opposition

Page 3 of 6

Print

Chase

I am still waiting for your response my e-mail below.

Osmo

From:

Sent: Friday, June 6, 2014 08:30

To:

Subject: Re: 1301 Glade Rd (Carmel Place Estates)

Chase

I assume you have had enough time to study the e-mail to let me know how you want to proceed.

Regards

Osmo

From:

Sent: Tuesday, June 3, 2014 12:45

To:

Subject: Re: 1301 Glade Rd (Carmel Place Estates)

Chase

Please let me know how you want to deal with my situation.

As I indicated in my mail yesterday I would like to get it done next two weeks

Regards

Osmo

From:

Sent: Monday, June 2, 2014 10:12

To:

Subject: Re: 1301 Glade Rd (Carmel Place Estates)

Chase

Thank you for your call last Thursday.

I will be in NY next two days and back in Dallas Wednesday.

I will be traveling to Europe around the 20th of June for six weeks and my expectation is that we can take care of my issues prior of my departure.

Thank you.

Osmo

Letters of Opposition

Page 4 of 6

Print

From:

Sent: Wednesday, May 28, 2014 17:16

To:

Subject: Fw: 1301 Glade Rd (Carmel Place Estates)

Dear Chase

I got your name from Stacy at the Planning and Zoning office at the city of Colleyville.

She asked me to contact you regarding issues discussed in e-mails below.

As you know the development work has started behind my property and nobody has contacted me how to deal with the privacy of my property as promised when the original zoning took place.

Please give me a call at your earliest convenience.

Osmo Hautanen

1304 Chatsworth Court East

Colleyville TX 76034

Cell: 214 435 6800

On Thursday, March 6, 2008 10:02 PM,

wrote:

Thank you.

Send me a e-mail or call me when you are ready to do it.

Osmo

-----Original Message-----

From: Stephen Tome

Date: Thu, 6 Mar 2008 20:00:33

To:

Subject: Re: 1301 Glade Rd (Carmel Place Estates)

Hello Osmo,

My apologize for not getting back to you sooner. We will probably be doing the work around the same time we start working on the development. I will need to coordinate with you on the timing as we get a little closer to the date.

Stephen Tome

----- Original Message -----

From:

To:

Sent: Wednesday, March 5, 2008 11:06:23 AM

Subject: Fw: 1301 Glade Rd (Carmel Place Estates)

Stephen

Please confirm that you got this mail and timing when you want to get this job done.

Thank you.

Osmo

-----Original Message-----

From:

Date: Tue, 4 Mar 2008 21:33:26

To: "Stephen Tome"

Subject: Re: 1301 Glade Rd (Carmel Place Estates)

Stephen

We would like to have these trees on our side of the fence.

<https://us-mg205.mail.yahoo.com/neo/launch?partner=sbc&rand=alu9aoe2jppj6g>

6/19/2014

Letters of Opposition

Page 5 of 6

Print

When are you planning to take care of this?

Regards

Osmo

-----Original Message-----

From: Stephen Tome <

<mailto:

➤ ➤

Date: Mon, 3 Mar 2008 18:24:25

To

Subject: Re: 1301 Glado Rd (Carmel Place Estates)

Osmo,

I think the best solution for every one will be with planting Holly trees along the fence line. We can plant the trees on your side of the fence, if it will make you more comfortable with the solution.
Let me know your thoughts.

Regards,

Stephen Tome

----- Original Message -----

From:

To: Stephen Tome <

mailto:

Sent: Monday, March 3, 2008 5:57:38 PM

Subject: Re: 1301 Glade Rd (Carmel Place Estates)

Stephen

Thank you for your feedback.

What can you do with the fence?

Regards

Osmo

-----Original Message-----

From: Stephen Tome <

>>

[illegible]

Date: Mon, 3 Mar 2008 15:08:01

To: _____
 _____ (Criminal Defense Estates)

Hello Osmo,

I wanted to thank you for the opportunity to visit with you last week. I have been working with the Sage Group, our site planners to see what we could do with Lot 9 (the one that backs up to your property) with regards to your privacy.

We tried looking at several things included as you proposed limiting the home built on lot 9 to just one story. That created some unique problems, in order to get the square footage necessary, the home would have to sit on a very large foot print, thus bringing the house back very close to the back boundary line, into some of the larger trees that we would like to preserve both for aesthetic reasons and for privacy including noise.

Understanding your concern for privacy, we have an alternative solution. We will plant Nellie R Stevens Holly along the back fence line where Lot 9 backs up to your property. These trees will grow very quickly to a height of at least 12 to 18 feet and are green year round. Thus, creating a natural barrier between the two properties and giving you some of the privacy you have come to enjoy in your back yard. Here is a link that better describes these trees:

http://landscaping.about.com/od/evergreenshrubsbushes1/p/nellie_stevens.htm <http://landscaping.about.com/od/evergreenshrubsbushes1/p/nellie_stevens.htm>
<http://landscaping.about.com/od/evergreenshrubsbushes1/p/nellie_stevens.htm<http://landscaping.about.com/od/evergreenshrubsbushes1/p/nellie_stevens.htm>
>
<http://landscaping.about.com/od/evergreenshrubsbushes1/p/nellie_stevens.htm<http://landscaping.about.com/od/evergreenshrubsbushes1/p/nellie_stevens.htm>
<http://landscaping.about.com/od/evergreenshrubsbushes1/p/nellie_stevens.htm<http://landscaping.about.com/od/evergreenshrubsbushes1/p/nellie_stevens.htm>

Our intention in doing this development has always been to be good neighbors with the neighbors around us, and when ever possible we will accommodate the needs and desires of our neighbors.

Regards,

Stephen Tome

Clearwater Development

(817) 800-3552 (C)

Never miss a thing. Make Yahoo your homepage.

Never miss a thing. Make Yahoo your homepage.

<http://us.rd.yahoo.com/evt=51438/*http://www.yahoo.com/r/hs>

~~http://us.rd.yahoo.com/evt=51438/*http://www.yahoo.com//ns~~ ~~http://us.rd.yahoo.com/evt=51438/*http://www.yahoo.com//ns~~

Letters of Opposition

Print

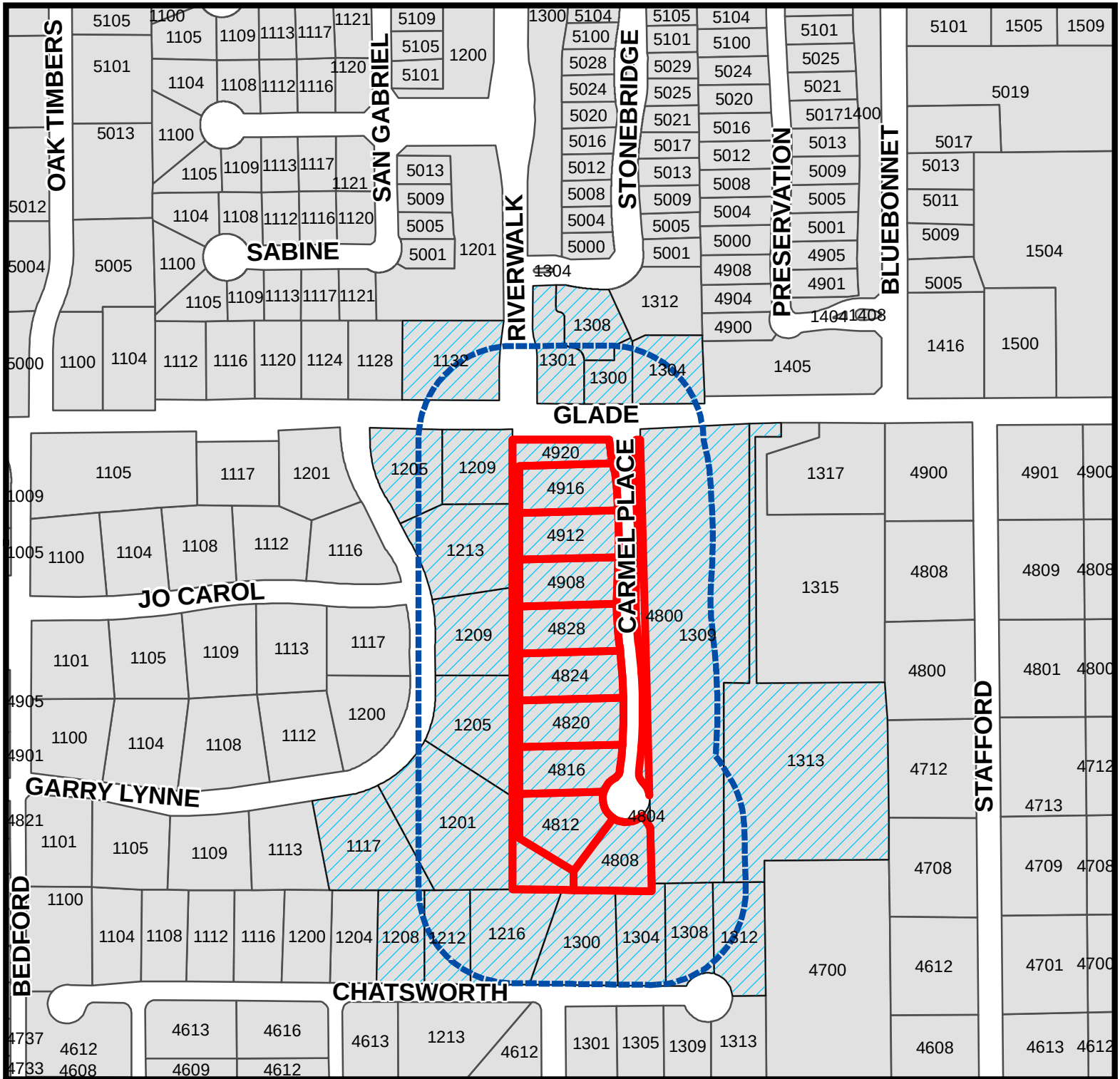
Page 6 of 6

Never miss a thing. Make Yahoo your homepage.

http://us.rd.yahoo.com/evt=51438/*http://www.yahoo.com/r/hs <http://us.rd.yahoo.com/evt=51438/*http://www.yahoo.com/r/hs> >

Never miss a thing. Make Yahoo your homepage. <http://us.rd.yahoo.com/evt=51438/*http://www.yahoo.com/r/hs>

NOTIFICATION MAP



ZC16-015

4920, 4916, 4912, 4908, 4828,
4824, 4820, 4816, 4812, 4808,
4804, AND 4800 CARMEL PLACE



1 inch = 292 feet

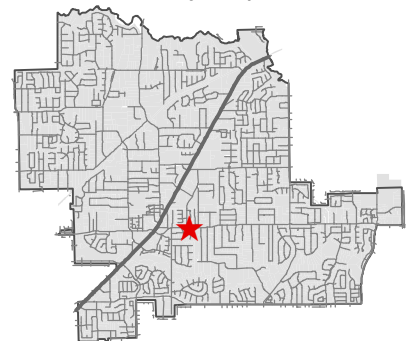


Subject Property

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
ARCLAND INVESTMENTS LLC	1300 GLADE RD	COLLEYVILLE, TX	76034	1300 GLADE RD
MAUNEY, KEITH	1216 CHATSWORTH DR	COLLEYVILLE, TX	76034	1216 CHATSWORTH DR
CADG CARMEL PLACE LLC	1800 VALLEY VIEW LN STE 300	FARMERS BRNCH, TX	75234	4916 CARMEL PL
SMITH, DENIS J	1308 CHATSWORTH CT E	COLLEYVILLE, TX	76034	1308 CHATSWORTH CT E
CADG CARMEL PLACE LLC	1800 VALLEY VIEW LN STE 300	FARMERS BRNCH, TX	75234	4908 CARMEL PL
CADG CARMEL PLACE LLC	1800 VALLEY VIEW LN STE 300	FARMERS BRNCH, TX	75234	4816 CARMEL PL
CADG CARMEL PLACE LLC	1800 VALLEY VIEW LN STE 300	FARMERS BRNCH, TX	75234	4828 CARMEL PL
KING FISHER LTD	1132 GLADE RD	COLLEYVILLE, TX	76034	1132 GLADE RD
SWINDELL, MITCHELL	1212 CHATSWORTH DR	COLLEYVILLE, TX	76034	1212 CHATSWORTH DR
LOGAN, EMORY M	1313 GLADE RD	COLLEYVILLE, TX	76034	1313 GLADE RD
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	1209 GLADE RD
CADG CARMEL PLACE LLC	1800 VALLEY VIEW LN STE 300	FARMERS BRNCH, TX	75234	4804 CARMEL PL
HAUTANEN, OSMO A	1304 CHATSWORTH CT E	COLLEYVILLE, TX	76034	1304 CHATSWORTH CT E
EMLER LIVING TRUST	1300 CHATSWORTH CT E	COLLEYVILLE, TX	76034	1300 CHATSWORTH CT E
HUBBARD, ROBERT GENE	PO BOX 494	COLLEYVILLE, TX	76034	1309 GLADE RD
CADG CARMEL PLACE LLC	1800 VALLEY VIEW LN STE 300	FARMERS BRNCH, TX	75234	4912 CARMEL PL
COLLINS, MICHAEL	1208 CHATSWORTH DR	COLLEYVILLE, TX	76034	1208 CHATSWORTH DR
CADG CARMEL PLACE LLC	1800 VALLEY VIEW LN STE 300	FARMERS BRNCH, TX	75234	4808 CARMEL PL
IDOL INVESTMENTS LLC	1124 TRIPLE CROWN CT	BARTONVILLE, TX	76226	1304 GLADE RD # 300
SNYDER, JOHN	1701 ROYAL LN #1202	DALLAS, TX	75229	4812 CARMEL PL
FOUNTAINS AT RIVERWALK OFFICE	704 KENT CT	SOUTHLAKE, TX	76092	1301 STONEBRIDGE DR
GRAY, DOUGLAS M	1201 GARRY LYNNE DR	COLLEYVILLE, TX	76034	1201 GARRY LYNNE DR
GRISIO, TERENCE R	3505 MEADOWLARK LN	COLLEYVILLE, TX	76034	1205 GLADE RD
CADG CARMEL PLACE LLC	1800 VALLEY VIEW LN STE 300	FARMERS BRNCH, TX	75234	4800 CARMEL PL
WHITTEN, LINDA	1209 GARRY LYNNE DR	COLLEYVILLE, TX	76034	1205 GARRY LYNNE DR
HSV RETREAT LLC	5132 POST OAK TR	COLLEYVILLE, TX	76034	1308 GLADE RD # 200
ROACH, ALISHA	1312 CHATSWORTH CT E	COLLEYVILLE, TX	76034	1312 CHATSWORTH CT E
RODGERS, CONRAD B	1213 GARRY LYNNE DR	COLLEYVILLE, TX	76034	1213 GARRY LYNNE DR
NEAL, JANIS CAROL TR	1117 GARRY LYNNE DR	COLLEYVILLE, TX	76034	1117 GARRY LYNNE DR
CADG CARMEL PLACE LLC	1800 VALLEY VIEW LN STE 300	FARMERS BRNCH, TX	75234	4920 CARMEL PL
CADG CARMEL PLACE LLC	1800 VALLEY VIEW LN STE 300	FARMERS BRNCH, TX	75234	4820 CARMEL PL
CADG CARMEL PLACE LLC	1800 VALLEY VIEW LN STE 300	FARMERS BRNCH, TX	75234	4824 CARMEL PL
WHITTEN, HAROLD	1209 GARRY LYNNE DR	COLLEYVILLE, TX	76034	1209 GARRY LYNNE DR
THE BRIDGES AT RIVERWALK HOA	PO BOX 1183	COLLEYVILLE, TX	76034	COURTESY NOTICE
RIVERWALK AT COLLEYVILLE HOA	P.O. BOX 1031	COLLEYVILLE, TX	76034	COURTESY NOTICE
LAKES OF SOMERSET HOA	1104 CHATSWORTH CT WEST	COLLEYVILLE, TX	76034	COURTESY NOTICE
SLOVAK, RUSSELL	1800 VALLEY VIEW LN,STE 300	FARMERS BRANCH, TX	75234	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed
Friday, September 23, 2016 by Araceli
Botello

ORDINANCE O-16-1997

AMENDING ORDINANCE O-08-1659 CONDITIONS; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council approved Ordinance O-08-1659 on February 19, 2008 to grant a rezoning request from the AG-Agricultural district to the PUD-R-Planned Unit Development Residential district on 6.4 acres located at 1301 Glade Road, under Case Z-08-002; and

WHEREAS, the applicant has requested an amendment to Ordinance O-08-1659 to amend Section 4.c to allow for a 20 foot building line on Lots 1-9, located at 4916, 4912, 4908, 4828, 4824, 4820, 4816, 4812, and 4808 Carmel Place, under Case ZC16-015; 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 Lots 1-9, Block 1, of the Carmel Place Estates, located at 4916, 4912, 4908, 4828, 4824, 4820, 4816, 4812, and 4808 Carmel Place, from the PUD-R Planned Unit Development-Residential Zoning District to the PUD-R Planned Unit Development-Residential Zoning District, as depicted in the attached Exhibit "A" and Exhibit "B".

Sec. 3. THAT the above described tract of land shall be subject to the following conditions:

1. General

a. The following amendments to Ordinance O-08-1659 are hereby authorized:

i. Section 4.c of Ordinance O-08-1659 is hereby amended to revise the front building line requirement to 20 feet for all single family residential lots. Additionally, all front facing garages must be set back a minimum of 25 feet from the front property line.

- ii. Ordinance O-08-1659 hereby remains valid and all provisions of Ordinance O-08-1659 shall remain in full force and effect except where amended herein.

- Sec. 4. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 5. THAT 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 1st day of November 2016.

The second reading and public hearing being conducted on the 15th day of November 2016.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____
ABSTENTIONS ON THIS THE 15TH DAY OF NOVEMBER 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

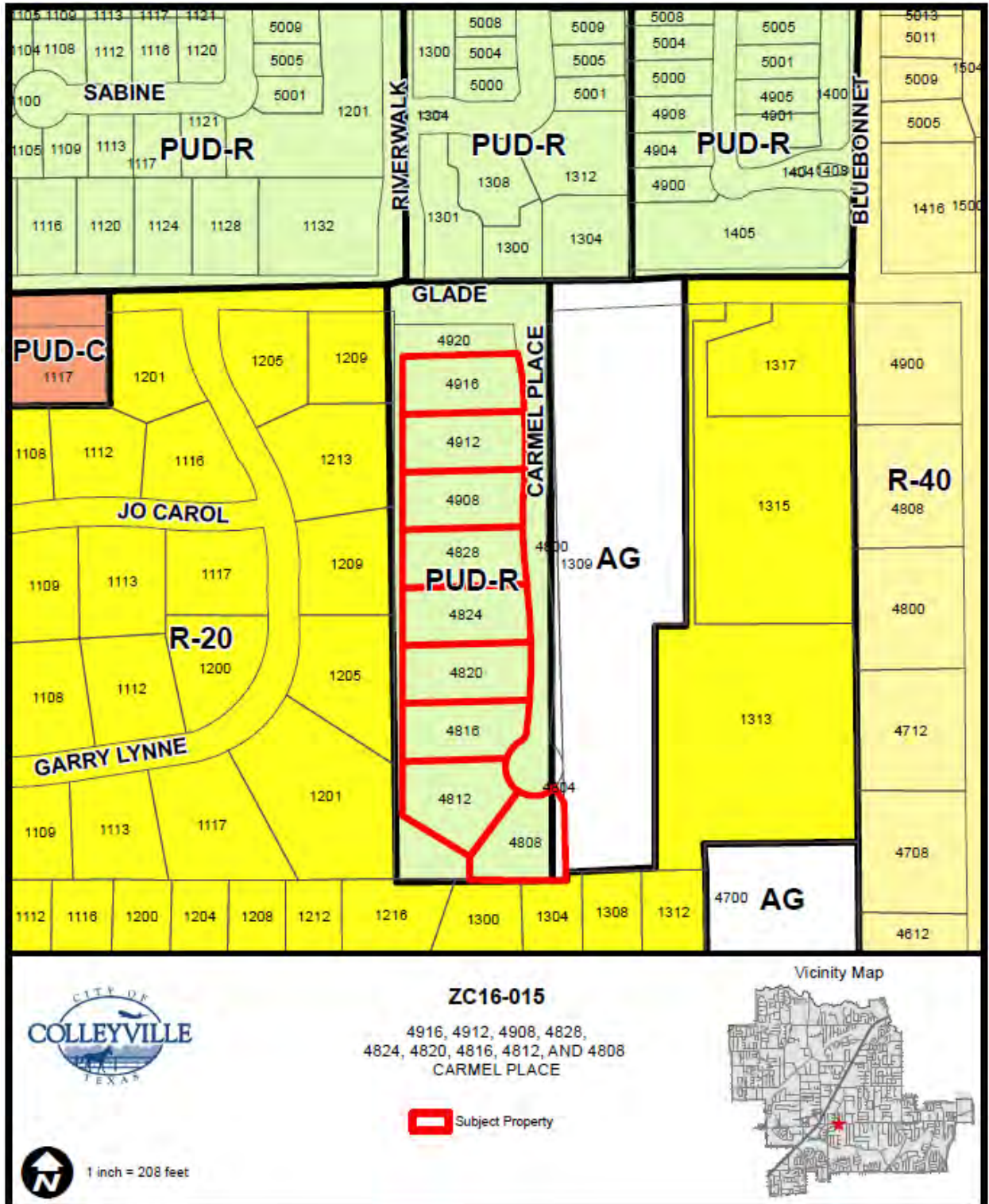
Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A"- Zoning Map



[illegible]



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5c

Agenda Date 11/01/2016

Number Ordinance O-16-1998

Type Ordinance

Department Community Development

Title

Consideration of a zoning change from the AG-Agricultural district to the R-20 Single Family Residential district on Abstract 1756 of the A. T. Young Survey, Tract 1A01B, located at 216 West Glade Road, Case ZC16-016

Strategy Map Connection

There is no strategy map connection for this item.

Explanation

First Reading and Public Hearing

Hiep Van Nguyen, the applicant, has submitted a request to rezone approximately 1.01 acres, located at 216 West Glade Road, from the AG-Agricultural district to the R-20 Single Family Residential district. The applicant is seeking a zoning change because the subject property is currently unplatted and does not meet the minimum requirements of the AG-Agricultural district. The applicant has indicated the intent to construct one single family home.

Existing Conditions/Background: The subject property is currently unplatted and developed with one single family home which is proposed to be demolished. A subsequent minor plat will be required prior to submittal of a building permit, 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-20 Single Family Residential district in order to plat an unplatted tract of land, and construct one single family home.

Ordinance – Per section 3.24.G, Schedule of District Regulations in the Land Development Code, the R-20 zoning district regulations require the following standards:

Minimum Lot Area: 20,000 square feet

Minimum Lot Width: 100 feet

Minimum Lot Depth: 125 feet

Minimum Front Yard Setback: 30 feet

Minimum Side Yard Setbacks: 10 feet

Minimum Rear Yard Setback: 25 feet

Maximum Lot Coverage: 30 percent

The applicant has provided a zoning exhibit which is conceptual in nature and not up for consideration as part of the zoning request. The conceptual exhibit proposes one lot being 1.01 acres in size. This conceptual plan meets the R-20 zoning district's minimum lot area of 20,000 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-20 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 adjacent properties to the north and west are AG-Agricultural district, the properties to the east are zoned R-20 Single Family Residential district and the properties to the south (within the Mill Creek Subdivision) are zoned PUD-R Planned Unit Development Residential district with lot sizes slightly under 20,000 square feet. The proposed conceptual zoning exhibit is generally consistent with the development pattern in the area. It should be noted that the applicant originally submitted a rezoning request for the R-40 Single Family Residential district. However, the lot width of 108 feet along Glade Road does not meet the minimum requirements of the R-40 zoning district. Based on this finding the applicant revised the request to the R-20 zoning district so that the lot will comply with all zoning regulations.

Surrounding Development: The properties to the north and west are zoned AG-Agricultural district and developed with single family homes. The properties to the east are zoned R-20 Single Family Residential district and developed with single family homes. The properties to the south are zoned PUD-R Planned Unit Development 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 0.98 dwelling units per acre. The requested zoning change is consistent with the comprehensive plan.

Fees: Park Land Dedication fees are not required for this property due to the existing structure. Impact Fees may be 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.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of this request at the October 10, 2016 meeting by a vote of 7-0 with the following condition: "The rezoning request shall be amended to reflect the R-40 Single Family Residential district."

The Planning and Zoning Commission indicated the desire to rezone the property to the R-40 zoning district based on the lot area exceeding 40,000 square feet. Although the lot does not meet the dimensional requirements for lot width of the R-40 zoning district, Chapter 9 (Subdivision Design and Public Facilities) of the Land Development Code allows the Planning and Zoning Commission to approve a plat which "contains a lot that does not meet the minimum requirements when special conditions exist." Should the rezoning request be approved, a Minor Plat will be taken to the Planning and Zoning Commission for consideration and approval.

Staff Recommendation: The proposed zoning change is consistent with the City's comprehensive plan. Although the requested R-20 zoning district is not the same as the surrounding zoning designations, the R-20 zoning 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. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Conceptual Zoning Exhibit
6. Proposed Site Plan
7. Notification Map

8. Notification List
9. Ordinance O-16-1998

AERIAL MAP



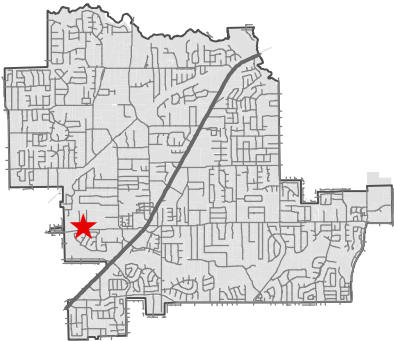
ZC16-016

216 W. GLADE ROAD



Subject Property

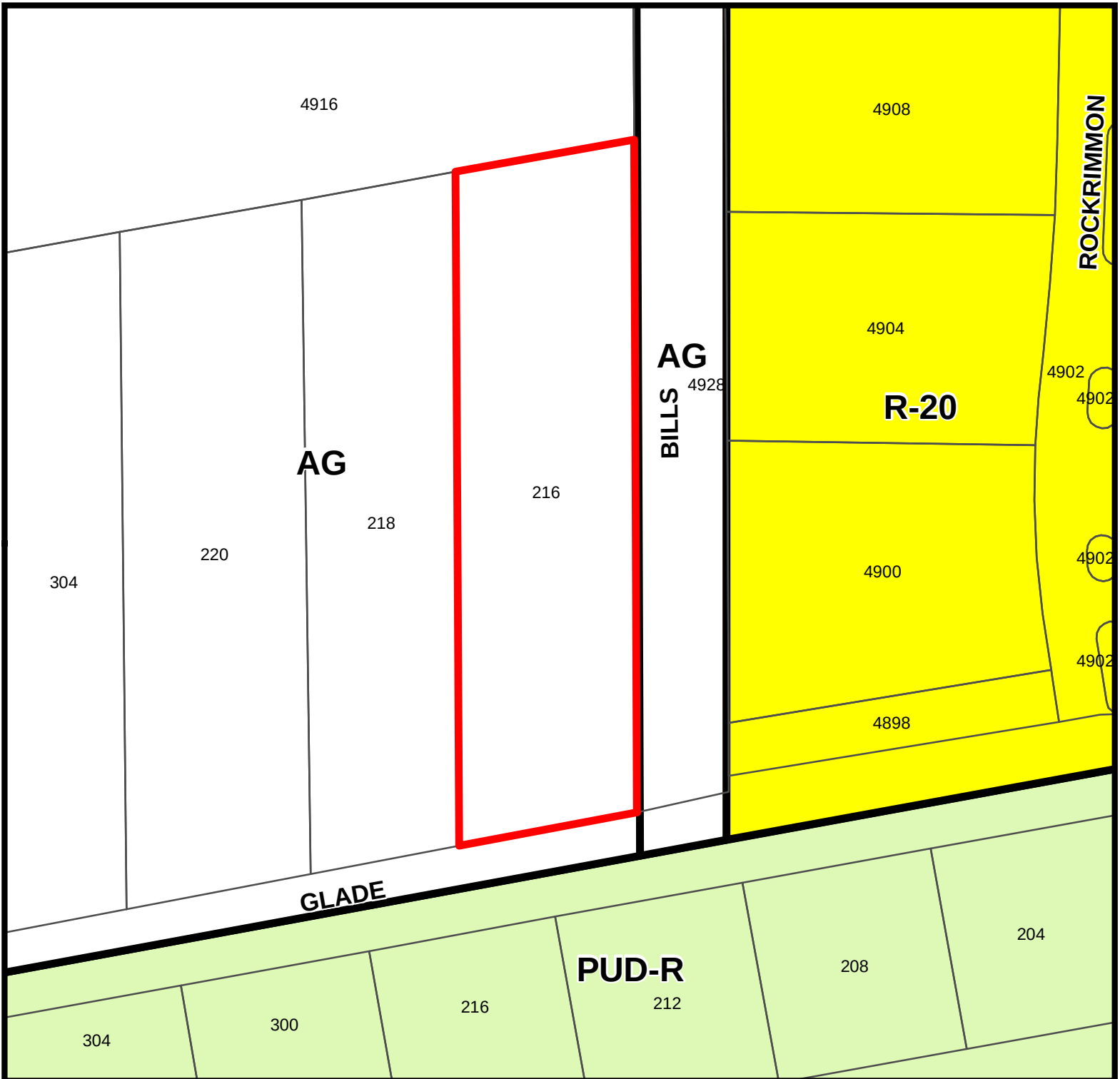
Vicinity Map



1 inch = 83 feet

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ZONING MAP



ZC16-016

216 W. GLADE ROAD

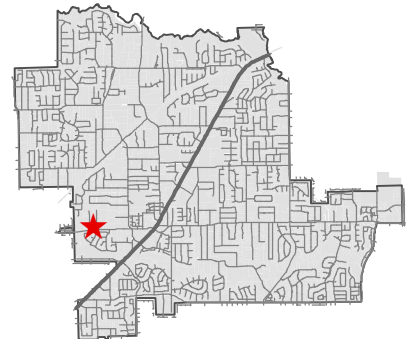


Subject Property



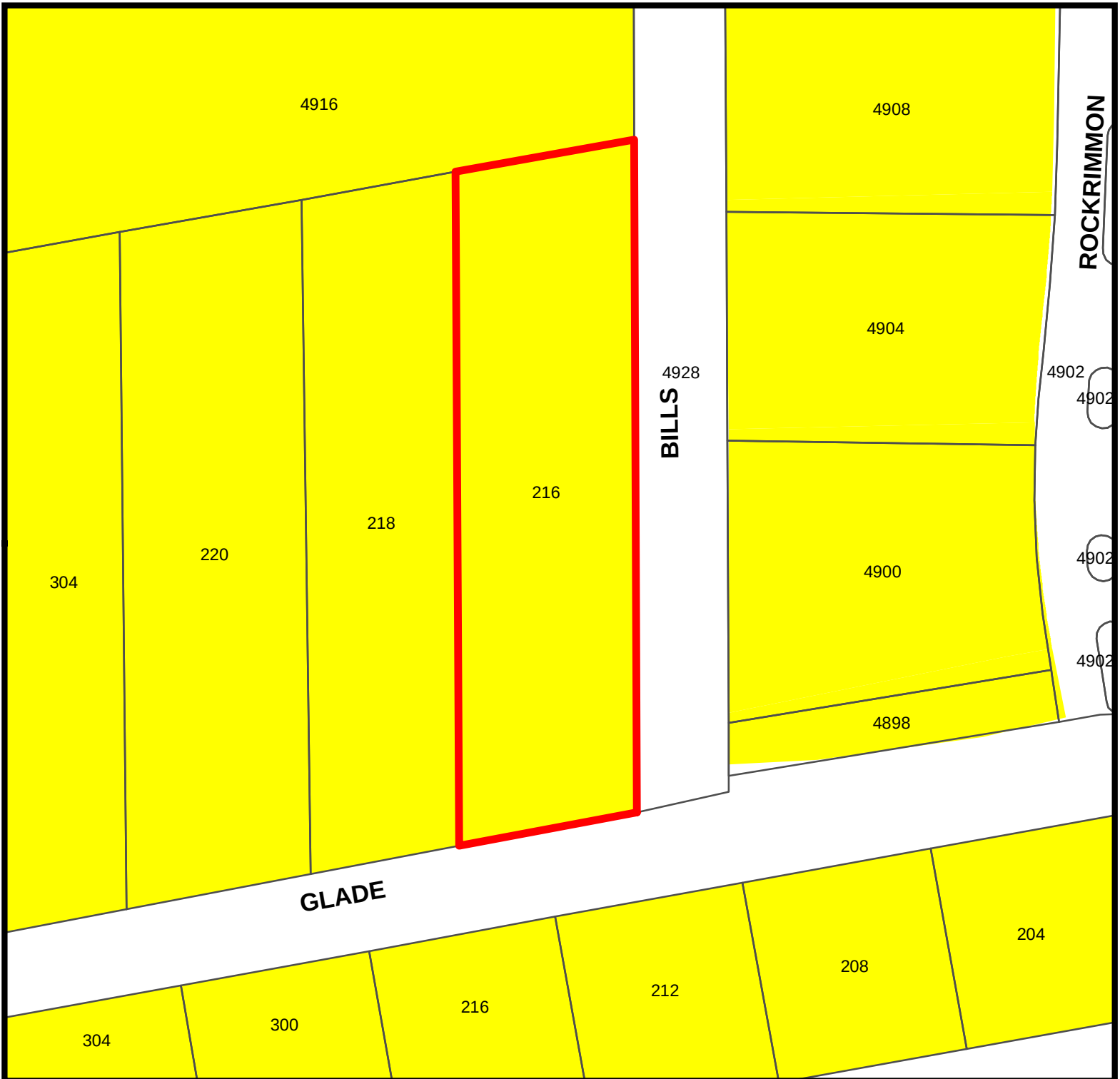
1 inch = 83 feet

Vicinity Map



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FUTURE LAND USE MAP

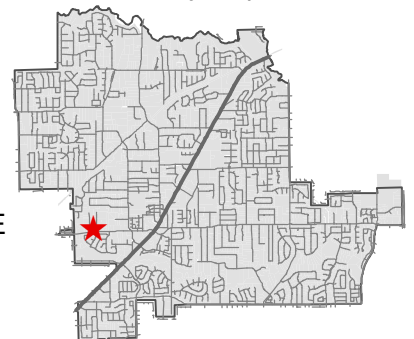


ZC16-016

216 W. GLADE ROAD

- | | | | |
|---|------------------|---|-------------------|
|  | Subject Property |  | INSTITUTIONAL |
|  | RESIDENTIAL |  | PARKS/ OPEN SPACE |
|  | COMMERCIAL | | |

Vicinity Map



1 inch = 83 feet

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Statement of Planning Objectives

Hiep Nguyen
LG Building & Construction, LLC
3825 Yucca Ave., #141
Fort Worth, TX 76111
September 20th, 2016

Zoning & Planning Department
City of Colleyville
100 Main Street
Colleyville, TX 76034S

REF: 216 W. GLADE ROAD, COLLEYVILLE, TX 76034

Dear Sir or Madam:

I am writing this letter asking for your approval of a Zone change request. The subject track of land is located at **216 W. Glade Road, Colleyville, TX 76034**. It is currently not zoned for a residential single home, and I am requesting a zone change to an R-20.

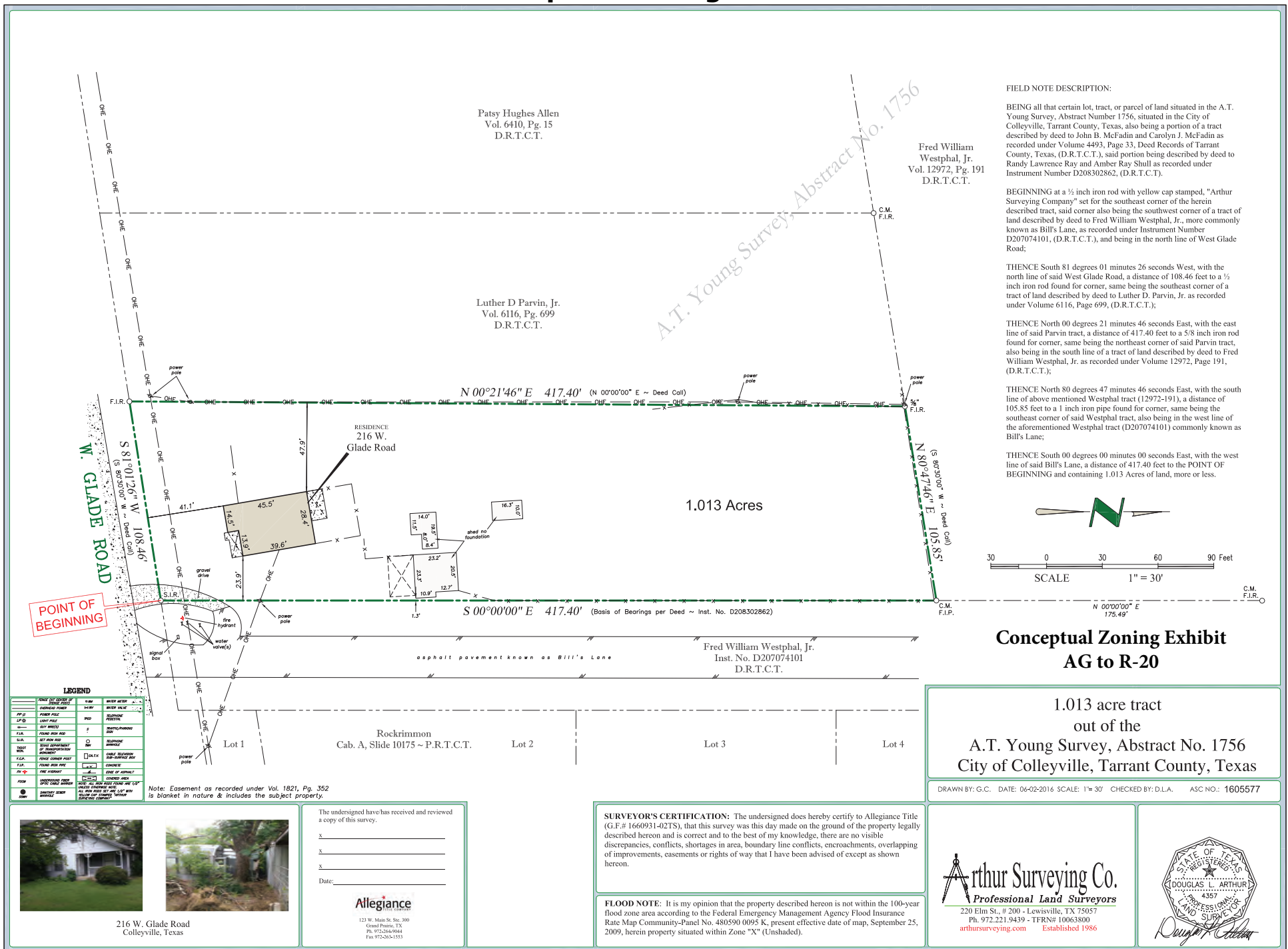
The house to be built will be a modern 4,500 SQ FT. Its exterior will be 80% stucco and 20% masonry. The house will be a beautiful addition to all existing beautiful homes in the city of Colleyville.

Sincerely,

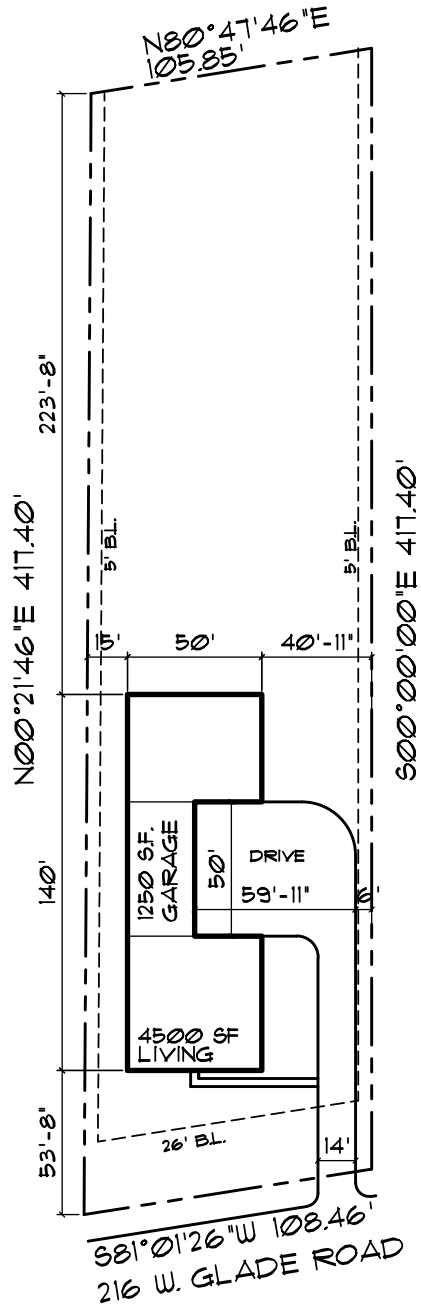


Hiep Nguyen
LG Building & Construction, LLC
Project Manager

Conceptual Zoning Exhibit



Proposed Site Plan



PLOT PLAN

SCALE: 1"=50'

216 W. GLADE ROAD
COLLEYVILLE
TARRANT COUNTY
TEXAS

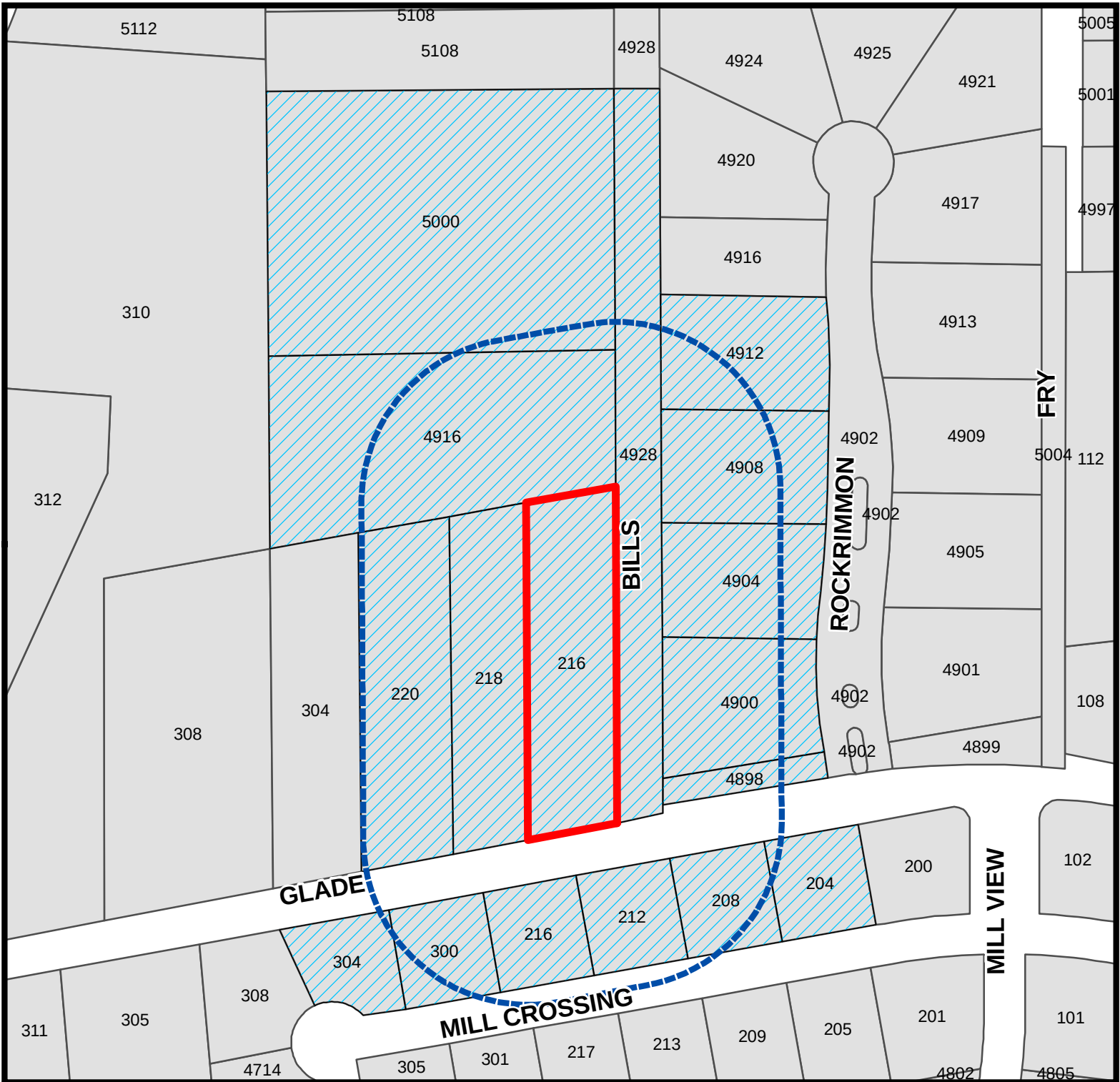
JOB: 5875

DATE: JUL. 7, 2016



THE PLAN FACTORY

NOTIFICATION MAP



ZC16-016

216 W. GLADE ROAD



Subject Property



200ft Buffer

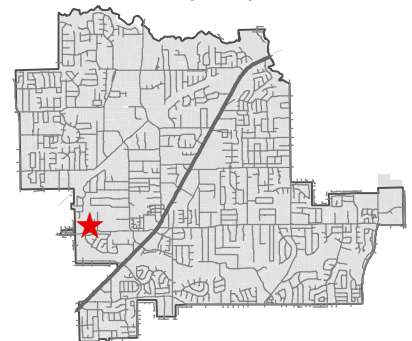


Properties within 200ft



1 inch = 167 feet

Vicinity Map



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

Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
WESTPHAL, FRED W	PO BOX 53	COLLEYVILLE, TX	76034	4916 BILLS LN
PARVIN, LUTHER D EST	304 W GLADE RD	COLLEYVILLE, TX	76034	218 W GLADE RD
EDWARDS, GARY M	220 W GLADE RD	COLLEYVILLE, TX	76034	220 W GLADE RD
RAY, RANDY L	15056 FM 407	JUSTIN, TX	76247	216 W GLADE RD
WESTPHAL, FRED WILLIAM	PO BOX 53	COLLEYVILLE, TX	76034	4928 BILLS LN
WESTPHAL, FRED WILLIAM	PO BOX 53	COLLEYVILLE, TX	76034	5000 BILLS LN
PROENZA, X WILLIAM	204 MILL CROSSING W	COLLEYVILLE, TX	76034	204 MILL CROSSING W
HARRIS, BRIAN P	208 MILL CROSSING W	COLLEYVILLE, TX	76034	208 MILL CROSSING W
LENZ, RUSSELL	212 MILL XING W	COLLEYVILLE, TX	76034	212 MILL CROSSING W
REED, AARON J	216 MILL CROSSING W	COLLEYVILLE, TX	76034	216 MILL CROSSING W
BORDOVSKY, JARED	300 MILL XING W	COLLEYVILLE, TX	76034	300 MILL CROSSING W
WILSON, SUSAN V	304 MILL XING W	COLLEYVILLE, TX	76034	304 MILL CROSSING W
ROCKRIMMON HOMEOWNERS ASSOC	708 KENT CT	SOUTHLAKE, TX	76092	4898 ROCKRIMMON CT
PARIKH, MAULIK	4900 ROCKRIMMON CT	COLLEYVILLE, TX	76034	4900 ROCKRIMMON CT
BRYSON, TONY	4904 ROCKRIMMON CT	COLLEYVILLE, TX	76034	4904 ROCKRIMMON CT
LI, HAOCHUAN	4908 ROCKRIMMON CT	COLLEYVILLE, TX	76034	4908 ROCKRIMMON CT
WILLIAMS, KERRY	4912 ROCKRIMMON CT	COLLEYVILLE, TX	76034	4912 ROCKRIMMON CT

ROCKRIMMON HOA	4925 ROCKRIMMON CT	COLLEYVILLE, TX	76034	COURTESY NOTICE
BRAEMAR HOA	2909 CLAIREMON LN.	EULESS, TX	76039	COURTESY NOTICE
MILL CREEK HOA	213 MILL CROSSING WEST	COLLEYVILLE, TX	76034	COURTESY NOTICE
HIEP VAN NGUYEN	3825 YUCCA AVENUE #141	FORT WORTH	76111	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed
Friday, September 23, 2016 by Araceli
Botello

ORDINANCE O-16-1998

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 1.01 ACRES, ABSTRACT 1756 OF THE A. T. YOUNG SURVEY, TRACT 1A01B, LOCATED AT 216 WEST GLADE 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 ZC16-016; and

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

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

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

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

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 1.01 acres, Abstract 1756 of the A. T. Young Survey, Tract 1A01B, located at 216 West Glade 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 1st day of November 2016.

The second reading and public hearing being conducted on the 15th day of November 2016.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 15TH DAY OF NOVEMBER 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

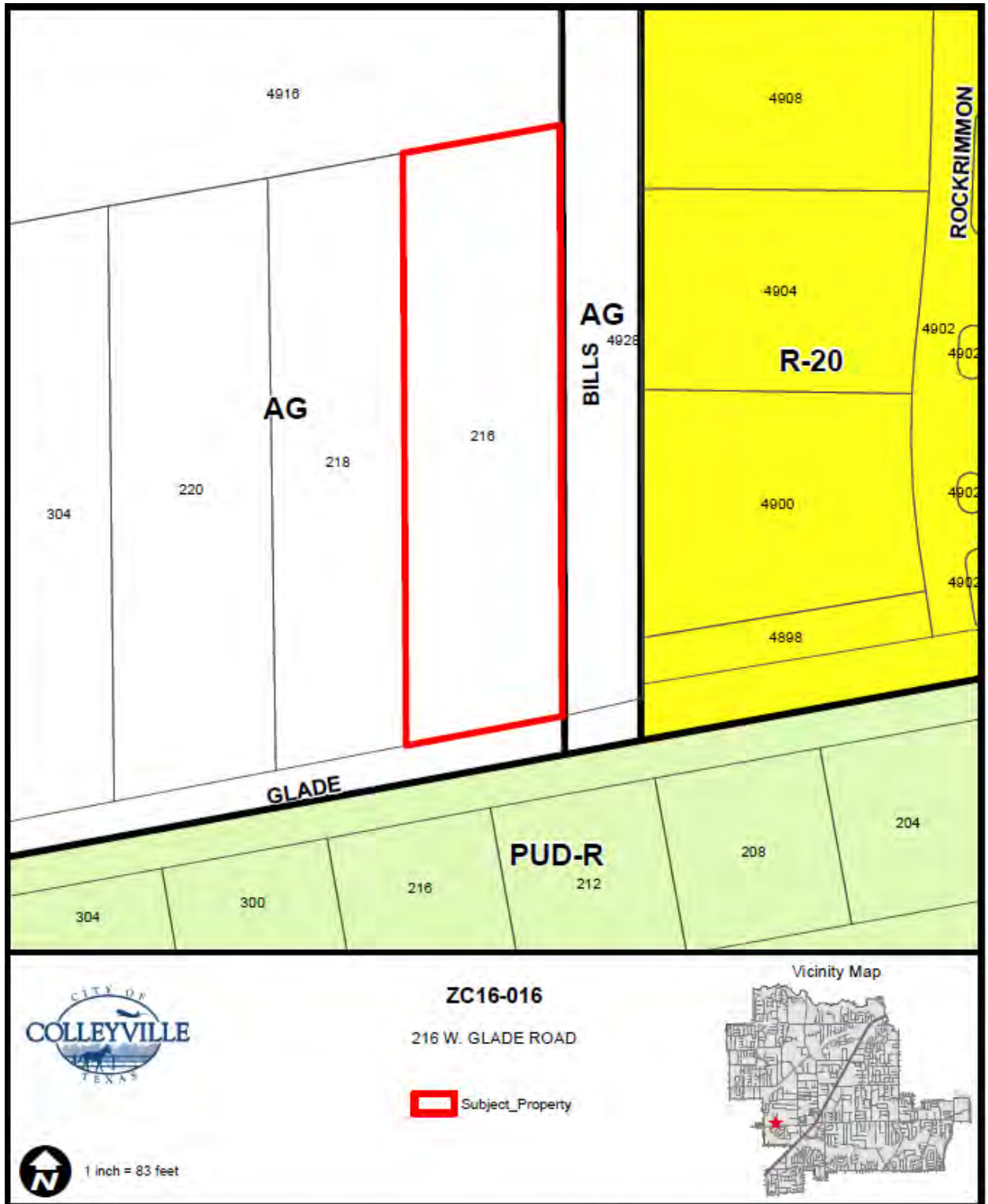


Exhibit "B"- Metes & Bounds Description

216 W. GLADE RD., COLLEYVILLE, TX 76034

BEING all that certain lot, tract, or parcel of land situated in the A.T. Young Survey, Abstract Number 1756, situated in the City of Colleyville, Tarrant County, Texas, also being a portion of a tract described by deed to John B. McFadin and Carolyn J. McFadin as recorded under Volume 4493, Page 33, Deed Records of Tarrant County, Texas, (D.R.T.C.T.), said portion being described by deed to Randy Lawrence Ray and Amber Ray Shull as recorded under Instrument Number D208302862, (D.R.T.C.T).

BEGINNING at a ½ inch iron rod with yellow cap stamped, "Arthur Surveying Company" set for the southeast corner of the herein described tract, said corner also being the southwest corner of a tract of land described by deed to Fred William Westphal, Jr., more commonly known as Bill's Lane, as recorded under Instrument Number D207074101, (D.R.T.C.T.), and being in the north line of West Glade Road;

THENCE South 81 degrees 01 minutes 26 seconds West, with the north line of said West Glade Road, a distance of 108.46 feet to a ½ inch iron rod found for corner, same being the southeast corner of a tract of land described by deed to Luther D. Parvin, Jr. as recorded under Volume 6116, Page 699, (D.R.T.C.T.);

THENCE North 00 degrees 21 minutes 46 seconds East, with the east line of said Parvin tract, a distance of 417.40 feet to a 5/8 inch iron rod found for corner, same being the northeast corner of said Parvin tract, also being in the south line of a tract of land described by deed to Fred William Westphal, Jr. as recorded under Volume 12972, Page 191, (D.R.T.C.T.);

THENCE North 80 degrees 47 minutes 46 seconds East, with the south line of above mentioned Westphal tract (12972-191), a distance of 105.85 feet to a 1 inch iron pipe found for corner, same being the southeast corner of said Westphal tract, also being in the west line of the aforementioned Westphal tract (D207074101) commonly known as Bill's Lane;

THENCE South 00 degrees 00 minutes 00 seconds East, with the west line of said Bill's Lane, a distance of 417.40 feet to the POINT OF BEGINNING and containing 1.013 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 6a

Agenda Date 11/01/2016

Number Resolution R-16-4051

Type Resolution

Department City Secretary

Title

Consideration of appointments to the Historical Preservation Committee

Strategy Map Connection

B4- Cultivate a culture of transparency and consistent communication

Explanation

Reading and Public Hearing

The terms of five (5) members of the Historical Preservation Committee expired September 2016. The positions were advertised and applications accepted September 20 through October 12, 2016. The incumbents were notified their term was expiring and asked to submit an application, if they wished to be considered for reappointment.

There is one (1) vacancy with a term which expires in September 2017; City Council may elect to fill the unexpired term during this appointment period.

The following Committee member's term expired September 2016:

- George Bond
- Marilyn Keith
- Louis Miller
- Walt Mills
- Cynthia Phillips

The applicants are listed below, and their applications are attached:

- George Bond
- Rebecca Gamboa
- Marilyn Keith
- Walt Mills
- Ryan Moore
- Cynthia Phillips
- Nelson Thibodeaux

This resolution provides for City Council to consider the appointments to the Historical Preservation Committee.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Historical Preservation Committee Applications for Appointment
2. Historical Preservation Committee roster
3. Resolution R-16-4051



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form [here](#).

Board, Commission, or Committee: (only those with current openings)

1. Water and Wastewater Rate Advisory Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Historical Preservation Committee

3. ~~Click here for drop down menu~~

Planning and Zoning Commission *ASST*

Name: ☐ Ms. ☐ Mrs. ☒ Mr. George Bond

Address: 3104 St Albans Circle Colleyville, Texas 76034

Home phone: 817-313-2222

Work phone: 817-313-2222

E-mail Address: bondgeorge81@yahoo.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I have a degree in Petroleum Land Management from Texas Tech University and have worked in both Oil and Gas Operations and Land Management since graduating in 2004. I am a Certified Professional Landman as well as a certified ROW Professional with the Texas Real Estate Commission. I joined the Historical Preservation Committee when my family moved to Colleyville in 2015 and hope to continue to serve in my role there as well. The Water and Wastewater Rate Advisory Board will have an important role for our city and I would like the opportunity to contribute.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

My family moved to Colleyville in June of 2015 from Fort Worth and absolutely love it here. My wife Tina and I are both working professionals. We are members of St. John's Greek Orthodox Church in Euless and spend our weekends enjoying the many great parks in Colleyville with our two young boys, George III and William.

Signature: *George Bond*

Date: 9/12/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Colleyville Library Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Historical Preservation Committee

3. Click here for drop down menu

Name: ☒ Ms. ☐ Mrs. ☐ Mr. Rebecca Erin Gamboa

Address: 7013 Avery Lane Colleyville, TX 76034

Home phone: (469) 900-7372

Work phone:

E-mail Address: gamboa.beck@yahoo.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Knowledge/Experience: I have over 12 years of experience as an Administrative Assistant in a Sales and Marketing environment where I work with allocating/monitoring annual budgets and cost centers for multiple departments.

Education: I graduated from UTD in May of 2015 with my Bachelors degree in Literary Studies. I received Latin, School, and Services Honors. I am passionate about literature and the importance of library services, especially for our youth. I am confident that I could be an asset to the existing board by helping to advocate, educate, organize, and implement new ideas and procedures.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

I am a new resident to the city of Colleyville, but I am greatly interested in giving back to my community - I have participated in the Relay for Life as a team captain for the past eleven years (team: 'the Cancer Sluggers,' Santa Clarita Valley, CA).

Signature:

Date: 10/7/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

Application for Appointment For City Council appointed Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130. Download the financial disclosure form here.

Board, Commission, or Committee: (only those with current openings)

Please write-in your preference of (up to three) board(s), commission(s), or committee(s), for which you would like to be considered.

1. Historical Preservation Committee

2. _____

3. _____

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Marilyn N. Keith

Address: 1112 Riverwalk Court

Home Phone: 817-605-9515 Work Phone: — Retired Teacher

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

☒ I understand I will be required to bring my own device to meetings to view packet information.

☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.

E-mail Address: mnKeith@outlook.com

Fax: _____

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I taught in grades 1-5 for 36 years and 2 years at the High School level in Remedial Reading. I have previously been on this committee for 2 terms of two years each. My main experience in teaching is with the
City service and experience, civic organizations, interest: ☐ Additional materials attached. →

As a teacher, I have been a major contributor to PTA and all of its missions and plans for my entire career.

Signature: Mrs Marilyn N Keith

Date: Oct. 12, 2016

Once positions have been filled, you must reapply for future openings.
All information provided is public pursuant to the Texas Public Information Act.

Please return completed application to:

City Secretary, 100 Main Street, Colleyville, TX 76034, Office: 817.503.1130 Fax: 817.503.1139
cloven@colleyville.com or ashelley@colleyville.com

gifted and talented program for about 25 years.



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Historical Preservation Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Planning and Zoning Commission

3. Zoning Board of Adjustment

Name: ☐ Ms. ☐ Mrs. ☒ Mr. John Walter Mills (Walt Mills)

Address: 404 Vintage Ct., Colleyville, TX 76034

Home phone: 817-271-0353

Work phone:

E-mail Address: walt@PhotosByWalt.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Colleyville area resident since 1993. 23 years as Senior Program Manager with Siemens Corporation- corporate offices in Florida and Texas. Currently Regional Manager for Property Management Group - a HOA management group based in Keller, TX (5 years.) Past member of SH-26 Committee, Safety Committee and Events Steering Committee. Past President of Remington Park, HOA. Currently, Treasurer for Remington Park, HOA. Business owner in Colleyville of "PhotosByWalt.com"

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature:

Date: 9/16/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Water and Wastewater Rate Advisory Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Economic Development Corporation

3. Historical Preservation Committee

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Ryan Moore

Address: 5705 Bent Tree Ct, Colleyville, Texas 76034

Home phone: 214-507-4896

Work phone: 214-507-4896

E-mail Address: moore.ryan@ymail.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I have worked for 13 years in the water and sewer industry. I am currently a regional sales manager for Ferguson Waterworks whom is a national player in multiple phases of the construction industry. I personally focus on the water and sewer market in north Texas.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: *Ryan C. Moore*

Date: 9/8/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form [here](#).

Board, Commission, or Committee: (only those with current openings)

1. Historical Preservation Committee



If you are willing to be considered for another board, commission, or committee, please list below.

2. Historical Preservation Committee



3. Historical Preservation Committee



Name: ☐ Ms. ☒ Mrs. ☐ Mr. Cynthia Phillips

Address: 4204 York Drive Colleyville

Home phone: 817-571-5622

Work phone: same

E-mail Address: cynthia.p.phillips@gmail.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I have an undergraduate degree in History. I have served on this board since 2012 (I think-it may be longer). I am currently co-chair of this committee.

I have amassed a great deal of research and ideas for this committee.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature:

Cynthia J Phillips

Date:

9-16-16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Historical Preservation Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Click here for drop down menu
3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Nelson Thibodeaux

Address: 5612 Coventry Court

Home phone: 817-657-3207

Work phone: 817-416-6934 x103

E-mail Address:

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Former councilmember, Mayor Pro Tem, Historical Preservation 2003-2006, Celebrate Colleyville, Chairman of the 50th Anniversary of Colleyville. Instrumental in having Hero Park completed and first members initiated. Also served on Crime Control Dist., Tax Increment District, CEDC .

☒ Check if additional materials are attached. Other information (City/civic service, interests):

Specific interest in the Bidault House preservation and opening to public as well as preservation of Bobby Fitzgerald museum quality historic items from Colleyville, early farming, early dairy, early photography, early items of all kinds, to help preserve local history and provide a public viewing.

Signature: *Nelson Thibodeaux*

Date: 9/16/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

HISTORICAL PRESERVATION COMMITTEE

George Bond
3104 St. Albans Circle
Colleyville, TX 76034
W: (817) 332-9041
H: (817) 313-2222
bondgeorge81@yahoo.com
TERM: Sep 2015 – Sep 2016

Joe Deupree
5101 Montclair Drive
Colleyville, TX 76034
H: (817) 283-7002
j.deupree@tx.rr.com
TERM: Sep 2015 - Sep 2017

Marilyn Keith
1112 Riverwalk Court
Colleyville, TX 76034
H: (817) 605-9515
mnkeith@tx.rr.com
TERM: Sep 2014 - Sep 2016

Louis C. Miller
7802 Tillman Hill Court
Colleyville, TX 76034
W: (817) 994-6180
H: (817) 577-8546
millerlouis@sbcglobalnet
TERM: Dec 2014 - Sept 2016

Walt Mills
404 Vintage Court
Colleyville, TX 76034
W: (817) 271-0353
H: (817) 271-0353
walt@PhotosByWalt.com
TERM: Sep 2014 - Sep 2016

Jeffrey Moschel
6209 Westcoat Drive
Colleyville, TX 76034
W: (972) 717-2426
H: (817) 577-0220
jeffemoschel@aol.com
TERM: Sep 2015 - Sep 2017

VACANT
TERM: Sep 2015 - Sep 2017

Cynthia Phillips
4204 York Drive
Colleyville, TX 76034
W: (817) 996-4746
H: (817) 571-5622
Cynthia.p.phillips@gmail.com
TERM: Sep 2014 - Sep 2016

Gigi Walker
2620 Meandering Court
Colleyville, TX 76034
W: (214) 761-2449
H: (903) 821-3418
gigi_gerig@neimanmarcus.com
TERM: Sep 2015 - Sept 2017

Gerald Ward
4301 Briar Ridge Drive
Colleyville, TX 76034
W: (817) 281-5600
H: (817) 522-8725
gerald@wardarchitecture.com
TERM: Dec 2015 - Sep 2017

RESOLUTION R-16-4051

A RESOLUTION APPOINTING MEMBERS TO
THE HISTORICAL PRESERVATION COMMITTEE

WHEREAS, the Historical Preservation Committee has five (5) positions whose terms expired September 2016, and one (1) vacant position whose term expires September 2017.

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

Sec. 1. THAT the City Council hereby appoints the following persons to the Historical Preservation Committee with a term expiring September 2018:

-
-
-
-
-

Sec. 2. THAT the City Council hereby appoints

-

to the Historical Preservation Committee to fill an unexpired term to September 2017.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 1ST DAY OF NOVEMBER 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 6b

Agenda Date 11/01/2016

Number Resolution R-16-4052

Type Resolution

Department City Secretary

Title

Consideration of appointments to the Library Board

Strategy Map Connection

B4- Cultivate a culture of transparency and consistent communication

Explanation

Reading and Public Hearing

There are four (4) place positions on the Library Board, whose terms expired September 2016. The positions were advertised and applications accepted September 20 through October 12, 2016. The incumbents were notified their term was expiring and asked to submit an application, if they wished to be considered for reappointment.

The following Board member's terms expired September 2016:

- Place 2-Vacant
- Place 4-Molly Skinner
- Place 6-Vacant
- Place 7-Seanna Billinger
- Ex-Officio-Cecilia Monacelli
- Ex-Officio-Joan Roberts

The applicants are listed below, and their applications are attached.

- Linda Barton
- Seanna Billinger
- Teri Ferney
- Patrina Fowler
- Rebecca Gamboa
- Merry Graves
- Karen Matusic
- Michael Shupp
- Molly Skinner
- Sean Tanner

The Library Board bylaws state the following: *"The Colleyville Library Board shall consist of seven (7) members, who shall be appointed by the City Council for a two (2) year term; provided three (3) members shall be appointed each odd-numbered year and four (4) members must be appointed each even-numbered year. Places on the Board shall be numbered one (1) through seven (7). The Board shall also consist of two (2) alternates serving two-year terms. Alternates shall be numbered Alternate 1 and Alternate 2."*

The Library Board bylaws also provide for the *"President of the Friends of the Colleyville Public Library and the President of the Colleyville Public Library Foundation to serve as ex-officio members of the Library Board, with terms to run concurrent with the terms as President of each organization."* An excerpt of the Library Board bylaws is attached to this agenda briefing.

Currently, Joan Roberts serves as the President of the Friends of the Colleyville Public Library, and Cecilia Monacelli serves as President of the Colleyville Public Library Foundation.

This resolution provides for City Council to consider appointments to the Library Board.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Library Board Applications for Appointment
2. Library Board roster
3. Excerpt of Library Board bylaws
4. Resolution R-16-4052



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Colleyville Library Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Click here for drop down menu

3. Click here for drop down menu

Name: ☒ Ms. ☐ Mrs. ☐ Mr. Linda Barton

Address: 6500 Talbot Trail, Colleyville, TX 76034

Home phone: 925-548-1435

Work phone:

E-mail Address: linda.barton@me.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I am a retired City Manager with service in six communities including Bedford, Texas. I have broad experience in all aspects of local government.

I moved to Colleyville in 2014 and wanted to be an active community member. I served on the Special Events Committee until it was dissolved. I then served on the Metroport Teen Court Advisory Board until my term was completed. I would like to serve on the Library Board at this time because I think the Library is an important community asset. I think I can provide useful management and community perspective.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature:

Date:

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Library Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Click here for drop down menu

3. Click here for drop down menu

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Seanna Billinger

Address: 1616 Devon Dr. Colleyville, TX. 76034

Home phone: 361-728-6309

Work phone: N/A

E-mail Address: seannabillinger@yahoo.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

2015-2016 Colleyville Library Board Member
Master of Library Science from Sam Houston State University
EC-4th Teacher Certification from Texas State University
Bachelor of Art in English from Texas A&M University-Corpus Christi
Minor in Technical Writing from Texas A&M University-Corpus Christi

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: *Seanna Billinger*

Date: 10/2/16

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Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



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Board, Commission, or Committee: (only those with current openings)

1. Colleyville Library Board



If you are willing to be considered for another board, commission, or committee, please list below.

2. Click here for drop down menu

3. Click here for drop down menu

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Teri Ferney

Address: 4520 Dartmoore Lane

Home phone: 817-656-5850

Work phone:

E-mail Address: dferney@sbcglobal.net

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
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Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I love the Colleyville Library! I visit there weekly with my grandchildren, who participate in the story times and the summer programs. When Angela was the Children's Librarian, I organized service projects with the young women from my church congregation to help prepare the art activities for story time. My husband and I frequently check out books and audio materials. Reading is a favorite pastime!

I have a degree in Elementary Education, so I understand the importance of reading in the lives of children and adults.

☒ Check if additional materials are attached. Other information (City/civic service, interests):

As a Colleyville resident of 23 years, I have volunteered extensively in our community. I have served in numerous PTA positions including President at Bransford Elementary and Colleyville Heritage High School. I have also been involved with Booster clubs and served as president of the CHHS Cheer Booster Club. I have been a member of the GCISD Council of PTAs serving as secretary

Signature: *Teri A. Ferney*

Date: *10-12-2016*

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Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

and parliamentarian and I served for two years on the board of the Colleyville Center.

For several years, I was involved with the National Charity League, which is a mother/daughter service organization. One of the positions which I held with this organization was vice-president of philanthropies. The Colleyville Library was one of the many organizations which was supported through our volunteer efforts.

I am also very involved with my church and have worked extensively in children, youth, and women's programs. Currently, I oversee a Bible study group of 250 youth between the ages of 14-18. This group, which includes youth from the Carroll, Grapevine/Colleyville, Hurst/Euless/Bedford, and Keller ISDs, is comprised of 14 classes and 26 instructors.

My husband and I have tried to show our appreciation for the Colleyville Library and its excellent staff by making financial donations to the library.

I would love to have the opportunity to serve on the Library Board to help with its continued successes.



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Metroport Teen Court Advisory Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Library Board

3. Colleyville Center Advisory Committee

Name: ☒ Ms. ☐ Mrs. ☐ Mr. Patrina L. Fowler

Address: 4520 Alexandra Dr. Colleyville, Tx 76034

Home phone: 202-250-4718

Work phone: 214-200-8226

E-mail Address: patrina.fowler@att.net

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I am a Registered Nurse as well as an attorney (I hold a bar license in the State of Maryland, but attended Law School at UT, Austin). After living in the San Antonio area for 6 years and working for Bexar County Hospital District as COO of their health plan I relocated to the DFW area and became a resident of Colleyville two years ago. I am very interested in being a part of my community in a more meaningful way. A role on the Teen Court Advisory Bd would allow me to use my legal knowledge.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: 

Date: 10/7/2016

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Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Colleyville Library Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Historical Preservation Committee

3. Click here for drop down menu

Name: ☒ Ms. ☐ Mrs. ☐ Mr. Rebecca Erin Gamboa

Address: 7013 Avery Lane Colleyville, TX 76034

Home phone: (469) 900-7372

Work phone:

E-mail Address: gamboa.beck@yahoo.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
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Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Knowledge/Experience: I have over 12 years of experience as an Administrative Assistant in a Sales and Marketing environment where I work with allocating/monitoring annual budgets and cost centers for multiple departments.

Education: I graduated from UTD in May of 2015 with my Bachelors degree in Literary Studies. I received Latin, School, and Services Honors. I am passionate about literature and the importance of library services, especially for our youth. I am confident that I could be an asset to the existing board by helping to advocate, educate, organize, and implement new ideas and procedures.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

I am a new resident to the city of Colleyville, but I am greatly interested in giving back to my community - I have participated in the Relay for Life as a team captain for the past eleven years (team: 'the Cancer Sluggers,' Santa Clarita Valley, CA).

Signature:

Date: 10/7/16

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Board, Commission, or Committee: (only those with current openings)

1. Library Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Click here for drop down menu

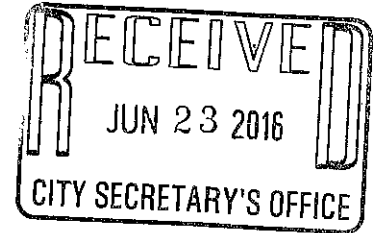
3. Click here for drop down menu

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Merry Graves

Address: 6007 Montford Dr.

Home phone: 817-637-3077

E-mail Address: jmgraves3@verizon.net



Work phone:

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
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Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I am currently retired but previously worked for 37 years in the field of education. Twenty-two of those years was as a school librarian in Grapevine-Colleyville ISD. I am well versed in librarianship and library policies.

I have first hand knowledge of how libraries work and the very difficult job of funding a public library in a small community. I am eager to contribute to the my community in a position where I feel my knowledge can make a difference.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature:

Date: 6/21/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



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Board, Commission, or Committee: (only those with current openings)

1. Colleyville Library Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Center Advisory Committee

3. Colleyville Economic Development Corporation

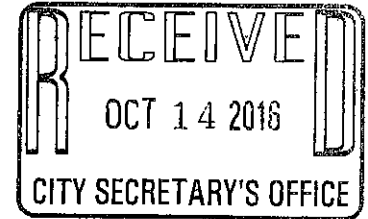
Name: ☒ Ms. ☐ Mrs. ☐ Mr. Karen Matusic

Address: 4813 Cranbrook Drive West, Colleyville, TX 76034

Home phone: 412-298-7203

Work phone: 817-885-3386

E-mail Address: kmatusic@hotmail.com



- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
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- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
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Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Bachelor of Arts, Communications/Public Affairs (summa cum laude), Bethany College

Worked at the college library during university, avid reader

Worked as a foreign correspondent (journalist) for 20 years before joining ExxonMobil where I am a senior public affairs manager.

Mother of two, step mother of three

I love our community and am keen to take an active role in doing what I can to make it even better.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: *Karen Matusic*

Date: 10/10/16

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Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Colleyville Economic Development Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Library Board
3. Architectural Review Commission

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Michael Shupp

Address: 1300 Crest Drive, Colleyville, TX 76034

Home phone: 817-734-9252

Work phone: 817-269-5368

E-mail Address:

- ☐ By providing an e-mail address, I consent to the release of my e-mail address by the City.
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Knowledge, experience, or education applicable to Board, Commission, or Committee function:

When I lived in Grapevine I served on the Board of Building Appeals for a couple of years. I am a concerned citizen who wants to be involved.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: Michael Shupp 

Date: 9/7/16

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Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139
Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



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Board, Commission, or Committee: (only those with current openings)

1. Library Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Click here for drop down menu

3. Click here for drop down menu

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Molly Skinner

Address: 309 Chestnut Bend Colleyville, TX 76034

Home phone: 817 485-7354

Work phone: 214 536-7219

E-mail Address: mollyskinn@aol.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
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Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Completed one term on Library Board, and was recently elected to Vice Chair, as both Chair & Vice Chair relocated. We are in the midst of the Long Range Plan, and I think some consistency on the Board will be helpful. I use the library frequently, and have been an active volunteer since assisting to stock the bookshelves prior to the library opening. As a former healthcare executive, I have extensive experience in strategic planning, program development, marketing, budgeting and team building.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

6 yrs. Senior Center Advisory Committee, 6 yrs. Colleyville Center Advisory Committee, 17 yrs. Metroport Meals on Wheels Colleyville senior luncheons, 20 yrs. Colleyville Area National Charity League, 8 yrs. Remington Park HOA block captain, Good Shepherd Catholic Community funeral ministry

Signature: *Molly Skinner*

Date: 9/17/16

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Board, Commission, or Committee: (only those with current openings)

1. Metroport Teen Court Advisory Board



If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Library Board



3. Planning and Zoning Commission



Name: ☐ Ms. ☐ Mrs. ☒ Mr. Sean Tanner

Address: 7000 Rosebrook, Colleyville 76034

Home phone: 817-360*5046

Work phone: 682-605-5577

E-mail Address: sean.t.tanner@gmail.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
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Knowledge, experience, or education applicable to Board, Commission, or Committee function:

President, Villas at Caldwell's Creek HOA (2015 - Current)

Vice President, My Team Triumph DFW (2015) Special needs children

Managing Director, ARMA International Board of Directors (2009-2012), Chair ARMA Education Committee (2011) www.arma.org

Mobilization Leader, Northwood Church Home Makeover (2009-2012) Poverty Alleviation in Haltom City

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: *Sean T Tanner*

Date: 9/19/16

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Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

LIBRARY BOARD

PLACE 1

Kay Newton
6002 Meadowhill Drive
Colleyville, TX 76034
H: (817) 421-0139
gksafig@aol.com
TERM: Sep 2015 - Sep 2017

PLACE 2

VACANT
RESIGNED MAY 2016
TERM: Sep 2014 - Sep 2016

PLACE 3

Nancy Andrews
508 Colleyville Terrace
Colleyville, TX 76034
W: (817) 917-1940
H: (817) 281-5559
nancya@sbcglobal.net
TERM: Sep 2015 – Sep 2017

PLACE 4

Molly Skinner
309 Chestnut Bend
Colleyville, TX 76034
W: (214) 536-7219
H: (817) 485-7354
mollyskinn@aol.com
TERM: Sep 2014 - Sep 2016

PLACE 5

Billie Tuttle
202 Madison Square
Colleyville, TX 76034
W: (817) 991-1170
H: (817) 581-4188
tuttlebob@sbcglobal.net
TERM: Sep 2015 - Sep 2017

PLACE 6

VACANT
RESIGNED AUGUST 2016
TERM: Sep 2014 - Sep 2016

PLACE 7

Seanna Billinger
1616 Devon Drive
Colleyville, TX 76034
H: (361) 728-6309
seannabillinger@yahoo.com
TERM: Sep 2014 - Sep 2016

ALTERNATE 1

Joan Roberts
5105 Overhill Drive
Colleyville, TX 76034
H: (817) 571-5721
Joan-r@att.net
TERM: Sep 2015 - Sep 2017

ALTERNATE 2

Shanthi Kannan
4401 Eaton Circle
Colleyville, TX 76034
W: (817) 919-8167
H: (817) 868-6810
Shanthi4401@gmail.com
TERM: Sep 2015 - Sep 2017

EX-OFFICIO

Cecilia Monacelli

2504 Meandering Court

Colleyville, TX 76034

H: (817) 571-6210

cecilia@monacelli.net

TERM: Sep 2015 - Sep 2016

EX-OFFICIO

Joan Roberts

5105 Overhill Drive

Colleyville, TX 76034

H: (817) 571-5721

Joan-r@att.net

TERM: June 2016 - Sep 2017

Excerpt of Library Board Bylaws

COLLEYVILLE LIBRARY BOARD BYLAWS

ARTICLE I – Identification and Purpose

The Colleyville Library Board was established by the City Council of Colleyville, Texas, by Ordinance O-04-1466 on June 15, 2004. The purpose of the Colleyville Library Board is to act as an advisory board to the City Council relating to all nature of library facility planning and programming.

ARTICLE II – Membership

- 2.1 The Colleyville Library Board shall consist of seven (7) members, who shall be appointed by the City Council for a two (2) year term; provided three (3) members shall be appointed each odd-numbered year and four (4) members must be appointed each even-numbered year. Places on the Board shall be numbered one (1) through seven (7). The Board shall also consist of two (2) alternates serving two-year terms. Alternates shall be numbered Alternate 1 and Alternate 2.
- 2.2 Members shall serve without compensation and until their successors are appointed.
- 2.3 Members must be residents of Colleyville, Texas unless City Council waives the residency requirement.
- 2.4 In the event of a vacancy on the Colleyville Library Board, Alternate 1 shall fill the unexpired term and Alternate 2 shall be appointed to serve as Alternate 1. In the event of more than one vacancy on the Board, Alternate 1 and Alternate 2 shall fill the unexpired terms. Applications shall be accepted through the City Secretary's office for the Alternate position(s) and filled by City Council appointment for the length of the unexpired term.
- 2.5 The City Council, if it deems it desirable, may appoint ex-officio members to the Board. Such ex-officio members shall be appointed on an annual basis and the term of office of such ex-officio members shall be one year from the date of appointment. Such ex-officio members shall have no voting authority. In consideration of appointment of ex-officio members to the Board, the President of the Friends of the Colleyville Public Library and the President of the Colleyville Public Library Foundation shall be appointed to serve as ex-officio members with concurrent terms of the Presidents of the Friends of the Colleyville Public Library and the Colleyville Public Library Foundation.

RESOLUTION R-16-4052

A RESOLUTION APPOINTING BOARD MEMBERS
TO THE LIBRARY BOARD

WHEREAS, four (4) positions on the Library Board have terms which expired September 2016; and

WHEREAS, Ordinance O-04-1466 provides for City Council to appoint the President of the Friends of the Colleyville Public Library and the President of the Colleyville Public Library Foundation, as ex-officio members with terms concurrent with the terms as President of each organization.

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

Sec. 1. THAT the following persons are hereby appointed to the Library Board, for a two-year term expiring September 2018:

- Place 2
- Place 4
- Place 6
- Place 7

Sec. 2. THAT the President of the Friends of the Colleyville Public Library and the President of the Colleyville Public Library Foundation will serve as ex-officio members with terms concurrent with their terms on each organization.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 1ST DAY OF NOVEMBER 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 6c

Agenda Date 11/01/2016

Number Resolution R-16-4053

Type Resolution

Department City Secretary

Title

Consideration of appointments to the Metroport Teen Court Advisory Board

Strategy Map Connection

B4- Cultivate a culture of transparency and consistent communication

Explanation

Reading and Public Hearing

There are two (2) positions on the Metroport Teen Court Advisory Board whose terms expired September 2016. The positions were advertised and applications accepted September 20 through October 12, 2016. The incumbents were notified their term was expiring and asked to submit an application, if they wished to be considered for reappointment.

The following Board member's terms expired September 2016:

- Linda Barton
- Rich Hendler

The applicants are listed below, and their applications are attached:

- Patrina Fowler
- Sean Tanner
- Kelly Tookey

The Metroport Teen Court Advisory Board bylaws state, *"The Teen Court Advisory Board shall be appointed by the respective governing bodies comprised of three (3) members from each participating city-comprised of one council member and two at large members as each so chooses all of whom are voting members. The term shall be determined by each participating entity in such a manner, if feasible, as to not have an entirely new Teen Court Advisory Board at one time."* An excerpt of the Metroport Teen Court Advisory Board bylaws is attached to this agenda briefing.

Currently, Councilmember Mike Taylor serves as the City of Colleyville City Council representative.

This resolution provides for City Council to consider appointments to the Metroport Teen Court Advisory Board.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Metroport Teen Court Advisory Board Applications for Appointment
2. Metroport Teen Court Advisory Board roster
3. Excerpt of Metroport Teen Court Advisory Board bylaws
4. Resolution R-16-4053



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Metroport Teen Court Advisory Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Library Board
3. Colleyville Center Advisory Committee

Name: ☒ Ms. ☐ Mrs. ☐ Mr. Patrina L. Fowler

Address: 4520 Alexandra Dr. Colleyville, Tx 76034

Home phone: 202-250-4718

Work phone: 214-200-8226

E-mail Address: patrina.fowler@att.net

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I am a Registered Nurse as well as an attorney (I hold a bar license in the State of Maryland, but attended Law School at UT, Austin). After living in the San Antonio area for 6 years and working for Bexar County Hospital District as COO of their health plan I relocated to the DFW area and became a resident of Colleyville two years ago. I am very interested in being a part of my community in a more meaningful way. A role on the Teen Court Advisory Bd would allow me to use my legal knowledge.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: 

Date: 10/7/2016

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the [Financial Disclosure form here](#).

Board, Commission, or Committee: (only those with current openings)

1. Metroport Teen Court Advisory Board



If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Library Board



3. Planning and Zoning Commission



Name: ☐ Ms. ☐ Mrs. ☒ Mr. Sean Tanner

Address: 7000 Rosebrook, Colleyville 76034

Home phone: 817-360*5046

Work phone: 682-605-5577

E-mail Address: sean.t.tanner@gmail.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

President, Villas at Caldwell's Creek HOA (2015 - Current)
Vice President, My Team Triumph DFW (2015) Special needs children
Managing Director, ARMA International Board of Directors (2009-2012), Chair ARMA Education Committee (2011) www.arma.org
Mobilization Leader, Northwood Church Home Makeover (2009-2012) Poverty Alleviation in Haltom City

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: *Sean T Tanner*

Date: 9/19/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Metroport Teen Court Advisory Board



If you are willing to be considered for another board, commission, or committee, please list below.

2. Parks and Recreation Advisory Board



3. Click here for drop down menu

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Kelly Tookey

Address: 5601 Poplar Ct. W.

Home phone: 817-308-9790

Work phone: 817-308-9790

E-mail Address: ktookey@tx.rr.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I served as the Metroport Teen Court Lead Liason for National Charity League (NCL) - Colleyville for 2 years and an additional 2 year as the Assistant Teen Court Liason while my daughter and I were involved in NCL from the Fall of 2005 through her graduating in 2011. My responsibilities as the Lead Liason were to meet with the Teen Court Coordinator to discuss the needs of the court, provide, train and manage volunteers from NCL to meet Teen Court's needs, and assist with coordination and flow of defendants, jurists and volunteers at Teen Court sessions. I have extensive hands-on experience overseeing the teen-lead juries and guiding the teens to follow

☒ Check if additional materials are attached. Other information (City/civic service, interests):

the rules of the court. I thoroughly enjoyed my involvement with Teen Court and earned their Volunteer of the Year award my final year of service in NCL.

Signature: *Kelly Tookey*

Date: 10/12/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

Kelly Tookey – Parks and Recreation Application

While my experience with Parks and Recreation does not exceed past my use of both of them through taking family and friends to the park for fun and exercise and signing my children up for many sporting activities, I do understand the value of having excellent Parks and Recreation facilities and opportunities available in continuing to make Colleyville a wonderful place to call home.

METROPORT TEEN COURT ADVISORY BOARD

Linda Barton
6500 Talbot Trail
Colleyville, TX 76034
H: (925) 548-1435
linda.barton@me.com
TERM: Sep 2015 - Sep 2016

Rich Hendler
2100 Highland Meadows
Colleyville, TX 76034
W: (817) 821-0005
rjhendler@dow.com
TERM: Sep 2015 - Sep 2016

Metroport Teen Court Coordinator
Natasha Sinegar
600 State Street, Suite 1000
Southlake, TX 76092
W: (817) 748-8346
nsinegar@ci.southlake.tx.us

Colleyville City Council Liaison
Mike Taylor
Mayor Pro Tem
5209 Coventry Place
Colleyville, TX 76034
H: (817) 267-5407
mtaylor@colleyville.com

Excerpt of Metroport Teen Court Advisory Board bylaws

ARTICLE I

Name

Metroport Teen Court Advisory Board

ARTICLE II

Purpose

Advisory Board shall establish policy and procedures for the operation of Metroport Teen Court, including but not limited to court operations, adult and teen volunteer participation and eligibility and community service placements. These policies and procedures will be subject to approval by the Municipal Court Judges. This group directs, oversees and evaluates Teen Court on an ongoing basis.

ARTICLE III

Advisory Board

A. General Powers

Section 1. Duties.

The role and duties of the Teen Court Advisory Board shall be established by the Municipal Court Judges in the participating cities.

Section 2. Purpose.

The purpose of the Teen Court Advisory Board is to advise the City Councils and staff on the operation of the Teen Court Program and to assist in the development of community resources for the purposes of advancing the Teen Court Program.

Section 3. Reports.

The Metroport Teen Court Coordinator shall submit all recommendations being forwarded to City Council (including but not limited to mid-year budgets, fiscal year budgets, and quarterly reports) to the Metroport Teen Court Advisory Board for approval requiring a majority of the board present including one voting member from each participating entity pursuant to Article III Section E.

B. Number, Tenure and Qualifications

Section 1. Size.

The Teen Court Advisory Board shall be appointed by the respective governing bodies comprised of three (3) members from each participating city-comprised of one council member and two at large members as each so chooses all of whom are voting members.

Section 2. Term.

The term shall be determined by each participating entity in such a manner, if feasible, as to not have an entirely new Teen Court Advisory Board at one time.

Approved and Adopted by a Unanimous Vote on the 18th Day of March 2013

RESOLUTION R-16-4053

A RESOLUTION APPOINTING MEMBERS TO THE
METROPORT TEEN COURT ADVISORY BOARD

WHEREAS, two (2) positions on the Metroport Teen Court Advisory Board have terms which expired September 2016.

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

Sec. 1. THAT the Colleyville City Council hereby appoints the following persons to the Metroport Teen Court Advisory Board to serve a one-year term expiring September 2017:

-
-

Sec. 2. THAT the Colleyville City Council hereby appoints Councilmember _____ to the Metroport Teen Court Advisory Board to serve a one-year term expiring September 2017.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 1ST DAY OF NOVEMBER 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 6d
Type Resolution
Department City Secretary

Agenda Date 11/01/2016

Number Resolution R-16-4054

Title

Consideration of appointments to the Planning and Zoning Commission

Strategy Map Connection

B4- Cultivate a culture of transparency and consistent communication

Explanation

Reading and Public Hearing

There are four (4) place positions on the Planning and Zoning Commission whose terms expired September 2016. The positions were advertised and applications accepted September 20 through October 12, 2016. The incumbents were notified their term was expiring and asked to submit an application, if they wished to be considered for reappointment.

The following Commission member's terms expired September 2016:

- Place 1 - Jim Gotcher
- Place 2 - Jeff Byerly
- Place 3 - David Wheelwright
- Place 4 - David Phelps

The applicants are listed below, and their applications are attached:

- | | | |
|------------------|---------------------|------------------------|
| • Mark Alphonso | • Veronica Baughman | • Jonathan Black |
| • George Bond | • Jeff Byerly | • Michael "Mic" Deakin |
| • George Dodson | • John Frazier | • Jim Gotcher |
| • Kimberly Holt | • Gregory Jones | • Dee Kamerman |
| • Charles Kelley | • Susan Mathisen | • Walt Mills |
| • Chris Mitchell | • David Phelps | • Gary Sanders |
| • Sean Tanner | • Richard Vallario | • David Wheelwright |

The Planning and Zoning Commission bylaws state, "*The Planning and Zoning Commission shall consist of seven (7) members, who shall be appointed by the City Council for a two (2) year term; three (3) members shall be appointed each odd-numbered year and four (4) members shall be appointed each even-numbered year. Places on the Planning and Zoning Commission shall be numbered one (1) through seven (7).*" An excerpt of the Planning and Zoning Commission bylaws is attached.

This resolution provides for City Council to consider appointments to the Planning and Zoning Commission.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Planning and Zoning Commission roster
2. Excerpt of Planning and Zoning Commission bylaws
3. Resolution R-16-4054



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or [download the Financial Disclosure form here](#).

Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Click here for drop down menu

3. Click here for drop down menu

Name: ☒ Ms. ☐ Mrs. ☐ Mr. Mark Alphonso

Address: 5104 Old Oak Ln. Colleyville Texas 76034

Home phone: 214-929-6446

Work phone: 214-929-6446

E-mail Address: mark@windsorparkdallas.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I have been a commercial general contractor and commercial developer in North Dallas, Plano, Frisco for 20 years. I now own and manage a high end event venue in Carrollton Texas, and soon will be opening a new location in Southlake. I have worked with numerous cities in the P&Z process, and feel my development experience, common sense approach, and family values would be an asset to my city of Colleyville.

Graduated Highschool from Jesuit college prep in 1991

Graduated with a business degree from University of Texas at Dallas.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature:

Date:

10/4/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Water and Wastewater Rate Advisory Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Planning and Zoning Commission

3. Water and Wastewater Rate Advisory Committee

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Veronica Baughman

Address: 6505 Connie Lane

Home phone: 817-707-6844

Work phone:

E-mail Address: veronica@sellsdw.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Resident of Colleyville for 20 years, Local Professional Realtor, Member of CWC, Chamber and Leadership Colleyville, Volunteer

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: *Veronica Baughman*

Date: 9/9/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Water and Wastewater Rate Advisory Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Planning and Zoning Commission
3. Parks and Recreation Advisory Board

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Jonathan Black

Address: 3300 Wilton Woods Ct Colleyville, Texas 76034

Home phone: n/a

Work phone: 817-877-9606

E-mail Address: stockbrokerfw@yahoo.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
☒ I understand attendance and active support is required for each appointee.
☒ I understand I will be required to comply with the Texas Open Meetings Act training.
☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I have served on several boards and committees in the past and currently serve on a few boards as well. I have been through multiple strategic planning initiatives that I believe provide a relevant background to this ad hoc committee. My job in financial planning (as a CFP(r) practitioner) also provides additional background and a view toward working to provide long term solutions to better achievement of goals. Diverse board background has stressed to me the need to be open minded until all information is brought forward before making a decision.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: *Jonathan Black*

Date: 9/14/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Water and Wastewater Rate Advisory Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Historical Preservation Committee

3. ~~Click here for drop down menu~~

Planning and Zoning Commission *ASB*

Name: ☐ Ms. ☐ Mrs. ☒ Mr. George Bond

Address: 3104 St Albans Circle Colleyville, Texas 76034

Home phone: 817-313-2222

Work phone: 817-313-2222

E-mail Address: bondgeorge81@yahoo.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I have a degree in Petroleum Land Management from Texas Tech University and have worked in both Oil and Gas Operations and Land Management since graduating in 2004. I am a Certified Professional Landman as well as a certified ROW Professional with the Texas Real Estate Commission. I joined the Historical Preservation Committee when my family moved to Colleyville in 2015 and hope to continue to serve in my role there as well. The Water and Wastewater Rate Advisory Board will have an important role for our city and I would like the opportunity to contribute.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

My family moved to Colleyville in June of 2015 from Fort Worth and absolutely love it here. My wife Tina and I are both working professionals. We are members of St. John's Greek Orthodox Church in Euless and spend our weekends enjoying the many great parks in Colleyville with our two young boys, George III and William.

Signature: *George Bond*

Date: 9/12/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139
Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

INFORMATION STATEMENT**Form 1**

		TOTAL NUMBER OF PAGES FILED: 8
		OFFICE USE ONLY
1 NAME	Title, First, MI Mr., George L.	Date Received
	Nick Name, Last, Suffix Bond, II	
2 ADDRESS	Address/City/State/Zip 3104 St. Albans Circle Colleyville, Texas 76034	
3 TELEPHONE NUMBER	Area Code, Phone Number, Extension 817-313-2222	
4 REASON FOR FILING STATEMENT	☐ CANDIDATE _____ (INDICATE OFFICE) ☐ ELECTED OFFICIAL _____ (INDICATE OFFICE) ☐ ZONING BOARD OF ADJUSTMENT (APPLICANT OR APPOINTEE) _____ ☒ PLANNING AND ZONING COMMISSION (APPLICANT OR APPOINTEE) <u>Applicant</u> ☒ TWO (2) BUSINESS DAYS FOLLOWING THE CLOSING OF FILING FOR ELECTIVE OFFICE OR APPOINTMENT ☐ SUPPLEMENTAL DISCLOSURE FILED WITHIN FIVE (5) DAYS OF AN OCCURRENCE IN PREVIOUSLY FILED FORMS	
5 Provide information for spouse and dependent children whose financial activity the filer had actual control over during the filing period. In addition, the source of annual income of the spouse shall be provided, as subject to federal election reporting requirements for a spouse: SPOUSE <u>Tina Bond</u> DEPENDENT CHILD 1. <u>George Bond III</u> 2. <u>William Bond</u> 3. _____ In Parts 1-4, disclose your financial activity during the 12 months proceeding the date of filing. In Part 5, disclose not only your own financial activity, but also that of your spouse and/or dependent child or children, if you had actual control over that person's financial activity.		
COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY		

INITIAL HERE: GB IIDATE: 10/12/16

SOURCES OF OCCUPATIONAL INCOME**Form 2**

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on FORM 1.

¹ INFORMATION RELATES TO
☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #____
² EMPLOYMENT

NAME AND ADDRESS OF EMPLOYER/POSITION HELD

☐ EMPLOYED BY ANOTHER

NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD

☒ SELF EMPLOYED

Oil and Gas Consulting/GLB Consulting, LLC/Owner

**INFORMATION RELATES TO
EMPLOYMENT**
☐ FILER ☒ SPOUSE ☐ DEPENDENT CHILD #____

NAME AND ADDRESS OF EMPLOYER/POSITION HELD

☒ EMPLOYED BY ANOTHER

Tina Bond/Crescent Real Estate, LLC/Investor Relations

NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD

☐ SELF EMPLOYED
**INFORMATION RELATES TO
EMPLOYMENT**
☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #____

NAME AND ADDRESS OF EMPLOYER/POSITION HELD

☐ EMPLOYED BY ANOTHER

NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD

☐ SELF EMPLOYED
COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: GLB/ICDATE: 10/27/16

INTERESTS IN REAL PROPERTY**Form 3**

Describe all beneficial interests in real property held or acquired by you, your spouse, or a dependent child during the calendar year within the map attached as Exhibit "A" in Ordinance O-13-1896.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

1 HELD OR ACQUIRED BY	☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
2 DESCRIPTION	Lot <u>9</u> City <u>Colleyville</u> Block <u>3</u> County <u>Tarrant</u> Woodland Hills (Colleyville) Subdivision _____ Ad Valorem Tax Account Number <u>04961110</u> Acre(s) and Tract <u>.3516</u>
3 STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE 3104 St. Albans Circle, Colleyville, Tarrant, Texas
4 NAME ☐ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY
1 HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
2 DESCRIPTION	Lot _____ City _____ Block _____ County _____ Subdivision _____ Ad Valorem Tax Account Number _____ Acre(s) and Tract _____
3 STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE
4 NAME ☒ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY Tina Bond (spouse)
COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY	

INITIAL HERE: TSJDATE: 10/12/16

GIFTS**Form 4**

Identify any person or organization that has given a gift worth more than \$250 to you, or those under your financial control. Do not include: 1) expenditures required to be reported by a person required to be registered as a lobbyist under Government Code, Chapter 305, 2) political contributions reported as required by law, or 3) gifts given by a person related to the recipient within the second degree by consanguinity or affinity.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	
¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	
¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: ABJDATE: 10/12/16

BOARDS AND EXECUTIVE POSITIONS**Form 5**

This section is for information concerning executive positions and directorship held by you or those under your financial control.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ POSITION HELD BY	☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	ADDRESS Colleyville Historical Preservation Committee/Member
³ POSITION HELD	
¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	ADDRESS
³ POSITION HELD	
¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	
³ POSITION HELD	
COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY	

INITIAL HERE:

GBH

DATE:

10/12/16

BANKRUPTCIES**Form 6**

Individuals shall disclose any bankruptcy petition by or against the individual, their spouse, a business entity in which the individual owned a beneficial interest of 10% or more, or a business entity in which the individual was an officer or director of the business entity at the time of bankruptcy filing.

¹ TYPE OF BANKRUPTCY
☐ PERSONAL ☐ BUSINESS ☐ N/A ☐ NONE

NAME _____

² CHAPTER
☐ 7 ☐ 11 ☐ 13
³ IF CHAPTER 7 DID YOU RECEIVE A DISCHARGE?
☐ YES ☐ NO
⁴ IF CHAPTER 11 OR 13 DID YOU COMPLETE A SUCCESSFUL REORGANIZATION?
☐ YES ☐ NO
Misdemeanor Involving Moral Turpitude and Felonies

Individuals shall disclose any information which charges a misdemeanor involving moral turpitude or conviction of a felony of the individual or a business entity in which the individual has a 10% or more beneficial interest or where the individual was at the time of the filing or conviction, an officer or director of the business entity.

¹ NAME _____
☐ PERSONAL ☐ BUSINESS

Business or Entity Charged _____

² TYPE OF INDICTMENT or INFORMATION**³ NATURE OF OFFENSE**

DESCRIPTION

⁴ DISPOSITION OF INDICTMENT or INFORMATION**COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY**INITIAL HERE: GRTDATE: 10/12/16

INTERESTS IN PARTNERSHIPS, JOINT VENTURES, AND OTHER BUSINESS ASSOCIATIONS

Form 7

Describe all interests in business entities held or acquired by you or those under your financial control. For an explanation of "Beneficial Interest" and other specific directors for completing this section, see INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ HELD OR ACQUIRED BY	☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
² DESCRIPTION	NAME AND ADDRESS GLB Consulting, LLC Owner
³ NATURE OF BUSINESS	Oil and Gas consulting
¹ HELD OR ACQUIRED BY	☐ FILER ☒ SPOUSE ☐ DEPENDENT CHILD # ____
² DESCRIPTION	NAME AND ADDRESS Status: Limited Partner GCP III .7% Cuerno Largo .34711%
³ NATURE OF BUSINESS	Real Estate Investments
¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE

FBI

DATE: 10/12/16

PERSONAL FINANCIAL STATEMENT**Form 8****AFFIDAVIT**

Financial Disclosure and Business Conflict of Interest Forms are required to be verified. The verification page must have the signature of the individual filing the Financial Disclosure and Business Conflict of Interest Forms, as well as the signature and seal of a notary public. Without proper verification the statement is not considered filed. Falsification of information is subject to criminal prosecution under state penal code.

Before me, the undersigned authority, personally appeared:

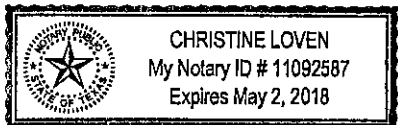
George Bond who, after being duly sworn upon their oath and deposed and stated as follows:

"My name is George Bond II and I hereby submit for filing the attached Financial Disclosure and Business Conflict of Interest forms. I have personal knowledge of all information contained in said forms and all information contained in the forms is true and correct."

"Further, all information contained in the forms is complete. There is no information that has been withheld or not disclosed which is responsive to or required to be disclosed by the forms."

George Bond II
Affiant

Sworn to and subscribed before me, this the 12th day of October, 20 16



Christine Loven
Notary Public, State of Texas

INITIAL HERE: GB II

DATE: 10/12/16



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Click here for drop down menu

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Jeff Byerly

Address: 7109 Pebble Hill Drive

Home phone: 817-329-3372

Work phone: 214-498-7350

E-mail Address: Jeff.Byerly@tx.rr.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Juris Doctor from The University of Illinois College of Law 1989

Colleyville Planning and Zoning Commission member from September 2002 to present

Colleyville Planning and Zoning Commission Chairman June 2004 to present

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature:

Date: 10/11/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

INFORMATION STATEMENT		Form 1
		TOTAL NUMBER OF PAGES FILED:
		OFFICE USE ONLY
1 NAME	Title, First, MI <i>Mr. Peter A.</i> Nick Name, Last, Suffix <i>(Peter) Cardell</i>	Date Received
2 ADDRESS	Address/City/State/Zip <i>3201 St. Albans Cir Colleyville, TX 76034</i>	
3 TELEPHONE NUMBER	Area Code, Phone Number, Extension <i>817-996-4778</i>	
4 REASON FOR FILING STATEMENT	☐ CANDIDATE _____ (INDICATE OFFICE) ☐ ELECTED OFFICIAL _____ (INDICATE OFFICE) ☒ ZONING BOARD OF ADJUSTMENT (APPLICANT OR APPOINTEE) _____ ☒ PLANNING AND ZONING COMMISSION (APPLICANT OR APPOINTEE) _____ ☐ TWO (2) BUSINESS DAYS FOLLOWING THE CLOSING OF FILING FOR ELECTIVE OFFICE OR APPOINTMENT ☐ SUPPLEMENTAL DISCLOSURE FILED WITHIN FIVE (5) DAYS OF AN OCCURRENCE IN PREVIOUSLY FILED FORMS	
5 Provide information for spouse and dependent children whose financial activity the filer had actual control over during the filing period. In addition, the source of annual income of the spouse shall be provided, as subject to federal election reporting requirements for a spouse: SPOUSE <u><i>Joyce F. Cardell</i></u> DEPENDENT CHILD 1. <u>—</u> 2. <u>—</u> 3. <u>—</u> In Parts 1-4, disclose your financial activity during the 12 months proceeding the date of filing. In Part 5, disclose not only your own financial activity, but also that of your spouse and/or dependent child or children, if you had actual control over that person's financial activity.		
COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY		

INITIAL HERE: *PAE*DATE: *10-12-16*

SOURCES OF OCCUPATIONAL INCOME

Form 2

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on FORM 1.

1 INFORMATION RELATES TO

☒ FILER ☒ SPOUSE ☐ DEPENDENT CHILD #___

2 EMPLOYMENT

☐ EMPLOYED BY ANOTHER

☒ SELF EMPLOYED

NAME AND ADDRESS OF EMPLOYER/POSITION HELD

CustomCo Ltd
d/b/a Rhino Linings of the Metroplex
1000 Post and Paddock ST, Ste 400
Grand Prairie, TX 75050
NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD
- Truck bedliners for consumers
- Industrial coating services
General Manager, Partner (with spouse)

INFORMATION RELATES TO

☐ FILER ☒ SPOUSE ☐ DEPENDENT CHILD #___

EMPLOYMENT

☐ EMPLOYED BY ANOTHER

☒ SELF EMPLOYED

NAME AND ADDRESS OF EMPLOYER/POSITION HELD

CustomCo Ltd
President, Partner
NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD

INFORMATION RELATES TO

☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___

EMPLOYMENT

☐ EMPLOYED BY ANOTHER

☐ SELF EMPLOYED

NAME AND ADDRESS OF EMPLOYER/POSITION HELD

NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: PAE

DATE: 10-12-16

INTERESTS IN REAL PROPERTY**Form 3**

Describe all beneficial interests in real property held or acquired by you, your spouse, or a dependent child during the calendar year within the map attached as Exhibit "A" in Ordinance O-13-1896.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ HELD OR ACQUIRED BY	☒ FILER ☒ SPOUSE ☐ DEPENDENT CHILD #
² DESCRIPTION	Lot <u>7</u> City <u>Colleyville</u> Block <u>4</u> County <u>Tarrant</u> Subdivision <u>Woodland Hills</u> Ad Valorem Tax Account Number <u>05999510</u> Acre(s) and Tract <u>.3971</u>
³ STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE <u>3201 St. Albans Cir</u> <u>Colleyville, TX 76034</u>
⁴ NAME ☒ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY <u>Peter Cardell</u> <u>Joyce Cardell</u>
¹ HELD OR ACQUIRED BY	☒ FILER ☒ SPOUSE ☐ DEPENDENT CHILD #
² DESCRIPTION	Lot <u>30</u> City <u>Eufless</u> Block <u>C</u> County <u>Tarrant</u> Subdivision <u>McCormick Farms</u> Ad Valorem Tax Account Number <u>04423666</u> Acre(s) and Tract <u>.1716</u>
³ STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE <u>109 Country kn</u> <u>Eufless, TX</u>
⁴ NAME ☒ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY <u>Peter Anthony Cardell Etal</u>

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: PACDATE: 10-12-16

INTERESTS IN REAL PROPERTY**Form 3**

Describe all beneficial interests in real property held or acquired by you, your spouse, or a dependent child during the calendar year within the map attached as Exhibit "A" in Ordinance O-13-1896.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

1 HELD OR ACQUIRED BY	☒ FILER ☒ SPOUSE ☐ DEPENDENT CHILD #
2 DESCRIPTION	Lot <u>10</u> City <u>Hurst</u> Block <u>2</u> County <u>Tarrant</u> Subdivision <u>Valentine Oaks</u> Ad Valorem Tax Account Number <u>03230546</u> Acre(s) and Tract <u>.2582</u>
3 STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE <u>1012 Reed St.</u> <u>Hurst, TX 76053</u>
4 NAME ☒ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY <u>Joyce Cardell</u>
1 HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #
2 DESCRIPTION	Lot _____ City _____ Block _____ County _____ Subdivision _____ Ad Valorem Tax Account Number _____ Acre(s) and Tract _____
3 STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE
4 NAME ☐ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: PAEDATE: 10-12-16

GIFTS**Form 4**

Identify any person or organization that has given a gift worth more than \$250 to you, or those under your financial control. Do not include: 1) expenditures required to be reported by a person required to be registered as a lobbyist under Government Code, Chapter 305, 2) political contributions reported as required by law, or 3) gifts given by a person related to the recipient within the second degree by consanguinity or affinity.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	
¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	
¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: Pae

DATE: 10-12-16

BOARDS AND EXECUTIVE POSITIONS**Form 5**

This section is for information concerning executive positions and directorship held by you or those under your financial control.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	ADDRESS
³ POSITION HELD	
¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	ADDRESS
³ POSITION HELD	
¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	
³ POSITION HELD	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: PAEDATE: 10-12-16

BANKRUPTCIES**Form 6**

Individuals shall disclose any bankruptcy petition by or against the individual, their spouse, a business entity in which the individual owned a beneficial interest of 10% or more, or a business entity in which the individual was an officer or director of the business entity at the time of bankruptcy filing.

¹ TYPE OF BANKRUPTCY
☐ PERSONAL ☐ BUSINESS ☐ N/A ☒ NONE

NAME _____

² CHAPTER
☐ 7 ☐ 11 ☐ 13
³ IF CHAPTER 7 DID YOU RECEIVE A DISCHARGE?
☐ YES ☐ NO
⁴ IF CHAPTER 11 OR 13 DID YOU COMPLETE A SUCCESSFUL REORGANIZATION?
☐ YES ☐ NO
Misdemeanor Involving Moral Turpitude and Felonies

Individuals shall disclose any information which charges a misdemeanor involving moral turpitude or conviction of a felony of the individual or a business entity in which the individual has a 10% or more beneficial interest or where the individual was at the time of the filing or conviction, an officer or director of the business entity.

¹ NAME _____
☐ PERSONAL ☐ BUSINESS

Business or Entity Charged _____

² TYPE OF INDICTMENT or INFORMATION**³ NATURE OF OFFENSE**

DESCRIPTION

⁴ DISPOSITION OF INDICTMENT or INFORMATION**COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY**INITIAL HERE: PAEDATE: 10-12-16

**INTERESTS IN PARTNERSHIPS,
JOINT VENTURES, AND OTHER
BUSINESS ASSOCIATIONS****Form 7**

Describe all interests in business entities held or acquired by you or those under your financial control. For an explanation of "Beneficial Interest" and other specific directors for completing this section, see INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ HELD OR ACQUIRED BY	☒ FILER ☒ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS <i>Cardell Group Inc. 3201 St. Albans Cir Colleyville, TX 76034</i>
³ NATURE OF BUSINESS	<i>Holding Company</i>
¹ HELD OR ACQUIRED BY	☒ FILER ☒ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS <i>CustomCo Ltd 1000 Post and Paddock St. Ste 400 Grand Prairie TX 75050</i>
³ NATURE OF BUSINESS	<i>Protective coating services</i>
¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: *PAC*DATE: *10-12-16*

PERSONAL FINANCIAL STATEMENT**Form 8****AFFIDAVIT**

Financial Disclosure and Business Conflict of Interest Forms are required to be verified. The verification page must have the signature of the individual filing the Financial Disclosure and Business Conflict of Interest Forms, as well as the signature and seal of a notary public. Without proper verification the statement is not considered filed. Falsification of information is subject to criminal prosecution under state penal code.

Before me, the undersigned authority, personally appeared:

Peter Cardell who, after being duly sworn upon their oath and deposed and stated as follows:

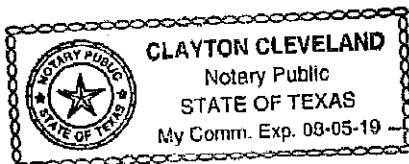
"My name is Peter Cardell and I hereby submit for filing the attached Financial Disclosure and Business Conflict of Interest forms. I have personal knowledge of all information contained in said forms and all information contained in the forms is true and correct."

"Further, all information contained in the forms is complete. There is no information that has been withheld or not disclosed which is responsive to or required to be disclosed by the forms."

Peter Cardell

Affiant

Sworn to and subscribed before me, this the 12th day of October, 2016



Clayton Cleveland
Notary Public, State of Texas

INITIAL HERE: FAC

DATE: 10-12-16



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Zoning Board of Adjustment

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Michael "Mic" Deakin

Address: 4828 Lakeside Dr, Colleyville TX 76034

Home phone: 817-399-9885

Work phone: 714-348-4074

E-mail Address: michaeldeakin@sbcglobal.net

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I have a degree in Political Science which included public service & civic management. I have 45 years experience in business management and currently managing UC operations for a Mexican manufacturing company.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Note the Financial Disclosure form is already on file.

Signature:

Date: 10-11-16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Zoning Board of Adjustment

3. Click here for drop down menu

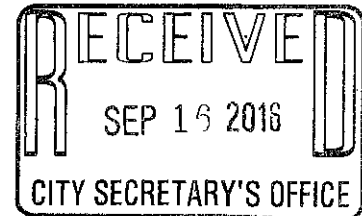
Name: ☐ Ms. ☐ Mrs. ☒ Mr. George W. Dodson

Address: 7309 Balmoral Dr., Colleyville, TX 76034

Home phone: 817-488-0082

Work phone: 817-937-3198

E-mail Address: georgewdodson@gmail.com



- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:
I have more than 40 years' experience as an IT executive with IBM, Perot Systems and several other companies. At IBM I served in many executive positions managing teams that did research and development to better manage large computer environments. For the past 20 years I have served as executive manager of IT management consulting, providing guidance to large Fortune 100 clients in managing the large complex IT environments they manage daily. I have been responsible for budgeting, profit and personnel decisions for all of these organizations. I have a MS in Operations Research (Statistics), a BS in Mathematics and have been very active in international organizations.

☐ **Check if additional materials are attached. Other information (City/civic service, interests):**
I have served as President, Treasurer and Board Member of the International Computer Measurement Group, I currently serve as a Delegate to the Timarron Board of Directors (10 years), and served on other homeowner boards. I have been active in Colleyville in informing citizens about pending actions of the City Council, concerning potential changes that would affect Colleyville lifestyles.

Signature: _____

Date: 9/16/2016

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form [here](#).

Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Water and Wastewater Rate Advisory Committee

3. Zoning Board of Adjustment

Name: ☐ Ms. ☐ Mrs. ☒ Mr. John Frazier

Address: 3303 Queensbury Way W, Colleyville, 76034

Home phone: 210-336-5949

Work phone:

E-mail Address: john_frazier99@yahoo.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I am Director for McCarthy Building Company, Inc., a large heavy civil and commercial builder in Texas. As a Director in our Heavy Civil Business unit, I oversee small to very large civil projects including roadways and transportation bridges, water treatment facilities, rail lines and bridges, etc.. I have a bachelors of Civil Engineering from Texas A&M University. In addition to my involvement with McCarthy, my wife and I owned several rental homes (not in Colleyville and all sold), that we purchased as foreclosures to rehabilitate and rent out. My wife and I have two boys ages 5 & 8.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: 

Date: 10/11/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

INFORMATION STATEMENT**Form 1**

		TOTAL NUMBER OF PAGES FILED:
		OFFICE USE ONLY
1 NAME	Title, First, MI Mr. John	Date Received
	Nick Name, Last, Suffix Frazier	
2 ADDRESS	Address/City/State/Zip 3303 Queensbury Way W Colleyville, Texas, 76034	
3 TELEPHONE NUMBER	Area Code, Phone Number, Extension 210-336-5949	
4 REASON FOR FILING STATEMENT	☐ CANDIDATE _____ (INDICATE OFFICE) ☐ ELECTED OFFICIAL _____ (INDICATE OFFICE) ☒ ZONING BOARD OF ADJUSTMENT (APPLICANT OR APPOINTEE) <u>John Frazier</u> ☒ PLANNING AND ZONING COMMISSION (APPLICANT OR APPOINTEE) <u>John Frazier</u> ☒ TWO (2) BUSINESS DAYS FOLLOWING THE CLOSING OF FILING FOR ELECTIVE OFFICE OR APPOINTMENT ☐ SUPPLEMENTAL DISCLOSURE FILED WITHIN FIVE (5) DAYS OF AN OCCURRENCE IN PREVIOUSLY FILED FORMS	
5 Provide information for spouse and dependent children whose financial activity the filer had actual control over during the filing period. In addition, the source of annual income of the spouse shall be provided, as subject to federal election reporting requirements for a spouse: SPOUSE <u>Lindsey B. Frazier</u> DEPENDENT CHILD 1. <u>Wesley Frazier</u> 2. <u>Kyle Frazier</u> 3. _____ In Parts 1-4, disclose your financial activity during the 12 months proceeding the date of filing. In Part 5, disclose not only your own financial activity, but also that of your spouse and/or dependent child or children, if you had actual control over that person's financial activity.		
COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY		

INITIAL HERE: *JF*DATE: 10/11/16

SOURCES OF OCCUPATIONAL INCOME**Form 2**

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on FORM 1.

¹ INFORMATION RELATES TO	☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² EMPLOYMENT	NAME AND ADDRESS OF EMPLOYER/POSITION HELD
☒ EMPLOYED BY ANOTHER	McCarthy Building Companies, Inc.
☐ SELF EMPLOYED	NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD
	General Contractor / Project Director McCarthy 12001 N. Central Expressway, Suite 400 Dallas, Texas 75243
INFORMATION RELATES TO	☐ FILER ☒ SPOUSE ☐ DEPENDENT CHILD #___
EMPLOYMENT	NAME AND ADDRESS OF EMPLOYER/POSITION HELD
☒ EMPLOYED BY ANOTHER	United Services Automobile Association (USAA)
☐ SELF EMPLOYED	NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD
	Lead Software Developer United Services Automobile Association (USAA) 5601 Legacy Drive Plano, Texas 75024
INFORMATION RELATES TO	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
EMPLOYMENT	NAME AND ADDRESS OF EMPLOYER/POSITION HELD
☐ EMPLOYED BY ANOTHER	
☐ SELF EMPLOYED	NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: AADATE: 10/11/14

INTERESTS IN REAL PROPERTY**Form 3**

Describe all beneficial interests in real property held or acquired by you, your spouse, or a dependent child during the calendar year within the map attached as Exhibit "A" in Ordinance O-13-1896.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ HELD OR ACQUIRED BY	☒ FILER ☒ SPOUSE ☐ DEPENDENT CHILD # _____
² DESCRIPTION	Lot <u>6</u> City <u>Colleyville</u> Block <u>13</u> County <u>Tarrant</u> Subdivision <u>Woodland Hills</u> Ad Valorem Tax Account Number <u>05999839</u> Acre(s) and Tract <u>0.3443</u>
³ STREET ADDRESS	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE
☐ NOT APPLICABLE	3303 Queensbury Way W Colleyville, Texas 76034
⁴ NAME	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY
☐ INDIVIDUAL ☐ BUSINESS	None
¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
² DESCRIPTION	Lot _____ City _____ Block _____ County _____ Subdivision _____ Ad Valorem Tax Account Number _____ Acre(s) and Tract _____
³ STREET ADDRESS	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE
☐ NOT APPLICABLE	
⁴ NAME	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY
☐ INDIVIDUAL ☐ BUSINESS	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: AADATE: 10/11/16

GIFTS**Form 4**

Identify any person or organization that has given a gift worth more than \$250 to you, or those under your financial control. Do not include: 1) expenditures required to be reported by a person required to be registered as a lobbyist under Government Code, Chapter 305, 2) political contributions reported as required by law, or 3) gifts given by a person related to the recipient within the second degree by consanguinity or affinity.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
² DONOR	NAME AND ADDRESS None
³ DESCRIPTION OF GIFT	
¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	
¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: MA

DATE: 10/11/14

BOARDS AND EXECUTIVE POSITIONS**Form 5**

This section is for information concerning executive positions and directorship held by you or those under your financial control.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	ADDRESS
³ POSITION HELD	
¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	ADDRESS
³ POSITION HELD	
¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	
³ POSITION HELD	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: AADATE: 10/11/16

BANKRUPTCIES**Form 6**

Individuals shall disclose any bankruptcy petition by or against the individual, their spouse, a business entity in which the individual owned a beneficial interest of 10% or more, or a business entity in which the individual was an officer or director of the business entity at the time of bankruptcy filing.

¹ TYPE OF BANKRUPTCY
☐ PERSONAL ☐ BUSINESS ☐ N/A ☐ NONE
NAME NONE**² CHAPTER**
☐ 7 ☐ 11 ☐ 13
³ IF CHAPTER 7 DID YOU RECEIVE A DISCHARGE?
☐ YES ☐ NO
⁴ IF CHAPTER 11 OR 13 DID YOU COMPLETE A SUCCESSFUL REORGANIZATION?
☐ YES ☐ NO
Misdemeanor Involving Moral Turpitude and Felonies

Individuals shall disclose any information which charges a misdemeanor involving moral turpitude or conviction of a felony of the individual or a business entity in which the individual has a 10% or more beneficial interest or where the individual was at the time of the filing or conviction, an officer or director of the business entity.

¹ NAME NONE
☐ PERSONAL ☐ BUSINESS

Business or Entity Charged

² TYPE OF INDICTMENT or INFORMATION**³ NATURE OF OFFENSE**

DESCRIPTION

⁴ DISPOSITION OF INDICTMENT or INFORMATION**COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY**INITIAL HERE: AADATE: 10/11/16

INTERESTS IN PARTNERSHIPS, JOINT VENTURES, AND OTHER BUSINESS ASSOCIATIONS

Form 7

Describe all interests in business entities held or acquired by you or those under your financial control. For an explanation of "Beneficial Interest" and other specific directors for completing this section, see INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	
¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	
¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: *AA*DATE: *10/11/16*

PERSONAL FINANCIAL STATEMENT

Form 8

AFFIDAVIT

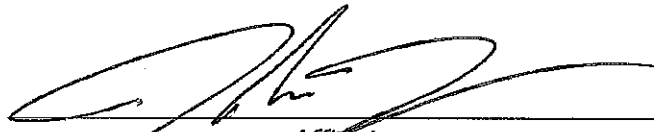
Financial Disclosure and Business Conflict of Interest Forms are required to be verified. The verification page must have the signature of the individual filing the Financial Disclosure and Business Conflict of Interest Forms, as well as the signature and seal of a notary public. Without proper verification the statement is not considered filed. Falsification of information is subject to criminal prosecution under state penal code.

Before me, the undersigned authority, personally appeared:

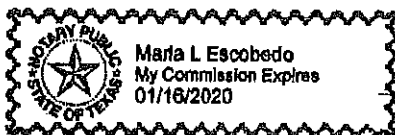
John Frazier who, after being duly sworn upon their oath and deposed and stated as follows:

"My name is John Frazier and I hereby submit for filing the attached Financial Disclosure and Business Conflict of Interest forms. I have personal knowledge of all information contained in said forms and all information contained in the forms is true and correct."

"Further, all information contained in the forms is complete. There is no information that has been withheld or not disclosed which is responsive to or required to be disclosed by the forms."


Affiant

Sworn to and subscribed before me, this the 11 day of October, 2016




Notary Public, State of Texas

INITIAL HERE: JA

DATE: 10/11/16



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Click here for drop down menu

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Jim Gotcher

Address: 4105 Spring Hollow, Colleyville, TX 76034

Home phone: 817-283-7334

Work phone: 817-845-7340

E-mail Address: jim.gotcher@verizon.net

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

4 years service on Planning & Zoning Commission
4 years service on Zoning Board of Adjustment
2 years service on Colleyville Historical Preservation Committee
6 years annual attendance of required training for Texas Open Meetings Act

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: *Jim L Gotcher*

Date: 9/14/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Planning and zoning

If you are willing to be considered for another board, commission, or committee, please list below.

2. Zoning board of adjustment

3.

Name: Ms. (Mrs.) Mr. Kimberly Holt

Address: 6400 Kenshire Ct Colleyville 76034

Home phone: 214-957-1370

Work phone:

E-mail Address: Kimberlydraperholt@yahoo.com

By providing an e-mail address, I consent to the release of my e-mail address by the City.

I understand attendance and active support is required for each appointee.

I understand I will be required to comply with the Texas Open Meetings Act training.

I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

20+ year Colleyville resident.
Past HOA secretary and VP.
Realtor with Ebby Halliday

Check if additional materials are attached. Other information (City/civic service, interests):

Signature:

Date:

9-26-16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form [here](#).

Board, Commission, or Committee: (only those with current openings)

1. Water and Wastewater Rate Advisory Committee ☐

If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Economic Development Corporation ☐

3. Planning and Zoning Commission ☐

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Gregory Jones

Address: 6908 Peters Path, Colleyville, Texas 76034

Home phone: 972-800-5321

Work phone: 972-550-6888

E-mail Address: gregory.jones@interstatehotels.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

- (1) Currently a Senior Vice President, Finance & Accounting for a major corporation
- (2) Former Treasurer, Board Member and Executive Committee Member of GNMAA serving as the principal business development and community advocacy organization for The Greater North Michigan Avenue and the surrounding area
- (3) BS/BA and MBA Education
- (4) Experience serving on the boards of HOA's
- (5) Former local law enforcement and federal law enforcement experience

☐ Check if additional materials are attached. Other Information (City/civic service, interests):

Signature: 

Date: 9/7/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Zoning Board of Adjustment

If you are willing to be considered for another board, commission, or committee, please list below.

2. Planning and Zoning Commission

Name: Mrs. Dee Kamerman

Address: 6016 LD Lockett Road, Colleyville, Texas

Home phone: 817-416-2277

E-mail Address: deekamerman@hotmail.com

By providing an e-mail address, I consent to the release of my e-mail address by the City.

I understand attendance and active support is required for each appointee.

I understand I will be required to comply with the Texas Open Meetings Act training.

I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I have served on the Zoning Board of Adjustments for two years as an alternate. I have a degree in Administration and Supervision and a degree in Mathematics. I can understand rules and measurements used for making good judgements for the committee. I have worked for the federal government and have security clearance. I worked to establish and initially hire all of the TSA force. I have been an educator for 30+ years in two states.

Check if additional materials are attached. Other information (City/civic service, interests):

Signature: Dee Kamerman Date: September 15, 2016

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:**

817.503.1139 Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

INFORMATION STATEMENT**Form 1**

		TOTAL NUMBER OF PAGES FILED:
		OFFICE USE ONLY
1 NAME	Title, First, MI <u>Dee</u>	Date Received
	Nick Name, Last, Suffix <u>Kammerman</u>	
2 ADDRESS	Address/City/State/Zip <u>6016 LD Lockett Road</u> <u>Colleyville, TX 76034</u>	
3 TELEPHONE NUMBER	Area Code, Phone Number, Extension <u>817-416-2277</u>	
4 REASON FOR FILING STATEMENT	☐ CANDIDATE _____ (INDICATE OFFICE)	
	☐ ELECTED OFFICIAL _____ (INDICATE OFFICE)	
	☒ ZONING BOARD OF ADJUSTMENT (APPLICANT OR APPOINTEE) _____	
	☒ PLANNING AND ZONING COMMISSION (APPLICANT OR APPOINTEE) _____	
	☐ TWO (2) BUSINESS DAYS FOLLOWING THE CLOSING OF FILING FOR ELECTIVE OFFICE OR APPOINTMENT ☐ SUPPLEMENTAL DISCLOSURE FILED WITHIN FIVE (5) DAYS OF AN OCCURRENCE IN PREVIOUSLY FILED FORMS	

5 Provide information for spouse and dependent children whose financial activity the filer had actual control over during the filing period. In addition, the source of annual income of the spouse shall be provided, as subject to federal election reporting requirements for a spouse:

SPOUSE Bob Kammerman

DEPENDENT CHILD

1. _____

2. _____

3. _____

In Parts 1-4, disclose your financial activity during the 12 months proceeding the date of filing. In Part 5, disclose not only your own financial activity, but also that of your spouse and/or dependent child or children, if you had actual control over that person's financial activity.

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: DK

DATE: 9/24/16

SOURCES OF OCCUPATIONAL INCOME**Form 2**

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on FORM 1.

1 INFORMATION RELATES TO
☐ FILER ☒ SPOUSE ☐ DEPENDENT CHILD # ____
2 EMPLOYMENT

NAME AND ADDRESS OF EMPLOYER/POSITION HELD

JPS
1500 N. Main
Ft. Worth, TX

☒ EMPLOYED BY ANOTHER

NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD

Director of IT

☐ SELF EMPLOYED
INFORMATION RELATES TO
☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
EMPLOYMENT

NAME AND ADDRESS OF EMPLOYER/POSITION HELD

Westlake Academy
1600 Ottinger
Westlake, TX

☒ EMPLOYED BY ANOTHER

NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD

Teacher

☐ SELF EMPLOYED
INFORMATION RELATES TO
☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
EMPLOYMENT

NAME AND ADDRESS OF EMPLOYER/POSITION HELD

☐ EMPLOYED BY ANOTHER

NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD

☐ SELF EMPLOYED
COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: DKDATE: 9/24/16

INTERESTS IN REAL PROPERTY Form 3

Describe all beneficial interests in real property held or acquired by you, your spouse, or a dependent child during the calendar year within the map attached as Exhibit "A" in Ordinance O-13-1896.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

1 HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
2 DESCRIPTION NA	Lot _____ City _____ Block _____ County _____ Subdivision _____ Ad Valorem Tax Account Number _____ Acre(s) and Tract _____
3 STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE
4 NAME ☐ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY
1 HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
2 DESCRIPTION	Lot _____ City _____ Block _____ County _____ Subdivision _____ Ad Valorem Tax Account Number _____ Acre(s) and Tract _____
3 STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE
4 NAME ☐ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY
COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY	

INITIAL HERE: DKDATE: 9/24/16

GIFTS**Form 4**

Identify any person or organization that has given a gift worth more than \$250 to you, or those under your financial control. Do not include: 1) expenditures required to be reported by a person required to be registered as a lobbyist under Government Code, Chapter 305, 2) political contributions reported as required by law, or 3) gifts given by a person related to the recipient within the second degree by consanguinity or affinity.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
² DONOR	NAME AND ADDRESS <i>NA</i>
³ DESCRIPTION OF GIFT	
¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	
¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: DK

DATE: 9/24/16

BOARDS AND EXECUTIVE POSITIONS**Form 5**

This section is for information concerning executive positions and directorship held by you or those under your financial control.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	ADDRESS NA
³ POSITION HELD	
¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	ADDRESS
³ POSITION HELD	
¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	
³ POSITION HELD	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: DKDATE: 9/24/16

BANKRUPTCIES**Form 6**

Individuals shall disclose any bankruptcy petition by or against the individual, their spouse, a business entity in which the individual owned a beneficial interest of 10% or more, or a business entity in which the individual was an officer or director of the business entity at the time of bankruptcy filing.

¹ TYPE OF BANKRUPTCY
☐ PERSONAL ☐ BUSINESS ☐ N/A ☐ NONE
NAME NA**² CHAPTER**
☐ 7 ☐ 11 ☐ 13
³ IF CHAPTER 7 DID YOU RECEIVE A DISCHARGE?
☐ YES ☐ NO
⁴ IF CHAPTER 11 OR 13 DID YOU COMPLETE A SUCCESSFUL REORGANIZATION?
☐ YES ☐ NO
Misdemeanor Involving Moral Turpitude and Felonies

Individuals shall disclose any information which charges a misdemeanor involving moral turpitude or conviction of a felony of the individual or a business entity in which the individual has a 10% or more beneficial interest or where the individual was at the time of the filing or conviction, an officer or director of the business entity.

¹ NAME NA
☐ PERSONAL ☐ BUSINESS

Business or Entity Charged

² TYPE OF INDICTMENT or INFORMATION**³ NATURE OF OFFENSE**

DESCRIPTION

⁴ DISPOSITION OF INDICTMENT or INFORMATION**COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY**INITIAL HERE: DKDATE: 9/24/16

INTERESTS IN PARTNERSHIPS, JOINT VENTURES, AND OTHER BUSINESS ASSOCIATIONS

Form 7

Describe all interests in business entities held or acquired by you or those under your financial control. For an explanation of "Beneficial Interest" and other specific directors for completing this section, see INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #____
² DESCRIPTION NA	NAME AND ADDRESS
³ NATURE OF BUSINESS	
¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #____
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	
¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #____
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	

COMMUNITY TEAM
CITY OF COLLEYVILLE
10/24/16



COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: DK

DATE: 9/24/16

PERSONAL FINANCIAL STATEMENT**Form 8****AFFIDAVIT**

Financial Disclosure and Business Conflict of Interest Forms are required to be verified. The verification page must have the signature of the individual filing the Financial Disclosure and Business Conflict of Interest Forms, as well as the signature and seal of a notary public. Without proper verification the statement is not considered filed. Falsification of information is subject to criminal prosecution under state penal code.

Before me, the undersigned authority, personally appeared:

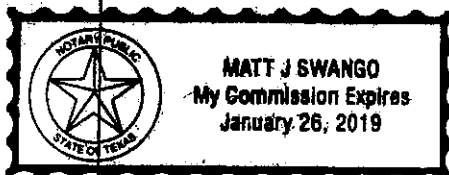
Dee Kamerman who, after being duly sworn upon their oath and deposed and stated as follows:

"My name is Dee Kamerman and I hereby submit for filing the attached Financial Disclosure and Business Conflict of Interest forms. I have personal knowledge of all information contained in said forms and all information contained in the forms is true and correct."

"Further, all information contained in the forms is complete. There is no information that has been withheld or not disclosed which is responsive to or required to be disclosed by the forms."

Dee Kamerman
Affiant

Sworn to and subscribed before me, this the 24th day of September, 2016



Matt J Swango
Notary Public, State of Texas

INITIAL HERE: DK

DATE: 9/24/16



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Zoning Board of Adjustment

3. Water and Wastewater Rate Advisory Committee

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Charles Kelley

Address: 705 Hillside Drive, Colleyville TX 76034

Home phone: 817-235-7883

Work phone: 817-235-7883

E-mail Address: c_s_kelley@yahoo.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

30 years of IT Business and consulting experience working on large complex computer systems in multiple industries. Global contract negotiation, management and compliance. experienced in working with government organizations and school districts.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

12 years of working with large volunteer organizations in a leadership position, as well as working in civic, school district and other volunteer organizations.

Signature: *Charles Kelley*

Date: 9/19/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the [Financial Disclosure form here](#).

Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Click here for drop down menu

3. Click here for drop down menu

Name: ☒ Ms. ☐ Mrs. ☐ Mr. Susan Mathisen

Address: 317 Chestnut Bend, Colleyville, TX 76034

Home phone:

Work phone: 817-983-1620

E-mail Address: smathisencpa@gmail.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Certified Public Accountant, active TX license, 25 years in practice

Bachelor of Science in Management, Tulane University

G.C.I.S.D. Lead 2021, Stakeholder's Economic Action Team (S.E.A.T.) Committee, Subcommittee Chair

City of Colleyville, Water and Wastewater Rate Advisory Committee, Chair

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Colleyville Baseball Association, audit committee member, former board member; Colleyville Chamber of Commerce, member; Colleyville Executive Organization, member; GHS Athletic Booster Club; GHS 10th Man Booster Club

Signature:

A handwritten signature in black ink, appearing to be "Susan Mathisen".

Date: 10/15/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Historical Preservation Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Planning and Zoning Commission

3. Zoning Board of Adjustment

Name: ☐ Ms. ☐ Mrs. ☒ Mr. John Walter Mills (Walt Mills)

Address: 404 Vintage Ct., Colleyville, TX 76034

Home phone: 817-271-0353

Work phone:

E-mail Address: walt@PhotosByWalt.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Colleyville area resident since 1993. 23 years as Senior Program Manager with Siemens Corporation- corporate offices in Florida and Texas. Currently Regional Manager for Property Management Group - a HOA management group based in Keller, TX (5 years.) Past member of SH-26 Committee, Safety Committee and Events Steering Committee. Past President of Remington Park, HOA. Currently, Treasurer for Remington Park, HOA. Business owner in Colleyville of "PhotosByWalt.com"

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature:

Date: 9/16/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the [Financial Disclosure form here](#).

Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Zoning Board of Adjustment

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Chris Mitchell

Address: 2305 Carlisle Avenue, Colleyville, Texas 76034

Home phone: 214-675-9356

Work phone: 972-215-5011

E-mail Address: water102000@yahoo.com

- ☐ By providing an e-mail address, I consent to the release of my e-mail address by the City.
☒ I understand attendance and active support is required for each appointee.
☒ I understand I will be required to comply with the Texas Open Meetings Act training.
☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Current - Chief Operation Officer - MMC (15 yr tenure) Workforce solutions / Strategic Staffing
MBA - SMU Cox School of Business
Board Member MMC Group L.P.
Involved in several significant networking groups - DFW
Member of highly regarding CEO Leadership Group - DFW
Strategic Planning, Operational Efficiency, Cost Containment, Negotiation experience

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: *Chris Mitchell*

Date: 9/14/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Click here for drop down menu

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. David Phelps

Address: 304 Bridlewood North

Home phone: 972-467-7319

Work phone:

E-mail Address: phelps-david @swbell.net

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

For 10 years I have implemented the goals and objectives of the City of Colleyville as prescribed by the City's Comprehensive Plan, including; •Promoting transparent development standards for developers and property owners to encourage projects that comply with our future vision and reduce uncertainty and unnecessary cost and delays in the application process. •Negotiating exceptions when it benefits the highest and best use of land in the city of Colleyville. •Working with City staff to ensure that the physical development within the City of Colleyville is consistent with its development standards. I look forward to the opportunity to continue to serve the residents of Colleyville.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Resident of City of Colleyville for 18 years.
Lions Club Officer (Member for 10 years)
Leo Club Advisor (Teen community service)
Former PTA officer / Grateful Dads (GHS High School)

Signature: *M. David Phelps*

Date: 9/21/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the [Financial Disclosure form here](#).

Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning Commission



If you are willing to be considered for another board, commission, or committee, please list below.

2. Click here for drop down menu

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Gary Sanders

Address: 3924 Treemont Circle

Home phone: 214-929-1958

Work phone: 214-929-1958

E-mail Address: gsand@mac.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Texas Real Estate Broker, Texas Certified Appraiser, Texas Licensed Property Tax Consultant, Texas Registered Property Tax Arbitrator. Former member of Tarrant County Appraiser Review Board and former member of Bedford Planning & Zoning Committee

☐ Check if additional materials are attached. Other Information (City/civic service, interests):

Signature:

Date: 10/11/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

INFORMATION STATEMENT**Form 1**

		TOTAL NUMBER OF PAGES FILED: <u>8</u>
		OFFICE USE ONLY
1 NAME	Title, First, MI <u>GARY</u>	Date Received
	Nick Name, Last, Suffix <u>Sanders</u>	
2 ADDRESS	Address/City/State/Zip <u>3924 TREEMONT Circle</u> <u>Colleyville, Tx. 76034</u>	
3 TELEPHONE NUMBER	Area Code, Phone Number, Extension <u>214-929-1958</u>	
4 REASON FOR FILING STATEMENT	☐ CANDIDATE _____ (INDICATE OFFICE)	
	☐ ELECTED OFFICIAL _____ (INDICATE OFFICE)	
	☐ ZONING BOARD OF ADJUSTMENT (APPLICANT OR APPOINTEE) _____	
	☒ PLANNING AND ZONING COMMISSION (APPLICANT OR APPOINTEE) <u>Applicant</u>	
	☐ TWO (2) BUSINESS DAYS FOLLOWING THE CLOSING OF FILING FOR ELECTIVE OFFICE OR APPOINTMENT ☐ SUPPLEMENTAL DISCLOSURE FILED WITHIN FIVE (5) DAYS OF AN OCCURRENCE IN PREVIOUSLY FILED FORMS	
5 Provide information for spouse and dependent children whose financial activity the filer had actual control over during the filing period. In addition, the source of annual income of the spouse shall be provided, as subject to federal election reporting requirements for a spouse: SPOUSE <u>DeLores JONES</u> DEPENDENT CHILD - N/A 1. _____ 2. _____ 3. _____ In Parts 1-4, disclose your financial activity during the 12 months proceeding the date of filing. In Part 5, disclose not only your own financial activity, but also that of your spouse and/or dependent child or children, if you had actual control over that person's financial activity.		
COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY		

INITIAL HERE: GADATE: 10-11-16

SOURCES OF OCCUPATIONAL INCOME**Form 2**

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on FORM 1.

1 INFORMATION RELATES TO	☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
2 EMPLOYMENT	NAME AND ADDRESS OF EMPLOYER/POSITION HELD Pillar Income Asset Management 1603 LBJ Fwy, suite 300 Dallas, Tx. 75234 - Director of Property Tax NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD Sanders Realty Advisors 1501 Hall Johnson Rd. # 1742 Colleyville, Tx. 76034 Principle - real estate broker, appraiser + property tax consultant + Arbitrator
☒ EMPLOYED BY ANOTHER	
☒ SELF EMPLOYED	
INFORMATION RELATES TO	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
EMPLOYMENT	NAME AND ADDRESS OF EMPLOYER/POSITION HELD NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD
☐ EMPLOYED BY ANOTHER	
☐ SELF EMPLOYED	
INFORMATION RELATES TO	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
EMPLOYMENT	NAME AND ADDRESS OF EMPLOYER/POSITION HELD NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD
☐ EMPLOYED BY ANOTHER	
☐ SELF EMPLOYED	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: GADATE: 10-11-16

INTERESTS IN REAL PROPERTY**Form 3**

Describe all beneficial interests in real property held or acquired by you, your spouse, or a dependent child during the calendar year within the map attached as Exhibit "A" in Ordinance O-13-1896.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

1 HELD OR ACQUIRED BY	☒ FILER ☒ SPOUSE ☐ DEPENDENT CHILD #___
2 DESCRIPTION	Lot _____ City _____ Block _____ County _____ Subdivision _____ Ad Valorem Tax Account Number _____ Acre(s) and Tract _____
3 STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE 3924 TREEMONT CIRCLE Colleyville, Tx. 76034
4 NAME ☐ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY N/A
1 HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
2 DESCRIPTION	Lot _____ City _____ Block _____ County _____ Subdivision _____ Ad Valorem Tax Account Number _____ Acre(s) and Tract _____
3 STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE
4 NAME ☐ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: AMDATE: 10-11-16

GIFTS**Form 4**

Identify any person or organization that has given a gift worth more than \$250 to you, or those under your financial control. Do not include: 1) expenditures required to be reported by a person required to be registered as a lobbyist under Government Code, Chapter 305, 2) political contributions reported as required by law, or 3) gifts given by a person related to the recipient within the second degree by consanguinity or affinity.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ RECIPIENT	☒ FILER ☒ SPOUSE ☐ DEPENDENT CHILD #___
² DONOR	NAME AND ADDRESS N/A
³ DESCRIPTION OF GIFT	
¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	
¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE:

DATE: 10-11-16

BOARDS AND EXECUTIVE POSITIONS**Form 5**

This section is for information concerning executive positions and directorship held by you or those under your financial control.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

1 POSITION HELD BY	☒ FILER ☒ SPOUSE ☐ DEPENDENT CHILD #___
2 ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	ADDRESS N/A
3 POSITION HELD	
1 POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
2 ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	ADDRESS
3 POSITION HELD	
1 POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
2 ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	
3 POSITION HELD	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: QA

DATE: 10-11-16

BANKRUPTCIES**Form 6**

Individuals shall disclose any bankruptcy petition by or against the individual, their spouse, a business entity in which the individual owned a beneficial interest of 10% or more, or a business entity in which the individual was an officer or director of the business entity at the time of bankruptcy filing. N/A

¹ TYPE OF BANKRUPTCY
☐ PERSONAL ☐ BUSINESS ☐ N/A ☐ NONE

NAME _____

² CHAPTER
☐ 7 ☐ 11 ☐ 13
³ IF CHAPTER 7 DID YOU RECEIVE A DISCHARGE?
☐ YES ☐ NO
⁴ IF CHAPTER 11 OR 13 DID YOU COMPLETE A SUCCESSFUL REORGANIZATION?
☐ YES ☐ NO
Misdemeanor Involving Moral Turpitude and Felonies

Individuals shall disclose any information which charges a misdemeanor involving moral turpitude or conviction of a felony of the individual or a business entity in which the individual has a 10% or more beneficial interest or where the individual was at the time of the filing or conviction, an officer or director of the business entity. N/A

¹ NAME _____
☐ PERSONAL ☐ BUSINESS

Business or Entity Charged _____

² TYPE OF INDICTMENT or INFORMATION**³ NATURE OF OFFENSE**

DESCRIPTION

⁴ DISPOSITION OF INDICTMENT or INFORMATION**COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY**INITIAL HERE: JADATE: 10-11-16

**INTERESTS IN PARTNERSHIPS,
JOINT VENTURES, AND OTHER
BUSINESS ASSOCIATIONS****Form 7**

Describe all interests in business entities held or acquired by you or those under your financial control. For an explanation of "Beneficial Interest" and other specific directors for completing this section, see INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	
¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	
¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: JADATE: 10-11-16

PERSONAL FINANCIAL STATEMENT**Form 8****AFFIDAVIT**

Financial Disclosure and Business Conflict of Interest Forms are required to be verified. The verification page must have the signature of the individual filing the Financial Disclosure and Business Conflict of Interest Forms, as well as the signature and seal of a notary public. Without proper verification the statement is not considered filed. Falsification of information is subject to criminal prosecution under state penal code.

Before me, the undersigned authority, personally appeared:

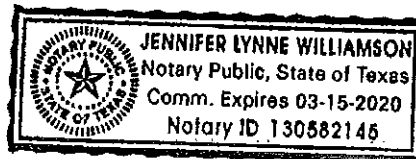
Jennifer Williamson who, after being duly sworn upon their oath and deposed and stated as follows:

"My name is Gary Sanders and I hereby submit for filing the attached Financial Disclosure and Business Conflict of Interest forms. I have personal knowledge of all information contained in said forms and all information contained in the forms is true and correct."

"Further, all information contained in the forms is complete. There is no information that has been withheld or not disclosed which is responsive to or required to be disclosed by the forms."

Jennifer Williamson
Affiant

Sworn to and subscribed before me, this the 11 day of October, 2016



Notary Public, State of Texas

INITIAL HERE: _____

DATE: _____



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the [Financial Disclosure form here](#).

Board, Commission, or Committee: (only those with current openings)

1. Metroport Teen Court Advisory Board



If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Library Board



3. Planning and Zoning Commission



Name: ☐ Ms. ☐ Mrs. ☒ Mr. Sean Tanner

Address: 7000 Rosebrook, Colleyville 76034

Home phone: 817-360*5046

Work phone: 682-605-5577

E-mail Address: sean.t.tanner@gmail.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

President, Villas at Caldwell's Creek HOA (2015 - Current)

Vice President, My Team Triumph DFW (2015) Special needs children

Managing Director, ARMA International Board of Directors (2009-2012), Chair ARMA Education Committee (2011) www.arma.org

Mobilization Leader, Northwood Church Home Makeover (2009-2012) Poverty Alleviation in Haltom City

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: *Sean T Tanner*

Date: 9/19/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Zoning Board of Adjustment

If you are willing to be considered for another board, commission, or committee, please list below.

2. Planning and Zoning Commission

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Richard A Vallario

Address: 201 Mill Wood Ct, Colleyville Tx 76034

Home phone: 817605 8008

Work phone: 817 988 4063

E-mail Address: ricsharval@aol.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☐ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

27 years executive experience in government and private business. One year on the current Zoning and adjustment board.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: *Richard A Vallario*

Date: 9/19/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning

If you are willing to be considered for another board, commission, or committee, please list below.

2.

3.

Name: Ms. Mrs. Mr. David Wheelwright

Address: 5701 Reatta Place

Home phone: 817-875-6082

Work phone:

E-mail Address: dwheelwright@me.com

By providing an e-mail address, I consent to the release of my e-mail address by the City.

I understand attendance and active support is required for each appointee.

I understand I will be required to comply with the Texas Open Meetings Act training.

I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

3 Terms Colleyville Planning & Zoning

Current VP Fields Colleyville Soccer Association

Current Board member & past Board President of Alliance for Children

Check if additional materials are attached. Other information (City/civic service, interests):

PLANNING AND ZONING COMMISSION

PLACE 1

Jim Gotcher

4105 Springhollow Street
Colleyville, TX 76034

W: (817) 845-7340

H: (817) 283-7334

jim.gotcher@verizon.net

TERM: Sep 2014 - Sep 2016

CHAIRMAN

PLACE 2

Jeffrey Byerly

7109 Pebble Hill Drive
Colleyville, TX 76034

W: (214) 498-7350

H: (817) 329-3372

jeff.byerly@tx.rr.com

TERM: Sep 2014 - Sep 2016

PLACE 3

David Wheelwright

5701 Reatta Place
Colleyville, TX 76034

W: (817) 875-6082

H: (817) 875-6082

dwheelwright@me.com

TERM: Sep 2014 - Sep 2016

PLACE 4

David Phelps

304 Bridlewood North
Colleyville, TX 76034

W: (817) 428-1537

H: (972) 467-7319

phelps-david@swbell.net

TERM: Sep 2014- Sep 2016

PLACE 5

Carel Tornes

6712 Hillier Court
Colleyville, TX 76034

H: (817) 788-5611

careltornes@gmail.com

TERM: Sep 2013 – Sep 2015

PLACE 6

Don C. Davis

3409 Middleton Way
Colleyville, TX 76034

H: (817) 991-7808

dondavis@yourcorvette.com

TERM: Sep 2013 - Sep 2015

PLACE 7

Larry Knox

7205 Monticello Parkway
Colleyville, TX 76034

H: (817) 581-0941

knox.ldk@gmail.com

TERM: Sep 2013 - Sep 2015

Excerpt of Planning and Zoning Commission bylaws

PLANNING AND ZONING COMMISSION BYLAWS

ARTICLE I – Identification and Purpose

The Planning and Zoning Commission was established by the City Council of Colleyville, Texas, by Ordinance 08 on May 18, 1956; however, several amendments to this ordinance have been approved and codified through the Colleyville City Charter and the Colleyville Code of Ordinances. The purpose of the Planning and Zoning Commission is to act as an advisory board to the City Council relating to all physical development, proposed changes to zoning, the platting and/or the subdividing of land in the City.

ARTICLE II – Membership

- 2.1 The Planning and Zoning Commission shall consist of seven (7) members, who shall be appointed by the City Council for a two (2) year term; three (3) members shall be appointed each odd-numbered year and four (4) members shall be appointed each even-numbered year. Places on the Planning and Zoning Commission shall be numbered one (1) through seven (7).
- 2.2 Members must be residents of Colleyville, Texas, unless City Council waives the residency requirement.
- 2.3 Members shall serve without compensation and until their successors are appointed.
- 2.4 Vacancies created by resignation, removal by vote of a majority of the City Council, or by any other reason, shall be filled by the City Council for the remainder of the term.
- 2.5 If a member of the Planning and Zoning Commission fails to maintain a seventy-five percent (75%) attendance record for all regularly scheduled meetings, the Chairman or staff liaison, will notify the City Secretary. City Council may, at its discretion, declare a vacancy, advertise the open position, or appoint a replacement without advertising.

RESOLUTION R-16-4054

A RESOLUTION APPOINTING MEMBERS TO THE
PLANNING AND ZONING COMMISSION

WHEREAS, four (4) positions on the Planning and Zoning Commission have terms which expired September 2016.

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

Sec. 1. THAT the Colleyville City Council hereby appoints the following persons to serve a two-year term, expiring September 2018:

- Place 1
- Place 2
- Place 3
- Place 4

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 1ST DAY OF NOVEMBER 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 6e

Agenda Date 11/01/2016

Number Resolution R-16-4055

Type Resolution

Department City Secretary

Title

Consideration of appointments to the Zoning Board of Adjustment

Strategy Map Connection

B4- Cultivate a culture of transparency and consistent communication

Explanation

Reading and Public Hearing

There are three (3) place positions, and two (2) alternate positions on the Zoning Board of Adjustment whose terms expired September 2016. The positions were advertised and applications accepted September 20 through October 12, 2016. The incumbents were notified their term was expiring and asked to submit an application, if they wished to be considered for reappointment.

The following Board member's terms expired September 2016:

- Place 1-Vacant
- Place 2-Jason Elms
- Place 3-Wayne Maynard
- Alternate 1-Dee Kamerman
- Alternate 2-Richard Vallario

The applicants are listed below, and their applications are attached:

- | | | |
|------------------------|-----------------|------------------|
| • Michael "Mic" Deakin | • George Dodson | • John Frazier |
| • Kimberly Holt | • Dee Kamerman | • Charles Kelley |
| • Wayne Maynard | • Walt Mills | • Chris Mitchell |
| • Richard Vallario | | |

The Zoning Board of Adjustment bylaws state, *"The Zoning Board of Adjustment shall consist of five (5) members and two (2) alternates, who shall be appointed by the City Council for a two (2) year term. Places on the Zoning Board of Adjustment shall be numbered one (1) through five (5), and Alternates one (1) and two (2)."* An excerpt of the Zoning Board of Adjustment bylaws is attached to this agenda briefing.

This resolution provides for City Council to consider appointments to the Zoning Board of Adjustment.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Zoning Board of Adjustment Applications for Appointment
2. Zoning Board of Adjustment roster
3. Excerpt of Zoning Board of Adjustment bylaws
4. Resolution R-16-4055



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Zoning Board of Adjustment

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Michael "Mic" Deakin

Address: 4828 Lakeside Dr, Colleyville TX 76034

Home phone: 817-399-9885

Work phone: 714-348-4074

E-mail Address: michaeldeakin@sbcglobal.net

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I have a degree in Political Science which included public service & civic management. I have 45 years experience in business management and currently managing UC operations for a Mexican manufacturing company.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Note the Financial Disclosure form is already on file.

Signature:

Date: 10-11-16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Zoning Board of Adjustment

3. Click here for drop down menu

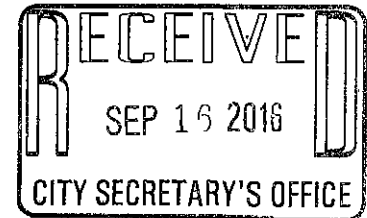
Name: ☐ Ms. ☐ Mrs. ☒ Mr. George W. Dodson

Address: 7309 Balmoral Dr., Colleyville, TX 76034

Home phone: 817-488-0082

Work phone: 817-937-3198

E-mail Address: georgewdodson@gmail.com



- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:
I have more than 40 years' experience as an IT executive with IBM, Perot Systems and several other companies. At IBM I served in many executive positions managing teams that did research and development to better manage large computer environments. For the past 20 years I have served as executive manager of IT management consulting, providing guidance to large Fortune 100 clients in managing the large complex IT environments they manage daily. I have been responsible for budgeting, profit and personnel decisions for all of these organizations. I have a MS in Operations Research (Statistics), a BS in Mathematics and have been very active in international organizations.

☐ **Check if additional materials are attached. Other information (City/civic service, interests):**
I have served as President, Treasurer and Board Member of the International Computer Measurement Group, I currently serve as a Delegate to the Timarron Board of Directors (10 years), and served on other homeowner boards. I have been active in Colleyville in informing citizens about pending actions of the City Council, concerning potential changes that would affect Colleyville lifestyles.

Signature:

Date: 9/16/2016

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the [Financial Disclosure form here](#).

Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Water and Wastewater Rate Advisory Committee

3. Zoning Board of Adjustment

Name: ☐ Ms. ☐ Mrs. ☒ Mr. John Frazier

Address: 3303 Queensbury Way W, Colleyville, 76034

Home phone: 210-336-5949

Work phone:

E-mail Address: john_frazier99@yahoo.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I am Director for McCarthy Building Company, Inc., a large heavy civil and commercial builder in Texas. As a Director in our Heavy Civil Business unit, I oversee small to very large civil projects including roadways and transportation bridges, water treatment facilities, rail lines and bridges, etc.. I have a bachelors of Civil Engineering from Texas A&M University. In addition to my involvement with McCarthy, my wife and I owned several rental homes (not in Colleyville and all sold), that we purchased as foreclosures to rehabilitate and rent out. My wife and I have two boys ages 5 & 8.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: _____

Date: 10/11/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

INFORMATION STATEMENT**Form 1**

		TOTAL NUMBER OF PAGES FILED:
		OFFICE USE ONLY
1 NAME	Title, First, MI Mr. John	Date Received
	Nick Name, Last, Suffix Frazier	
2 ADDRESS	Address/City/State/Zip 3303 Queensbury Way W Colleyville, Texas, 76034	
3 TELEPHONE NUMBER	Area Code, Phone Number, Extension 210-336-5949	
4 REASON FOR FILING STATEMENT	☐ CANDIDATE _____ (INDICATE OFFICE)	
	☐ ELECTED OFFICIAL _____ (INDICATE OFFICE)	
	☒ ZONING BOARD OF ADJUSTMENT (APPLICANT OR APPOINTEE) <u>John Frazier</u>	
	☒ PLANNING AND ZONING COMMISSION (APPLICANT OR APPOINTEE) <u>John Frazier</u>	
	☒ TWO (2) BUSINESS DAYS FOLLOWING THE CLOSING OF FILING FOR ELECTIVE OFFICE OR APPOINTMENT ☐ SUPPLEMENTAL DISCLOSURE FILED WITHIN FIVE (5) DAYS OF AN OCCURRENCE IN PREVIOUSLY FILED FORMS	
5 Provide information for spouse and dependent children whose financial activity the filer had actual control over during the filing period. In addition, the source of annual income of the spouse shall be provided, as subject to federal election reporting requirements for a spouse: SPOUSE <u>Lindsey B. Frazier</u> DEPENDENT CHILD 1. <u>Wesley Frazier</u> 2. <u>Kyle Frazier</u> 3. _____ In Parts 1-4, disclose your financial activity during the 12 months proceeding the date of filing. In Part 5, disclose not only your own financial activity, but also that of your spouse and/or dependent child or children, if you had actual control over that person's financial activity. COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY		

INITIAL HERE: JADATE: 10/11/16

INTERESTS IN REAL PROPERTY**Form 3**

Describe all beneficial interests in real property held or acquired by you, your spouse, or a dependent child during the calendar year within the map attached as Exhibit "A" in Ordinance O-13-1896.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ HELD OR ACQUIRED BY	☒ FILER ☒ SPOUSE ☐ DEPENDENT CHILD # _____
² DESCRIPTION	Lot <u>6</u> City <u>Colleyville</u> Block <u>13</u> County <u>Tarrant</u> Subdivision <u>Woodland Hills</u> Ad Valorem Tax Account Number <u>05999839</u> Acre(s) and Tract <u>0.3443</u>
³ STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE 3303 Queensbury Way W Colleyville, Texas 76034
⁴ NAME ☐ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY None
¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
² DESCRIPTION	Lot _____ City _____ Block _____ County _____ Subdivision _____ Ad Valorem Tax Account Number _____ Acre(s) and Tract _____
³ STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE
⁴ NAME ☐ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: JADATE: 10/11/16

GIFTS**Form 4**

Identify any person or organization that has given a gift worth more than \$250 to you, or those under your financial control. Do not include: 1) expenditures required to be reported by a person required to be registered as a lobbyist under Government Code, Chapter 305, 2) political contributions reported as required by law, or 3) gifts given by a person related to the recipient within the second degree by consanguinity or affinity.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DONOR	NAME AND ADDRESS None
³ DESCRIPTION OF GIFT	
¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	
¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: AA

DATE: 10/11/16

BOARDS AND EXECUTIVE POSITIONS**Form 5**

This section is for information concerning executive positions and directorship held by you or those under your financial control.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #____
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	ADDRESS
³ POSITION HELD	
¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #____
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	ADDRESS
³ POSITION HELD	
¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #____
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	
³ POSITION HELD	
COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY	

INITIAL HERE: AADATE: 10/11/16

BANKRUPTCIES**Form 6**

Individuals shall disclose any bankruptcy petition by or against the individual, their spouse, a business entity in which the individual owned a beneficial interest of 10% or more, or a business entity in which the individual was an officer or director of the business entity at the time of bankruptcy filing.

¹ TYPE OF BANKRUPTCY
☐ PERSONAL ☐ BUSINESS ☐ N/A ☐ NONE
NAME NONE**² CHAPTER**
☐ 7 ☐ 11 ☐ 13
³ IF CHAPTER 7 DID YOU RECEIVE A DISCHARGE?
☐ YES ☐ NO
⁴ IF CHAPTER 11 OR 13 DID YOU COMPLETE A SUCCESSFUL REORGANIZATION?
☐ YES ☐ NO
Misdemeanor Involving Moral Turpitude and Felonies

Individuals shall disclose any information which charges a misdemeanor involving moral turpitude or conviction of a felony of the individual or a business entity in which the individual has a 10% or more beneficial interest or where the individual was at the time of the filing or conviction, an officer or director of the business entity.

¹ NAME NONE
☐ PERSONAL ☐ BUSINESS

Business or Entity Charged

² TYPE OF INDICTMENT or INFORMATION**³ NATURE OF OFFENSE**

DESCRIPTION

⁴ DISPOSITION OF INDICTMENT or INFORMATION**COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY**

INITIAL HERE:

AADATE: 10/11/16

INTERESTS IN PARTNERSHIPS, JOINT VENTURES, AND OTHER BUSINESS ASSOCIATIONS

Form 7

Describe all interests in business entities held or acquired by you or those under your financial control. For an explanation of "Beneficial Interest" and other specific directors for completing this section, see INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	
¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	
¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: AADATE: 10/11/14

PERSONAL FINANCIAL STATEMENT

Form 8

AFFIDAVIT

Financial Disclosure and Business Conflict of Interest Forms are required to be verified. The verification page must have the signature of the individual filing the Financial Disclosure and Business Conflict of Interest Forms, as well as the signature and seal of a notary public. Without proper verification the statement is not considered filed. Falsification of information is subject to criminal prosecution under state penal code.

Before me, the undersigned authority, personally appeared:

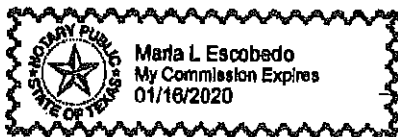
John Frazier who, after being duly sworn upon their oath and deposed and stated as follows:

"My name is John Frazier and I hereby submit for filing the attached Financial Disclosure and Business Conflict of Interest forms. I have personal knowledge of all information contained in said forms and all information contained in the forms is true and correct."

"Further, all information contained in the forms is complete. There is no information that has been withheld or not disclosed which is responsive to or required to be disclosed by the forms."


Affiant

Sworn to and subscribed before me, this the 11 day of October, 2016




Notary Public, State of Texas

INITIAL HERE: JA

DATE: 10/11/16



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Planning and zoning

If you are willing to be considered for another board, commission, or committee, please list below.

2. Zoning board of adjustment

3.

Name: Ms. (Mrs.) Mr. Kimberly Holt

Address: 6400 Kenshire Ct Colleyville 76034

Home phone: 214-957-1370

Work phone:

E-mail Address: Kimberlydraperholt@yahoo.com

By providing an e-mail address, I consent to the release of my e-mail address by the City.

I understand attendance and active support is required for each appointee.

I understand I will be required to comply with the Texas Open Meetings Act training.

I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

20+ year Colleyville resident.
Past HOA secretary and VP.
Realtor with Ebby Halliday

Check if additional materials are attached. Other information (City/civic service, interests):

Signature:

Date: 9-26-16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Zoning Board of Adjustment

If you are willing to be considered for another board, commission, or committee, please list below.

2. Planning and Zoning Commission

Name: Mrs. Dee Kamerman

Address: 6016 LD Lockett Road, Colleyville, Texas

Home phone: 817-416-2277

E-mail Address: deekamerman@hotmail.com

By providing an e-mail address, I consent to the release of my e-mail address by the City.

I understand attendance and active support is required for each appointee.

I understand I will be required to comply with the Texas Open Meetings Act training.

I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I have served on the Zoning Board of Adjustments for two years as an alternate. I have a degree in Administration and Supervision and a degree in Mathematics. I can understand rules and measurements used for making good judgements for the committee. I have worked for the federal government and have security clearance. I worked to establish and initially hire all of the TSA force. I have been an educator for 30+ years in two states.

Check if additional materials are attached. Other information (City/civic service, interests):

Signature: Dee Kamerman Date: September 15, 2016

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:**
817.503.1139 **Mail:** City Secretary, 100 Main Street, Colleyville, TX 76034

INFORMATION STATEMENT**Form 1**

		TOTAL NUMBER OF PAGES FILED:
		OFFICE USE ONLY
1 NAME	Title, First, MI <u>Dee</u>	Date Received
	Nick Name, Last, Suffix <u>Kamerman</u>	
2 ADDRESS	Address/City/State/Zip <u>6016 LD Lockett Road</u> <u>Colleyville, TX 76034</u>	
3 TELEPHONE NUMBER	Area Code, Phone Number, Extension <u>817-416-2277</u>	
4 REASON FOR FILING STATEMENT	☐ CANDIDATE _____ (INDICATE OFFICE) ☐ ELECTED OFFICIAL _____ (INDICATE OFFICE) ☒ ZONING BOARD OF ADJUSTMENT (APPLICANT OR APPOINTEE) _____ ☒ PLANNING AND ZONING COMMISSION (APPLICANT OR APPOINTEE) _____ ☐ TWO (2) BUSINESS DAYS FOLLOWING THE CLOSING OF FILING FOR ELECTIVE OFFICE OR APPOINTMENT ☐ SUPPLEMENTAL DISCLOSURE FILED WITHIN FIVE (5) DAYS OF AN OCCURRENCE IN PREVIOUSLY FILED FORMS	
5 Provide information for spouse and dependent children whose financial activity the filer had actual control over during the filing period. In addition, the source of annual income of the spouse shall be provided, as subject to federal election reporting requirements for a spouse: SPOUSE <u>Bob Kamerman</u> DEPENDENT CHILD 1. _____ 2. _____ 3. _____ In Parts 1-4, disclose your financial activity during the 12 months proceeding the date of filing. In Part 5, disclose not only your own financial activity, but also that of your spouse and/or dependent child or children, if you had actual control over that person's financial activity.		
COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY		

INITIAL HERE: DKDATE: 9/24/16

SOURCES OF OCCUPATIONAL INCOME**Form 2**

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on FORM 1.

1 INFORMATION RELATES TO
☐ FILER ☒ SPOUSE ☐ DEPENDENT CHILD #___
2 EMPLOYMENT

NAME AND ADDRESS OF EMPLOYER/POSITION HELD

JPS
1500 N. Main
Ft. Worth, TX

☒ EMPLOYED BY ANOTHER

☐ SELF EMPLOYED

NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD

Director of IT

INFORMATION RELATES TO
☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
EMPLOYMENT

NAME AND ADDRESS OF EMPLOYER/POSITION HELD

Westlake Academy
1600 Ottinger
Westlake, TX

☒ EMPLOYED BY ANOTHER

☐ SELF EMPLOYED

NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD

Teacher

INFORMATION RELATES TO
☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
EMPLOYMENT

NAME AND ADDRESS OF EMPLOYER/POSITION HELD

☐ EMPLOYED BY ANOTHER

☐ SELF EMPLOYED

NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: DKDATE: 9/24/16

INTERESTS IN REAL PROPERTY Form 3

Describe all beneficial interests in real property held or acquired by you, your spouse, or a dependent child during the calendar year within the map attached as Exhibit "A" in Ordinance O-13-1896.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

1 HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
2 DESCRIPTION NA	Lot _____ City _____ Block _____ County _____ Subdivision _____ Ad Valorem Tax Account Number _____ Acre(s) and Tract _____
3 STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE
4 NAME ☐ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY
1 HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
2 DESCRIPTION	Lot _____ City _____ Block _____ County _____ Subdivision _____ Ad Valorem Tax Account Number _____ Acre(s) and Tract _____
3 STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE
4 NAME ☐ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: DK

DATE: 9/24/16

GIFTS**Form 4**

Identify any person or organization that has given a gift worth more than \$250 to you, or those under your financial control. Do not include: 1) expenditures required to be reported by a person required to be registered as a lobbyist under Government Code, Chapter 305, 2) political contributions reported as required by law, or 3) gifts given by a person related to the recipient within the second degree by consanguinity or affinity.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DONOR	NAME AND ADDRESS <i>NA</i>
³ DESCRIPTION OF GIFT	
¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	
¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: DKDATE: 9/24/16

BOARDS AND EXECUTIVE POSITIONS**Form 5**

This section is for information concerning executive positions and directorship held by you or those under your financial control.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #____
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	NA ADDRESS
³ POSITION HELD	
¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #____
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	ADDRESS
³ POSITION HELD	
¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #____
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	
³ POSITION HELD	
COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY	

INITIAL HERE: DKDATE: 9/24/16

BANKRUPTCIES**Form 6**

Individuals shall disclose any bankruptcy petition by or against the individual, their spouse, a business entity in which the individual owned a beneficial interest of 10% or more, or a business entity in which the individual was an officer or director of the business entity at the time of bankruptcy filing.

1 TYPE OF BANKRUPTCYNAME NA
☐ PERSONAL ☐ BUSINESS ☐ N/A ☐ NONE
2 CHAPTER
☐ 7 ☐ 11 ☐ 13
3 IF CHAPTER 7 DID YOU RECEIVE A DISCHARGE?
☐ YES ☐ NO
4 IF CHAPTER 11 OR 13 DID YOU COMPLETE A SUCCESSFUL REORGANIZATION?
☐ YES ☐ NO
Misdemeanor Involving Moral Turpitude and Felonies

Individuals shall disclose any information which charges a misdemeanor involving moral turpitude or conviction of a felony of the individual or a business entity in which the individual has a 10% or more beneficial interest or where the individual was at the time of the filing or conviction, an officer or director of the business entity.

1 NAME NA

Business or Entity Charged

☐ PERSONAL ☐ BUSINESS
2 TYPE OF INDICTMENT or INFORMATION**3 NATURE OF OFFENSE**

DESCRIPTION

4 DISPOSITION OF INDICTMENT or INFORMATION**COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY**INITIAL HERE: DKDATE: 9/24/16

INTERESTS IN PARTNERSHIPS, JOINT VENTURES, AND OTHER BUSINESS ASSOCIATIONS

Form 7

Describe all interests in business entities held or acquired by you or those under your financial control. For an explanation of "Beneficial Interest" and other specific directors for completing this section, see INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION NA	NAME AND ADDRESS
³ NATURE OF BUSINESS	
¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	
¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: DK

DATE: 9/24/16

PERSONAL FINANCIAL STATEMENT**Form 8****AFFIDAVIT**

Financial Disclosure and Business Conflict of Interest Forms are required to be verified. The verification page must have the signature of the individual filing the Financial Disclosure and Business Conflict of Interest Forms, as well as the signature and seal of a notary public. Without proper verification the statement is not considered filed. Falsification of information is subject to criminal prosecution under state penal code.

Before me, the undersigned authority, personally appeared:

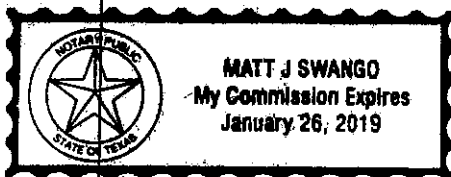
Dee Kamerman who, after being duly sworn upon their oath and deposed and stated as follows:

"My name is Dee Kamerman and I hereby submit for filing the attached Financial Disclosure and Business Conflict of Interest forms. I have personal knowledge of all information contained in said forms and all information contained in the forms is true and correct."

"Further, all information contained in the forms is complete. There is no information that has been withheld or not disclosed which is responsive to or required to be disclosed by the forms."

Dee Kamerman
Affiant

Sworn to and subscribed before me, this the 24th day of September, 2016



Matt J Swango
Notary Public, State of Texas

INITIAL HERE: DK

DATE: 9/24/16



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Zoning Board of Adjustment

3. Water and Wastewater Rate Advisory Committee

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Charles Kelley

Address: 705 Hillside Drive, Colleyville TX 76034

Home phone: 817-235-7883

Work phone: 817-235-7883

E-mail Address: c_s_kelley@yahoo.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

30 years of IT Business and consulting experience working on large complex computer systems in multiple industries. Global contract negotiation, management and compliance. experienced in working with government organizations and school districts.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

12 years of working with large volunteer organizations in a leadership position, as well as working in civic, school district and other volunteer organizations.

Signature: *Charles Kelley*

Date: 9/19/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Zoning Board of Adjustment

If you are willing to be considered for another board, commission, or committee, please list below.

2. Click here for drop down menu

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Wayne J Maynard

Address: 3004 Edgewood Ln. Colleyville, TX 76034

Home phone: 817.369.4290

Work phone: 864.238.3995

E-mail Address: waynejmaynard@gmail.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
- ☒ I understand attendance and active support is required for each appointee.
- ☒ I understand I will be required to comply with the Texas Open Meetings Act training.
- ☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

An active participating member currently appointed / seated on the City of Colleyville Zoning Board of Adjustment.

This experience allows me to have a solid working knowledge of the City of Colleyville's Land Development Code, which gives me the ability to continue representing this board in a quality manor by being able to make knowledgeable & informed decisions while keeping the cities best interest in mind.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Board of Directors / Chairman of Committees Colleyville Lions Club, Advisor Colleyville Lions Leo Club, Member of Colleyville Executive Organization, Election Judge for Tarrant County Elections, President Colleyville Citizens Police Academy Alumni Assoc., Active, participating member of Colleyville Citizens on Patrol.

Signature: *Wayne J. Maynard*

Date: 10/11/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

DATE: 10/11/16

SOURCES OF OCCUPATIONAL INCOME**Form 2**

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on FORM 1.

1 INFORMATION RELATES TO
☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
2 EMPLOYMENT

NAME AND ADDRESS OF EMPLOYER/POSITION HELD

Southeast Quality Coins, PO Box 842 Colleyville, TX 76034

☐ EMPLOYED BY ANOTHER

NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD

Numismatist - Rare Coin & Precious Metals Dealer

☒ SELF EMPLOYED
**INFORMATION RELATES TO
EMPLOYMENT**
☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____

NAME AND ADDRESS OF EMPLOYER/POSITION HELD

☐ EMPLOYED BY ANOTHER

NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD

☐ SELF EMPLOYED
**INFORMATION RELATES TO
EMPLOYMENT**
☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____

NAME AND ADDRESS OF EMPLOYER/POSITION HELD

☐ EMPLOYED BY ANOTHER

NATURE OF OCCUPATION/NAME AND ADDRESS/POSITION HELD

☐ SELF EMPLOYED
COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: LMDATE: 10/11/16

INTERESTS IN REAL PROPERTY**Form 3**

Describe all beneficial interests in real property held or acquired by you, your spouse, or a dependent child during the calendar year within the map attached as Exhibit "A" in Ordinance O-13-1896.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ HELD OR ACQUIRED BY	☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
² DESCRIPTION	Lot <u>2</u> City <u>Colleyville</u> Block <u>3R</u> County <u>Tarrant</u> Subdivision <u>Ashmore</u> Ad Valorem Tax Account Number <u>06481000</u> Acre(s) and Tract <u>.36</u>
³ STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE 3004 Edgewood Ln Colleyville, Tx 76034
⁴ NAME ☐ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY N/A
¹ HELD OR ACQUIRED BY	☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
² DESCRIPTION	Lot _____ City _____ Block _____ County _____ Subdivision _____ Ad Valorem Tax Account Number _____ Acre(s) and Tract _____
³ STREET ADDRESS ☒ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE
⁴ NAME ☐ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY N/A

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: WQMDATE: 10/11/16

GIFTS**Form 4**

Identify any person or organization that has given a gift worth more than \$250 to you, or those under your financial control. Do not include: 1) expenditures required to be reported by a person required to be registered as a lobbyist under Government Code, Chapter 305, 2) political contributions reported as required by law, or 3) gifts given by a person related to the recipient within the second degree by consanguinity or affinity.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ RECIPIENT	☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
² DONOR	NAME AND ADDRESS N/A
³ DESCRIPTION OF GIFT	N/A
¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	
¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # _____
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	
COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY	

INITIAL HERE: WjmDATE: 10/11/16

BOARDS AND EXECUTIVE POSITIONS**Form 5**

This section is for information concerning executive positions and directorship held by you or those under your financial control.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ POSITION HELD BY	☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	ADDRESS N/A
³ POSITION HELD	
¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	ADDRESS
³ POSITION HELD	
¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD # ____
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOC. ☐ BUSINESS ASSOC.	
³ POSITION HELD	
COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY	

INITIAL HERE WgmDATE: 10/11/16

BANKRUPTCIES**Form 6**

Individuals shall disclose any bankruptcy petition by or against the individual, their spouse, a business entity in which the individual owned a beneficial interest of 10% or more, or a business entity in which the individual was an officer or director of the business entity at the time of bankruptcy filing.

¹ TYPE OF BANKRUPTCY
☐ PERSONAL ☐ BUSINESS ☒ N/A ☐ NONE
NAME Wayne Maynard**² CHAPTER**
☐ 7 ☐ 11 ☐ 13
³ IF CHAPTER 7 DID YOU RECEIVE A DISCHARGE?
☐ YES ☐ NO
⁴ IF CHAPTER 11 OR 13 DID YOU COMPLETE A SUCCESSFUL REORGANIZATION?
☐ YES ☐ NO
Misdemeanor Involving Moral Turpitude and Felonies

Individuals shall disclose any information which charges a misdemeanor involving moral turpitude or conviction of a felony of the individual or a business entity in which the individual has a 10% or more beneficial interest or where the individual was at the time of the filing or conviction, an officer or director of the business entity.

¹ NAME Wayne Maynard
☐ PERSONAL ☐ BUSINESS

Business or Entity Charged

² TYPE OF INDICTMENT or INFORMATION

N/A

³ NATURE OF OFFENSE

DESCRIPTION

N/A

⁴ DISPOSITION OF INDICTMENT or INFORMATION

N/A

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARYINITIAL HERE: WJMDATE: 10/11/16

INTERESTS IN PARTNERSHIPS, JOINT VENTURES, AND OTHER BUSINESS ASSOCIATIONS

Form 7

Describe all interests in business entities held or acquired by you or those under your financial control. For an explanation of "Beneficial Interest" and other specific directors for completing this section, see INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ HELD OR ACQUIRED BY	☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS N/A
³ NATURE OF BUSINESS	
¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	
¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD #___
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: WJm

DATE: 10/11/16

PERSONAL FINANCIAL STATEMENT**Form 8****AFFIDAVIT**

Financial Disclosure and Business Conflict of Interest Forms are required to be verified. The verification page must have the signature of the individual filing the Financial Disclosure and Business Conflict of Interest Forms, as well as the signature and seal of a notary public. Without proper verification the statement is not considered filed. Falsification of information is subject to criminal prosecution under state penal code.

Before me, the undersigned authority, personally appeared:

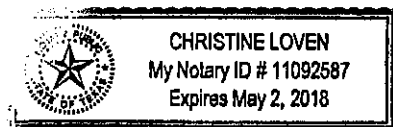
Wayne J Maynard who, after being duly sworn upon their oath and deposed and stated as follows:

"My name is **Wayne J Maynard** and I hereby submit for filing the attached Financial Disclosure and Business Conflict of Interest forms. I have personal knowledge of all information contained in said forms and all information contained in the forms is true and correct."

"Further, all information contained in the forms is complete. There is no information that has been withheld or not disclosed which is responsive to or required to be disclosed by the forms."

Wayne J. Maynard 10/14/16
Affiant

Sworn to and subscribed before me, this the 11th day of October, 20 16



Christine Loven

Notary Public, State of Texas

INITIAL HERE: WJM

DATE: 10/14/16



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Historical Preservation Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Planning and Zoning Commission

3. Zoning Board of Adjustment

Name: ☐ Ms. ☐ Mrs. ☒ Mr. John Walter Mills (Walt Mills)

Address: 404 Vintage Ct., Colleyville, TX 76034

Home phone: 817-271-0353

Work phone:

E-mail Address: walt@PhotosByWalt.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
☒ I understand attendance and active support is required for each appointee.
☒ I understand I will be required to comply with the Texas Open Meetings Act training.
☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Colleyville area resident since 1993. 23 years as Senior Program Manager with Siemens Corporation- corporate offices in Florida and Texas. Currently Regional Manager for Property Management Group - a HOA management group based in Keller, TX (5 years.) Past member of SH-26 Committee, Safety Committee and Events Steering Committee. Past President of Remington Park, HOA. Currently, Treasurer for Remington Park, HOA. Business owner in Colleyville of "PhotosByWalt.com"

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature:

Date: 9/16/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Planning and Zoning Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Zoning Board of Adjustment

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Chris Mitchell

Address: 2305 Carlisle Avenue, Colleyville, Texas 76034

Home phone: 214-675-9356

Work phone: 972-215-5011

E-mail Address: water102000@yahoo.com

- ☐ By providing an e-mail address, I consent to the release of my e-mail address by the City.
☒ I understand attendance and active support is required for each appointee.
☒ I understand I will be required to comply with the Texas Open Meetings Act training.
☒ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Current - Chief Operation Officer - MMC (15 yr tenure) Workforce solutions / Strategic Staffing
MBA - SMU Cox School of Business
Board Member MMC Group L.P.
Involved in several significant networking groups - DFW
Member of highly regarding CEO Leadership Group - DFW
Strategic Planning, Operational Efficiency, Cost Containment, Negotiation experience

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: *Chris Mitchell*

Date: 9/14/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, or download the Financial Disclosure form here.

Board, Commission, or Committee: (only those with current openings)

1. Zoning Board of Adjustment

If you are willing to be considered for another board, commission, or committee, please list below.

2. Planning and Zoning Commission

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Richard A Vallario

Address: 201 Mill Wood Ct, Colleyville Tx 76034

Home phone: 817605 8008

Work phone: 817 988 4063

E-mail Address: ricsharval@aol.com

- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.
☒ I understand attendance and active support is required for each appointee.
☒ I understand I will be required to comply with the Texas Open Meetings Act training.
☐ I understand I will be required to bring my own device to meetings to view packet information.

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

27 years executive experience in government and private business. One year on the current Zoning and adjustment board.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Signature: *Richard A Vallario*

Date: 9/19/16

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

ZONING BOARD OF ADJUSTMENT

PLACE 1

Judson Orlando

3009 Scarborough Lane W.

Colleyville, TX 76034

W: (214) 456-1929

H: (205) 470-6836

judd_orlando@hotmail.com

TERM: Sep 2014 - Sep 2016

PLACE 2

Jason Elms

801 Shelton

Colleyville, TX 76034

W: (214) 661-1802

H: (817) 808-7275

jason@allengroup.com

TERM: Sep 2014 - Sep 2016

PLACE 3 - VICE CHAIR

Mike Leathers

6300 Emerald Drive

Colleyville, TX 76034

W: (817) 291-2852

H: (817) 291-2852

mikeleathers@ymail.com

TERM: Sep 2014 - Sep 2016

PLACE 4 - CHAIR

Dee McNosky

5108 Pleasant Run Road

Colleyville, TX 76034

H: (817) 320-4060

dtmcnosky@aol.com

TERM: Sep 2013 - Sep 2015

PLACE 5

Mark Collier

4727 Meandering Way

Colleyville, TX 76034

H: (972) 333-2058

mcollier@goffcp.com

TERM: Sep 2013 - Sep 2015

ALTERNATE 1

Larry Kainer

4709 Jim Mitchell Trail, East

Colleyville, TX 76034

H: (817) 267-6323

larryfkainer@hotmail.com

TERM: Sep 2014 - Sep 2016

ALTERNATE 2

Dee Kamerman

1521 Tennison Parkway

Colleyville, TX 76034

H: (817) 416-2277

deekamerman@hotmail.com

TERM: Sep 2014 - Sep 2016

Excerpt of Zoning Board of Adjustment bylaws

ZONING BOARD OF ADJUSTMENT BYLAWS

ARTICLE I – Identification and Purpose

The Zoning Board of Adjustment was established by the City Council of Colleyville, Texas, by Ordinance number 500 on March 8, 1966; however, several amendments to this ordinance have been approved and codified through the Colleyville Charter and the Colleyville Code of Ordinances. The purpose of the Zoning Board of Adjustment is to consider requests for a variance of a zoning regulation or to hear an appeal from an administrative decision on a regulation in Chapter 3 – Land Use Regulations; Chapter 4 – Landscaping and Buffering; and Chapter 6 – Building Design (except for requests regarding tree mitigation requests which are considered by the Planning and Zoning Commission). The Zoning Board of Adjustment shall additionally have the authority to consider requests for an interpretation of any regulation or definition contained in the Land Development Code.

ARTICLE II – Membership

- 2.1 The Zoning Board of Adjustment shall consist of five (5) members and two (2) alternates, who shall be appointed by the City Council for a two (2) year term. Places on the Zoning Board of Adjustment shall be numbered one (1) through five (5), and Alternates one (1) and two (2).
- 2.2 Members must be residents of Colleyville, Texas unless City Council waives the residency requirement.
- 2.3 Members shall serve without compensation and until their successors are appointed.
- 2.4 Members and alternates of the Zoning Board of Adjustment may be removed from office by the City Council for just cause upon receipt of written charges and after public hearing.
- 2.5 Vacancies which are created by resignation, or for any other reason, shall be filled by the City Council for the remainder of the term of the member or alternate affected.
- 2.6 If a member of the Zoning Board of Adjustment fails to maintain a seventy-five percent (75%) attendance record for all regularly scheduled meetings, the Chair or staff liaison will notify the City Secretary. City Council may, at its discretion, declare a vacancy,

RESOLUTION R-16-4055

A RESOLUTION APPOINTING MEMBERS TO THE
ZONING BOARD OF ADJUSTMENT

WHEREAS, three (3) place positions and two (2) alternate positions on the Zoning Board of Adjustment have terms expiring September 2016.

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

Sec. 1. THAT the Colleyville City Council hereby appoints the following persons to serve a two-year term expiring September 2018:

- Place 1
- Place 2
- Place 3
- Alternate 1
- Alternate 2

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 1ST DAY OF NOVEMBER 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 6f

Agenda Date 11/01/2016

Number Resolution R-16-4056

Type Resolution

Department City Secretary

Title

Approval of a resolution to amend Resolution R-03-2185 establishing terms for the Audit Committee

Strategy Map Connection

B4- Cultivate a culture of transparency and consistent communication

Explanation

Reading and Public Hearing

On June 17, 2003, City Council established an Audit Committee by Resolution R-03-2174, attached, consisting of three Councilmembers to serve as members of the committee, for the purpose of reviewing a draft of the audit, and meeting with the auditors before the audit is presented to the full City Council. This resolution allowed for the appointment of members in August to serve for a one year term.

On July 1, 2003, City Council amended Resolution R-03-2174 by Resolution R-03-2185, attached, which amended the committee member terms to be consistent with their Councilmember terms.

The proposed resolution will amend Resolution R-03-2185 to provide for the Audit Committee to be composed of three current City Councilmembers and one citizen, to be appointed in September to serve a one year term.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Resolution R-03-2174
2. Resolution R-03-2185
3. Resolution R-16-4056

RESOLUTION R-03-2174

A RESOLUTION ESTABLISHING AN AUDIT COMMITTEE AND APPOINTING MEMBERS TO THE COMMITTEE

WHEREAS, as the City Council is ultimately responsible for the stewardship of the City's funds and a annual audit is required by the charter, it would be an enhancement to the City's financial management to establish an Audit Committee; and

WHEREAS, this committee would be composed of councilmembers and their duties would be a part of the audit selection committee, review a draft of the audit and meet with the auditors before the audit is presented to the full City Council.

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

- Sec. 1. THAT an Audit Committee is established.
- Sec. 2. THAT the committee shall be composed of three members of the City Council and their terms shall run concurrently with their council terms.
- Sec. 3. THAT the initial term for each member shall be from June 17, 2003 to August 1, 2004.
- Sec. 4. THAT, thereafter, each member of the Board shall be appointed in August to serve one year.
- Sec. 5. THAT the following members of the City Council are appointed to the Audit Committee:

Elaine Dolan
Joe Hocutt
Jon Ayers

AND IT IS SO ORDERED.

PASSED BY A VOTE OF 5 AYES, 0 NAYS AND 0 ABSTENTIONS ON
THIS THE 17th DAY OF June 2003.

ATTEST:



Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE



Joe Hocutt
Mayor

RESOLUTION R-03-2185

**A RESOLUTION AMENDING RESOLUTION R-03-2174 ESTABLISHING TERMS
FOR THE AUDIT COMMITTEE**

WHEREAS, the City Council established an Audit Committee, which is ultimately responsible for the stewardship of the City's funds and an annual audit is required by the Charter; and

WHEREAS, this committee, composed of three Councilmembers, reviews a draft of the audit and meets with the auditors before the audit is presented to the full City Council.

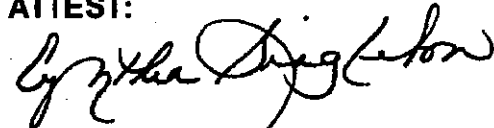
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

Sec. 1. THAT the terms of the Audit Committee, composed of three members of the City Council, shall run concurrently with their council terms.

AND IT IS SO ORDERED.

PASSED BY A VOTE OF 4 AYES, 0 NAYS AND 0 ABSTENTIONS ON
THIS THE 1st DAY OF July 2003.

ATTEST:



Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE:



Joe Hocutt
Mayor

RESOLUTION R-16-4056

AMENDING RESOLUTION R-03-2185 ESTABLISHING MEMBERSHIP
AND TERMS FOR THE AUDIT COMMITTEE

WHEREAS, the City Council is ultimately responsible for the stewardship of the City's funds and an annual audit is required by the Charter; and

WHEREAS, the City Council established an Audit Committee by Resolution R-03-2174 which provided for the responsibilities and terms of the committee, and amended the terms by Resolution R-03-2185; and

WHEREAS, the City Council desires to amend the membership and terms of the Audit Committee.

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

- Sec. 1. THAT the Audit Committee will be composed of three (3) serving City Councilmembers and one (1) citizen.
- Sec. 2. THAT the Audit Committee members shall be appointed in September to serve a one (1) year term.
- Sec. 3. THAT the City Council hereby appoints the following citizen to the Audit Committee:
-
- Sec. 4. THAT the current Audit Committee terms of Mayor Pro Tem Chris Putnam, Councilmembers Nancy Coplen and Tammy Nakamura are to September 2017.

AND IT IS SO ORDERED.

PASSED BY A VOTE OF _____ AYES, _____ NAYS AND _____ ABSTENTIONS
ON THIS THE 1ST DAY OF NOVEMBER 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 6g
Type Resolution
Department City Council

Agenda Date 11/01/2016

Number Resolution R-16-4057

Title

Approval of a resolution approving the appointment and professional services agreement of a city attorney and authorize the city manager to execute the agreement

Strategy Map Connection

B3- Utilize partnerships to implement cost-effective service solutions

B4- Cultivate a culture of transparency and consistent communication

Explanation

Reading and Public Hearing

At the June 21, 2016, City Council meeting, Resolution R-16-4005, attached, was approved directing staff to prepare and submit a Request for Proposals (RFP) for City Attorney legal services.

Staff advertised in the City's newspaper of record and local and statewide municipal law publications (such as Dallas County Bar Association and Tarrant County Bar Association). In addition to the advertisement, staff identified five law firms, that currently provide City Attorney legal services for cities in the Fort Worth/Dallas area, and directly sent the RFP.

Those firms included:

- Brown & Hofmeister, L.L.P.
- McKamie Krueger, LLP
- Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
- Taylor, Olson, Adkins, Sralla & Elam L.L.P.
- Wolfe, Tidwell & McCoy, LLP

The RFP's for Legal Services were received on August 15, 2016, by the following firms:

- Wolfe, Tidwell & McCoy, LLP
- Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
- Brown & Hofmeister, L.L.P.
- Banowsky & Levine, P.C.
- Messer Rockefeller & Fort, PLLC

On September 20, 2016, City Council interviewed the following firms:

- Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
- Messer Rockefeller & Fort, PLLC
- Brown & Hofmeister, L.L.P.

On October 3, 2016, City Council conducted additional interviews with the following firms:

- Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
- Brown & Hofmeister, L.L.P.

On October 18, 2016, City Council approved executive session Resolution R-16-4043, attached, to enter into contract negotiations with Nichols, Jackson, Dillard, Hager & Smith, L.L.P., to serve as City Attorney, and that the mayor and city manager would represent the City in such contract negotiations.

The proposed resolution provides for the approval of the appointment and contract of Nichols, Jackson, Dillard, Hager & Smith, L.L.P as the firm for legal services for the City of Colleyville.

Financial Impact

Funding is available in the annual operating budget for related legal services.

Recommendation

Approve

Attachments

1. Professional Services Agreement
2. Resolution R-16-4005
3. Resolution R-16-4043
4. Resolution R-16-4057

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

**PROFESSIONAL SERVICES AGREEMENT
FOR CITY ATTORNEY LEGAL SERVICES**

This Professional Services Agreement for City Attorney Legal Services (“Agreement”) is made by and between the City of Colleyville, Texas (“City”) and Nichols, Jackson, Dillard, Hager & Smith, L.L.P. (“Nichols Jackson”), (each a “Party” and collectively the “Parties”), acting by and through their authorized representatives.

RECITALS:

WHEREAS, the City issued a Request for Proposals for general legal services on July 1, 2016 (“RFP”); and

WHEREAS, Nichols Jackson submitted a proposal in response to City’s RFP on August 11, 2016; and

WHEREAS, City the directed Nichols Jackson to submit this Professional Services Agreement to serve as general legal counsel for City October 18, 2016; and

WHEREAS, Nichols Jackson desires to provide professional general legal and City Attorney services to City in accordance with the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and terms and conditions herein contained, and of the execution hereof, the Parties agree and bind themselves to the obligations and performance of the tasks as follows:

**Article I
Purpose**

The purpose of this Agreement is for City to obtain professional outside legal counsel to advise and assist City in the course and scope of its performance of duties, or provision of Services, as described in Article III of this Agreement.

**Article II
Term**

This Agreement shall commence on the last day of execution hereof (the “Effective Date”). This Agreement shall continue without term unless and until terminated as provided pursuant to Article VI of this Agreement.

**Article III
Scope of Services**

3.1 Nichols Jackson shall serve as the City Attorney and legal advisor for the City and shall provide all required legal services in accordance with Section 8.04 of the City Charter, as the same may be amended (“Services”). The Services provided by Nichols Jackson shall include:

- (a) Being the legal advisor of, and attorney and counsel for, the City and all officers and departments thereof, and attend all meetings as deemed necessary by the City Council.
- (b) Reviewing and/or drafting, and approving as to form, all documents, contracts, agreements, deeds, easements, resolutions, ordinances, and legal instruments in which the City may have an interest as may be required by the City Manager or Council.
- (c) Performing such other duties that are prescribed in the City's Charter, or by ordinance or resolution of the City Council.
- (d) Representing the City in any and all litigation and legal proceedings provided, however, that the Council may retain special counsel at any time it deems appropriate and necessary. Municipal Court prosecutor services are not included in the scope of Services but may be provided for herein at the City's request upon written amendment of this Agreement.
- (e) Coordinating with other special counsel, as needed, to assure proper management of legal issues, and proper coordination and transition of legal issues among special counsel.
- (f) Providing a variety of opinions and representation to the City Council, City Manager and City staff.
- (g) Assisting City officials and employees to maintain awareness of ethical standards and appearance of fairness standards, and to avoid potential conflicts of interest, prohibited transactions and the appearance of prohibited transactions.
- (h) Assisting City officials and employees to understand the legal roles and duties of their respective offices and interrelationships with others.
- (i) Attending regular and special-called meetings of the City Council, and board and commission meetings as requested.
- (j) Knowledge of and training for the City Council and City staff relative to the Texas Public Information Act and Texas Open Meeting Act.
- (k) Become familiar with the City's Code of Ordinances, applicable State and Federal laws, Local Government Code, applicable statutes and policies (e.g., as the City's Personnel Policies and Procedures Manual, code enforcement process).
- (l) Assisting with resolution of contract disputes.
- (m) Staying abreast and informing the City of new or proposed State and Federal legislation affecting the City.

- (n) Researching alternative approaches to resolving legal problems (i.e. Alternative Dispute Resolution).
- (o) Reviewing and making recommendations on a variety of projects and proposals which have legal ramifications.
- (p) Maintaining an appropriate relationship with professional organizations in the field of municipal legal services.
- (q) Assisting the City Secretary in staying current on State and Federal Election Laws and administration of elections for the City.
- (r) Knowledge of and training for the City Planning and Zoning Commission and Zoning Board of Adjustment relative to land use laws and abilities of City to implement and administer such laws in conformance with State requirements and the City's desire to improve such land use planning.
- (s) Knowledge of laws and experience with managing extraterritorial jurisdiction ("ETJ") and annexations.
- (t) Knowledge of laws and methods to facilitate effective code enforcement, including demolition procedures and property maintenance code provision.
- (u) Knowledge of laws and experience in regard to economic development projects and laws.

3.2 Professional Competency. Nichols Jackson agrees that in the performance of these Services, Nichols Jackson shall be responsible for the level of competency, and shall use the same degree of skill and the care presently maintained by other practicing professionals performing the same or similar types of work.

3.3 Reports. Nichols Jackson acknowledges that documents generated in the course of representation of a governmental body may be subject to the Texas Public Information Act. Nichols Jackson will exercise professional judgment and care not to generate documents which are subject to public information requests that are intended to be confidential or confidential attorney-client communications. This is particularly important in the presentation of invoices where incidental notation may tend to reveal litigation strategies or confidential information. This subsection shall not be interpreted to limit Nichols Jackson's duty to provide full disclosure to City as necessary in Nichols Jackson's judgment to represent City with due professional care as required by applicable law or disciplinary rules.

Article IV

Schedule of Work

Nichols Jackson will begin providing Services set forth herein immediately upon the City's request. The Parties may develop one or more schedules for work to be performed by Nichols Jackson on an as needed basis. Time is of the essence under this Agreement. Accordingly, Nichols

Jackson shall make all reasonable efforts to complete the Services set forth herein as expeditiously as possible during the term of the Agreement.

Article V Compensation

5.1 Compensation for Time. Except as otherwise provided in Section 5.2, City shall compensate Nichols Jackson for all services performed pursuant to this Agreement at an hourly rate of one hundred and eighty-five dollars (\$185.00) per hour, applicable to all Nichols Jackson attorneys. The foregoing hourly rate shall be billed in quarter hour (0.25) increments. City will not be billed more than one hour of travel time for an attorney's round trip to and from the City.

5.2 Flat Rate for Certain Meetings. City shall compensate Nichols Jackson for each regular monthly City Council, Planning and Zoning Commission and Zoning Board of Adjustment meeting attended by Nichols Jackson as follows:

<u>Meeting Type</u>	<u>Flat Rate/Meeting</u>	<u># of Meetings/Month</u>
City Council	\$850.00	2
P&Z Commission	\$500.00	1
Zoning Board of Adjustment	\$500.00	1

The Parties understand and agree that the foregoing flat rates apply only to the stated number of regular meetings as that term is defined in the City Charter. The Parties agree there may be one or more additional special meetings held each month at the City's sole discretion during the Term of this Agreement. City will be billed on an hourly basis for all special meetings attended in the manner provided in Section 5.1.

5.3 Reimbursement of Expenses. City will reimburse Nichols Jackson for reasonable expenses incurred in the performance of this Agreement in accordance with the following schedule:

<u>Expense Type</u>	<u>Reimbursement Rate</u>
In-house printing and copying	\$0.25 per page
Facsimiles	\$0.25 per page
Mileage	Current IRS rate
Court and filing fees	Actual cost
Litigation related expenses	Actual cost
Travel related expenses	Actual cost

All other expenses incurred by Nichols Jackson in the performance of this Agreement will be invoiced at actual cost. No mark-up will be allowed on reimbursable contracts, expenses or subcontract expenses. Nichols Jackson will provide copies of original receipts as evidence of actual expenditures upon request. Travel related expenses, including airfare, car rental and lodging will be subject to prior approval by the City and will be reimbursed in the amount of the actual expense unless otherwise agreed by the Parties.

5.4 Invoice for Services. Invoices for Services performed and expenses incurred under this Agreement will be submitted to the City on a monthly basis in the form of a single statement of Services. The City may request that individual departments and/or legal matters be invoiced separately at any time during the Term of this Agreement. Invoices will be submitted to City on a monthly basis, generally within ten (10) business days following the last day of each month. All invoices for legal Services provided will contain: (1) a detailed description of the Services performed, (2) an accounting of the time charged for each service, (3) an accounting of all reimbursable expenses, and (4) a total amount owed.

5.5 Prompt Payment. Upon Nichols Jackson's submission of an acceptable invoice required to be submitted under this article, City shall issue payment in accordance with Chapter 2251 of the Texas Government Code. It is the policy of City to make payment on a properly prepared and submitted invoice within thirty (30) days of the latter of any final acceptance of performance or the receipt of a properly submitted invoice.

Article VI Termination

6.1 Termination for Convenience. Either Party may terminate this Agreement, in whole or in part, at any time by providing thirty (30) days written notice to the other Party when it is in the Party's best interest. Nichols Jackson shall be compensated for all Services performed and expenses incurred in the manner provided in Article V up to the time of termination. Nichols Jackson shall promptly submit its final invoice to City following the time of termination. If Nichols Jackson has any property or documents in its possession belonging to City, Nichols Jackson will account for and dispose of the same in the manner requested by the City. All legal opinions and other legal documents prepared or obtained under the terms of this Agreement are instruments of service and City shall retain ownership and a property interest therein. Upon termination, originals and/or copies of all client documents prepared or obtained under the terms of this Agreement shall be delivered to and become the property of City and without restriction on their use or further compensation to Nichols Jackson.

6.2 Termination for Default [Breach or Cause]. If Nichols Jackson fails to perform in the manner called for in this Agreement, or if Nichols Jackson fails to comply with any other provisions of this Agreement, City may terminate this Agreement for default. Termination shall be given by serving a notice of termination on Nichols Jackson setting forth the manner in which Nichols Jackson is in default and stating the date of termination. Upon notice of default, Nichols Jackson shall be compensated only for Services performed in accordance with this Agreement through the date of termination.

6.3 Waiver of Remedies for Any Breach. In the event that City elects to waive its remedies for any breach or default by Nichols Jackson of any covenant, term or condition of this Agreement, such waiver by City shall not limit City's remedies for any succeeding breach or default of this Agreement.

Article VII

Miscellaneous

7.1 Independent Contractor. It is understood and agreed by and between the Parties that in satisfying the conditions of this Agreement, Nichols Jackson is acting independently, and that City assumes no responsibility or liabilities to any third party in connection with these actions. All Services to be performed by Nichols Jackson pursuant to this Agreement shall be in the capacity of an independent contractor, and not as an agent or employee of City. Nichols Jackson shall supervise the performance of its Services and shall be entitled to control the manner and means by which its Services are to be performed, subject to the terms of this Agreement. As such, City shall not: (1) train Nichols Jackson or its employees; (2) require Nichols Jackson to complete regular oral or written reports; (3) require Nichols Jackson to devote its full-time services to City; or (4) dictate Nichols Jackson's sequence and/or location of work which Nichols Jackson performs.

7.2 Nichols Jackson Personnel. Nichols Jackson will be solely and entirely responsible for its acts and the acts of its agents, employees, subcontractors, and representatives in the performance of this Agreement.

- (a) Nichols Jackson agrees and acknowledges that during the existence of this Agreement, Nichols Jackson shall be entirely responsible for the liability and payment for Nichols Jackson or Nichols Jackson's employees or assistants, of all taxes of whatever kind, arising out of the performances in this Agreement. Other than the payments described in this Agreement, Nichols Jackson agrees and acknowledges that Nichols Jackson or Nichols Jackson's employees or assistants shall not be entitled to any state benefit on account of the Services provided hereunder. CITY SHALL NOT BE LIABLE TO THE OUTSIDE COUNSEL, ITS EMPLOYEES, AGENTS, OR OTHERS FOR THE PAYMENT OF TAXES OR THE PROVISION OF UNEMPLOYMENT INSURANCE AND/OR WORKERS' COMPENSATION, OR ANY BENEFIT DUE TO A STATE EMPLOYEE. If City shall nonetheless become liable for the payment of taxes, unemployment insurance premiums, or workers' compensation benefits owed by Nichols Jackson or any of its members, shareholders, or employees as a result of performance by Nichols Jackson of its obligations under this Agreement, Nichols Jackson shall promptly pay or reimburse City for such liability.
- (b) Nichols Jackson agrees that any person employed or engaged by Nichols Jackson and who assists in performing the Services agreed to herein shall not be considered employees or agents of City. Nichols Jackson shall be responsible for any payments and other claims due such persons for work performed under this Agreement. Further, Nichols Jackson agrees to comply with all state and federal laws applicable to any such persons, including laws regarding wages, taxes, insurance, and workers' compensation. City shall not be liable to Nichols Jackson, its employees, agents, or others for the provision of unemployment insurance and/or workers' compensation.

7.3 Assignment of Agreement. Nichols Jackson may not assign this Agreement, or assign or delegate any right or duty under this Agreement, without prior written approval from City.

7.4 Records Retention. Full and accurate records shall be maintained by Nichols Jackson at its place of business with respect to all matters covered by this Agreement. Unless otherwise directed by City, Nichols Jackson shall retain all records relating to the provision of Services herein for a period of four (4) years following the termination of this Agreement. Upon the request of City, Nichols Jackson shall allow representatives or designees of City to review, examine and make excerpts or transcripts from such records, and/or audit said records at all reasonable times. Upon the request of City, after the expiration of the records retention period, Nichols Jackson shall return all files and records to City. Nichols Jackson may destroy all records in whatever media that are not returned at the expiration of the record retention period.

7.5 Survival. The obligations of Nichols Jackson under Section 7.2 shall survive this Agreement.

7.6 Copyright/Intellectual Property. Nichols Jackson shall take reasonable measures to protect City from material risks of City's liability known to Nichols Jackson for copyright or patent infringement or disclosure of trade secrets resulting from the use of any equipment, materials, information, or ideas furnished by Nichols Jackson pursuant to this Agreement, other than equipment, materials, information, or ideas specified by City or its employees or other agents. Nichols Jackson and City agree to furnish timely written notice to each other of any claim of copyright, patent, trade secret, or other intellectual property infringement arising out of Services under this Agreement.

7.7 Media Releases or Pronouncements. Nichols Jackson understands that City does not endorse any vendor, commodity, or service. Nichols Jackson, its employees, representatives, other agents or subcontractors may not issue any media release, advertisement, publication, or public pronouncement which pertains to this Agreement or the Services or project to which this Agreement relates or which mentions City without the prior written approval of City.

7.8 Written Notice Delivery. Any notice required or permitted to be given under this Agreement by one Party to the other Party shall be in writing and shall be given and deemed to have been given immediately if delivered in person to the recipient's address set forth in this section, or on the date shown on the certificate of receipt if placed in the United States mail, postage prepaid, by registered or certified mail with return receipt requested, addressed to the receiving Party at the address hereinafter specified:

- (a) The address for the Nichols Jackson for all purposes under this Agreement and for all notices hereunder shall be:

Whitt L. Wyatt
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
500 N. Akard, Suite 1800
Dallas, Texas 75201

- (b) The address for City for all purposes under this Agreement and for all notices hereunder shall be:

Jennifer Fadden, City Manager
City of Colleyville
100 Main Street
Colleyville, Texas 76034

7.9 Conflict of Interest. Nichols Jackson covenants that both itself, its principals and its subcontractors presently have no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of Services required to be performed under this Agreement. Prior to entering into this Agreement, Nichols Jackson is required to inform City of any real or apparent organizational conflict of interest. Such organizational conflict of interest exists when the nature of the work to be performed under a contract may, without some restriction on future activities, results in an unfair competitive advantage to Nichols Jackson, or may impact Nichols Jackson's objectivity in performing the contract work. If any such conflict of interest shall arise during the Agreement Term, Nichols Jackson shall immediately and fully disclose the nature and extent of the conflict to City and resolve the conflict to City's satisfaction.

7.10 Taxes. This Agreement shall not be construed so as to supersede the laws of the United States or the State of Texas which accord City, and all departments, agencies, and instrumentalities of the State of Texas exemptions from the payment(s) of all taxes of whatever kind. More specifically, City shall not directly or indirectly be liable for taxes of any kind. To the extent allowed by law, City will provide, upon the request of Nichols Jackson, all applicable tax exemption certificates.

7.11 Signatories. Having agreed to the terms herein, the undersigned signatories hereby represent and warrant that they have authority to enter into this Agreement.

7.12 Applicable Law and Venue. The laws of the State of Texas shall govern this Agreement; and venue for any action concerning this Agreement shall be in the State District Court of Tarrant County, Texas. The Parties agree to submit to the personal and subject matter jurisdiction of said court.

7.13 Amendments. This Agreement may be amended only upon written Agreement signed by the Parties.

7.14 Severability/Interpretation. In the event 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 provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

7.15 Compliance with Laws. Nichols Jackson shall fully comply with all Federal, State, and Local laws, rules, regulations, and ordinances applicable to the services covered hereunder as they may now read or may hereafter be amended, including, the Texas Disciplinary Rules of Professional Conduct.

EXECUTED this _____ day of _____, 2016.

CITY OF COLLEYVILLE, TEXAS

By: _____
Jennifer Fadden, City Manager

EXECUTED this _____ day of _____, 2016.

**NICHOLS, JACKSON, DILLARD,
HAGER & SMITH, L.L.P.**

By: _____
Whitt L. Wyatt, Partner
(WLW:10-26-2016:80732v3)

RESOLUTION R-16-4005

A RESOLUTION SOLICITING REQUESTS FOR PROPOSALS FOR CITY ATTORNEY SERVICES

WHEREAS, Article VIII, Section 8.04 of the City Charter provides for the City Council to retain a City Attorney; and

WHEREAS, the City Council has considered and discussed soliciting a Request for Proposals for legal services.

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

- Sec. 1. THAT the city manager be directed to prepare and publish a Request for Proposal for City Attorney services.
- Sec. 2. That the Request for Proposal include, among other items, the following services:
- a. Attend all regular City Council meetings and others as requested by the City Council;
 - b. Attend all regular Planning and Zoning Commission and Zoning Board of Adjustment meetings, and others as requested;
 - c. Provide prosecutorial services for the Colleyville/Keller Municipal Court;
 - d. Provide preparation and/or review of Ordinances and Resolutions, contracts, or other legal documents of the City;
 - e. Serve as the City Attorney for all legal matters before the City;
 - f. Provide legal assistance and counsel for the City staff as directed by the city manager.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 4 AYES, 3 NAYS, AND 0 ABSTENTIONS THIS THE 21ST DAY OF JUNE 2016.

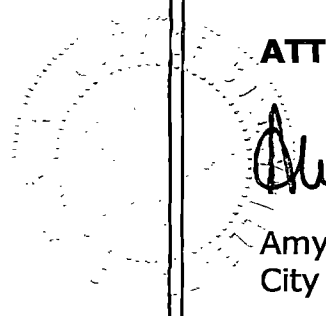
Mayor Richard Newton
Place 1, Tammy Nakamura
Place 2, Bobby Lindamood
Place 4, Jody Short

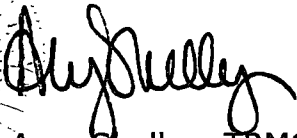
Aye
Aye
Aye
Nay

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

Aye
Nay
Nay

ATTEST:





Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE



Richard Newton
Mayor

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 the City Council desires to enter into contract negotiations with Nichols, Jackson, Dillard, Hager & Smith, L.L.P. to serve as the City Attorney for the City of Colleyville; and
- Sec. 2. THAT the mayor and city manager will represent the City in such contract negotiations;

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 6 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 18TH DAY OF OCTOBER 2016.

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

Aye
Absent
Aye
Aye

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

Aye
Aye
Aye

ATTEST:



Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE



Richard Newton
Mayor

RESOLUTION R-16-4057

**A RESOLUTION APPROVING THE APPOINTMENT AND CONTRACT OF
A CITY ATTORNEY**

WHEREAS, the City Charter for the City of Colleyville provides for a City Attorney to be appointed by the City Council; and

WHEREAS, the City Council solicited Request for Proposals for legal services for the City of Colleyville; and

WHEREAS, the City Council conducted interviews of selected law firms.

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

- Sec. 1. THAT the following attorney and associates of the law firm are designated to serve as the City Attorney for the City of Colleyville: Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
- Sec. 2. THAT the city manager is hereby authorized to execute the professional services agreement, attached as "Exhibit A".

AND IT IS SO RESOLVED.

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

"Exhibit A"

STATE OF TEXAS § PROFESSIONAL SERVICES AGREEMENT
§ FOR CITY ATTORNEY LEGAL SERVICES
COUNTY OF TARRANT §

This Professional Services Agreement for City Attorney Legal Services ("Agreement") is made by and between the City of Colleyville, Texas ("City") and Nichols, Jackson, Dillard, Hager & Smith, L.L.P. ("Nichols Jackson"), (each a "Party" and collectively the "Parties"), acting by and through their authorized representatives.

RECITALS:

WHEREAS, the City issued a Request for Proposals for general legal services on July 1, 2016 ("RFP"); and

WHEREAS, Nichols Jackson submitted a proposal in response to City's RFP on August 11, 2016; and

WHEREAS, City the directed Nichols Jackson to submit this Professional Services Agreement to serve as general legal counsel for City October 18, 2016; and

WHEREAS, Nichols Jackson desires to provide professional general legal and City Attorney services to City in accordance with the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and terms and conditions herein contained, and of the execution hereof, the Parties agree and bind themselves to the obligations and performance of the tasks as follows:

Article I **Purpose**

The purpose of this Agreement is for City to obtain professional outside legal counsel to advise and assist City in the course and scope of its performance of duties, or provision of Services, as described in Article III of this Agreement.

Article II **Term**

This Agreement shall commence on the last day of execution hereof (the "Effective Date"). This Agreement shall continue without term unless and until terminated as provided pursuant to Article VI of this Agreement.

Article III **Scope of Services**

3.1 Nichols Jackson shall serve as the City Attorney and legal advisor for the City and shall provide all required legal services in accordance with Section 8.04 of the City Charter, as the same may be amended ("Services"). The Services provided by Nichols Jackson shall include:

- (a) Being the legal advisor of, and attorney and counsel for, the City and all officers and departments thereof, and attend all meetings as deemed necessary by the City Council.
- (b) Reviewing and/or drafting, and approving as to form, all documents, contracts, agreements, deeds, easements, resolutions, ordinances, and legal instruments in which the City may have an interest as may be required by the City Manager or Council.
- (c) Performing such other duties that are prescribed in the City's Charter, or by ordinance or resolution of the City Council.
- (d) Representing the City in any and all litigation and legal proceedings provided, however, that the Council may retain special counsel at any time it deems appropriate and necessary. Municipal Court prosecutor services are not included in the scope of Services but may be provided for herein at the City's request upon written amendment of this Agreement.
- (e) Coordinating with other special counsel, as needed, to assure proper management of legal issues, and proper coordination and transition of legal issues among special counsel.
- (f) Providing a variety of opinions and representation to the City Council, City Manager and City staff.
- (g) Assisting City officials and employees to maintain awareness of ethical standards and appearance of fairness standards, and to avoid potential conflicts of interest, prohibited transactions and the appearance of prohibited transactions.
- (h) Assisting City officials and employees to understand the legal roles and duties of their respective offices and interrelationships with others.
- (i) Attending regular and special-called meetings of the City Council, and board and commission meetings as requested.
- (j) Knowledge of and training for the City Council and City staff relative to the Texas Public Information Act and Texas Open Meeting Act.
- (k) Become familiar with the City's Code of Ordinances, applicable State and Federal laws, Local Government Code, applicable statutes and policies (e.g., as the City's Personnel Policies and Procedures Manual, code enforcement process).
- (l) Assisting with resolution of contract disputes.
- (m) Staying abreast and informing the City of new or proposed State and Federal legislation affecting the City.

- (n) Researching alternative approaches to resolving legal problems (i.e. Alternative Dispute Resolution).
- (o) Reviewing and making recommendations on a variety of projects and proposals which have legal ramifications.
- (p) Maintaining an appropriate relationship with professional organizations in the field of municipal legal services.
- (q) Assisting the City Secretary in staying current on State and Federal Election Laws and administration of elections for the City.
- (r) Knowledge of and training for the City Planning and Zoning Commission and Zoning Board of Adjustment relative to land use laws and abilities of City to implement and administer such laws in conformance with State requirements and the City's desire to improve such land use planning.
- (s) Knowledge of laws and experience with managing extraterritorial jurisdiction ("ETJ") and annexations.
- (t) Knowledge of laws and methods to facilitate effective code enforcement, including demolition procedures and property maintenance code provision.
- (u) Knowledge of laws and experience in regard to economic development projects and laws.

3.2 Professional Competency. Nichols Jackson agrees that in the performance of these Services, Nichols Jackson shall be responsible for the level of competency, and shall use the same degree of skill and the care presently maintained by other practicing professionals performing the same or similar types of work.

3.3 Reports. Nichols Jackson acknowledges that documents generated in the course of representation of a governmental body may be subject to the Texas Public Information Act. Nichols Jackson will exercise professional judgment and care not to generate documents which are subject to public information requests that are intended to be confidential or confidential attorney-client communications. This is particularly important in the presentation of invoices where incidental notation may tend to reveal litigation strategies or confidential information. This subsection shall not be interpreted to limit Nichols Jackson's duty to provide full disclosure to City as necessary in Nichols Jackson's judgment to represent City with due professional care as required by applicable law or disciplinary rules.

Article IV

Schedule of Work

Nichols Jackson will begin providing Services set forth herein immediately upon the City's request. The Parties may develop one or more schedules for work to be performed by Nichols Jackson on an as needed basis. Time is of the essence under this Agreement. Accordingly, Nichols

Jackson shall make all reasonable efforts to complete the Services set forth herein as expeditiously as possible during the term of the Agreement.

Article V Compensation

5.1 Compensation for Time. Except as otherwise provided in Section 5.2, City shall compensate Nichols Jackson for all services performed pursuant to this Agreement at an hourly rate of one hundred and eighty-five dollars (\$185.00) per hour, applicable to all Nichols Jackson attorneys. The foregoing hourly rate shall be billed in quarter hour (0.25) increments. City will not be billed more than one hour of travel time for an attorney's round trip to and from the City.

5.2 Flat Rate for Certain Meetings. City shall compensate Nichols Jackson for each regular monthly City Council, Planning and Zoning Commission and Zoning Board of Adjustment meeting attended by Nichols Jackson as follows:

<u>Meeting Type</u>	<u>Flat Rate/Meeting</u>	<u># of Meetings/Month</u>
City Council	\$850.00	2
P&Z Commission	\$500.00	1
Zoning Board of Adjustment	\$500.00	1

The Parties understand and agree that the foregoing flat rates apply only to the stated number of regular meetings as that term is defined in the City Charter. The Parties agree there may be one or more additional special meetings held each month at the City's sole discretion during the Term of this Agreement. City will be billed on an hourly basis for all special meetings attended in the manner provided in Section 5.1.

5.3 Reimbursement of Expenses. City will reimburse Nichols Jackson for reasonable expenses incurred in the performance of this Agreement in accordance with the following schedule:

<u>Expense Type</u>	<u>Reimbursement Rate</u>
In-house printing and copying	\$0.25 per page
Facsimiles	\$0.25 per page
Mileage	Current IRS rate
Court and filing fees	Actual cost
Litigation related expenses	Actual cost
Travel related expenses	Actual cost

All other expenses incurred by Nichols Jackson in the performance of this Agreement will be invoiced at actual cost. No mark-up will be allowed on reimbursable contracts, expenses or subcontract expenses. Nichols Jackson will provide copies of original receipts as evidence of actual expenditures upon request. Travel related expenses, including airfare, car rental and lodging will be subject to prior approval by the City and will be reimbursed in the amount of the actual expense unless otherwise agreed by the Parties.

5.4 Invoice for Services. Invoices for Services performed and expenses incurred under this Agreement will be submitted to the City on a monthly basis in the form of a single statement of Services. The City may request that individual departments and/or legal matters be invoiced separately at any time during the Term of this Agreement. Invoices will be submitted to City on a monthly basis, generally within ten (10) business days following the last day of each month. All invoices for legal Services provided will contain: (1) a detailed description of the Services performed, (2) an accounting of the time charged for each service, (3) an accounting of all reimbursable expenses, and (4) a total amount owed.

5.5 Prompt Payment. Upon Nichols Jackson's submission of an acceptable invoice required to be submitted under this article, City shall issue payment in accordance with Chapter 2251 of the Texas Government Code. It is the policy of City to make payment on a properly prepared and submitted invoice within thirty (30) days of the latter of any final acceptance of performance or the receipt of a properly submitted invoice.

Article VI Termination

6.1 Termination for Convenience. Either Party may terminate this Agreement, in whole or in part, at any time by providing thirty (30) days written notice to the other Party when it is in the Party's best interest. Nichols Jackson shall be compensated for all Services performed and expenses incurred in the manner provided in Article V up to the time of termination. Nichols Jackson shall promptly submit its final invoice to City following the time of termination. If Nichols Jackson has any property or documents in its possession belonging to City, Nichols Jackson will account for and dispose of the same in the manner requested by the City. All legal opinions and other legal documents prepared or obtained under the terms of this Agreement are instruments of service and City shall retain ownership and a property interest therein. Upon termination, originals and/or copies of all client documents prepared or obtained under the terms of this Agreement shall be delivered to and become the property of City and without restriction on their use or further compensation to Nichols Jackson.

6.2 Termination for Default [Breach or Cause]. If Nichols Jackson fails to perform in the manner called for in this Agreement, or if Nichols Jackson fails to comply with any other provisions of this Agreement, City may terminate this Agreement for default. Termination shall be given by serving a notice of termination on Nichols Jackson setting forth the manner in which Nichols Jackson is in default and stating the date of termination. Upon notice of default, Nichols Jackson shall be compensated only for Services performed in accordance with this Agreement through the date of termination.

6.3 Waiver of Remedies for Any Breach. In the event that City elects to waive its remedies for any breach or default by Nichols Jackson of any covenant, term or condition of this Agreement, such waiver by City shall not limit City's remedies for any succeeding breach or default of this Agreement.

Article VII

Miscellaneous

7.1 Independent Contractor. It is understood and agreed by and between the Parties that in satisfying the conditions of this Agreement, Nichols Jackson is acting independently, and that City assumes no responsibility or liabilities to any third party in connection with these actions. All Services to be performed by Nichols Jackson pursuant to this Agreement shall be in the capacity of an independent contractor, and not as an agent or employee of City. Nichols Jackson shall supervise the performance of its Services and shall be entitled to control the manner and means by which its Services are to be performed, subject to the terms of this Agreement. As such, City shall not: (1) train Nichols Jackson or its employees; (2) require Nichols Jackson to complete regular oral or written reports; (3) require Nichols Jackson to devote its full-time services to City; or (4) dictate Nichols Jackson's sequence and/or location of work which Nichols Jackson performs.

7.2 Nichols Jackson Personnel. Nichols Jackson will be solely and entirely responsible for its acts and the acts of its agents, employees, subcontractors, and representatives in the performance of this Agreement.

- (a) Nichols Jackson agrees and acknowledges that during the existence of this Agreement, Nichols Jackson shall be entirely responsible for the liability and payment for Nichols Jackson or Nichols Jackson's employees or assistants, of all taxes of whatever kind, arising out of the performances in this Agreement. Other than the payments described in this Agreement, Nichols Jackson agrees and acknowledges that Nichols Jackson or Nichols Jackson's employees or assistants shall not be entitled to any state benefit on account of the Services provided hereunder. CITY SHALL NOT BE LIABLE TO THE OUTSIDE COUNSEL, ITS EMPLOYEES, AGENTS, OR OTHERS FOR THE PAYMENT OF TAXES OR THE PROVISION OF UNEMPLOYMENT INSURANCE AND/OR WORKERS' COMPENSATION, OR ANY BENEFIT DUE TO A STATE EMPLOYEE. If City shall nonetheless become liable for the payment of taxes, unemployment insurance premiums, or workers' compensation benefits owed by Nichols Jackson or any of its members, shareholders, or employees as a result of performance by Nichols Jackson of its obligations under this Agreement, Nichols Jackson shall promptly pay or reimburse City for such liability.
- (b) Nichols Jackson agrees that any person employed or engaged by Nichols Jackson and who assists in performing the Services agreed to herein shall not be considered employees or agents of City. Nichols Jackson shall be responsible for any payments and other claims due such persons for work performed under this Agreement. Further, Nichols Jackson agrees to comply with all state and federal laws applicable to any such persons, including laws regarding wages, taxes, insurance, and workers' compensation. City shall not be liable to Nichols Jackson, its employees, agents, or others for the provision of unemployment insurance and/or workers' compensation.

7.3 Assignment of Agreement. Nichols Jackson may not assign this Agreement, or assign or delegate any right or duty under this Agreement, without prior written approval from City.

7.4 Records Retention. Full and accurate records shall be maintained by Nichols Jackson at its place of business with respect to all matters covered by this Agreement. Unless otherwise directed by City, Nichols Jackson shall retain all records relating to the provision of Services herein for a period of four (4) years following the termination of this Agreement. Upon the request of City, Nichols Jackson shall allow representatives or designees of City to review, examine and make excerpts or transcripts from such records, and/or audit said records at all reasonable times. Upon the request of City, after the expiration of the records retention period, Nichols Jackson shall return all files and records to City. Nichols Jackson may destroy all records in whatever media that are not returned at the expiration of the record retention period.

7.5 Survival. The obligations of Nichols Jackson under Section 7.2 shall survive this Agreement.

7.6 Copyright/Intellectual Property. Nichols Jackson shall take reasonable measures to protect City from material risks of City's liability known to Nichols Jackson for copyright or patent infringement or disclosure of trade secrets resulting from the use of any equipment, materials, information, or ideas furnished by Nichols Jackson pursuant to this Agreement, other than equipment, materials, information, or ideas specified by City or its employees or other agents. Nichols Jackson and City agree to furnish timely written notice to each other of any claim of copyright, patent, trade secret, or other intellectual property infringement arising out of Services under this Agreement.

7.7 Media Releases or Pronouncements. Nichols Jackson understands that City does not endorse any vendor, commodity, or service. Nichols Jackson, its employees, representatives, other agents or subcontractors may not issue any media release, advertisement, publication, or public pronouncement which pertains to this Agreement or the Services or project to which this Agreement relates or which mentions City without the prior written approval of City.

7.8 Written Notice Delivery. Any notice required or permitted to be given under this Agreement by one Party to the other Party shall be in writing and shall be given and deemed to have been given immediately if delivered in person to the recipient's address set forth in this section, or on the date shown on the certificate of receipt if placed in the United States mail, postage prepaid, by registered or certified mail with return receipt requested, addressed to the receiving Party at the address hereinafter specified:

- (a) The address for the Nichols Jackson for all purposes under this Agreement and for all notices hereunder shall be:

Whitt L. Wyatt
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
500 N. Akard, Suite 1800
Dallas, Texas 75201

- (b) The address for City for all purposes under this Agreement and for all notices hereunder shall be:

Jennifer Fadden, City Manager
City of Colleyville
100 Main Street
Colleyville, Texas 76034

7.9 Conflict of Interest. Nichols Jackson covenants that both itself, its principals and its subcontractors presently have no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of Services required to be performed under this Agreement. Prior to entering into this Agreement, Nichols Jackson is required to inform City of any real or apparent organizational conflict of interest. Such organizational conflict of interest exists when the nature of the work to be performed under a contract may, without some restriction on future activities, results in an unfair competitive advantage to Nichols Jackson, or may impact Nichols Jackson's objectivity in performing the contract work. If any such conflict of interest shall arise during the Agreement Term, Nichols Jackson shall immediately and fully disclose the nature and extent of the conflict to City and resolve the conflict to City's satisfaction.

7.10 Taxes. This Agreement shall not be construed so as to supersede the laws of the United States or the State of Texas which accord City, and all departments, agencies, and instrumentalities of the State of Texas exemptions from the payment(s) of all taxes of whatever kind. More specifically, City shall not directly or indirectly be liable for taxes of any kind. To the extent allowed by law, City will provide, upon the request of Nichols Jackson, all applicable tax exemption certificates.

7.11 Signatories. Having agreed to the terms herein, the undersigned signatories hereby represent and warrant that they have authority to enter into this Agreement.

7.12 Applicable Law and Venue. The laws of the State of Texas shall govern this Agreement; and venue for any action concerning this Agreement shall be in the State District Court of Tarrant County, Texas. The Parties agree to submit to the personal and subject matter jurisdiction of said court.

7.13 Amendments. This Agreement may be amended only upon written Agreement signed by the Parties.

7.14 Severability/Interpretation. In the event 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 provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

7.15 Compliance with Laws. Nichols Jackson shall fully comply with all Federal, State, and Local laws, rules, regulations, and ordinances applicable to the services covered hereunder as they may now read or may hereafter be amended, including, the Texas Disciplinary Rules of Professional Conduct.

EXECUTED this _____ day of _____, 2016.

CITY OF COLLEYVILLE, TEXAS

By: _____
Jennifer Fadden, City Manager

EXECUTED this _____ day of _____, 2016.

**NICHOLS, JACKSON, DILLARD,
HAGER & SMITH, L.L.P.**

By: _____
Whitt L. Wyatt, Partner
(WLW:10-26-2016:80732v3)

RESOLUTION R-16-405**8**

A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF
NOVEMBER 1, 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 1ST DAY OF NOVEMBER 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