# City of Colleyville
## City Council
## Agenda

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

Tuesday, August 1, 2017

**WORKSESSION**
**5:00 PM**
**EXECUTIVE CONFERENCE ROOM**
**THIRD FLOOR**

**CALL TO ORDER**

**WS-1** Discussion of budget scenarios based on ad valorem revenue

**WS-2** Discussion of Classification and Compensation Study Implementation Plan

**WS-3** Discussion of Land Development Code amendment priorities

**WS-4** Discussion of the proposed sidewalks included in the Pleasant Run Road reconstruction project

**WS-5** Discussion of the the August 1, 2017, City Council regular agenda items

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

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

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities (Glade Road Phase 1B and 2A Property Acquisition Update)

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

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

**INVOCATION: Neda Moayad, Colleyville Baha'i Community**

**PLEDGE OF ALLEGIANCE: City Attorney Whitt Wyatt**

## 2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - RESOLUTION R-17-4159

## 3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

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

Proclamation in recognition of Miss Colleyville 2017 Rachel Renee Hornbuckle - Mayor Richard Newton and Councilmember Tammy Nakamura

## 4. CONSENT: READING AND PUBLIC HEARING - RESOLUTION R-17-4160

**4a** Approval of the minutes of the regular City Council meeting of July 18, 2017

**4b** Approval of an interlocal agreement between the City of Colleyville and the City of Fort Worth to extend participation in Fort Worth's Environmental Collection Center Household Hazardous Waste Program through Fiscal Year 2018, and authorize the city manager to execute the agreement

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

**5a Ordinance O-17-2016**

Consideration of an appeal of the decision of the Planning and Zoning Commission for a Special Use Permit for a Convenience Store with Gasoline Sales on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard, Case ZC16-007

**5b Ordinance O-17-2017**

Consideration of an appeal of the decision of the Planning and Zoning Commission for a Special Use Permit for Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption, on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard, Case ZC17-010

**5c Ordinance O-17-2018**

Approval of the Fiscal Year 2018 Colleyville Crime Control and Prevention District budget

## 6. ORDINANCE(S): FIRST READING AND PUBLIC HEARING

**6a Ordinance O-17-2019**

Consideration of a Special Use Permit for an Accessory Building to exceed the total square footage permitted on Lot 1, Block 1, of the K Bar G Estates Addition, located at 6401 Westcoat Road, Case ZC17-008

**6b Ordinance O-17-2020**

Consideration of an appeal of the decision of the Planning and Zoning Commission for a zoning change request from the PUD-C Planned Unit Development Commercial zoning district to the PUD-C Planned Unit Development Commercial zoning district on Lot 1, Block 1, of the San Bar Square Addition, located at 105 Cheek-Sparger Road, Case ZC17-009

**6c Ordinance O-17-2021**

Consideration of a request to appeal the decision by the Planning and Zoning Commission for a zoning change from the R-40 Single Family Residential zoning district to the R-30 Single Family Residential zoning district on Tracts 1B1A and 2C2B, Abstracts 1674 and 1038, in the Hall Medlin Survey, located at 600 John McCain Road, Case ZC17-001

**6d Ordinance O-17-2022**

Consideration of amendments to the Colleyville Code of Ordinances, Chapters 86 and 91, related to telecommunications providers

**6e Ordinance O-17-2023**

Consideration of approval to adopt a design manual relative to network nodes

## 7. RESOLUTION(S): READING AND PUBLIC HEARING

**7a Resolution R-17-4161**

A resolution approving the terms of a license agreement with the Colleyville Community Gardens for the use of McPherson Park for the purpose of establishing a community garden program, and authorizing the city manager to execute the agreement

**7b Resolution R-17-4162**

Approval of a resolution to replace Resolution R-16-4023 adopting the City Council Rules of Procedure and meeting brochure and establishing an effective date

**7c Resolution R-17-4163**

Approval of a resolution to fill two vacancies on the Water and Wastewater Rate Advisory Committee

## 8. DISCUSSION OF ITEMS NOT FOR ACTION AND PUBLIC HEARING

**8a** Presentation of Road Project Updates

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

## 10. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR AUGUST 1, 2017 - READING AND PUBLIC HEARING - RESOLUTION R-17-4164

## 11. ADJOURNMENT

*I hereby certify this agenda was posted on City Hall bulletin boards Friday, July 28, 2017 by 5:00 p.m.*

Amy Shelley, TRMC
City Secretary

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

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

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

# City of Colleyville
# City Council
# Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
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**Agenda Number** WS-1 **Agenda Date** 08/01/2017
**Type** Presentation and Discussion
**Department** City Manager

## Title
Discussion of budget scenarios based on ad valorem revenue

## Strategic Plan
2.4 Demonstrate stewardship of public resources

## Explanation
This agenda item will provide for discussion of the desired level of revenue from ad valorem taxes in the Fiscal Year 2018 budget and the corresponding tax rate. Staff will present the attached presentation and is seeking direction from the City Council on the desired tax rate to be included in the FY 2018 proposed budget.

## Attachments
1. Presentation- FY 2018 AV options

# Budget Scenarios Based on Ad Valorem Revenue

August 1, 2017

City Council Worksession

# Property Values

***July 25, 2016 Certified***

| | |
|---|---|
| Total Value: | $4,588,707,342<br>(+9.1% --<br>14% new construction;<br>85% existing property) |
| TIF Value: | $ 298,582,143<br>(+11.5%) |
| Not in TIF: | $4,290,125,199<br>(+8.9%) |

***July 25, 2017 Certified***

| | |
|---|---|
| Est. Net Taxable Value: | $5,065,743,299<br>(+10.4% --<br>21% new construction;<br>79% existing property) |
| TIF Value: | $372,873,919<br>(+24.9%) |
| Not in TIF: | $4,692,869,380<br>(+9.4%) |

# 2017 Tax Rate Information

| 2016 | | 2017 | |
|---|---|---|---|
| Total Tax Rate: | $0.33913 | Total Tax Rate: | $TBD |
| I&S Tax Rate: | $0.01722 | I&S Tax Rate: | $0.017834 |
| M&O Tax Rate: | $0.32191 | M&O Tax Rate: | $TBD |
| | | **Rollback M&O Rate:** | **$0.327138** |
| | | **Total Rollback Rate:** | **$0.344972** |
| | | **Total Effective Tax Rate:** | **$0.319110** |

# Priorities

- Lower the tax rate to reduce the burden on property tax payers due to increasing property values (the 10.4% increase)
- Stay within the Charter limitation

  "Any tax rate set per budget year shall not result in an ad valorem tax revenue increase greater than seven percent (7%) of the total ad valorem tax revenue collected in the preceding budget unless authorized by voters of the City at a special election…any additional ad valorem tax revenue generated or attributable to construction within a preceding budget year shall not be considered in determining whether the tax revenue increase is more than seven percent (7%) of the preceding budget year)."

- Generate the revenue necessary to fund the programs and services the community desires and ensure long-term financial stability

# Ad Valorem Revenue Options

| Ad Valorem Revenue | FY 2017 Budget | FY 2017 YE Projection | FY 2018 Example A | FY 2018 Example B | FY 2018 Example C |
|---|---|---|---|---|---|
| General Fund | $13,343,370 | $13,620,000 | $14,095,867 | $14,322,575 | $14,522,759 |
| M&O tax rate | $0.32191 | $0.32191 | $0.31000 | $0.31600 | $0.32130 |
| Debt Service Fund | 642,420 | 735,000 | 693,367 | 693,367 | 693,367 |
| I&S tax rate | $0.01722 | $0.01722 | $0.017834 | $0.017834 | $0.017834 |
| Total | $13,985,790 | $14,355,000 | $14,789,234 | $15,015,942 | $15,216,126 |
| **Total tax rate** | **$0.33913** | **$0.33913** | **$0.32783** | **$0.33383** | **$0.33913** |
| | | | | | |
| Estimated FY 2018 General Fund surplus | | | $470,069 | $696,777 | $896,961 |
| % increase in AV revenue, excluding new construction | | | +3.8% vs FY17 budget<br>+1.1% vs FY17 YE proj. | +5.4% vs FY17 budget<br>+2.6% vs FY17 YE proj. | +6.8% vs FY17 budget<br>+4.0% vs FY17 YE proj. |

# Methodology Recap (using Example B)

| | |
|---|---|
| Est. Net Tax Value 2017 | $5.065 Billion |
| Minus estimated TIF values | - 372.8 Million |
| Minus tax ceiling values | - 876.2 Million |
| | $3.816 Billion |
| Multiply by an O&M rate (example) | x 0.316 |
| Divide by 100 | / 100 |
| Revenue w/ over 65 | $12.06 Million |
| Add revenue for frozen properties | 2.32 Million |
| Total Revenue | $14.38 Million |
| Multiply for collection rate | x 0.99 |
| Total General Fund revenue | $14.24 Million |
| Add delinquent collections, penalties, and interest | + 80,000 |
| | $14.32 Million |
| Add FY 2018 estimated revenue to debt service fund | + 693,397 |
| | $15.0 Million |
| Minus revenue from new construction ($84M non-TIF x 0.0033383) | - $280,756 |
| | $14.7 Million |
| General & Debt Service Fund ad valorem revenue (FY 2017 year-end projection) | $14.35 Million |
| Increase, exclusive of new construction estimates | 2.6% |

# Ad Valorem Revenue Options

**Staff Recommendation**

| Ad Valorem Revenue | FY 2017 Budget | FY 2017 YE Projection | FY 2018 Example A | FY 2018 Example B | FY 2018 Example C |
|---|---|---|---|---|---|
| General Fund | $13,343,370 | $13,620,000 | $14,095,867 | $14,322,575 | $14,522,759 |
| M&O tax rate | $0.32191 | $0.32191 | $0.31000 | $0.31600 | $0.32130 |
| Debt Service Fund | 642,420 | 735,000 | 693,367 | 693,367 | 693,367 |
| I&S tax rate | $0.01722 | $0.01722 | $0.017834 | $0.017834 | $0.017834 |
| Total | $13,985,790 | $14,355,000 | $14,789,234 | $15,015,942 | $15,216,126 |
| **Total tax rate** | **$0.33913** | **$0.33913** | **$0.32783** | **$0.33383** | **$0.33913** |
| | | | | | |
| Estimated FY 2018 General Fund surplus | | | $470,069 | $696,777 | $896,961 |
| % increase in AV revenue, excluding new construction | | | +3.8% vs FY17 budget<br>+1.1% vs FY17 YE proj. | +5.4% vs FY17 budget<br>+2.6% vs FY17 YE proj. | +6.8% vs FY17 budget<br>+4.0% vs FY17 YE proj. |

# Questions & Discussion

# City of Colleyville
# City Council
# Agenda Briefing

City Hall
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**Agenda Number** WS-2 **Agenda Date** 08/01/2017
**Type** Worksession
**Department** Human Resources

## Title
Discussion of Classification and Compensation Study Implementation Plan

## Strategic Plan
1.1 Actively involve and engage stakeholders
2.2 Recruit and retain a highly-qualified workforce
2.4 Demonstrate stewardship of public resources

## Explanation
On July 11, 2017, staff briefed the City Council on the results of the recently completed Comprehensive Compensation and Classification Study. This presentation is a follow up based upon direction provided by the City Council during the July 11 worksession.

## Recommendations from Committee
As discussed during the worksession, the Classification and Compensation Study Committee recommended the following to the City Council as a result of the study:

1. Accept the new ranges as the benchmark and continue to measure our progress of getting to those benchmarks;

2. Adjust the pay plan as needed to address reasonableness of certain positions;

3. Review policy on hiring at the minimum of the range and implement new procedures if needed;

4. Carve out additional funds as available to address the wage disparity and compression issues;

5. Focus funding on the areas of most need; and

6. Communicate to employees the plan moving forward.

At that time, staff also requested flexibility in the allocation of funds, particularly when it came to excessive increases. In such cases, staff suggested that some increases may need to be tempered to bring them into line with what the public would deem reasonable.

**Implementation of $200,000 Target**

The final implementation numbers in the table below were reviewed with the City Council. As you may recall from that discussion, to bring all employees to the minimum of the newly proposed ranges, the total cost was $453,174. If the City chose to also move all employees within their ranges, or "feather them into their ranges" based on longevity in the position, it would result in an additional cost of $203,848. The total to do both was $657,022.

| | Bring to Minimum | Add Move in Range* | Totals |
|---|---|---|---|
| General Employees' Pay Plan | $153,148 | $48,147 | $201,295 |
| Public Safety Employees' Pay Plan | $300,026 | $155,701 | $455,727 |
| **TOTALS** | **$453,174** | **$203,848** | **$657,022** |

*Reflects longevity within the position.

Since the projected FY18 budget includes a net revenue estimate of $315,295, staff recommended to adopt the new ranges while acknowledging that the City cannot get to those levels this coming year without creating a deficit position for the proposed budget. To that end, staff recommended a reasonable funding value of $200,000 be allocated as an adjustment toward the goal of reaching the appropriate levels over a series of years.

Using $200,000 as a target number, staff calculated how much could be distributed to each employee who fell short of the new minimums. The goal was to move current employees as close as possible to the new minimums of their ranges within the allocated funding. Using current employees' pay, staff was able to calculate that employees who fell short of their new ranges could be adjusted 50 percent to the new minimum of the ranges. Since the most notable salary ranges affected by the study were in public safety, the largest amount of funding shows to be allocated to those employees (Attachment A). In total, 89 percent of the allocated funding would be distributed to public safety employees. Of the currently active 208 full and part time employees, 81 employees would see an adjustment. Of those 81 employees, 36 are certified fire, 21 are sworn police and nine are public works. The remaining 15 employees are spread across parks, recreation, library, community development, human resources, finance, information systems, and police administration.

An example of the calculation performed for each employee is explained as follows:

> Using a Fire Engineer/Driver employee, staff used the current annual salary of $64,576. The new minimum of the range for the Fire Engineer/Driver position is $72,578. To move this one employee from their current salary of $64,576 to the new minimum of $72,578, the total cost is $8,002.

| | | |
|---|---|---|
| Current salary | = | $64,576 |
| Minimum of new range | = | $72,578 |
| Difference | = | $ 8,002 |

The total to adjust this employee to the new minimum is $8,002. When we multiply that total by 50 percent, the new amount is $4,001 for that employee. Each employee was calculated using this same formula with the exception of Leadership Team positions. Leadership Team positions were calculated at 20 percent instead of 50 percent to temper those adjustments with what management deemed more reasonable.

**Recommendations**

Staff is recommending to adjust each employee falling short of the new minimum by 50 percent to the minimum of the new range as illustrated in the example above. Even though this will provide some movement in the right direction, this will still leave those employees 50 percent short of the minimum of their new ranges. In future years, the City Council will need to consider additional funding to adjust those employees the remaining 50 percent. Once those employees reached the minimums, the City Council will then need to consider additional funding to account for longevity in the position by feathering employees within their ranges to reduce compression. Until then, staff will work to ensure newly hired employees are not hired in above current employees, as the goal is to adjust current employees into the new ranges first.

**Conclusion**

Based upon direction provided by the City Council during the July 11, 2017 worksession, staff has created an implementation plan with a reasonable funding value of $200,000 to be allocated as an adjustment toward the goal of reaching the appropriate levels over a series of years. At this point, staff is seeking approval to move forward with the plan as proposed.

**Attachments**

1. Classification and Compensation Study Implementation Presentation
2. Attachment A -Distribution by Department

# Classification and Compensation Study
## Implementation Discussion

City Council Worksession
August 1, 2017

# Review of Committee Recommendations

1. Accept the new ranges as the benchmark and continue to measure our progress of getting to those benchmarks;
2. Adjust the pay plan as needed to address reasonableness of certain positions while remaining cognizant of the fiscal restraints of the budget (Committee members discussed $200,000 of proposed budgetary surplus as a reasonable first-year funding allocation);
3. Review policy on hiring at the minimum of the range and implement new procedures if needed;
4. Carve out additional funds as available to address the wage disparity and compression issues;
5. Focus funding on the areas of most need; and
6. Communicate to employees the plan moving forward.

# Summary Numbers with Ranges

## All employees staying in a range (no steps):

| | Bring to Minimum | Add Move in Range* | Totals |
|---|---|---|---|
| General Employees Pay Plan | $153,148 | $48,147 | $201,295 |
| Public Safety Employees Pay Plan | $300,026 | $155,701 | $455,727 |
| **TOTALS** | **$453,174** | **$203,848** | **$657,022** |

*Reflects longevity within the position.

# Recommended Option

Partially fund using a portion of Net Revenue to fund some of the implementation costs

- Bringing some employees closer to minimum of new range
- Provide for adjustments as reasonable

# Methodology

- Calculated a percentage for each employee who fell out of the new range
- Determined that 50% = approximately $200,000
- Affects 81 of 208 currently active full and part time employees
  - 36 certified fire
  - 21 sworn police
  - 9 public works
  - 15 positions spread across parks, recreation, library, community development, human resources, finance, information systems, and police administration

# Allocation of $200,000

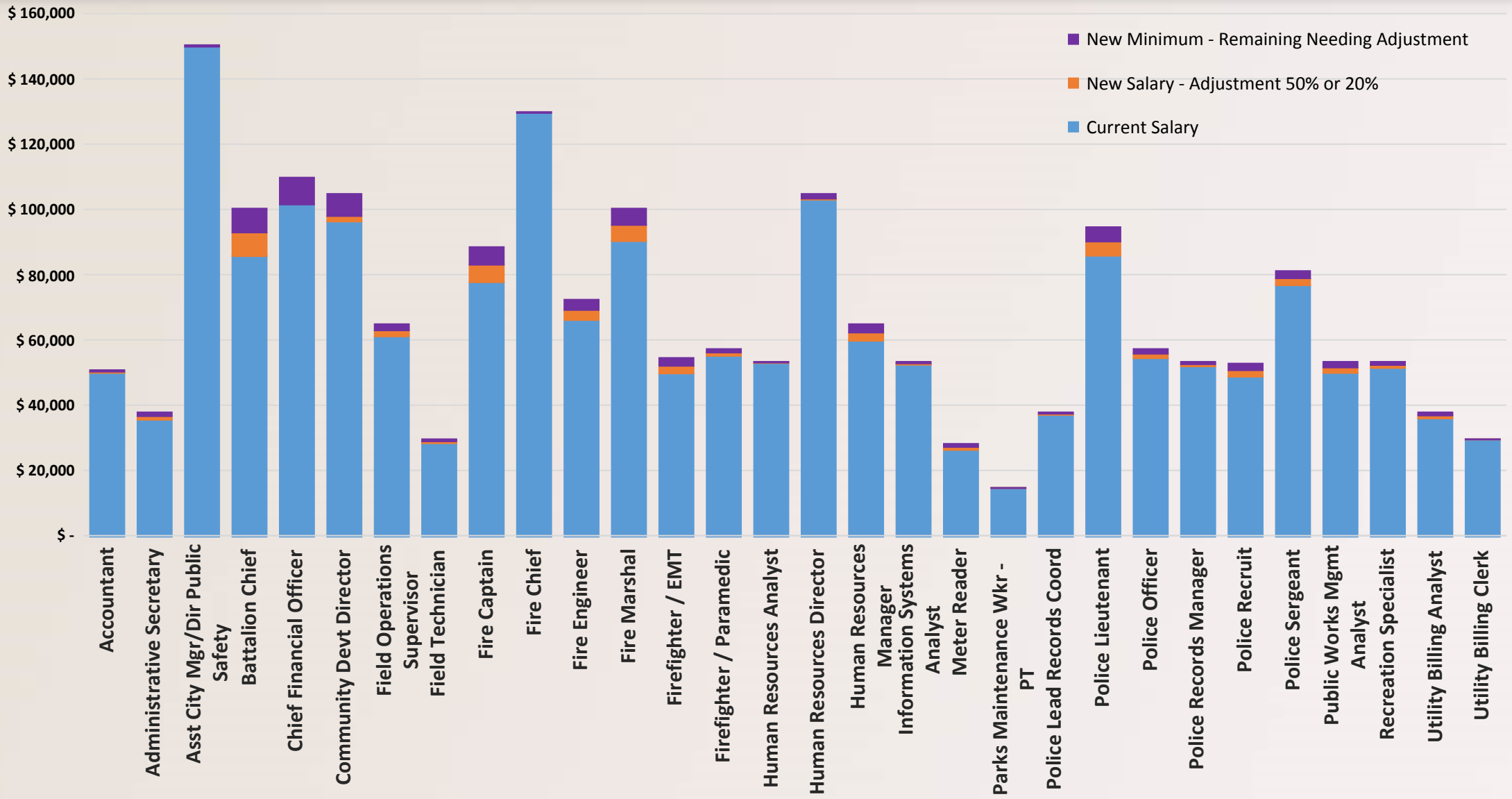
Example: Fire Engineer

| | | |
|---|---|---|
| 1. Current salary | = | $64,576 |
| 2. Minimum of new range | = | $72,578 |
| Difference | = | $ 8,002 |

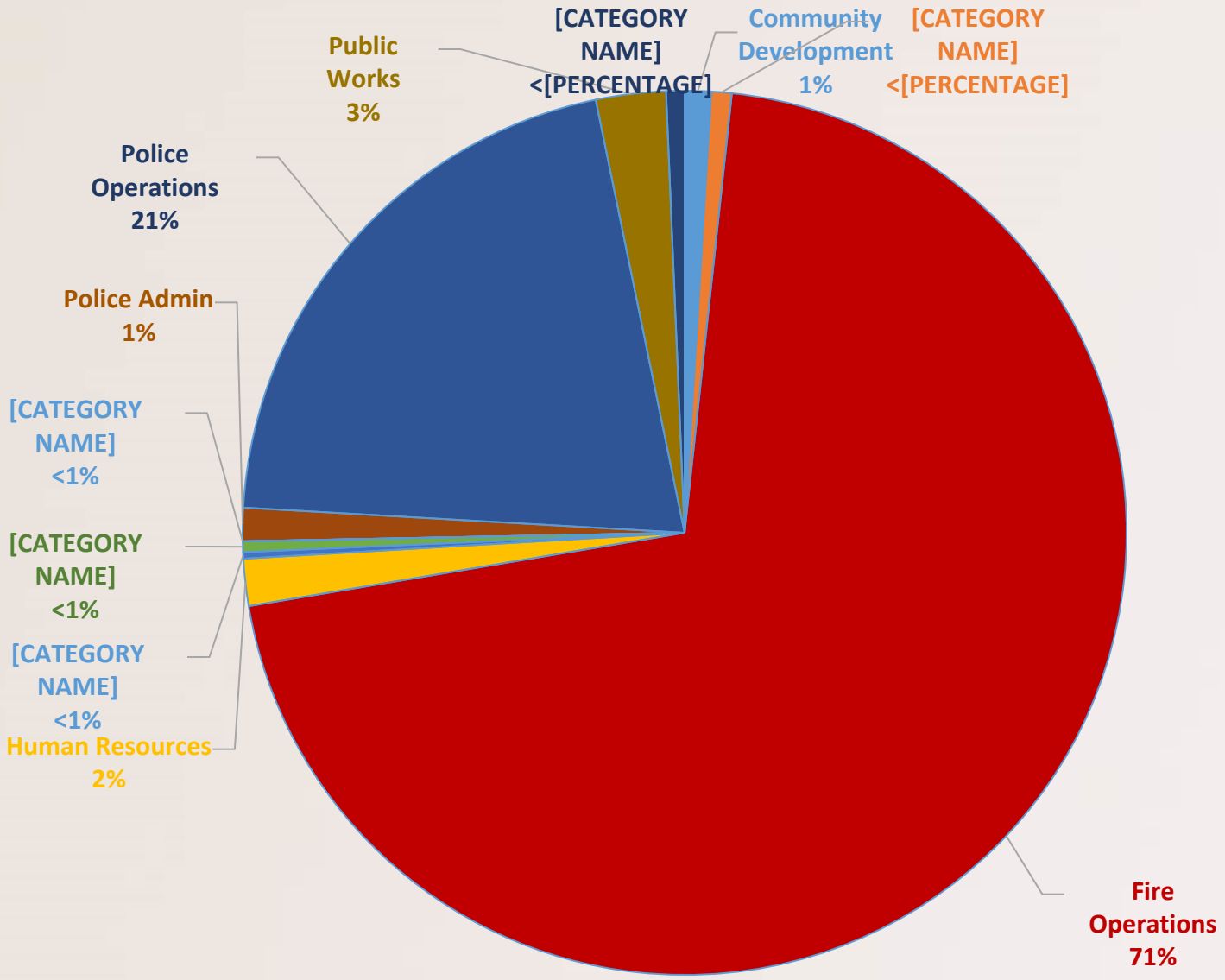
It would take $8,002 to move this employee to the minimum of the new range.

**50% is $4,001**

# Position Averages



# Implementation Costs by Department



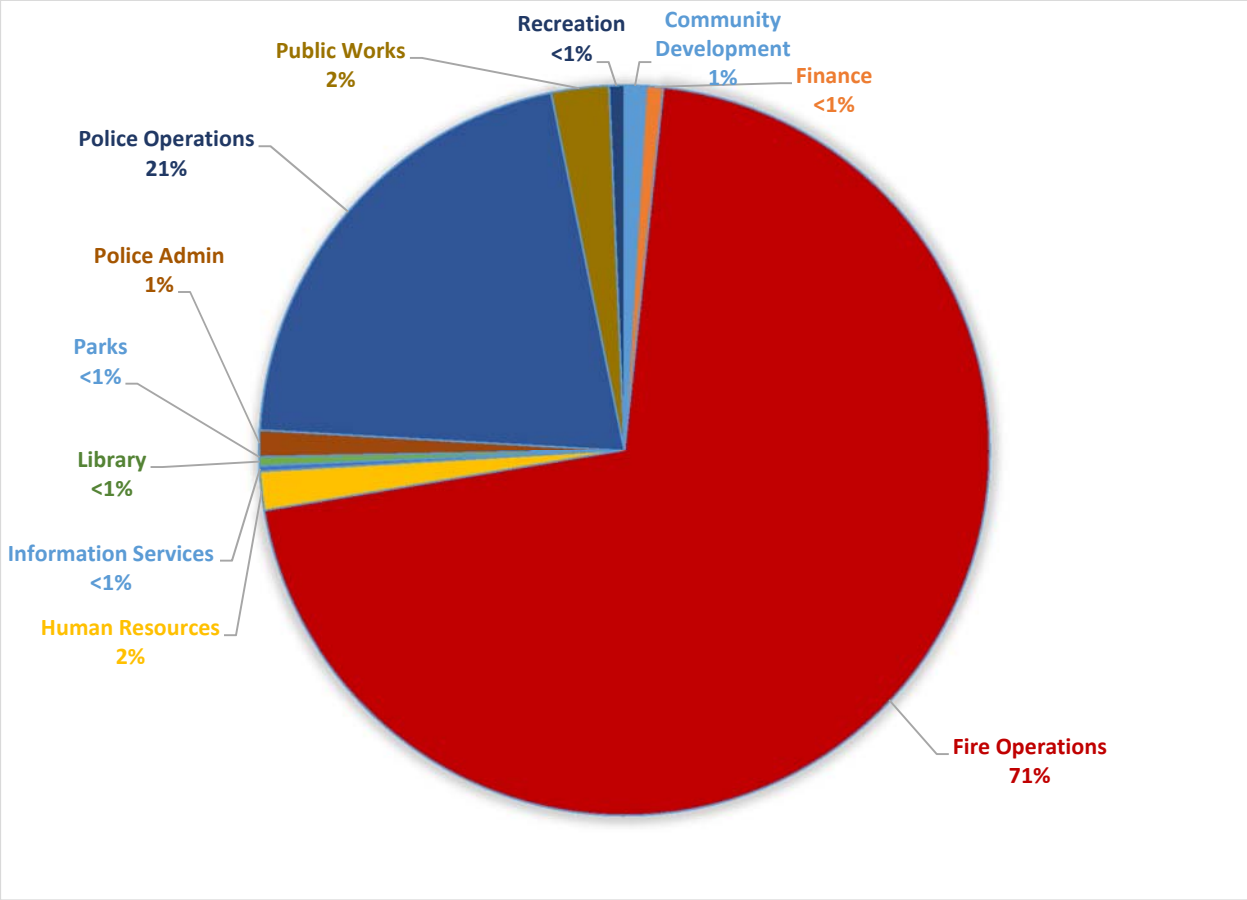
# Challenges Moving Forward…

## Future Challenges:

- Need to address the other 50% gap to move employees to the minimum of their new ranges
- Need to address compression – “feather” people into their ranges based on longevity
- Need to ensure new hires are not hired in above current employees with same experience/skill levels

# Questions and Discussion

**Attachment A – Implementation Costs by Department**



# City of Colleyville
# City Council
# Agenda Briefing

City Hall
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**Agenda Number** WS-3 **Agenda Date** 08/01/2017
**Type** Worksession
**Department** Community Development

## Title
Discussion of Land Development Code amendment priorities

## Strategic Plan
1.4 Communicate thoroughly and strategically
4.1 Protect Colleyville's semi-rural residential character
4.2 Encourage compatible commercial growth

## Explanation
The following is a list of proposed amendments to the Land Development Code (LDC) which identifies the subject, chapter, estimated staff preparation time, estimated overall completion time, and indication of the need for outside assistance. Staff has attempted to identify and prioritize these amendments based on input and direction from the City Council over the past several months.

The list has primarily been arranged in ranking from high priority to lesser priority with a few less complicated amendments incorporated strategically in order to accomplish the list in a timely manner. Many of the top priorities were taken from the recently amended comprehensive plan, *Destination Colleyville*. The other amendments were either provided by the City Council or identified by staff for review.

The proposed timeline is very aggressive and will be a best case scenario. Staff will endeavor to follow this schedule as best as possible with the understanding priorities can change and projects may shift depending on preferences, available resources, and outside influences.

## Attachments
1. Proposed LDC Priority Amendments List

# Proposed LDC Priority Amendments

| Proposed LDC Amendment | Staff Prep* | Total Time (Final action) | Outside Participation | Source |
|---|---|---|---|---|
| Revise to require an accompanying conceptual plan and ability to condition approval of straight zoning requests (non-PUD) to ensure new developments are built in substantial compliance to the approved conceptual plan. (Chapter 3) | 1 – 2 months<br><br>Oct – WS (worksession) | 3 – 4 months<br><br>Nov – P&Z<br>Dec – CC | Yes – need help verifying legality and proper procedure | City Council/ Comp Plan |
| Evaluate annexation process for areas in the City's ETJ, if any. | 2 – 3 months<br><br>Nov – WS | 4 – 5 months<br><br>Dec – P&Z<br>Jan – CC | None | City Council |
| Revise setback regulations for fencing on corner lots. (Chapter 3)<br>– Possible reduction in the setback required on the 'street' side yard. | 1 – 2 months<br><br>Nov - WS | 3 – 4 months<br><br>Dec – P&Z<br>Jan – CC | None | Staff |
| Revise PUD-R development standards to establish rural frontage (character) standards along key roadways. (Chapter 3) | 2 – 3 months<br><br>Dec – WS | 4 – 5 months<br><br>Jan – P&Z<br>Feb – CC | Yes | Comp Plan |
| Revise PUD-R standards to require appropriate transitions and quality open space. (Chapter 3)<br>– More specifically, establish design and performance criteria for open space to maximize value creation, tree preservation, preservation of rural frontage along key roadways, etc. | 4 – 6 months<br><br>Dec - WS | 6 – 8 months<br><br>Jan – P&Z<br>Feb – CC | Yes | Comp Plan |
| Replace Chapter 5: Tree Preservation chapter of the LDC. | 3 – 4 months<br><br>Jan - WS | 5 – 6 months<br><br>Feb – P&Z<br>Mar – CC | None | Staff |
| Revise regulations for accessory buildings regarding definition, size, setbacks, and more. (Chapter 3) | 2 – 3 months<br><br>Feb - WS | 4 – 5 months<br><br>Mar – P&Z<br>Apr – CC | None | Staff |
| Revise regulations for Servants Quarters regarding maximum size allowed. (Chapter 3)<br>– Allow for larger size through SUP approval process | 1 – 2 months<br><br>Feb – WS | 3 – 4 months<br><br>Mar – P&Z<br>Apr – CC | None | Staff |
| Revise Chapter 7: Signage to include clean up | 4 – 6 months<br><br>Mar – WS | 6 – 8 months<br><br>Apr – P&Z<br>May – CC | Very little, if any | Staff |
| Review Chapter 4: Landscaping and Buffering as it relates to buffers between residential and non-residential uses, and amend as appropriate. | 1 – 2 months<br><br>Apr – WS | 3 – 4 months<br><br>May – P&Z<br>June – CC | None | Staff |
| Create an integrated regulatory tool (through a Corridor Zoning/Overlay District or similar tool) to achieve a mix of commercial uses, appropriate transitions and buffers, and desired character that is tailored to the 4 different sections of the Boulevard as described in the vision. | 4 – 6 months<br><br>May – WS | 6 – 8 months<br><br>June – P&Z<br>July – CC | Yes – would be 1st overlay district for Colleyville | Comp Plan |
| Create public realm and streetscape standards to complement private realm standards. | 2 – 3 months<br><br>June – WS | 4 – 5 months<br><br>July – P&Z<br>Aug – CC | None | Comp Plan |
| Streamline all commercial design standards into one section . (Chapter 6)<br>– Building and site design | 3 – 4 months<br><br>July – WS | 5 – 6 months<br><br>Aug – P&Z<br>Sep – CC | None | Comp Plan |
| Ensure environmental concerns are included to limit development that may significantly harm the environment. | ??? | ??? | Yes | Comp Plan |

*Lead time to prepare for initial presentation to City Council worksession

# City of Colleyville
## City Council
## Agenda Briefing

City Hall
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**Agenda Number** WS-4 **Agenda Date** 08/01/2017
**Type** Worksession
**Department** Public Works

### Title
Discussion of the proposed sidewalks included in the Pleasant Run Road reconstruction project

### Strategic Plan
1.1 Actively involve and engage stakeholders

### Explanation
This item was originally presented for City Council discussion on July 11,2017 and staff will present this item again for further discussion. The project continues to move forward as originally designed and if a change in the project scope is desired, staff will need direction during this discussion in order to accommodate the change without delaying the project, or resulting in unnecessary expense.

In an effort to improve the condition of the public infrastructure, the City is in the process of reconstructing a portion of Pleasant Run Road. This construction project includes upsizing of an existing 6-inch water line, extension of a sanitary sewer line, improvements to the sanitary sewer service to the soccer field concession stand, the installation of a ribbon curb, along with the rehabilitation of the existing asphalt roadway, and an 8-foot trail along the east side of Pleasant Run Road and a 5-foot sidewalk along the west side of Pleasant Run Road from L.D. Lockett, up to the existing sidewalk at the roundabout on John McCain Road.

The construction contract was awarded to the contractor, North Texas Contracting, Inc. with a total bid amount of $4,938,170.50 on June 6, 2017 by attached Resolution R-17-4141. In order to provide information to the public and the adjacent properties, the City hosted a public meeting at the Colleyville Library on June 21, 2017, to discuss the details of the project and introduce the contractor to the community, (presentation attached). There were 13 properties represented and approximately 19 people in attendance.

During the public meeting, residents inquired about the proposed sidewalk to be added in the western parkway. Some residents expressed an interest in removing the element from the project and others stated the desire to have it included. Following the public meeting, the City received correspondence from several residents via a form letter, which states their objection to the proposed sidewalk. The submitted documents are attached for reference.

If the City chooses to remove this amenity from the project, the City would experience a reduction to the overall project cost of approximately $124,100. The costs savings would be the result of not having to construct the sidewalk, associated ADA ramps, pedestrian railing, and a box culvert.

**Attachments**

1. Proposed Sidewalk in the Pleasant Run Road Project Presentation
2. Resolution R-17-4141
3. June 21, 2017 Public Meeting Presentation
4. Citizen Corespondence

# Discussion of the proposed sidewalk in the Pleasant Run Road Project

**City Council Worksession**

**August 1, 2017**

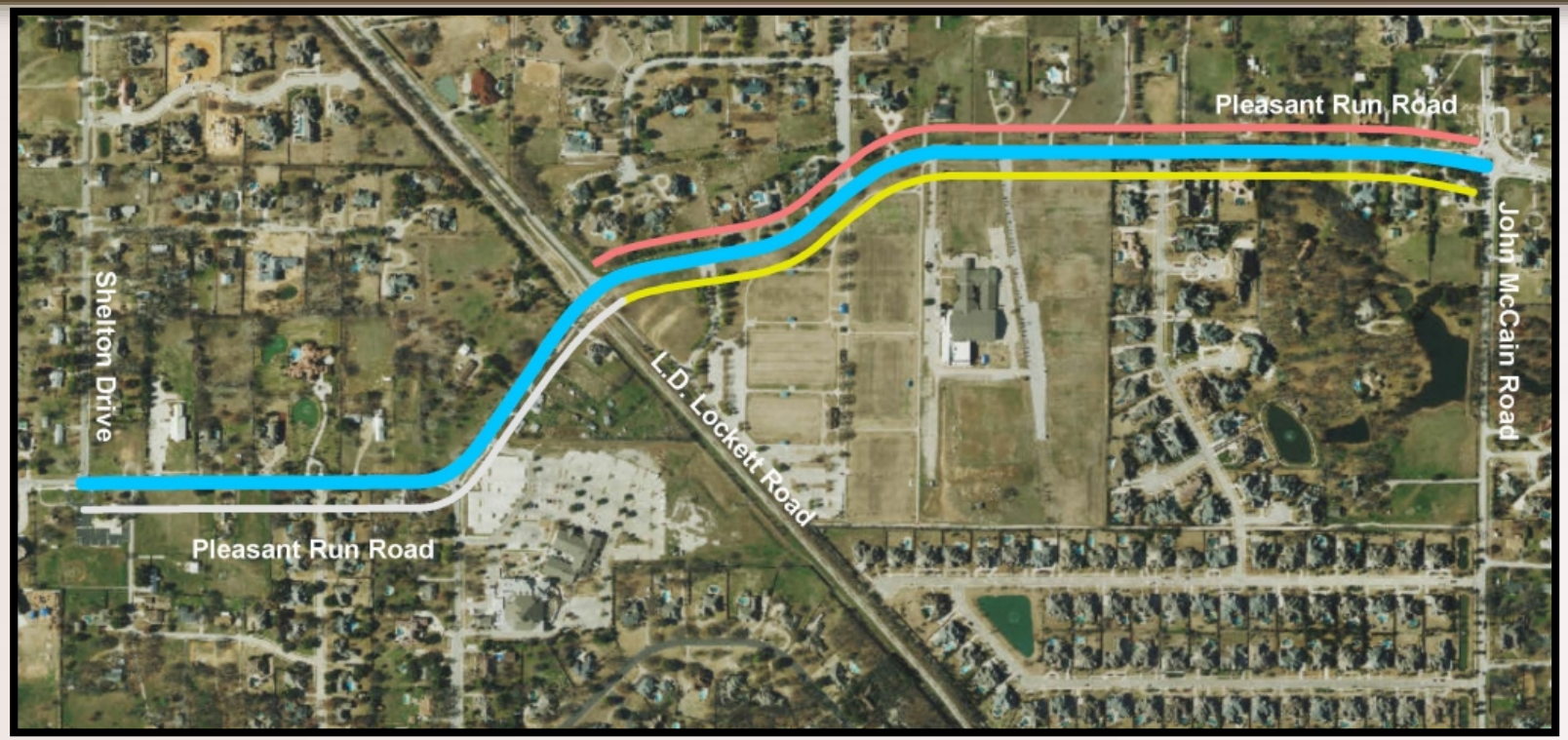
# Pleasant Run Road Project

- **Project Includes**
  - Reconstruction of the road
  - New utilities
  - Trail on the east
  - Sidewalk on the west

- **Construction Contract**
  - Approved on June 6, 2017

- **Public Meeting**
  - Held on June 21, 2017
  - A total of 19 attendees which represented 13 properties

- **Construction**
  - Project construction began July 5, 2017
  - Construction is expected to take 9 months to complete




Pleasant Run Project

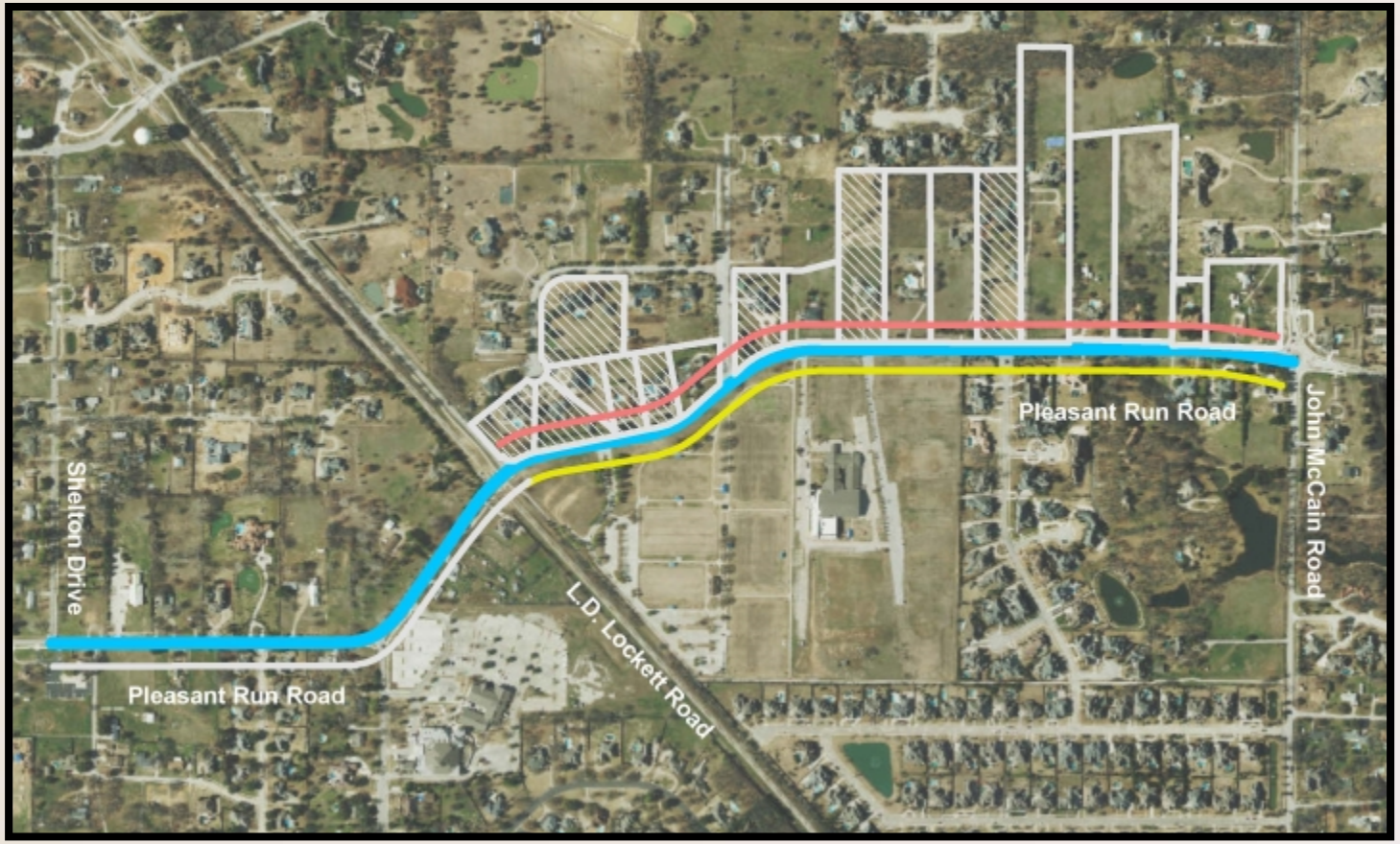
Existing Sidewalk

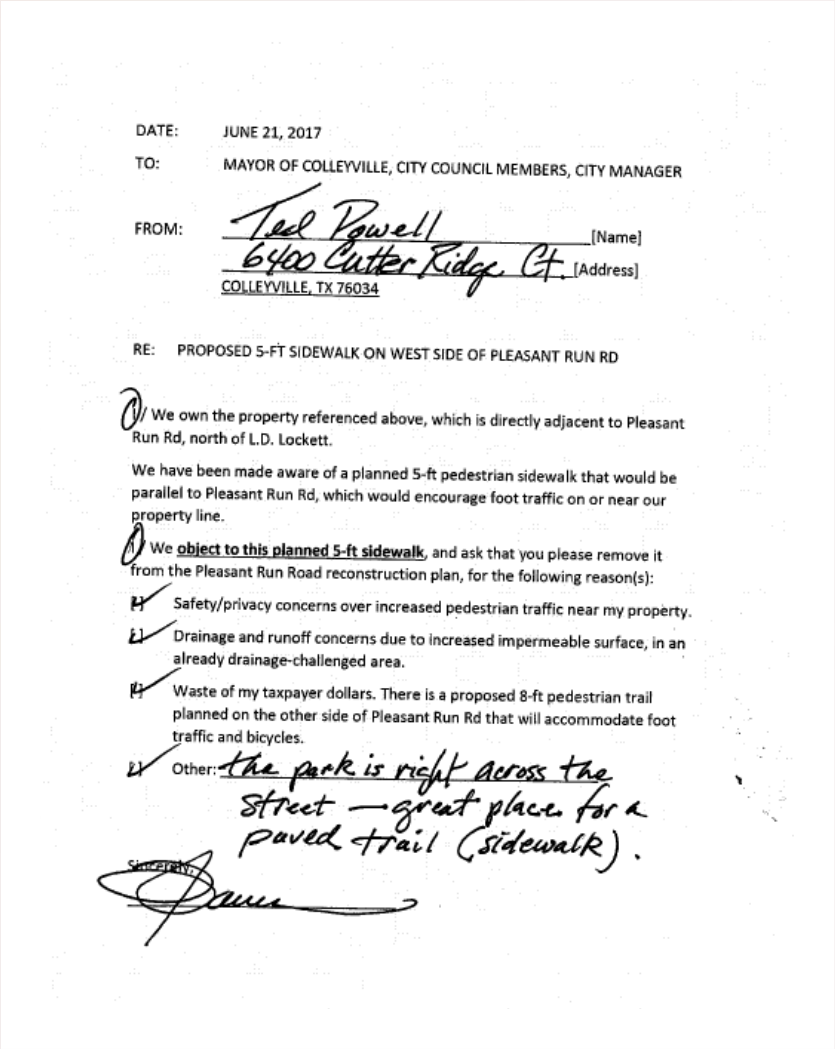
Proposed Sidewalk

Proposed Trail

# Citizen Request

- **Citizen request received**
  - The City received a request from nine (9) different property owners requesting to eliminate the sidewalk from the western parkway



DATE: JUNE 21, 2017

TO: MAYOR OF COLLEYVILLE, CITY COUNCIL MEMBERS, CITY MANAGER

FROM: Ted Powell [Name]
6400 Cutter Ridge Ct. [Address]
COLLEYVILLE, TX 76034

RE: PROPOSED 5-FT SIDEWALK ON WEST SIDE OF PLEASANT RUN RD

✓ We own the property referenced above, which is directly adjacent to Pleasant Run Rd, north of L.D. Lockett.

We have been made aware of a planned 5-ft pedestrian sidewalk that would be parallel to Pleasant Run Rd, which would encourage foot traffic on or near our property line.

✓ We **object to this planned 5-ft sidewalk**, and ask that you please remove it from the Pleasant Run Road reconstruction plan, for the following reason(s):

✓ Safety/privacy concerns over increased pedestrian traffic near my property.

✓ Drainage and runoff concerns due to increased impermeable surface, in an already drainage-challenged area.

✓ Waste of my taxpayer dollars. There is a proposed 8-ft pedestrian trail planned on the other side of Pleasant Run Rd that will accommodate foot traffic and bicycles.

✓ Other: the park is right across the street — great place for a paved trail (sidewalk).

Sincerely,

# Options

- **The project is currently progressing as originally designed with the sidewalk located between L.D. Lockett Road and John McCain Road**

- **If the City preferred, the sidewalk located between L.D. Lockett Road and John McCain Road, could be removed from the project**
  - The removal of this amenity from the project would result in a reduction to the overall project cost by approximately $124,100.
  - The cost to add this section of sidewalk at a later time, once the project has been completed, will likely exceed the cost of performing the construction with the current project due to economies of scale

# Questions and Discussion

# RESOLUTION R-17-4141

## A RESOLUTION APPROVING A CONSTRUCTION CONTRACT WITH NORTH TEXAS CONTRACTING, INC., FOR THE PLEASANT RUN ROAD PROJECT (SHELTON DRIVE TO JOHN MCCAIN ROAD), IN AN AMOUNT NOT TO EXCEED $4,938,170.50, WHICH INCLUDES A $600,000 CONTINGENCY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT AND ANY ASSOCIATED CHANGE ORDERS UNDER $50,000

**WHEREAS**, the Colleyville City Council is committed to the best interests of the health, safety, and welfare of the citizens of Colleyville; and

**WHEREAS**, the Colleyville City Council adopted Resolution R-16-4037 on September 20, 2016, approving a Comprehensive Five-Year Capital Improvement Program for Fiscal Years 2017-2021; and

**WHEREAS**, the construction of Pleasant Run Road (Shelton Drive to John McCain Road) was included in the Comprehensive Five-Year Capital Improvement Program for Fiscal Year 2017.

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

Sec. 1. THAT all matters stated above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Sec. 2. THAT the City Council hereby approves the construction contract with North Texas Contracting, Inc., for the Pleasant Run Road Project (Shelton Drive to John McCain Road), depicted as Exhibit "A."

Sec. 3. THAT the city manager is hereby authorized to execute the construction contract and any associated change orders under $50,000.

**AND IT IS SO RESOLVED.**

APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 6TH DAY OF JUNE 2017.

| | | | |
|---|---|---|---|
| Mayor Richard Newton | Aye | Mayor Pro Tem Bobby Lindamood | Aye |
| Place 1, Tammy Nakamura | Aye | Place 3, Kathy Wheat | Aye |
| Place 4, George Dodson | Aye | Place 5, Nancy Coplen | Aye |
| Place 6, Mike Taylor | Aye | | |

**ATTEST:**

Amy Shelley, TRMC
City Secretary

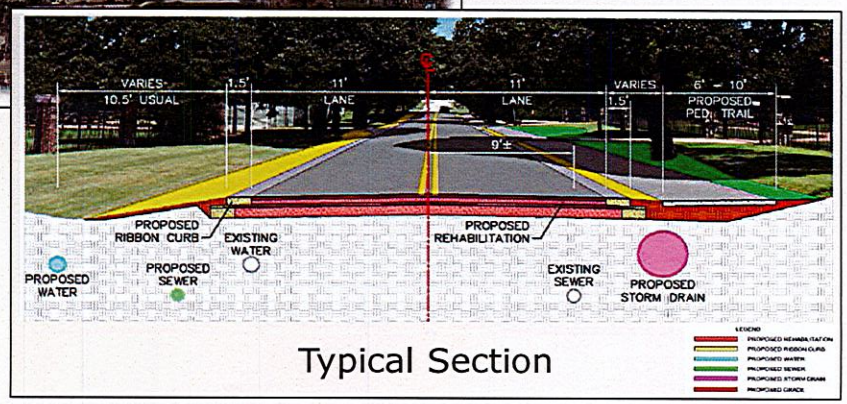
**CITY OF COLLEYVILLE**

Richard Newton
Mayor

# Pleasant Run Road

**Exhibit A**

Location Map




Typical Section

# Pleasant Run Road

## Shelton Drive to John McCain Road

**Public Meeting**

**June 21, 2017**

# Presentation Format

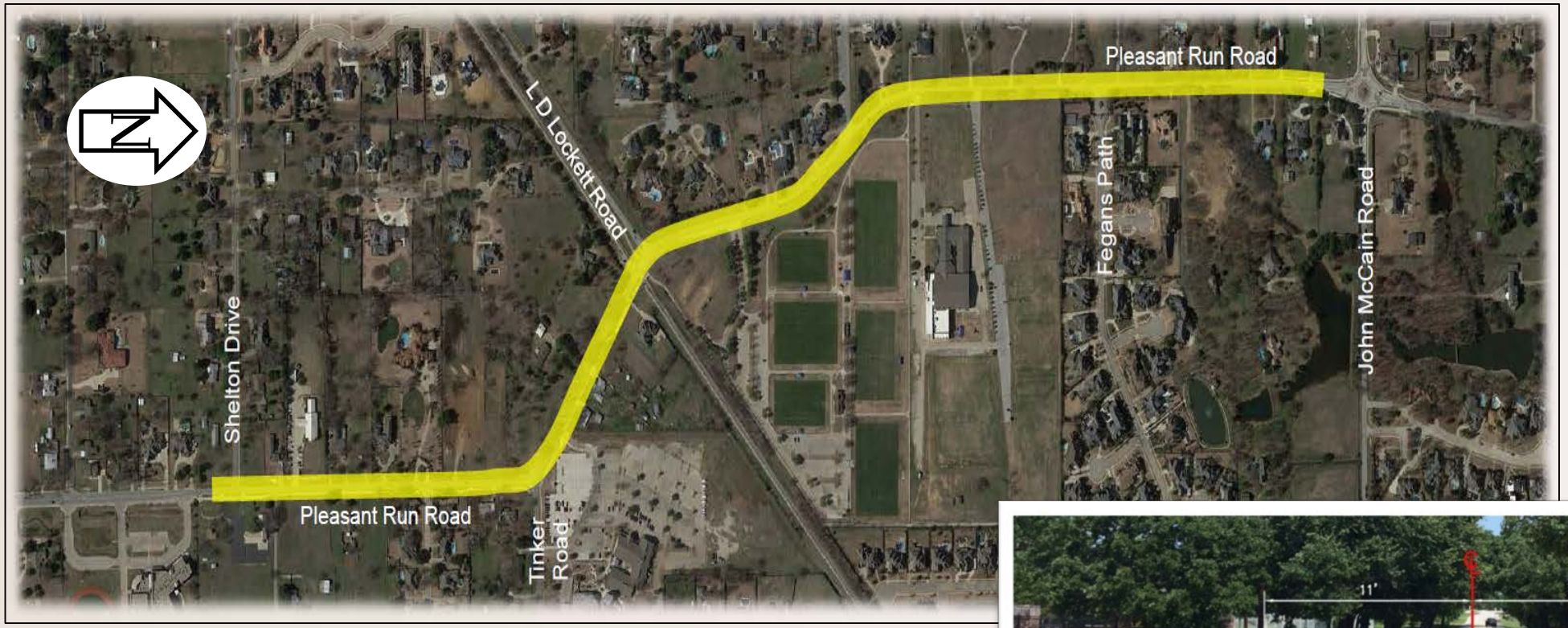
- Project scope
- The Project Team
- Construction timeline
- What to expect
- Communication
- Questions

# The Project Team

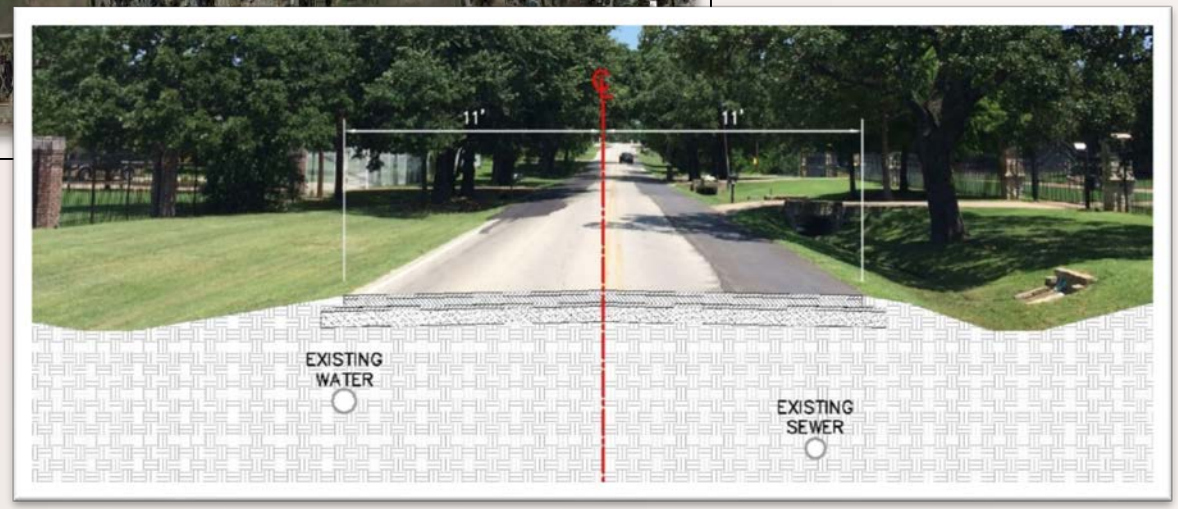
CITY OF COLLEYVILLE TEXAS

NORTH TEXAS CONTRACTING

# Pleasant Run Road - existing

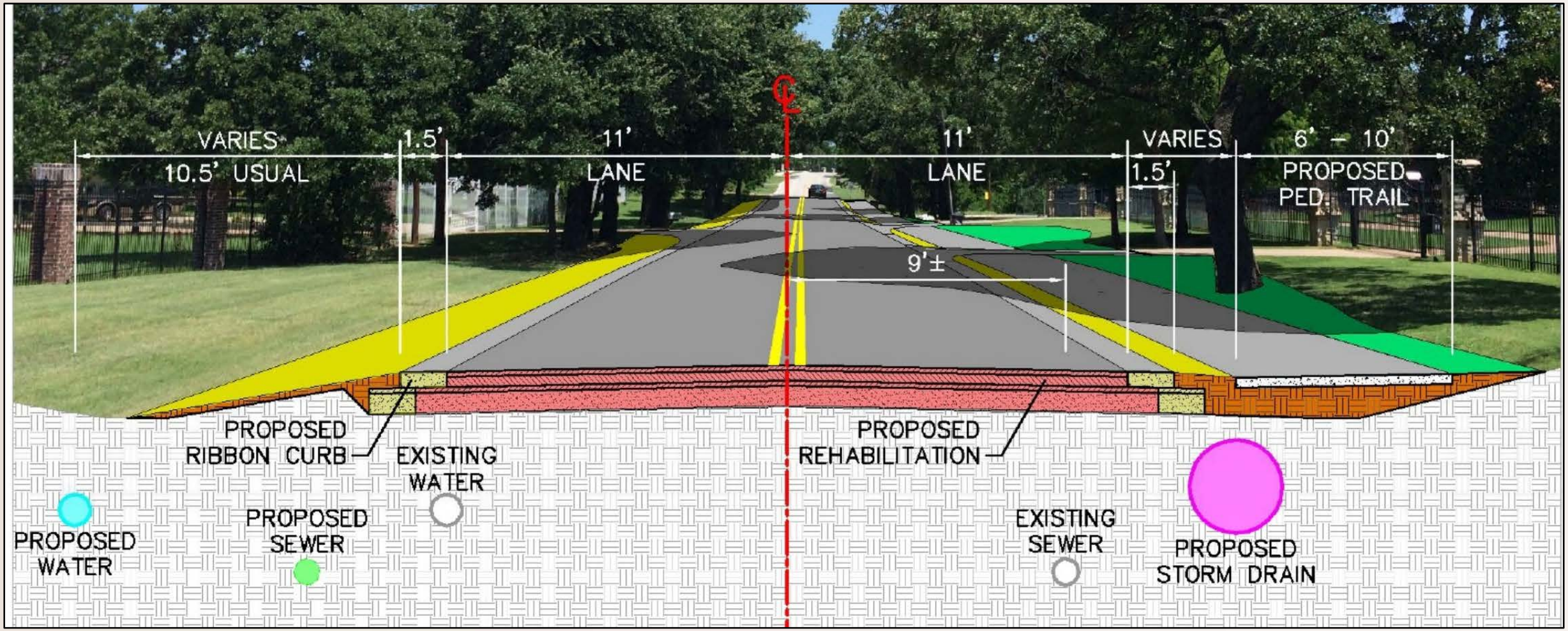



Location Map




**Existing Cross Section (typ.)**

# Pleasant Run Road - proposed




**Proposed Cross Section (typ.)**

# Construction Sequencing

## Phases 1 & 2

**L.D. Lockett Road to John McCain Road**

**Anticipate –approx. 3 months per phase**

## Phases 3 & 4

**Shelton Drive to L.D. Lockett Road**

**Anticipate –approx. 2 months per phase**

# Project Timeline

**Week of June 19, 2017 – this week**

- Locate existing utilities, right of way staking, electronic message boards

**July 5, 2017**

- Begin construction - utility installation north of L.D.Lockett to John McCain

# Project Timeline

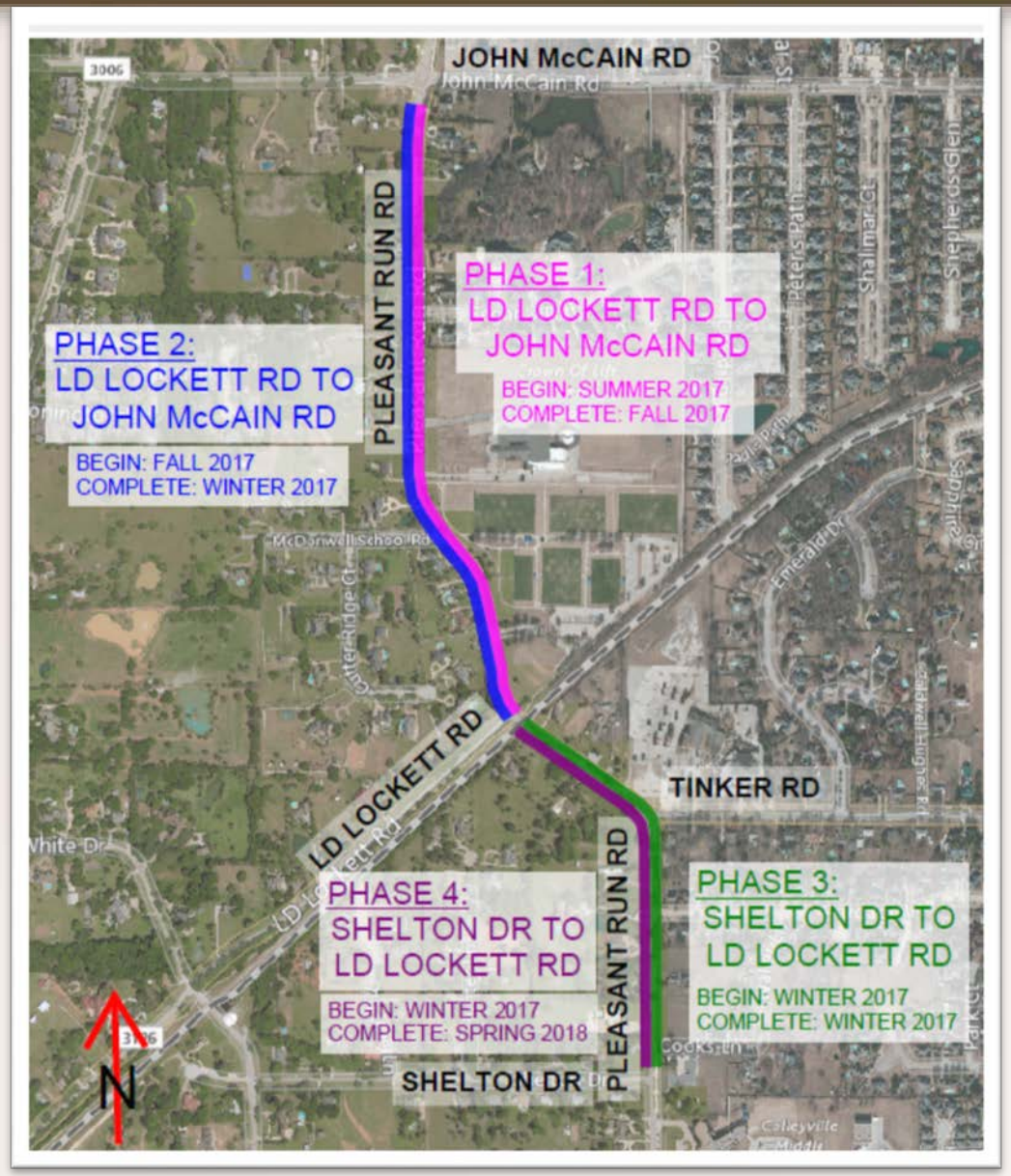
## North of L.D. Lockett Road

### Phase 1 - August (Anticipated)

- Traffic detour between L.D. Lockett Road and John McCain Road (approx. 2-3 months)

### Phase 2 - October (Anticipated)

- Shift traffic to the newly constructed road while contractor constructs the other side (approx. 2 months)



# Project Timeline (cont'd)

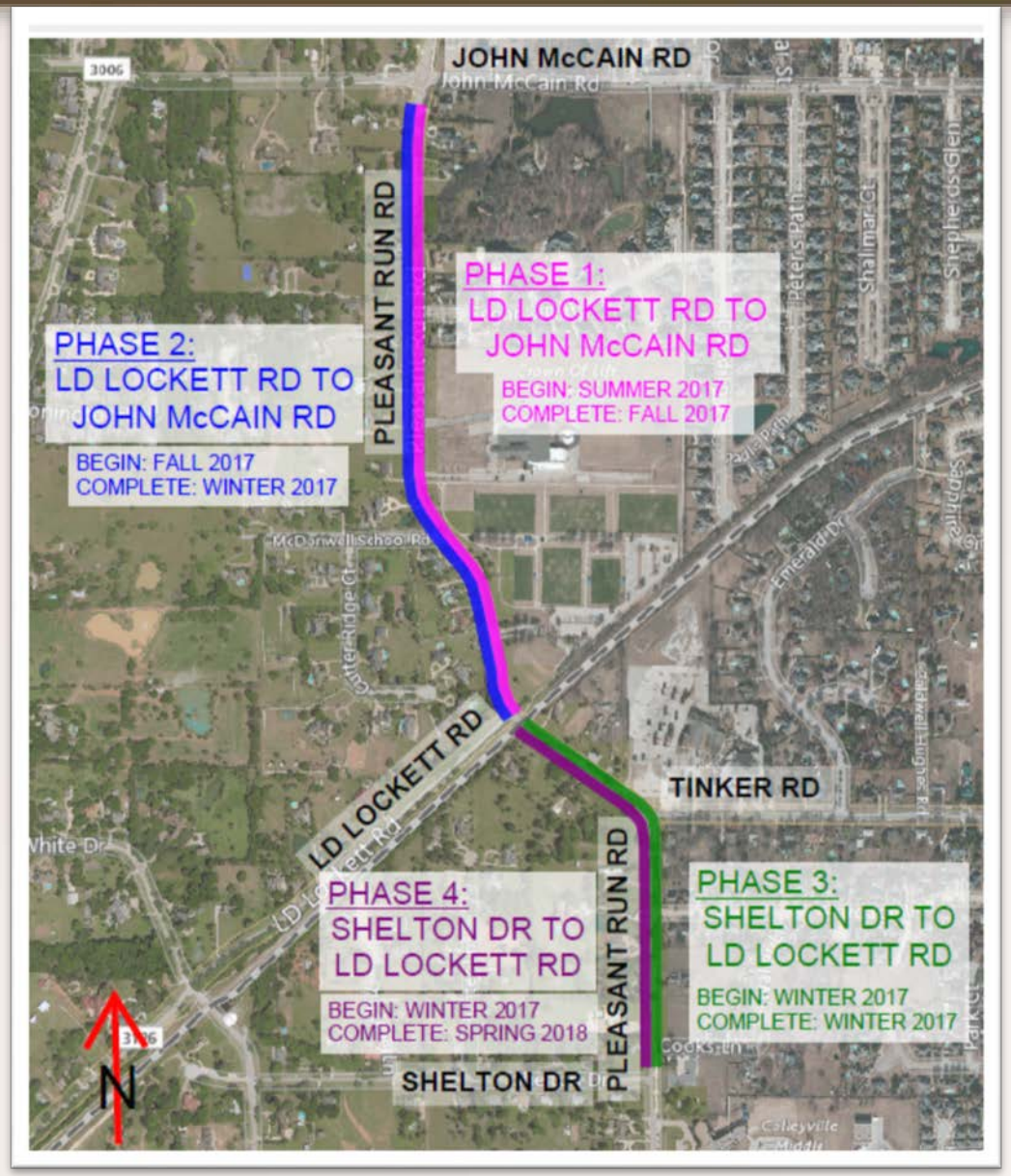
## South of L.D. Lockett Road

### Phase 3 - December (Anticipated)

- Traffic detour between Beverly Drive and L.D. Lockett Road (approx. 2 months)

### Phase 4 - February (Anticipated)

- Shift traffic to the newly constructed road while contractor constructs the other side (approx. 2 months)

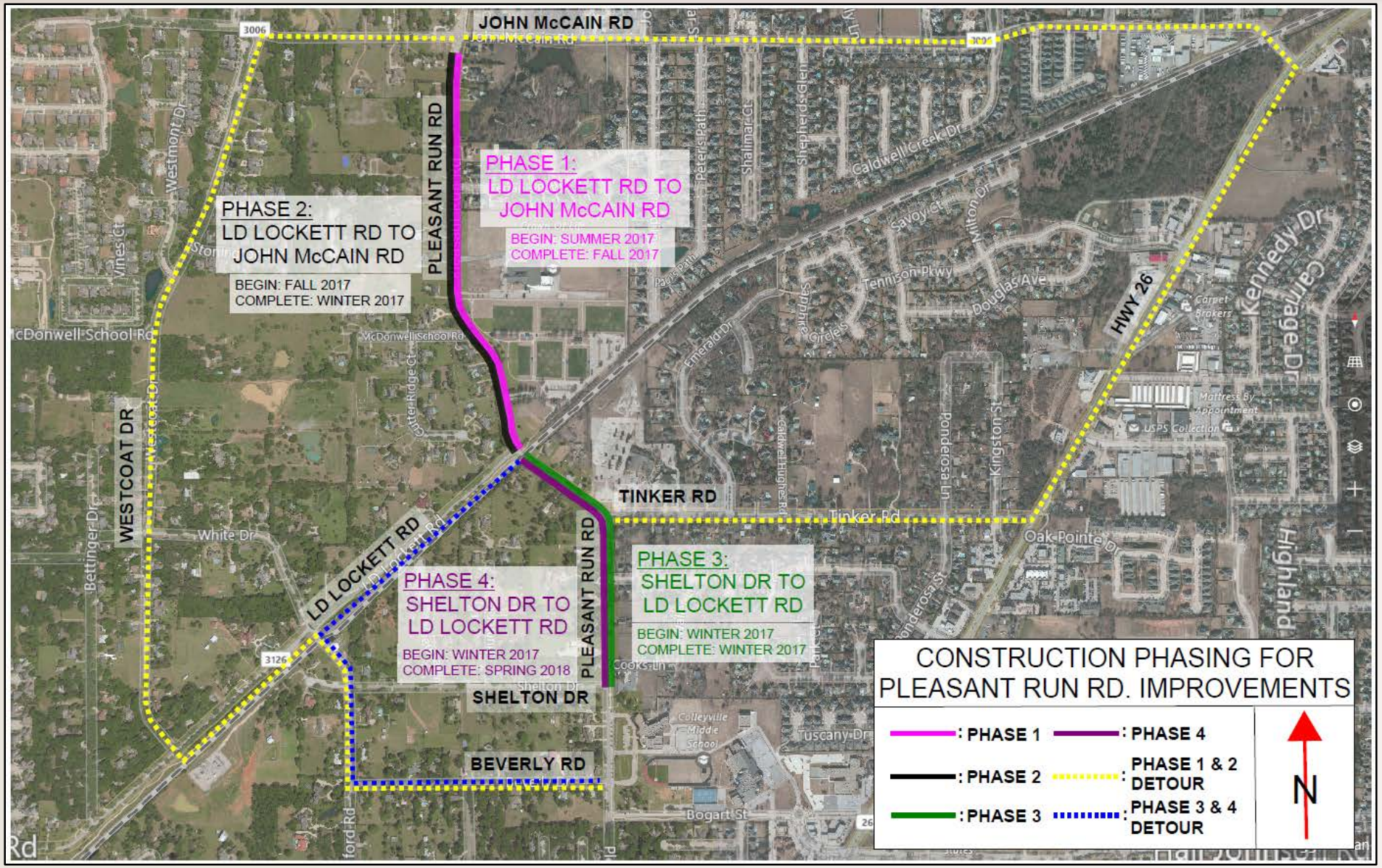


# Project Timeline (cont'd)

**Spring 2018**

- Clean-up and completion of project

# Phasing Detours



# Safety

**For your safety**

- Message Boards
- Construction Zones
- Be Alert

# What to expect during construction

- Working hours 7:00 a.m. – 6:00 p.m., Monday - Saturday
- Flaggers will direct traffic, as needed
- ***Detours planned***
- Access to driveways and neighborhoods will be maintained during construction; however, delays should be expected during working hours
- Normal trash pickup and recycling, mail service and school bus routes
- Clean-up

# Review

**Next 2 weeks**

- Mobilize equipment, locate utilities, right of way staking, electronic message boards

**July 5, 2017**

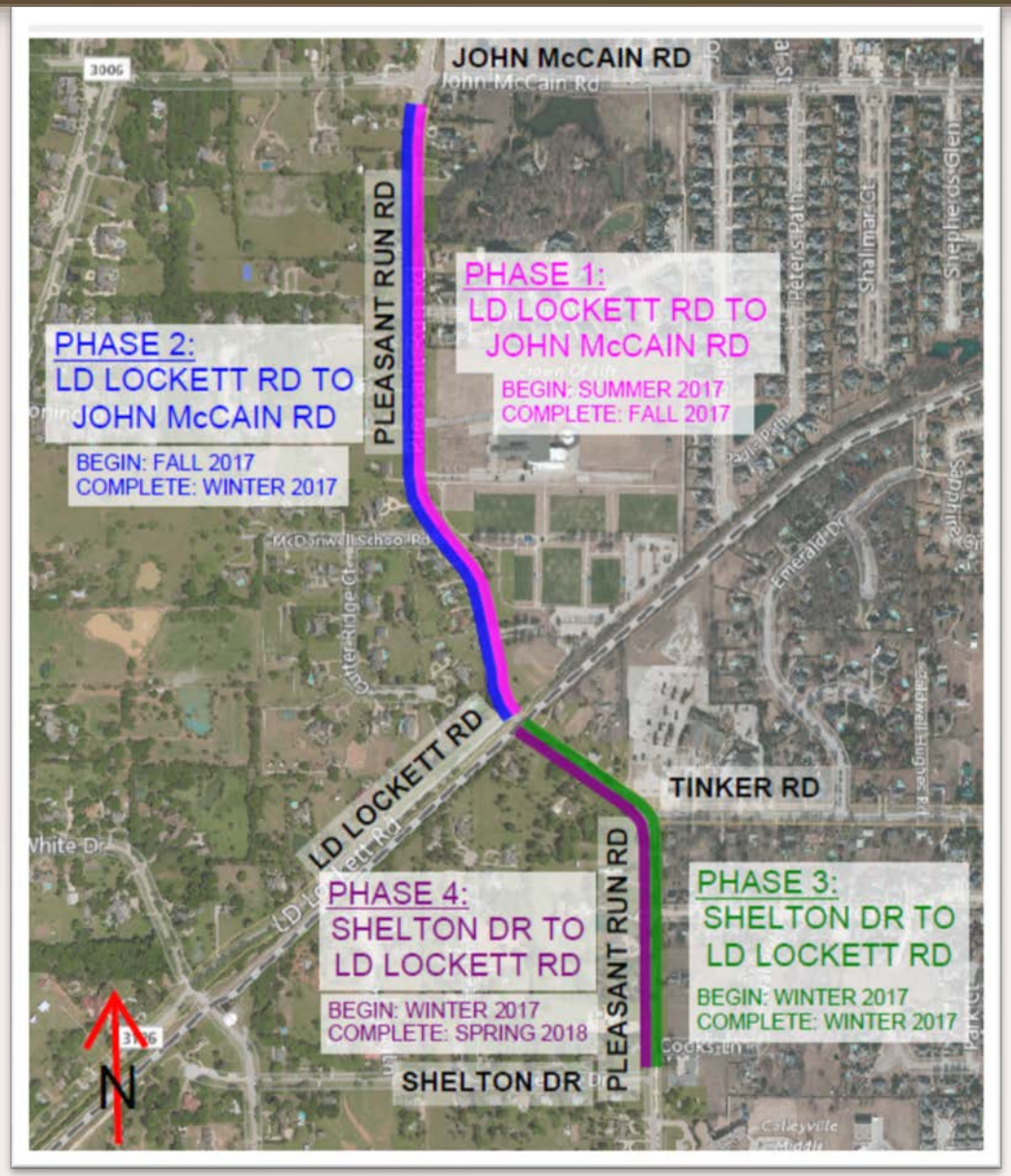
- Begin north of L.D. Lockett

**December 2017**

- Begin south of L.D. Lockett

**Spring 2018**

- Completion



# Communication

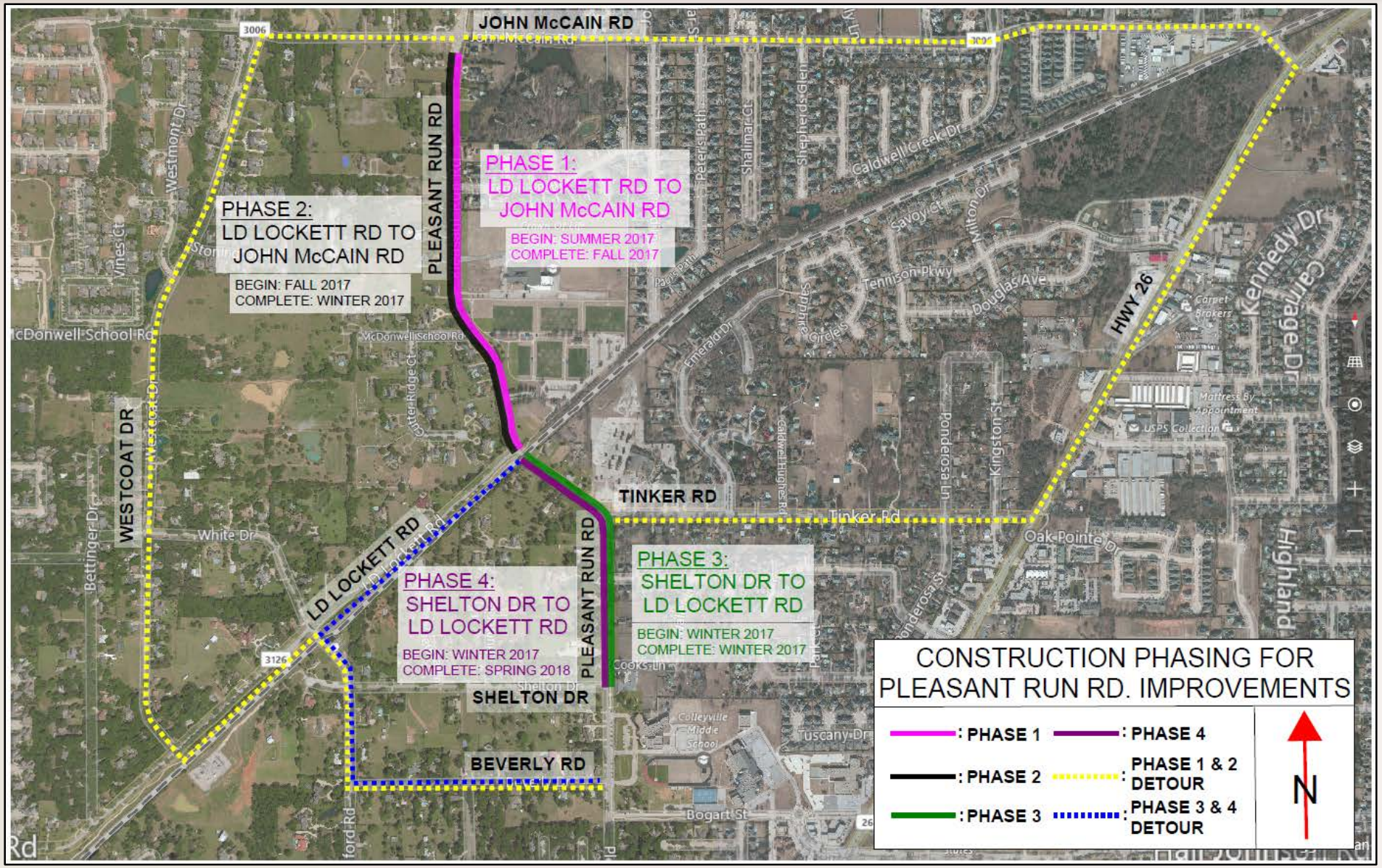
- **City staff on-site**
  - Phone and email
- **Project webpage**
  - www.Colleyville.com
- **Colleyville E-news**
  - subscribe@Colleyville.com

# Questions

**Craig Knight, Construction Manager**
**817.503.1093**
**cknight@Colleyville.com**

**Engineering Division Office**
**817.503.1090**

# Phasing Detours



# Citizen Correspondence

## Jason Worley

| | |
|---|---|
| **From:** | Jason Worley |
| **Sent:** | Friday, June 23, 2017 12:19 PM |
| **To:** | 'rnewton@colleyville.com'; 'blindamood@colleyville.com'; 'tnakamura@colleyville.com'; 'kwheat@colleyville.com'; 'gdodson@colleyville.com'; 'ncoplen@colleyville.com'; 'mtaylor@colleyville.com'; 'cknight@colleyville.com'; 'mwood@colleyville.com'; 'ctaylor@colleyville.com'; 'jhutt@colleyville.com'; 'ochavez@colleyville.com'; 'mnorton@colleyville.com' |
| **Subject:** | request to reconsider/remove new 5ft sidewalk, west side of Pleasant Run Rd rebuild (between LD Lockett and John McCain) |
| **Attachments:** | pleasant_run_sidewalk_map_zoomed.png; pleasant_run_ 5ft_sidewalk_objections_signed.pdf |

Mayor, Members of Colleyville City Council, and City Engineers and Planners:

On June 21, 2017 6pm, the City held a public meeting at the City Library, to unveil detailed plans for the Pleasant Run Rd reconstruction project.

Thank you for the proactive engagement with the public on these topics.

The plans presently include an 8-ft trail/sidewalk on the east side of the street section, and a 5-ft sidewalk on the west side of the street section.

**Please find attached** a letter signed by the majority of the homeowners that own the land immediately adjacent to the west side of Pleasant Run Rd, between LD Lockett and John McCain.

These nine homeowners do not wish to have the 5-foot sidewalk installed on the west side of Pleasant Run, for reasons explained in the attached letter and signed statements.

The primary concerns expressed include:

- Privacy, security and safety concerns
- Drainage and water runoff/absorption concerns. This 5-ft sidewalk section adds at least 0.4 acres of non-permeable concrete to an already drainage-challenged area. There is standing water along this part of Pleasant Run for days after significant rainfall.
- Tax dollars could be better used elsewhere. The planners indicated as much as $200,000 for the sidewalks on this project.

We were unable to contact the remaining seven homeowners in the 24 hours following the meeting, and since construction is scheduled to begin July 5, we have acted quickly to communicate our position.

Thank you for your consideration, and your willingness to hear from and work with the residents.

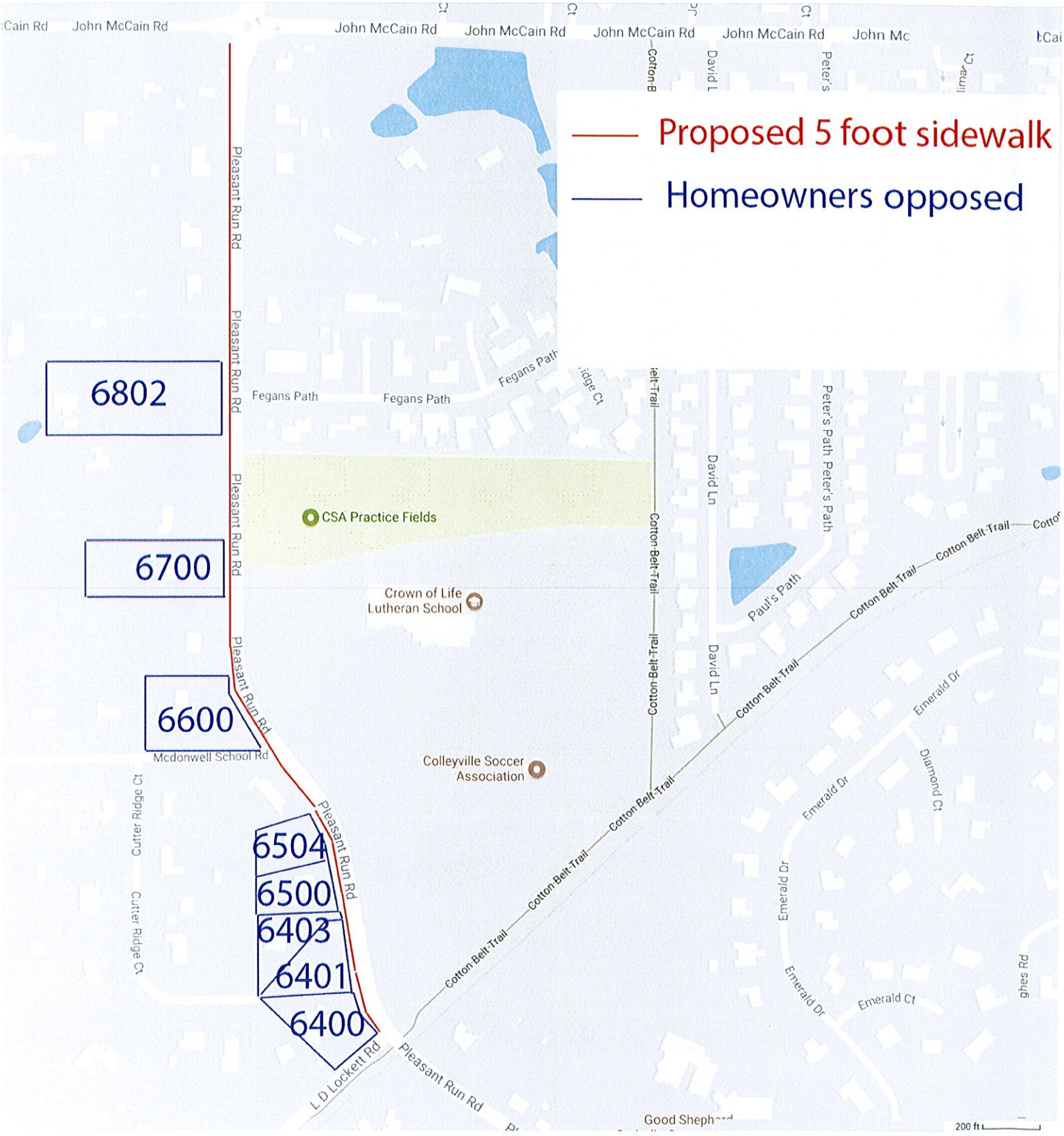
**We ask that you please remove the 5-ft sidewalk from the Pleasant Run Rd reconstruction plan.**

Sincerely,

Jason Worley

6401 Cutter Ridge Ct,
Colleyville, TX 76034

# Citizen Correspondence



# Citizen Correspondence

DATE: JUNE 21, 2017

TO: MAYOR OF COLLEYVILLE, CITY COUNCIL MEMBERS, CITY MANAGER

FROM: Archie & Beth Hughes [Name]
6500 Pleasant Run Rd [Address]
COLLEYVILLE, TX 76034

RE: PROPOSED 5-FT SIDEWALK ON WEST SIDE OF PLEASANT RUN RD

I / We own the property referenced above, which is directly adjacent to Pleasant Run Rd, north of L.D. Lockett.

We have been made aware of a planned 5-ft pedestrian sidewalk that would be parallel to Pleasant Run Rd, which would encourage foot traffic on or near our property line.

I / We **object to this planned 5-ft sidewalk**, and ask that you please remove it from the Pleasant Run Road reconstruction plan, for the following reason(s):

[✓] Safety/privacy concerns over increased pedestrian traffic near my property.

[✓] Drainage and runoff concerns due to increased impermeable surface, in an already drainage-challenged area.

[✓] Waste of my taxpayer dollars. There is a proposed 8-ft pedestrian trail planned on the other side of Pleasant Run Rd that will accommodate foot traffic and bicycles.

[ ] Other: _____

Sincerely,

Archie Hughes

# Citizen Correspondence

DATE: JUNE 21, 2017

TO: MAYOR OF COLLEYVILLE, CITY COUNCIL MEMBERS, CITY MANAGER

FROM: Ted Powell [Name]
6400 Cutter Ridge Ct. [Address]
COLLEYVILLE, TX 76034

RE: PROPOSED 5-FT SIDEWALK ON WEST SIDE OF PLEASANT RUN RD

[1]/ We own the property referenced above, which is directly adjacent to Pleasant Run Rd, north of L.D. Lockett.

We have been made aware of a planned 5-ft pedestrian sidewalk that would be parallel to Pleasant Run Rd, which would encourage foot traffic on or near our property line.

[1] We **object to this planned 5-ft sidewalk**, and ask that you please remove it from the Pleasant Run Road reconstruction plan, for the following reason(s):

[✓] Safety/privacy concerns over increased pedestrian traffic near my property.

[✓] Drainage and runoff concerns due to increased impermeable surface, in an already drainage-challenged area.

[✓] Waste of my taxpayer dollars. There is a proposed 8-ft pedestrian trail planned on the other side of Pleasant Run Rd that will accommodate foot traffic and bicycles.

[✓] Other: the park is right across the street — great place for a paved trail (sidewalk).

Sincerely,

# Citizen Correspondence

DATE: JUNE 21, 2017

TO: MAYOR OF COLLEYVILLE, CITY COUNCIL MEMBERS, CITY MANAGER

FROM: Laura Powell [Name]
6400 Cutter Ridge Ct [Address]
COLLEYVILLE, TX 76034

RE: PROPOSED 5-FT SIDEWALK ON WEST SIDE OF PLEASANT RUN RD

(1) We own the property referenced above, which is directly adjacent to Pleasant Run Rd, north of L.D. Lockett.

We have been made aware of a planned 5-ft pedestrian sidewalk that would be parallel to Pleasant Run Rd, which would encourage foot traffic on or near our property line.

(1) We **object to this planned 5-ft sidewalk**, and ask that you please remove it from the Pleasant Run Road reconstruction plan, for the following reason(s):

[✓] Safety/privacy concerns over increased pedestrian traffic near my property.

[✓] Drainage and runoff concerns due to increased impermeable surface, in an already drainage-challenged area.

[✓] Waste of my taxpayer dollars. There is a proposed 8-ft pedestrian trail planned on the other side of Pleasant Run Rd that will accommodate foot traffic and bicycles.

[✓] Other: Continue the Side walk on the side of the park. We dont see any point in tearing up home owners properties

Sincerely,

Laura Powell

# Citizen Correspondence

DATE: JUNE 21, 2017

TO: MAYOR OF COLLEYVILLE, CITY COUNCIL MEMBERS, CITY MANAGER

FROM: Jim & Ashley Leigh [Name]
6504 Pleasant Run Rd. [Address]
COLLEYVILLE, TX 76034

RE: PROPOSED 5-FT SIDEWALK ON WEST SIDE OF PLEASANT RUN RD

I / We own the property referenced above, which is directly adjacent to Pleasant Run Rd, north of L.D. Lockett.

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I / We **object to this planned 5-ft sidewalk**, and ask that you please remove it from the Pleasant Run Road reconstruction plan, for the following reason(s):

[✓] Safety/privacy concerns over increased pedestrian traffic near my property.

[✓] Drainage and runoff concerns due to increased impermeable surface, in an already drainage-challenged area.

[✓] Waste of my taxpayer dollars. There is a proposed 8-ft pedestrian trail planned on the other side of Pleasant Run Rd that will accommodate foot traffic and bicycles.

[ ] Other: _____

Sincerely,

Jim Leigh

Ashley Leigh

# Citizen Correspondence

DATE: JUNE 21, 2017

TO: MAYOR OF COLLEYVILLE, CITY COUNCIL MEMBERS, CITY MANAGER

FROM: Chris and Kerin Cantarella

6600 Pleasant Run Rd
COLLEYVILLE, TX 76034

RE: PROPOSED 5-FT SIDEWALK ON WEST SIDE OF PLEASANT RUN RD

I / We own the property referenced above, which is directly adjacent to Pleasant Run Rd, north of L.D. Lockett.

We have been made aware of a planned 5-ft pedestrian sidewalk that would be parallel to Pleasant Run Rd, which would encourage foot traffic on or near our property line.

I / We **object to this planned 5-ft sidewalk**, and ask that you please remove it from the Pleasant Run Road reconstruction plan, for the following reason(s):

[ X] Safety/privacy concerns over increased pedestrian traffic near my property.

[ X] Drainage and runoff concerns due to increased impermeable surface, in an already drainage-challenged area.

[ X] Waste of my taxpayer dollars. There is a proposed 8-ft pedestrian trail planned on the other side of Pleasant Run Rd that will accommodate foot traffic and bicycles.

[ X] Other: it will ruin the entry to our property on Pleasant Run as we have a very expensive entry way that has been part of our property since our home was built. It would lessen the value of our home.

Sincerely,

Chris Cantarella & Kerin Cantarella

# Citizen Correspondence

DATE: JUNE 21, 2017

TO: MAYOR OF COLLEYVILLE, CITY COUNCIL MEMBERS, CITY MANAGER

FROM: HAROLD L EDBETTER [Name]
6700 PLEASANT RUN Rd [Address]
COLLEYVILLE, TX 76034

RE: PROPOSED 5-FT SIDEWALK ON WEST SIDE OF PLEASANT RUN RD

I / We own the property referenced above, which is directly adjacent to Pleasant Run Rd, north of L.D. Lockett.

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[X] Waste of my taxpayer dollars. There is a proposed 8-ft pedestrian trail planned on the other side of Pleasant Run Rd that will accommodate foot traffic and bicycles.

[ ] Other: _____

Sincerely,

Harold L Edbetter

# Citizen Correspondence

DATE: JUNE 21, 2017

TO: MAYOR OF COLLEYVILLE, CITY COUNCIL MEMBERS, CITY MANAGER

FROM: Bob M Vormack [Name]
6802 Pleasant Run Rd [Address]
COLLEYVILLE, TX 76034

RE: PROPOSED 5-FT SIDEWALK ON WEST SIDE OF PLEASANT RUN RD

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[ ] Other: _____

Sincerely,

Bob M Vormack

# Citizen Correspondence

DATE: JUNE 21, 2017

TO: MAYOR OF COLLEYVILLE, CITY COUNCIL MEMBERS, CITY MANAGER

FROM: LAWRENCE + DEBRA WORLEY [Name]

6401 CUTTER RIDGE CT, [Address]

COLLEYVILLE, TX 76034

RE: PROPOSED 5-FT SIDEWALK ON WEST SIDE OF PLEASANT RUN RD

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[ ] Other: _____

Sincerely,

# Citizen Correspondence

DATE: JUNE 21, 2017

TO: MAYOR OF COLLEYVILLE, CITY COUNCIL MEMBERS, CITY MANAGER

FROM: Felix and Amy Alcantara [Name]

6403 Cutter Ridge Ct [Address]
COLLEYVILLE, TX 76034

RE: PROPOSED 5-FT SIDEWALK ON WEST SIDE OF PLEASANT RUN RD

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[ ] Other: _____

Sincerely,

_____

# Citizen Correspondence

DATE: JUNE 21, 2017

TO: MAYOR OF COLLEYVILLE, CITY COUNCIL MEMBERS, CITY MANAGER

FROM: Ted + Laurie Beneski [Name]
6405 Cutter Ridge Ct. [Address]
COLLEYVILLE, TX 76034

RE: PROPOSED 5-FT SIDEWALK ON WEST SIDE OF PLEASANT RUN RD

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[ ] Other: _____

Sincerely,

Ted W. Beneski

Laurie Beneski

# City of Colleyville
# City Council
# Agenda Briefing

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

**Agenda Number** WS-5 **Agenda Date** 08/01/2017
**Type** Worksession
**Department** City Secretary

## Title
Discussion of the the August 1, 2017, 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** 08/01/2017
**Type** Executive Session
**Department** City Secretary

## Title

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

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities (Glade Road Phase 1B and 2A Property Acquisition Update)

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-17-4159**

**A RESOLUTION APPROVING COUNCIL ACTION REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR CITY COUNCIL MEETING OF AUGUST 1, 2017**

**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 AUGUST 2017.

| | | | |
|---|---|---|---|
| Mayor Richard Newton | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 3, Kathy Wheat | _____ |
| Place 4, George Dodson | _____ | Place 5, Nancy Coplen | _____ |
| Place 6, Mike Taylor | _____ | | |

**ATTEST:** **CITY OF COLLEYVILLE**

Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

# City of Colleyville
# City Council
# Agenda Briefing

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

**Agenda Number** 3 **Agenda Date** 08/01/2017
**Type** Announcements, Proclamations, and Presentations
**Department** City Secretary

## Title
Proclamation in recognition of Miss Colleyville 2017 Rachel Renee Hornbuckle - Mayor Richard Newton and Councilmember Tammy Nakamura

## Attachments
1. Proclamation in recognition of Miss Colleyville 2017 Rachel Renee Hornbuckle

# Proclamation

CITY OF

## Colleyville, Texas

**WHEREAS:** Rachel Renee Hornbuckle was awarded the Miss Colleyville 2017 title earlier this year; and

**WHEREAS,** Rachel will now represent Colleyville at the Miss Texas USA pageant in Houston, September 1-3; and

**WHEREAS,** Rachel grew up in Colleyville where she attended Colleyville Heritage High School, was an athlete and received various recognitions; and

**WHEREAS,** following high school, Rachel enrolled at the University of Pine Bluff in Arkansas and received her Bachelor of Arts in Marketing in May 2014 before attending the University of Alabama and receiving her Juris Doctor in May 2017; and

**WHEREAS,** Rachel is the founder of the Belle of the Ball Foundation, a non-profit organization which collects beautiful and trendy dresses to be given free of charge to young women attending prom, and is an active member of the Alpha Kappa Alpha Sorority; and

**WHEREAS,** the Miss Texas USA Pageant is committed to assisting titleholders gain educational experiences and opportunities to participate in corporate and community-based charity and social events.

**NOW, THEREFORE, I, RICHARD NEWTON, MAYOR OF THE CITY OF COLLEYVILLE, TEXAS,** on behalf of the Colleyville City Council and citizens of Colleyville, congratulate and commend

**RACHEL RENEE HORNBUCKLE**

for her outstanding accomplishments and representation of the City of Colleyville and extend our wishes for continued achievement and success.

**IN WITNESS WHEREOF,** I do hereby set my hand and seal of the City of Colleyville, Texas, affixed this 1st day of August 2017.

Richard Newton

Mayor

City of Colleyville Texas

**RESOLUTION R-17-4160**

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF AUGUST 1, 2017**

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

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

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

a. Approval of the minutes of the regular City Council meeting of July 18, 2017

b. Approval of an interlocal agreement between the City of Colleyville and the City of Fort Worth to extend participation in Fort Worth's Environmental Collection Center Household Hazardous Waste Program through Fiscal Year 2018, and authorize the city manager to execute the agreement

**AND IT IS SO RESOLVED.**

APPROVED BY A VOTE OF __ AYES, __ NAYS, AND __ ABSTENTIONS ON THIS THE 1ST DAY OF AUGUST 2017.

| | | | |
|---|---|---|---|
| Mayor Richard Newton | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 3, Kathy Wheat | _____ |
| Place 4, George Dodson | _____ | Place 5, Nancy Coplen | _____ |
| Place 6, Mike Taylor | _____ | | |

**ATTEST:** **CITY OF COLLEYVILLE**

Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

# City of Colleyville
## City Council
## Minutes - Draft

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

Tuesday, July 18, 2017 Council Chambers

Mayor Richard Newton called the Colleyville City Council Worksession to order on Tuesday, July 18, 2017, at 4:30 p.m.

**ROLL CALL:** Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Nancy Coplen and Mike Taylor

City Manager Jerry Ducay, Assistant City Manager/Director of Public Safety Mike Holder, Interim Assistant City Manager and Executive Director of Economic Development and Communications Mark Wood, Fire Chief Brian Riley, Assistant Police Chief Robert Hinton, Chief Financial Officer Shereen Gendy, Human Resources Director Rachel Huitt, Public Works Director Jeremy Hutt, City Engineer Cheryl Taylor, Community Development Director Ben Bryner, Principal Planner Felix Landry, Recreation and Library Director Mary Rodne, Colleyville Center Manager Leslie Hill, Accounting Manager Karen Hines, Parks Manager Heather Dowell, SH26 Coordinator James Hubbard, Strategic Services Manager Adrienne Lothery, Information Systems Manager Chris Pena, Assistant City Attorney Braden Metcalf, and City Secretary Amy Shelley

**WS-1** Presentation and discussion of the Capital Improvement Program (CIP)

Public Works Director Jeremy Hutt presented this item and briefed the City Council.

Mayor Pro Tem Lindamood asked staff if they pointed out a time when the contractor had an issue with poor construction during the Bedford Road retaining wall construction project. Director Hutt replied yes, the contractor took care of the issue which staff noted.

Mayor Newton asked staff what improvement was created that made the Overland Trail tank not necessary. Director Hutt replied the LD Lockett ground storage tank replaced the need for the Overland Trail tank.

Councilmember Coplen asked staff if the metal will be sold. Director Hutt replied the removal of the materials would be a part of the demolition contract.

Councilmember Taylor asked staff if the removal of existing asphalt was completed during the milling. Director Hutt replied yes.

Councilmember Wheat asked staff if the John McCain Road construction will begin after the railroad construction is complete. Director Hutt replied the railroad has closed John McCain to replace the track, which should be open soon.

Councilmember Wheat asked staff what is going to be done on John McCain Road. Director Hutt replied it will be a full depth reclamation, rebuilding the road that is currently in place. The cross section will be much more substantial and the road will remain open, while maintaining one lane of traffic.

Councilmember Dodson asked staff about the change in the start date. Director Hutt replied it depends on the availability of the contractor and which project to do first, or combine projects to finish quicker.

Councilmember Dodson suggested communicating the change in any start dates to the public.

Councilmember Taylor asked staff if the chart is updated. Director Hutt replied yes, as soon as we know, we update the chart immediately.

Councilmember Wheat asked staff if LD Locket is set to begin in September. Director Hutt replied yes.

Mayor Pro Tem Lindamood asked staff if the County is asking to change the date to September. Director Hutt replied no, it is the same contractor looking at John McCain Road and the LD Lockett projects because the County has done what they can do this year.

Mayor Pro Tem Lindamood asked staff if projects can be staggered to finish one before another one is started. Director Hutt replied that could be considered.

Councilmember Wheat asked staff if LD Lockett is being used as a detour for one of the road projects. Director Hutt replied yes, for Glade Road.

Councilmember Wheat asked staff if Glade Road is going to be finished before the John McCain construction. Director Hutt replied yes, Glade Road is expected to be finished by mid-August.

Mayor Newton asked staff if sidewalks are being done in conjunction with the John McCain Road project. Director Hutt replied it is only an asphalt street maintenance project.

Mayor Newton asked staff if that is only because the contractor only does street maintenance. Director Hutt replied yes, only asphalt.

Mayor Newton asked staff if there is a plan to complete the sidewalks on John McCain Road at some future date. Director Hutt replied there are no standalone

sidewalk projects, but the Sidewalk Committee is planning to meet to evaluate projects.

Councilmember Wheat asked staff if the John McCain plans have been finalized. Director Hutt replied it is a maintenance project, which does not have full engineering plans.

Councilmember Nakamura asked Mayor Newton if it is too late to have the conversation about ribbon curb. Mayor Newton replied yes, but sidewalks can be factored in.

Councilmember Wheat asked staff if adding ribbon curb separately is as effective. Director Hutt replied ideally it is good to do them at the same time, but you can add them afterwards.

Councilmember Wheat asked staff how much further into the future are we looking at readdressing John McCain. Director Hutt replied full replacement is in the future, but there will have to be continued maintenance, and the biggest difference will be the cross sections.

Councilmember Wheat asked staff if there is a tendency to slide off without the ribbon curbs. Director Hutt replied yes, potentially, but there are no steep issues on John McCain.

Mayor Pro Tem Lindamood asked staff about the offset. Director Hutt replied we like to keep a two foot recovery zone.

Councilmember Taylor asked staff if the right-of-way on John McCain is typically 75 feet. Director Hutt replied yes, in some areas it is 95 feet.

Councilmember Nakamura asked staff if there are a lot of cars that run off John McCain. Assistant City Manager/Director of Public Safety Mike Holder replied not a lot of reported accidents as they are able to get back on the road. Councilmember Wheat stated the biggest issue is at John McCain and Westcoat.

Mayor Pro Tem Lindamood asked Mayor Newton if the LD Lockett project could be delayed a bit. Mayor Newton replied yes. Councilmember Dodson agreed.

Mayor Newton asked staff if John McCain could be completed before LD Lockett is started. Director Hutt replied that is not a problem at all, and can look at taking the LD Lockett project in the FY2017 budget and combining it with the 2018 CIP.

Mayor Newton asked staff about when it is anticipated John McCain would be complete. Director Hutt replied October.

Mayor Newton stated it has always been said that we want to get projects started and done, and now we are getting complaints about doing too much at one time.

Mayor Newton asked staff if the Glade Road project has been bid. Director Hutt replied Glade Road Phase 1A has been bid.

Mayor Newton asked staff if the Pleasant Run Road project has been bid. Director Hutt replied yes, and it was over the original estimate.

Mayor Newton stated it may be LD Lockett does not start until John McCain is done; see how the bids compare to the bids received in 2014; and then depending on the timing, it may make sense to do all as one project. Director Hutt stated he understands about having no overlap between the two projects.

Councilmember Wheat asked staff about when the last traffic study was done. Director Hutt replied 2015.

Councilmember Wheat stated being concerned about the intersection at Westcoat and McDonwell School Road. She added she is not sure adding a roundabout will create a safer roadway, especially when school is in session and for the evening traffic.

Councilmember Wheat asked staff about a three-way stop. Director Hutt replied it would create more of a traffic build-up, unless there was a turn lane added and this would be a temporary solution. Wanting to build the final solution to address the intersection issues resulted in this project being listed in the 2017 CIP, as a roundabout. The roundabout is considered to be the best engineering solution for the intersection.

Mayor Pro Tem Lindamood asked staff if the property owners located around the intersection are good with a roundabout. Director Hutt replied staff has had discussions with them and they are aware of the project, but did not get a feel for support or opposition.

Mayor Newton stated the key benefit of Glade Road Phase 3 was resolving the issues on the east end near Roberts Road. Mayor Newton asked staff if the Glade Road Phase 3 issues should be considered as part of the solution to Roberts Road. Director Hutt replied there are some issues that could be addressed with this intersection during the overall Roberts Road project. Mayor Newton suggested addressing Glade Road, Phase 3 issues within the scope of the Roberts Road project.

Councilmember Taylor asked staff if we have thought about putting landscaping or screening along Hall-Johnson. Director Hutt replied yes, staff is currently adding landscaping and screening to the service center property. Councilmember Taylor

suggested adding trees to provide shading over the existing sidewalks and trails, which are a good investment into the future.

Councilmember Dodson asked staff if the fiber project is already in year one. Director Hutt replied yes, and Interim City Manager/Executive Director of Economic Development and Communications Mark Wood concurred.

Councilmember Taylor asked staff about the fire station folding doors. Fire Chief Brian Riley replied the project is currently seeking Requests for Proposals (RFP), and bids will be submitted.

Councilmember Taylor asked staff about when the doors will be installed. Chief Riley replied the goal is to have them installed by September, especially since contractors are already interested.

Councilmember Taylor asked staff for a commitment that this project will get done. City Manager Jerry Ducay agreed, and stated the second station is scheduled for the next fiscal year.

Mayor Newton asked staff about the grant for the City Hall generator. Director Hutt replied he expects the grant to be substantial, around 80/20.

Councilmember Coplen asked staff when the last Storm Drainage Master Plan was completed. Director Hutt replied 1992.

Councilmember Taylor asked staff why Montclair Drive is included in 2018. Director Hutt replied this project is being considered as a County project, but to be considered, it had to be a roadway that can be shut down for repair. This road needs to be repaired and is a good candidate for the County's preferences.

Mayor Newton asked staff about the status of the street assessment. Director Hutt replied staff has received some of the preliminary data, but the information was not ready for this presentation. Mayor Newton stated that information is used as leverage to match what is being proposed.

Councilmember Wheat asked staff about the expected date the assessment will be available. Director Hutt replied August or September.

Councilmember Coplen asked staff if the assessment can be used to adjust projects. Director Hutt replied yes.

Mayor Newton asked staff if no drainage projects are included in 2018. Director Hutt replied correct; however, staff does expect some projects to be slated upon the completion of the Storm Drainage Master Plan.

Mayor Newton asked staff when the Storm Drainage Master Plan will be completed. Director Hutt replied staff anticipates six to eight months depending on the scope of the study. City Manager Jerry Ducay asked staff about the anticipation start date. Director Hutt replied the RFP is slated for August, to then bring forward design contracts to City Council in September, this time next year to finalize everything.

Mayor Newton asked staff if the drainage issue at LD Lockett Park is a CIP project. Director Hutt replied it will be a maintenance project, proposed in the CEDC operating budget for 2018.

Mayor Newton asked staff about the metal roof coating at the Justice Center. Director Hutt replied the new coating is applied to keep the roof in good shape. Mayor Pro Tem Lindamood added the coating prolongs the life of the metal.

Mayor Newton asked staff about the HVAC replacement at the Justice Center. Director Hutt replied it is the replacement of the primary unit, which has reached its lifespan of about 15 years.

Mayor Newton asked staff about what are the fundamentals driving the need for a new elevated storage tank in Water Project #3. Director Hutt replied staff is not advancing this project at this time, primarily because the project is based on the provided model, and it may not be truly needed.

Mayor Newton stated the proposed CIP reflects the visions of the community and he would like to see the projects that are combined as street and/or water projects to be listed separately under the street category and utility category, for transparency and clarity. He stated the LD Lockett drainage issue needs to be addressed this year.

**WS-2** Discussion of SH26 Project Change Order Request

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

Mayor Newton stated being good with this item.

Councilmember Dodson asked staff about the funding of this item. Coordinator Hubbard replied through the TIF district.

Mayor Newton asked staff if the metal railings and such are covered in this change order. Coordinator Hubbard replied yes.

Councilmember Dodson asked staff about the total for the change order. Coordinator Hubbard replied a little over $203,000. City Manager Jerry Ducay stated this change order covers the powder coating of the poles and fixtures, with

an additional $100,000 for street sign boxes to come, and an additional $2.5 million for other improvements related to streetscaping, etc. Coordinator Hubbard agreed.

Councilmember Wheat asked staff about the general time frame for lighting. Coordinator Hubbard replied those will almost be a separate project with a different contractor on the very end.

Councilmember Nakamura asked staff if the poles at John McCain are already coated. Coordinator Hubbard replied yes.

**WS-3** Discussion of the City Council Rules of Procedure and meeting brochure

City Secretary Amy Shelley presented this item and briefed the City Council.

Mayor Newton proposed a change to the meeting brochure. City Councilmembers agreed with the change.

Councilmember Coplen suggested adding something to the Rules of Procedure relative to the procedures for City Council appointments in that applicants must submit an application and financial disclosures, if applicable.

Councilmember Dodson suggested it would be a good idea to interview applicants for positions on the Planning and Zoning Commission.

**WS-4** Discussion of the July 18, 2017, City Council regular agenda items

There was no discussion of this item.

Mayor Newton adjourned the worksession at 6:35 p.m.

Mayor Newton called the Executive Session to order at 6:36 p.m. and called the roll.

**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 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities (Glade Road Phase 1B and 2A Property Acquisition Update)

Section 551.087 – Economic Development - Discuss or deliberate regarding commercial or financial information that the City has received from business

prospects that the City seeks to have locate, stay, or expand in the City and with which the City is conducting economic development negotiations; deliberate the offer of a financial or other incentive to a business prospect

Mayor Newton explained the Executive Session had been called in accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.071, Legal, Section 551.072, Real Estate, and Section 551.087, Economic Development. He further explained there would be no decisions made or action taken during this time. Executive Session was adjourned at 6:37 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Newton at 7:34 p.m.

**INVOCATION: Pastor Alvaro Matehuala, House of Prayer**

**PLEDGE OF ALLEGIANCE: Assistant City Attorney Braden Metcalf**

**2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - RESOLUTION R-17-4153**

This resolution was not needed.

**3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS**
**Announcements of civic and charitable events**
**Presentation of calendar events and updates**
**Announcements of awards and recognition**

Councilmember Coplen welcomed Steven Walls from Troop 905 of the Good Shephard Catholic Community.

Mayor Pro Tem Lindamood announced the Art Adventure Camp being held from July 24 – 27 from 2:00 p.m. to 4:45 p.m. Sign-ups are taking place now on www.colleyville.com or the Facebook page.

Presentation of the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award - Mayor Richard Newton, Chief Financial Officer Shereen Gendy, and Strategic Services Manager Adrienne Lothery

Mayor Newton presented Chief Financial Officer Shereen Gendy and Strategic Services Manager Adrienne Lothery with the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award.

In recognition of Colleyville's Featured Business of the Month - Brazos

Running Company, 5505 Colleyville Boulevard, Suite 120 - manager Ed Swiatocha - Mayor Richard Newton and Interim Assistant City Manager/Executive Director of Economic Development and Communications Mark Wood

Mayor Richard Newton and Interim Assistant City Manager/Executive Director of Economic Development and Communications Mark Wood recognized Ed Swiatocha, manager, Brazos Running Company, 5505 Colleyville Boulevard, Suite 120, as the featured business of the month.

## 4. CONSENT: READING AND PUBLIC HEARING RESOLUTION R-17-4154

**4a** Approval of the minutes of the regular City Council meeting of July 11, 2017

Mayor Newton read Resolution R-17-4154 in its entirety.

Mayor Newton opened the public hearing at 7:50 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 7:50 p.m.

**Councilmember Taylor made a motion to approve Resolution R-17-4154. Councilmember Wheat seconded the motion.**

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

**Aye: 7 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Nancy Coplen and Mike Taylor**

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

**5a Ordinance O-17-2014**
Consideration of a zoning change from the AG-Agricultural zoning district to the R40-Single Family Residential zoning district on Tract 5A01, Abstract 294, in the Robert Chowning Survey, located at 6260 Pool Road, Case ZC17-007

Mayor Newton read the caption of Ordinance O-17-2014.

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

Mayor Newton opened the public hearing at 7:54 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 7:54 p.m.

**Mayor Pro Tem Lindamood made a motion to approve Ordinance O-17-2014. Councilmember Coplen seconded the motion.**

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

**Aye: 7 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Nancy Coplen and Mike Taylor**

**5b Ordinance O-17-2015**

Consideration for approval of amendments to the Land Development Code regarding a proposed requirement that newly installed utilities be underground; specifically Chapter 9 – Subdivision Design & Public Facilities, Section 9.17 Street Design Criteria, proposed Section 9.18 Easements, proposed Section 9.19 Private Utilities, and Chapter 14 – Engineering Design Standards, Section 14-175 Miscellaneous, Case GC17-015

Mayor Newton read the caption of Ordinance O-17-2015.

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

Mayor Newton asked staff if there are any comparative measures that are different from the proposed versus the benchmarked communities. Director Bryner replied no, and staff has added a handful of the surrounding community's regulations which the Planning and Zoning Commission approved.

Councilmember Nakamura asked staff about the type of screening being proposed. Director Bryner replied the screening could be living screening, such as shrubs, and/or fencing. City Manager Jerry Ducay added the screening does not have to be around the utility box which may impair access. Director Bryner agreed, as long as the utility is not seen from the street.

Mayor Newton asked staff how redevelopment is defined, such as a tear down and rebuild. Director Bryner replied since the utility would already exist with a tear down and rebuild, it would not be considered redevelopment. If the property does not have utilities, the service would have to be underground, not overhead.

Mayor Newton asked staff if the line would have to be buried for a new building, even if the utility poles are at the edge of the building. Director Bryner replied it would depend, if there is an overhead service for existing buildings, the new building would require the service to be buried.

Mayor Newton asked staff what is considered new, if you have an existing building. Director Bryner replied the new service line would have to be buried. City Manager Jerry Ducay added there may be instances when only 50 percent or more of the structure is to be expanded or rebuilt, which may not require the service to be buried. Director Bryner agreed.

Don Perfect, 1909 Camden Court, Oncor Area Manager, Grapevine, stated he would like to review the proposed ordinance and make a few recommendations, prior to the City Council's vote.

Mayor Newton asked Mr. Perfect what would be different. Mr. Perfect replied leaving the service box in the front of the property allows better access to the equipment, which means less down time when service goes out. He added another item would be having a 7.5 foot side yard setback, versus a five foot, with those homes that have a service box.

Mayor Pro Tem Lindamood asked Mr. Perfect if the service box is left in the front, could it be screened on all four sides. Mr. Perfect replied yes, but there needs to be a clearance of about five to ten feet, to allow for an escape route in the event of an emergency.

Councilmember Taylor asked Mr. Perfect if he had already visited with staff, and what else would need to be changed. Mr. Perfect replied he had worked with staff this past Friday, and he would like more time to review the ordinance.

Councilmember Taylor asked Mr. Perfect if there is an issue with commercial properties. Mr. Perfect replied no, and most new subdivisions are designed with services located underground. City Manager Jerry Ducay stated there is an opportunity for the utility to secure the easement prior to the development of the connection. As a matter of policy, the City should require the 7.5 foot easement.

Mayor Newton opened the public hearing at 8:22 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 8:22 p.m.

Mayor Newton asked the City Council about their preference to residential requirements, based on the discussion from Mr. Perfect. Councilmember Dodson suggested tabling this item to allow for the proper language for access with an option for rear lot service.

Mayor Newton asked staff what is the comment about Mr. Perfect's concerns. Director Bryner replied he believes Mr. Perfect has some legitimate concerns and thinks there can be some regulations created for residential.

Councilmember Taylor agreed with tabling the item.

**Mayor Newton made a motion to table Ordinance O-17-2015. Councilmember Taylor seconded the motion.**

Assistant City Attorney Braden Metcalf suggested tabling this item to a date certain. Director Bryner added the item could be ready for the August 1st meeting but waiting until the 15th, allows even more time.

**Mayor Newton amended his motion to table Ordinance O-17-2015 to August 15. Councilmember Taylor accepted the amendment.**

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

**Aye: 7 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Nancy Coplen and Mike Taylor**

## 6. ORDINANCE(S): FIRST READING AND PUBLIC HEARING

### 6a Ordinance O-17-2016

Consideration of an appeal of the decision of the Planning and Zoning Commission for a Special Use Permit for a Convenience Store with Gasoline Sales on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard, Case ZC16-007

Mayor Newton read the caption of Ordinance O-17-2016.

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

Drew Cunningham and Tommy Mann, RaceTrac representatives, presented this item and briefed the City Council.

Councilmember Wheat asked Mr. Cunningham about the estimated sales tax revenue. Mr. Cunningham replied it is a proprietary number which is not provided, and not really sure of an estimate at this time.

Mayor Newton opened the public hearing at 8:54 p.m.

Floyd Swaim, 204 Timberline Drive South, spoke in support of this request.

Allison Koch, 6907 Upland Lane, spoke in opposition of this request with concerns of pollution, and property values.

Matt Koch, 6907 Upland Lane, spoke in opposition of this request with concerns of the gasoline station being the gateway to Colleyville, traffic, noise and light pollution, 24/7 operation, environmental issues with gasoline fumes and leaks/spills, health concerns, and property values.

Pam Wozniak, 7004 Coleman Court, spoke in opposition of this request with concerns of employees and patrons smoking outside of the store front doors, the selling of tobacco products to minors, not very good stewards of the community; removal of vegetation, storm water detention ponds not constructed properly; environmental issues; she provided an online petition and read some comments from it.

Craig Wozniak, 7004 Coleman Court, spoke in opposition of this request with concerns of traffic, and actual sales tax revenues received by the City.

David Medlin, 605 Montreux Avenue, spoke in opposition to this request with concerns of the actual benefit to the City; stating there are lots of negatives, not knowing about any positives, and the viability of this being in the City.

The following persons did not wish to speak, but did wish to register their opposition: Emily Koch, 6907 Upland Lane; Rachel Koch, 6907 Upland Lane; Keona Solorzano, 2200 Danielle Drive; Robert Herverten, 2200 Danielle Drive; and Henry Micheal, 500 Bridlewood North.

There were no others present wishing to speak and Mayor Newton closed the public hearing at 9:24 p.m.

To answer Councilmember Wheat's question, Mr. Cunningham stated there are approximately $75,000 in sales tax revenue annually.

Mayor Newton asked Mr. Cunningham about their growth strategy and why this location. Mr. Cunningham replied generally we go where there is traffic, and they are always looking for new sites and remodeling others. This is the best use of this property based on our experience.

Mayor Newton asked Mr. Cunningham if they are pursuing any other locations in this area. Mr. Cunningham replied no.

Mayor Newton asked Mr. Cunningham if they will pursue another location in this area if this site is not approved. Mr. Thomas Sanders, RaceTrac real estate representative, replied they are currently not pursuing any other sites, this is what has been deemed to be the best property for their portfolio.

Councilmember Coplen asked Mr. Sanders if they have looked at any other properties along SH26. Mr. Sanders replied yes, all along the corridor, but this is the best location for this model.

Councilmember Coplen asked Mr. Sanders why not the Wachovia vacant building. Mr. Sanders replied we are aware of it, but the committee did not deem that location to be a good fit.

Mayor Newton asked Mr. Sanders if they have looked at Precinct Line Road. Mr. Sanders stated he cannot speak to that site specifically because he is not familiar to site specific areas.

Mayor Newton asked Mr. Sanders about their process for making the location decision. Mr. Sanders replied it is an internal process, and they compare locations to their portfolio to see which locations fit best.

Mayor Pro Tem Lindamood asked Mr. Wozniak if he would be in favor or opposition to a restaurant or dentist office at this location. Mr. Wozniak replied he is not opposed to that use because it would not be open 24/7.

Mayor Pro Tem Lindamood stated he does not support this use on this property; he does like RaceTrac, just not at this location.

Councilmember Nakamura expressed her appreciation of the work they have put into this process, and that they wish to come to Colleyville.

Councilmember Wheat echoed Councilmember Nakamura and stated she struggles with this use on this property or the value it may bring to Colleyville.

Councilmember Dodson agreed and stated this use goes very much against the Master Plan.

Councilmember Taylor stated he appreciates the enthusiasm of RaceTrac and has heard the concerns of the citizens and stated not being against the use, just not in this location. He added access to the properties, to the north of this site, needs to be adjusted to allow a good cross through.

Mayor Newton stated this use does not fit the vision for Colleyville, at this location, and he stated he has no problem with waiting awhile to get what fits best in this location.

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

**6b Ordinance O-17-2017**

Consideration of an appeal of the decision of the Planning and Zoning Commission for a Special Use Permit for Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption, on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard, Case ZC17-010

Mayor Newton read the caption of Ordinance O-17-2017.

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

Mayor Newton opened the public hearing at 9:54 p.m.

Pam Wozniak, 7004 Coleman Court, spoke in opposition to this request with concerns of employees smoking on the property. Mr. Swank is working with the property owner.

Matt Koch, 6907 Upland Lane, spoke in opposition to this request but only because it is not the right time for this location; but, overall stated being in favor of a RaceTrac opening up as a convenience store with beer and wines sales, but no gasoline.

The following persons did not wish to speak, but did wish to register their opposition: Emily Koch, 6907 Upland Lane; Rachel Koch, 6907 Upland Lane; Keona Solorzano, 2200 Danielle Drive; Robert Herverten, 2200 Danielle Drive; and Henry Micheal, 500 Bridlewood North.

There were no others present wishing to speak and Mayor Newton closed the public hearing at 9:57 p.m.

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

Mayor Newton recessed the meeting at 9:58 p.m.

Mayor Newton reconvened the meeting at 10:12 p.m.

**6c Ordinance O-17-2018**
Approval of the Fiscal Year 2018 Colleyville Crime Control and Prevention District budget

Mayor Newton read the caption of Ordinance O-17-2018.

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

Mayor Newton opened the public hearing at 10:16 p.m.

Mike Sexton, 3612 Greenbriar Court, stated being in support of this budget and stated being proud that ballistic plates and helmets are included in the budget. He appreciates the City Council working hard to keep the police officers and the City safe.

There were no others present wishing to speak and Mayor Newton closed the public hearing at 10:17 p.m.

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

## 7. RESOLUTION(S): READING AND PUBLIC HEARING

### 7a Resolution R-17-4155

Consideration of appointments to the Sidewalks Ad Hoc Committee

Mayor Newton read Resolution R-17-4155 in its entirety.

Mayor Newton suggested the following persons to be appointed to the committee: James Dove, Tonia Goin, Sherrie Hart, Lenonna Nichols, Steve Waltens, John Zeitlin, Julie Schurman, Mark Brooks, Joy Fulton Lee, Jocelyn Sandruck. Appointing John Zeitlin as the Chair and Steve Waltens as the Vice Chair; and for the final report to be submitted in one year.

Councilmember Coplen suggested appointing Mike Brown, and asked Mayor Newton why a full year is needed.

Councilmember Nakamura suggested appointing Collette Cobben-Murr.

Councilmember Coplen stated she would like to have the information before the start of the next budget year, March or April of 2018.

Councilmember Taylor suggested the committee should provide their report before the end of the year. Councilmember Coplen agreed. Mayor Newton stated there needs to be some adjustments made to the plan to make it rational, and there needs to be time to consider those options. The City Council agreed the final report should be submitted by January 31, 2018.

Councilmember Wheat also suggested appointing Collette Cobben-Murr.

**Councilmember Wheat made a motion to approve Resolution R-17-4155 naming Mark Brooks, James Dove, Tonia Goin, Sherrie Hart, Joy Fulton Lee, Collette Cobben-Murr, Leonna Nichols, Jocelyn Sandruck, Julie Schurman, Steve Waltens, and John Zeitlin to the Sidewalks Ad Hoc Committee; appointing John Zeiltin as Chair, Steve Waltens as Vice Chair; and the final report to be submitted to the City Council by January 31, 2018. Mayor Pro Tem Lindamood seconded the motion.**

Mayor Newton opened the public hearing at 10:31 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 10:31 p.m.

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

**Aye: 7 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Nancy Coplen and Mike Taylor**

**7b Resolution R-17-4156**
A resolution re-establishing the Water and Wastewater Rate Advisory Committee and providing a charge

Mayor Newton read Resolution R-17-4156 in its entirety.

Mayor Newton asked Susan Mathisen about a date for the final report. Mrs. Mathisen replied not knowing about the new CFO and her needs, but it could be hammered out in three or four meetings.

Mayor Newton asked staff about the proposed timeframe. City Manager Jerry Ducay replied we are looking at all fund balances and net position across the board. He suggested having the committee meet in October to have the numbers before the end of the year.

Mayor Newton suggested handling the two vacant positions at another time. Mrs. Mathisen agreed.

Mayor Newton opened the public hearing at 10:54 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 10:54 p.m.

**Mayor Newton made a motion to approve Resolution R-17-4156 naming Susan Mathisen, Gerald Gibson, Raymond Allee, Tom Bauch, James Dove, Jeff Gilstrap, Jeff Pistor, Tim Raine, and Samuel van Bever to the Water and Wastewater Rate Advisory Committee; Susan Mathisen as Chair and Gerald Gibson as Vice Chair; and the final report should be provided by December 31, 2017; and the charge of this committee shall include: 1) Review capital funding utility needs , 2) Identify capital funding options, and 3) Develop a five year funding mechanism for the capital plan. Councilmember Coplen seconded the motion.**

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

**Aye: 7 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Nancy Coplen and Mike Taylor**

**7c Resolution R-17-4157**
Acknowledgement of a change order request for powder coating signal poles for the SH26 Project, and authorize the city manager to execute the change order, in an amount not to exceed $204,000

Mayor Newton read Resolution R-17-4157 in its entirety.

Mayor Newton opened the public hearing at 10:59 p.m.

Mayor Pro Tem Lindamood expressed his appreciation to SH26 Project Coordinator James Hubbard for his hard work and dedication on this project.

Councilmember Dodson stated these lights will make Colleyville standout among other cities, rather than having aluminum lights.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 10:59 p.m.

**Councilmember Coplen made a motion to approve Resolution R-17-4157. Councilmember Dodson seconded the motion.**

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

**Aye: 7 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Nancy Coplen and Mike Taylor**

## 8. DISCUSSION OF ITEMS NOT FOR ACTION AND PUBLIC HEARING

**8a** Monthly Financial Report - June 2017

Chief Financial Officer (CFO) Shereen Gendy presented this item and briefed the City Council.

Mayor Newton asked staff if the reported sales tax information is ahead of the state's information, given we are at 61 percent of the 2017 budget. CFO Gendy replied there are figures accounted for of businesses in the Colleyville market which may not be in the market much longer, but the sales taxes are expected to be in line with the budget thus far.

City Manager Jerry Ducay asked staff how many months are in the lag from the comptroller's disbursement. CFO Gendy replied there is a two month lag. She

stated the 75 percent is an indicator, but not a number we take literally. She stated there may be spikes due to seasonal trends. Despite the lag, staff will make accruals to have 12 months accounted. She stated she can provide more details in the future.

Councilmember Wheat asked staff if the Park's department expenses are down for a particular reason, and are they expected to go up. Parks Manager Heather Dowell replied Parks is already at 75 percent, but athletics is lower due to spending the funds more toward the end of the fiscal year.

**8b** Staff update on current construction projects

Public Works Director Jeremy Hutt presented this item and briefed the City Council.

Councilmember Wheat suggested staff should create a simple dashboard with current road construction, such as on Facebook. Director Hutt agreed, and stated staff will work with the Communications Department. City Manager Jerry Ducay added staff is already doing push notifications and those can be easily inserted on the website.

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

Ross Stewart, 5504 Valley View West, spoke about fencing issues on 1505 Cherry Lane. Wendy Maydare, Euless, purchasing 1505 Cherry Lane, and is seeking an extension to the time limit on the fence removal.

## 10. REPORTS

Parks and Recreation Advisory Board minutes - April 10, 2017
Pond Naming Ad Hoc Committee minutes - May 1, 2017
Zoning Board of Adjustment minutes - May 9, 2017
Planning and Zoning Commission minutes - June 12, 2017

There was no discussion of this item,

## 11. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR JULY 18, 2017 - READING AND PUBLIC HEARING - RESOLUTION R-17-4158

This resolution was not needed.

## 12. ADJOURNMENT

There being no further business before the City Council, Mayor Newton adjourned the City Council meeting at 11:24 p.m.

APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE 1ST DAY OF AUGUST 2017.

Minutes taken and prepared by:

Amy Shelley, TRMC
City Secretary

# City of Colleyville
## City Council
## Agenda Briefing

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

**Agenda Number** 4b **Agenda Date** 08/01/2017 **Number** Resolution R-16-4017
**Type** Resolution
**Department** City Manager

**Title**
Approval of an interlocal agreement between the City of Colleyville and the City of Fort Worth to extend participation in Fort Worth's Environmental Collection Center Household Hazardous Waste Program through Fiscal Year 2018, and authorize the city manager to execute the agreement

**Strategic Plan**
2.1 Provide responsive, efficient city services

**Explanation**
***Reading and Public Hearing***

The City of Fort Worth operates the Environmental Collection Center (ECC), a permanent collection facility for household hazardous waste. In 1997, the City of Colleyville entered into an interlocal agreement which allows Colleyville residents to utilize the facility for disposal of pesticides, solvents, paints, cleansers, and other household chemicals. The ECC is open three days a week and is located at 6400 Bridge Street in Fort Worth. Colleyville residents present a current water bill or drivers license, and are allowed to drop off items at the ECC free of personal charge throughout the year. The City of Fort Worth then bills the City of Colleyville quarterly at a rate of $50.00 per household visit as stated in the attached interlocal agreement, which extends the interlocal agreement through fiscal year 2018 with a $3 increase to pricing (previous rate was $47 per household).

Utilization of the ECC minimizes the disposal of chemicals in sink drains, which aids in the prevention of excessive wear on the City's sewer infrastructure, and provides an alternative to dumping chemicals in yards, streets, or gutters, which facilitates compliance with regulations for runoff and protects creeks and rivers.

In addition to being able to drop off hazardous waste throughout the year at the ECC, citizens may take their waste to a mobile collection unit that is brought to Colleyville once a year. A mobile collection unit (Crud Cruiser) is scheduled to participate in the annual Clean Sweep event held each spring. Residents bring their household hazardous waste to the Clean Sweep event location where it is off-loaded by City staff and volunteers. Drop off of household hazardous waste at the Clean Sweep event is billed to the City of Colleyville at the same rate as drop offs at the ECC.

Beginning November 1, 2017, Colleyville residents will be able to safely dispose of

household hazardous waste at their curbside through a new service provided by the City's new solid waste and recycling contractor, Community Waste Disposal (CWD). While it is anticipated that this new service will reduce drop offs at the ECC, continuing the contract with the ECC simply provides another option for residents.

In Fiscal Year 2016, a total of 752 Colleyville households utilized the ECC (128 of those occurred at the Clean Sweep event) for a total cost of $35,344. Through the first three quarters of Fiscal Year 2017, 539 households have utilized the ECC (105 at the Clean Sweep event).

**Financial Impact**
This contract provides for the City to be billed quarterly at $50.00 per household use of the ECC. A budget of $12,000 is included in the FY 2018 Drainage Fund for this purpose and is anticipated to be sufficient due to the reduced traffic to the ECC once curbside disposal is available.

**Recommendation**
Approve

**Attachments**
1. FY 2018 Interlocal Agreement- Fort Worth ECC
2. ECC cost increase letter

# INTERLOCAL AGREEMENT FOR PARTICIPATION IN FORT WORTH'S

# ENVIRONMENTAL COLLECTION CENTER

# HOUSEHOLD HAZARDOUS WASTE PROGRAM

# FY2018

INTERLOCAL AGREEMENT FOR PARTICIPATION IN FORT WORTH'S
ENVIRONMENTAL COLLECTION CENTER
HOUSEHOLD HAZARDOUS WASTE PROGRAM

THIS AGREEMENT is entered into by and between the City of Fort Worth, Texas, a home-rule municipal corporation situated in Tarrant, Denton, Parker, and Wise Counties, Texas, hereinafter called "Fort Worth," acting by and through Fernando Costa, its duly authorized Assistant City Manager and the City of Colleyville, hereinafter referred to as "Participating City" and located in Tarrant County, Texas acting herein by and through Jerry Ducay, its duly authorized City manager

**DELIVERY OF NOTICES**

**Any notices required to be given under this Agreement shall be delivered as follows:**

If to Fort Worth:

German Vazquez, Solid Waste Superintendent
Rex Johnson, Environmental Supervisor
Code Compliance – Solid Waste
City of Fort Worth
4100 Columbus Trail
Fort Worth, Texas 76133

If to Participating City:

Adrienne Lothery, Strategic Services Manager
City Manager's Office
City of Colleyville
100 Main Street
Colleyville, Texas 76034

## OPERATIONAL CONTACTS

**Participating City's Operational Contact Persons:**

Designated person is: _____ telephone number: _____
Mobile phone number (24-hour) where he/she can be reached: _____
Email Address: _____

Alternate person is _____ telephone number: _____
Mobile phone number (24-hour) where he or she can be reached: _____
Email Address: _____

## VOUCHER UTILIZATION

The Participating City:

_____ DOES wish to use a voucher system for its residents visiting the ECC or a mobile event.

__**X**_ DOES NOT wish to use a voucher system for its residents visiting the ECC or a mobile event.

If a voucher system is used only residents with an official voucher provided by Participating City will be allowed to drop wastes off at the ECC or at mobile events in Participating City. **A copy of the official voucher must be attached to this agreement.**

## INVOICE DELIVERY

**Invoices to Participating City shall be delivered to:**

Adrienne Lothery
City Manager's Office
100 Main Street
Colleyville, Texas 76034

alothery@colleyville.com

Participating City shall notify Fort Worth in writing if the above contact information changes during the term of this Agreement.

WITNESSETH

WHEREAS, Texas Government Code, Chapter 791, authorizes the formulation of interlocal cooperation agreements between and among local governments; and

WHEREAS, Texas Government Code, §791.011 provides that a local government may contract with another local government to perform governmental functions and services, and §791.003(3)(H) defines waste disposal as a governmental function and service; and

WHEREAS, Texas Government Code, §791.025 provides that a local government may agree with another local government to purchase services; and

WHEREAS, Fort Worth and Participating City desire to enter into an interlocal agreement whereby Fort Worth will purchase the services of a waste disposal/recycling firm or firms and will administer a household hazardous waste collection program; and

WHEREAS, Fort Worth and Participating City mutually desire to be subject to the provisions of Texas Government Code, Chapter 791, also known as the Interlocal Cooperation Act.

NOW THEREFORE, it is agreed as follows:

1.
DEFINITIONS

A. Unless a provision in this Agreement explicitly states otherwise, the following terms and phrases, as used in this Agreement, shall have the meanings hereinafter designated.

Act of God means an act occasioned by the direct, immediate, and exclusive operation of the forces of nature, uncontrolled or uninfluenced by the power of humans and without human intervention.

Bill of Lading lists the contents of the mobile collection unit.

Environmental Collection Center (ECC) means the City of Fort Worth Code Compliance-Environmental Management Division facility located at 6400 Bridge Street, Fort Worth, Texas, which is to be used by Fort Worth for the aggregation of household hazardous wastes that have been brought to the facility by participating cities' households for subsequent recycling, disposal, and/or reuse.

Environmental damages means all claims, judgments, damages, losses, penalties, fines, liabilities (including strict liability), encumbrances, liens, costs, and expenses of investigation and defense of any claim, whether or not such claim is ultimately defeated, and of any good faith settlement or judgment, of whatever kind or nature, contingent or otherwise, matured or un-matured, foreseeable or unforeseeable, including without limitation reasonable attorney's fees and disbursements and consultant's fees, any of which are incurred subsequent to the execution of this Agreement as a result of the handling, collection, transportation, storage, disposal, treatment, recovery, and/or reuse of waste pursuant to this Agreement, or the existence of a violation of environmental requirements pertaining to same, and including without limitation:

(a) Damages for personal injury and death, or injury to property or natural resources;

(b) Fees incurred for the services of attorneys, consultants, contractors, experts, laboratories and all other costs incurred in connection with the investigation or remediation of such wastes or violation of environmental requirements including, but not limited to, the preparation of any feasibility studies or reports or the performance of any cleanup, remediation, removal, response, abatement, containment, closure, restoration or monitoring work required by any federal, state or local governmental agency or political subdivision, or otherwise expended in connection with the existence of such wastes or violations of environmental requirements, and including without limitation any attorney's fees, costs and expenses incurred in enforcing this Agreement or collecting any sums due hereunder; and

(c) Liability to any third person or governmental agency to indemnify such person or agency for costs expended in connection with the items referenced in subparagraph (b) herein.

Environmental requirements means all applicable present and future statutes, regulations, rules, ordinances, codes, licenses, permits, orders, approvals, plans, authorizations, concessions, franchises, and similar items, of all governmental agencies, departments, commissions, boards, bureaus, or instrumentalities of the United States, states, and political subdivisions thereof and all applicable judicial, administrative, and regulatory decrees, judgments, and orders relating to the protection of human health or the environment, including without limitation:

(a) All requirements, including but not limited to those pertaining to reporting, licensing, permitting, investigation, and remediation of emissions, discharges, releases, or threatened releases of hazardous materials, pollutants, contaminants, or hazardous or toxic substances, materials, or wastes whether solid, liquid, or gaseous in nature, into the air, surface water, groundwater, storm water, or land, or relating to the manufacture, processing, distribution, use, treatment, storage, disposal, transport, or handling of pollutants, contaminants, or hazardous or toxic substances, materials, or wastes, whether solid, liquid, or gaseous in nature; and

(b) All requirements pertaining to the protection of the health and safety of employees or the public.

Force majeure means decrees of or restraints by a governmental instrumentality other than the Parties, acts of God, work stoppages due to labor disputes or strikes, failure of Fort Worth's contractor(s) to perform pursuant to their agreements with Fort Worth for the conduct of the collection of household hazardous waste, fires, explosions, epidemics, floods, extreme weather, riots, war, rebellion, and sabotage.

Household hazardous waste (HHW) means any solid waste generated in a household by a consumer which, except for the exclusion provided for in 40 CFR § 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261.

Manifest means the uniform hazardous waste manifest form(s) that must accompany shipments of municipal hazardous waste or Class 1 industrial solid waste.

Mobile collection event means a household hazardous waste collection event by Participating City utilizing a mobile collection unit.

Mobile Collection Unit (MCU) means a non-self-propelled vehicle used for the periodic collection of household hazardous waste by Participating City, off-site of the ECC, which is transported to the ECC to dispose of the household hazardous waste collected at the mobile collection event. Mobile Collection Units owned by Fort Worth are designed to hold the hazardous waste of approximately 50 to 75 households.

Participating City means the municipality which has entered into this agreement with the City of Fort Worth.

Participating Entities, when used in the plural, means Fort Worth, Participating City, and all other entities which have entered into interlocal agreements with Fort Worth for the ECC household hazardous waste collection program.

Person means an individual, corporation, organization, government, or governmental subdivision or agency, business trust, partnership, association, or any other legal entity.

Waste has the same meaning as "solid waste" as that term is defined in Texas Health and Safety Code §361.003, and including hazardous substances.

B. Unless a provision in this Agreement explicitly states otherwise, the following abbreviations, as used in this Agreement, shall have the meanings hereinafter designated.

CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act, its amendments, associated case law, and state counterparts.

CPR - cardiopulmonary resuscitation

DOT - United States Department of Transportation

ECC – Fort Worth Environmental Collection Center

EPA - United States Environmental Protection Agency

HAZCAT - hazardous categorization

HAZWOPER - hazardous waste operations and emergency response and the training, certification, and legal requirements associated therewith

HM - hazardous materials

HHW - household hazardous waste

MCU - Mobile Collection Unit

TCEQ – Texas Commission on Environmental Quality

## 2.
## PURPOSE

The purpose of this interlocal agreement (hereafter "Agreement") is the provision of services by Fort Worth to Participating City whereby, subject to the terms and conditions specified below, Fort Worth will administer and supervise a regional household hazardous waste collection program, which will be available to households within Participating City as described herein.

## 3.
## TERM

This Agreement shall be effective from October 1, 2017 or the date the last party has signed this Agreement. This agreement will be self-renewing infinitely. This agreement will be binding for both parties until one or more parties terminate the agreement. Termination of the agreement shall be provided to both parties 45 days prior to the completion date. However, the duties and responsibilities of the Parties for events which occurred during the term of the contract shall survive.

## 4.
## SERVICES OF FORT WORTH

Fort Worth agrees to perform the following services for Participating City in connection with the ECC household hazardous waste collection program:

A. Fort Worth will administer a regional household hazardous waste collection program. This program will include the operation of the Environmental Collection Center, which will accept for disposal and/or recycling household hazardous waste from households located within Participating City. Fort Worth shall not accept compressed flammable gas containers; radioactive materials; explosives or potentially shock sensitive materials; biological, etiologic, or infectious materials; wastes from businesses; or any other wastes that Fort Worth has determined are unacceptable. Commercial waste is never accepted by Fort Worth.

B. Fort Worth will employ or retain personnel to provide the services necessary to perform Fort Worth's obligations in this Agreement.

C. Fort Worth will enter into a contract(s) with a waste disposal/recycling firm(s) for the handling, collection, transportation, storage, disposal, treatment, recovery, and/or reuse of household hazardous waste that is collected at the ECC or during mobile collection events.

D. Fort Worth will, if requested in writing by Participating City, provide Participating City with copies of waste manifests for shipments of waste from the ECC.

E. Fort Worth will, if requested in writing by Participating City, provide Participating City a monthly report of the Participating City's households who disposed of household hazardous waste at the Environmental Collection Center or a mobile collection event.

F. Fort Worth will issue a report and an invoice at the end of each quarter detailing the number of Participating City's households that disposed of household hazardous waste at the Environmental Collection Center or at mobile collection events.

G. Fort Worth will act under this Agreement in accordance with all applicable state and federal laws.

H. Mobile Collection Events

Participating City may schedule a mobile collection event to be operated by Fort Worth personnel using one of Fort Worth's MCUs or conduct their own mobile collection events using either Participating City's MCU or Fort Worth's Reserve MCU (as available). State regulations require notification to the Texas Commission on Environmental Quality (TCEQ) at least 45 days prior to conducting the event.

1. Fort Worth Operated Events:

If Participating City would like to schedule a mobile collection event with the Fort Worth Mobile Collection Unit, Participating City shall contact the ECC as soon as possible for a list of available dates. The time and location shall be agreeable to both parties. Participating City may schedule one mobile collection event each contract year. Fort Worth will file notification of the event with TCEQ as required by 30 TAC §335.403.

(a) Scheduling Events

Fort Worth will begin scheduling mobile collection events for each calendar year on the first scheduled working day after the New Year begins. To ensure proper notification to TCEQ, events must be scheduled at least sixty (60) days ahead of the proposed date. Participating City acknowledges that Fort Worth contracts with other municipalities and that Fort Worth will be accommodating each Participating City's request on a first come first served basis. Therefore, Participating City acknowledges that its chosen date to schedule a mobile collection event may be reserved by another city and Participating City will have to then choose another date. Participating City will, in no event, be entitled to any damages or recovery of any costs, except as provided herein. Only one mobile collection event using Fort Worth staff and equipment per city is entitled under this contract. Additional events may be accommodated if feasible.

(b) Location

If Participating City chooses to hold the Mobile Collection Event on private property, Participating City shall obtain a signed waiver from the owner of the property sixty (60) days prior to the event. The waiver shall be in the form of Exhibit B or similar form approved by Fort Worth. The signed waiver must be sent to Fort Worth sixty (60) days before the Mobile Collection Event. If the signed waiver is not sent to Fort Worth sixty (60) days before the Mobile Collection Event, Fort Worth will not send the Fort Worth Mobile Collection Unit to the event and Participating City will, in no event, be entitled to any damages or recovery of any costs, except as provided herein. All events must be held on an impervious surface.

(c) At the Mobile Collection Event, Participating City acknowledges and agrees that Fort Worth shall accept household hazardous waste from the first 50 households that show proof of residency at the Mobile Collection Event. After the first 50 households, Fort Worth will determine in its sole discretion how

much more waste it can accept for proper transport back to the ECC. If more households arrive at the event than Fort Worth can accept, Participating City will in no event be entitled to any damages or recovery of any costs, except as provided herein.

(d) Due to limited storage space at the ECC, Participating City acknowledges and agrees that if it requests the Fort Worth Mobile Collection Unit at a mobile collection event, a Participating City's MCU shall not also be at the event.

(e) Fort Worth, in its sole discretion, will determine whether to send the Fort Worth Mobile Collection Unit to Participating City's Collection Event during adverse weather, the threat of adverse weather, or other hazardous conditions including but not limited to sleet, snow, rain, mist, or hail. In the event Fort Worth determines not to send the Fort Worth Mobile Collection Unit, Fort Worth shall attempt to notify persons listed herein as an "Operational Contact" by the Participating City and shall attempt to send a Fort Worth employee to the Participating City's event to tell any residents that come to dispose of household hazardous waste that the Fort Worth Mobile Collection Unit will not be coming to the event, but the resident can go to the ECC to dispose of the waste. A map with directions to the ECC also will be provided.

(f) The Participating City agrees to collect collection data at the MCU and provide Fort Worth with a list of total MCU participants and total quantities of wastes listed in an Excel spreadsheet in a template provided by Fort Worth as Exhibit C, within ten (10) days of the mobile collection event. No vouchers, sign-in sheets, or copies of either will be accepted by Fort Worth.

2. Participating City Mobile Collection Unit:

(a) Fort Worth agrees to accept household hazardous waste from mobile collection events conducted by Participating City using Participating City's MCU in accordance with the terms of this Agreement.

(b) Fort Worth agrees to restock the items it removes from Participating City's MCU, however, Fort Worth shall only restock items listed in Exhibit "A," attached and incorporated herein as if set forth.

3 Loan of the Reserve Mobile Collection Unit

The reserve MCU is a specially designed and equipped thirty-six (36) foot gooseneck box-trailer and one (1) ton pickup owned by Fort Worth. Participating City may request the loan of Fort Worth's Reserve MCU free of charge for use in a Household Hazardous Waste collection event when available. Participating City may use the Reserve MCU to transport HHW to Fort Worth's ECC or another collection center that may lawfully receive HHW. Participating City shall provide Fort Worth with a written request, facsimile or e-mail, at least sixty (60) days prior to the event date for which the request is made. Fort Worth shall have sole determination whether the Reserve MCU is available for use by Participating City and shall notify Participating City as soon as is reasonably practicable of such decision. Fort Worth shall not participate in nor be responsible for

any part of the Participating City's HHW Collection Event unless and except by written mutual agreement.

(a) Fort Worth shall disclose any known problems the Reserve MCU may have in performing the tasks necessary for the HHW Collection Event. Prior to issuance of the Reserve MCU, a pre-trip inspection for potential maintenance problems will be performed by Fort Worth. Also, both parties will complete a pre-trip aesthetic assessment. Participating City shall be responsible for all certifications and insurance necessary for the proper operation of the Reserve MCU.

(b) Participating City agrees to maintain and return the Reserve MCU in as good condition as it was in when Participating City took possession for use. Participating City shall return the Reserve MCU to Fort Worth in a timely manner and as mutually agreed upon.

(c) Participating City shall be responsible for all property damage, personal injury, or death caused by Participating City's employees, volunteers, contractors, or agents and arising out of the use of the Reserve MCU during the term of this Agreement.

(d) It is expressly understood and agreed that, in the execution of this Agreement, neither of the parties waives, nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement the parties do not intend to create any obligations, expressed or implied, other than those set forth herein and this Agreement shall not create any rights in parties not signatories hereto.

## 5.
## DUTIES OF PARTICIPATING CITY

Participating City agrees to perform the following duties in connection with the household hazardous waste collection program:

A. Participating City will designate one of its employees, and another as an alternate, to act as its household hazardous waste collection Operational Contact to interact with Fort Worth as designated on the signature page to this contract.

B. Participating City will coordinate and fund all program advertising targeted to its own citizens, as it deems necessary. Such advertising shall include the type of wastes that will be accepted at the ECC, the requirement of proof of residency, and weather cancellation information.

C. Participating City shall notify its residents of the ECC hours of operation and dates it is closed as provided in Section 9 "The Environmental Collection Center Hours of Operation."

D. Participating City may choose to utilize a voucher system for its residents in order for them to bring HHW to the ECC. If Participating City chooses to use such a system, it shall designate so

herein and include a copy of the official voucher. In addition, if a citizen from a Participating City that utilizes a voucher system comes to the ECC or a mobile collection event without a voucher, Participating City acknowledges and agrees that Fort Worth will not accept the household hazardous waste until Participating City authorizes the acceptance in writing.

E. Participating City may submit a written request for a monthly report listing the number of its city's households that have disposed of household hazardous waste at the ECC or a mobile collection event.

F. Participating City shall provide traffic control and signage for the mobile collection event, and shall provide personnel to assist Fort Worth with the offloading of material, surveys, and screening of persons dropping off household hazardous waste. Prior to the event, the parties shall agree upon the details of the traffic control, signage, and personnel assistance.

G. If a Participating City resident presents waste that was collected from multiple households, Fort Worth reserves the right to charge the Participating City based on the total number of households from which the waste originated even if the resident has only one voucher.

H. Participating City shall provide a means for disposing of solid waste (e.g. boxes, trash, containers) on site during a mobile collection event.

I. Mobile Collection Events using Participating City's MCU or Reserve MCU

1. Participating City is responsible for proper notification to TCEQ as required by 30 TAC §335.403.

2. Participating City shall advise the ECC at least 72 hours in advance of its mobile collection events. Participating City shall collect only HHW during a mobile collection event. Wastes from commercial, agricultural, and industrial sources shall not be accepted. Participating City shall not accept compressed flammable gas containers; radioactive materials; explosives or potentially shock sensitive materials; biological, etiologic, or infectious materials; or any other wastes that Fort Worth has determined are unacceptable.

3. In accordance with the latest DOT requirements, Participating City's MCU operators will properly categorize, package, mark, label, and load into the MCU, all wastes received at the mobile collection event. Recyclable products (used oil, used oil filters, latex paint, recyclable anti-freeze, lead-acid batteries, and fluorescent lights) will be segregated into containers for recyclables.

4. After accepting wastes, Participating City's MCU operators shall thoroughly check each container for proper labeling and identification. If a container is properly identified, the material will be segregated according to hazard class and prepared for packaging. If a container does not have adequate labeling to permit identification, the MCU operators shall then attempt to identify the material from its physical characteristics using HAZCAT analysis and from information provided by the household presenting the waste.

5. The Participating City's MCU operators shall package all hazardous materials in accordance with DOT requirements, EPA requirements, and all other applicable federal and state requirements. After all the wastes have been properly identified and segregated, the MCU operators will reexamine the wastes for compatibility, list them on the container content sheets, and pack them into drums. Oil-based paints and latex paints shall be bulked separately in 55-gallon drums, or if the paint is left in its container, the paint can be packed in a lined cubic yard box, and packed and labeled according to federal and state regulations. Participating City shall not transport waste that is not HHW to the ECC. Participating City agrees to make its own arrangements to dispose of any non-HHW waste collected at the event.

6. Prior to transporting the HHW from the collection event site, Participating City's MCU operators shall complete a Bill of Lading, and shall keep the Bill of Lading in the cab of the truck hauling the MCU during transportation of the HHW to the ECC. Participating City shall require that a minimum of one copy of the latest North American Emergency Response Guidebook be kept within the cab of the truck.

7. During transportation, Participating City's MCU operators shall placard the MCU for transportation of hazardous waste in accordance with federal and state law.

8. Upon the return of the MCU to the ECC, Participating City's MCU operators shall follow the instructions of Fort Worth regarding the placement of the MCU for unloading. Fort Worth shall take possession of the MCU from Participating City after the MCU has been properly parked for unloading in accordance with Fort Worth's instructions and all required documents have been delivered to the ECC manager or his/her designee at the ECC. Fort Worth shall, within a reasonable amount of time, unload the HHW from the Participating City's MCU and store the unit at the ECC. After being contacted, Participating City shall pickup their unit within 10 days.

9. If Fort Worth, in its sole discretion, determines that Participating City's MCU operators improperly packaged any of the HHW delivered to the ECC, Fort Worth shall repackage such waste, and Participating City shall reimburse Fort Worth as set forth herein.

10. If a spill emanating from the Participating City's MCU or the Reserve MCU occurs at the ECC while the MCU is still in Participating City's possession, Fort Worth shall take control of the spill response and Participating City will reimburse Fort Worth for its response costs as set forth herein.

## 6.
## USE OF WASTE DISPOSAL/RECYCLING FIRMS FOR HOUSEHOLD HAZARDOUS WASTE

A. Fort Worth will enter into a contract(s) with a waste disposal/recycling firm(s) for the handling, collection, transportation, storage, disposal, treatment, recovery, and/or reuse of household hazardous waste, from the ECC.

B. Such firm(s) shall be required pursuant to the contract(s) to assume generator status for the waste collected, (excluding used oil, lead-acid batteries and antifreeze) to choose a disposal site for the waste subject to Fort Worth's approval, and to indemnify Fort Worth and participating

cities against any and all environmental damages and the violation of any and all environmental requirements resulting from the handling, collection, transportation, storage, disposal, treatment, recovery, and/or recycling of waste collected pursuant to this agreement, when said environmental damages or the violation of said environmental requirements was the result of any act or omission of contractor, its officers, agents, employees, or subcontractors, or the joint act or omission of contractor, its officers, agents, employees, or subcontractors and any other person or entity.

C. **THE PARTIES RECOGNIZE THAT ALTHOUGH THE FIRM (S) WILL BE REQUIRED TO ASSUME GENERATOR STATUS, THIS ASSUMPTION WILL NOT RELIEVE PARTICIPATING CITY OF LIABILITY FOR THE WASTE UNDER FEDERAL LAW AND STATE LAW.** Fort Worth will arrange for recycling vendors for used oil, batteries, antifreeze, and other materials, as it deems appropriate.

7.

REUSE OF COLLECTED MATERIALS

A. From time-to-time Fort Worth will make available to residents and businesses of Fort Worth, as well as, Participating City residents and businesses of Participating City for their use, collected household hazardous waste materials that are suitable for reuse, such as paint, fertilizer, motor oil, and antifreeze. Fort Worth shall not charge for any materials that are picked up for reuse.

B. Some materials made available for reuse may have been consolidated and filtered by Fort Worth prior to being made available. Used antifreeze will have been consolidated in a barrel, filtered, and pH balanced, and new antifreeze may have been added to the barrel.

C. In regards to materials accepted by Participating City, its employees, residents, or any other person **FORT WORTH MAKES NO REPRESENTATIONS, WARRANTIES, OR GUARANTIES THAT**:

1. the container contents are what the label indicates;

2. the container contents are those originally placed into the container by the manufacturer;

3. the product is of the quality intended for its use;

4. the contents of the container have been stored properly;

5. the instructions on the container label for use, storage, and first aid are current or correct;

6. the container is in unimpaired condition;

7. the product is still approved for use (i.e., it has not been banned or recalled); and

8. the product can be used without risk to persons, property or the environment.

**FURTHERMORE, ALL WARRANTIES, EXPRESS AND IMPLIED, ARE SPECIFICALLY DENIED. PARTICIPATING CITY SHALL NOTIFY RECIPIENTS OF THESE TERMS AND CONDITIONS.**

D. Participating City shall contact the ECC manager to arrange a pickup time to obtain materials. Participating City agrees that it shall not return to Fort Worth, directly or indirectly, any materials it obtains from Fort Worth under this paragraph.

E. **INDEMNIFICATION REGARDING REUSED OR RECYCLED MATERIALS.**

**1. IN REGARDS TO REUSED OR RECYCLED MATERIALS ACCEPTED BY PARTICIPATING CITY, PARTICIPATING CITY DOES HEREBY WAIVE ALL CLAIMS, INCLUDING PRODUCTS LIABILITY CLAIMS, AND RELEASES, AND HOLDS HARMLESS THE CITY OF FORT WORTH, AND ALL OF ITS OFFICIALS, OFFICERS, EMPLOYEES, AGENTS, AND VOLUNTEERS, IN BOTH THEIR PUBLIC AND PRIVATE CAPACITIES, FROM ANY AND ALL LIABILITY, CLAIMS, SUITS, DEMANDS, EXPENSES OF LITIGATION, OR CAUSES OF ACTION WHICH MAY ARISE BY REASON OF INJURY TO PERSONS, LOSS OF PROPERTY, DAMAGE TO PROPERTY, OR LOSS OF USE OF ANY PROPERTY , OCCASIONED BY THE TRANSPORTATION, STORAGE, HANDLING, USE, AND DISPOSAL BY PARTICIPATING CITY OF ANY MATERIALS ACCEPTED BY PARTICIPATING CITY UNDER THIS AGREEMENT FROM FORT WORTH.**

2. IF THE PARTICIPATING CITY DOES NOT AGREE TO THE INDEMNIFICATION AND WAIVER IN PARAGRAPH E ABOVE, THEN THE PARTICIPATING CITY SHALL NOT ACCEPT, NOR ALLOW ANY OTHER PERSON TO ACCEPT ANY OF THE REUSED OR RECYCLED MATERIALS AND SHALL NOT BE REQUIRED TO AGREE TO THE WAIVER IN PARAGRAPH E. Initial here to reject term 7.E.1. and accept alternate term 7.E.2. _____.

F. In regards to materials accepted by residents or businesses of Participating Cities, FORT WORTH MAKES NO REPRESENTATIONS, WARRANTIES OR GUARANTIES THAT**:**

1. the container contents are what the label indicates;

2. the container contents are those originally placed into the container by the manufacturer;

3. the product is of the quality intended for its use;

4. the contents of the container have been stored properly;

5. the instructions on the container label for use, storage, and first aid are current or correct;

6. the container is in unimpaired condition;

7. the product is still approved for use (i.e., it has not been banned or recalled); and

8. the product can be used without risk to persons, property or the environment.

**FURTHERMORE, ALL WARRANTIES, EXPRESS AND IMPLIED, ARE SPECIFICALLY DENIED.**

G. Participating City shall attempt to inform its residents and businesses that if they go to the Environmental Collection Center to pick up household hazardous waste for reuse, a release of liability must be signed to accept the household hazardous waste for reuse.

## 8.
## RIGHT TO REFUSE WASTE

Participating City agrees that Fort Worth shall have the right to refuse to accept waste at the ECC from Participating City or Participating City's resident, if in the reasonable judgment of Fort Worth:

A. The waste is not household hazardous waste;

B. The waste fails to meet other established criteria established by this Agreement, or that have been established by Fort Worth subsequent to the execution of the Agreement;

C. The individual does not have sufficient identification to establish that he/she is in fact a resident of Participating City;

D. Participating City has implemented a voucher system for its residents to dispose of waste, and the individual does not have a valid voucher; or

E. The waste or the individual presents a hazard to the ECC or to persons or property at the ECC.

## 9.
## ENVIRONMENTAL COLLECTION CENTER HOURS AND DAYS OF OPERATION

A. Hours of Operation

During the term of the Agreement, the ECC's hours of operation are as follows:
Thursday and Friday 11:00 a.m. - 7:00 p.m.
Saturday 9:00 a.m. - 3:00 p.m.

B. Days the Environmental Collection Center will be closed

During the term of the agreement, the ECC will be closed on the following holidays that are observed on days the ECC would otherwise be open to the public:

New Year’s Day
Martin Luther King Jr. Day
Thanksgiving holiday, Thursday and Friday
Memorial Day
Independence Day
Labor Day
Christmas Day

In addition to the above closures Fort Worth employees may not be available to conduct mobile collection events on other dates to conduct mobile collections within the City of Fort Worth,

although the ECC will remain open on those days. The ECC may close due to furlough days or other causes, and the City of Fort Worth does not represent to Participating City that the ECC will be open on any particular days. If additional closures due to any cause are necessary Fort Worth will notify Participating City prior to the closure unless due to an unforeseeable event.

C. Notifying Residents

Participating City agrees to notify its residents of the ECC's hours of operation and dates it will be closed. Participating City also may advertise the 24-hour Environmental Collection Center telephone number: 817-392-1234.

## 10.
## COMPENSATION

As fair compensation for the services provided by Fort Worth pursuant to this Agreement:

A. Participating City agrees to pay Fort Worth the sum of **$50.00** per household per visit to the ECC (or per participating household in a Mobile Collection Event) to dispose of household hazardous waste. If a Participating City resident presents waste that was collected from multiple households, Fort Worth reserves the right to charge the Participating City based on the total number of households from which the waste originated.

B. If Fort Worth determines that Participating City's MCU operators improperly packaged any of the HHW delivered to the ECC, Fort Worth shall repackage such waste, and Participating City shall reimburse Fort Worth for its staff time at $20.00 an hour and the cost of supplies.

C. If a spill emanating from the Participating City’s MCU or the Reserve MCU occurs at the ECC while the MCU is still in Participating City's possession, Fort Worth shall take control of the spill response and Participating City will reimburse Fort Worth for its response costs for City staff time ($60.00 per hour) plus the cost of supplies and the actual costs for the spill response and remediation incurred by the City of Fort Worth for third party contractors and responding governmental agencies.

D. The amount due to Fort Worth for services provided under this Section, Paragraphs A, B, and C, shall be billed to Participating City quarterly. Participating City shall pay Fort Worth within 30 days of receiving a bill from Fort Worth. If Fort Worth does not receive payment within 30 days, Fort Worth shall inform Participating City in writing that it will not accept any household hazardous waste from Participating City's residents and that Fort Worth will not participate in a mobile collection event or provide a mobile collection unit until paid.

E. At the end of the term of this Agreement, Fort Worth shall provide a final accounting to Participating City, which will include the total number of Participating City's households which participated in the program, repackaging fees, if any, and the total cost of spill response charged to Participating City, if any.

F. Pursuant to the requirements of Government Code §791.011 (a)(3), the amount due to Fort Worth under Subparagraph D. above shall be paid from revenues currently available to Participating City in the present fiscal year.

## 11.
## ARTWORK, "CAPTAIN CRUD AND THE CRUDDIES," AND PROMOTIONAL MATERIALS LICENSE AGREEMENT

Fort Worth is the owner of **"Captain Crud"** and the Cruddies (**"Bloomer," "Otto," "Pestie," "Scrub,"** and **"Van Goo"**) and the recycling buddies **("Scrappy," "Juggles,"** and **"Cana Nana"**), **"Conquer Your Crud,"** and **"Crud Cruiser"**, and therefore all ownership rights belong to Fort Worth. Fort Worth has registered these marks as service marks with the Secretary of State.

A. Fort Worth hereby grants to Participating City a non-transferable, non-exclusive license to use all the artwork and promotional materials that may be provided by Fort Worth to be used solely in the conduct of the business of Participating City's disposal and recycling of household hazardous waste programs. If Participating City wishes to use to Licensed Art and/or Promotional Materials in other limited situations, Participating City must first obtain express written consent from Fort Worth.

B. Fort Worth may provide licensed Artwork and Promotional Materials to Participating City pursuant to the terms of this Agreement. Participating City acknowledges that by virtue of this License, Participating City acquires only the right to use the original and permitted duplicate copies of the Licensed Artwork and Promotional Materials and does not acquire any rights of ownership in the Licensed Artwork and Promotional Materials, which rights shall remain exclusively with Fort Worth. If Participating City wants to modify or change the artwork and/or promotional materials in any manner, Participating City hereby agrees to contact Fort Worth in writing to obtain written consent before modifying or changing any artwork and/or promotional materials.

## 12.
## IMMUNITY

It is expressly understood and agreed that, in the execution of this Agreement, none of the Participating Cities waives, nor shall be hereby deemed to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions, and that the services described in this Agreement are a governmental function.

## 13.
## FORCE MAJEURE

A delay or failure of Fort Worth to perform services pursuant to this Agreement shall be excused to the extent that the delay or failure to perform resulted from a force majeure event, and the delay or failure was beyond the control of Fort Worth and not due to its fault or negligence. Participating City shall not have, and hereby waives, any claim whatever for any damages resulting from delays or failure to perform caused by a force majeure event.

14.
TERMINATION

The parties shall each have the right to terminate the Agreement for any reason, with or without cause, upon thirty (30) days written notice to the other party. Upon termination, the parties shall be released from all contractual obligations to the other party excluding "USE OF WASTE DISPOSAL/RECYCLING FIRMS FOR HOUSEHOLD HAZARDOUS WASTE" "REUSE OF COLLECTED MATERIALS" and ARTWORK, "CAPTAIN CRUD AND THE CRUDDIES," AND "PROMOTIONAL MATERIALS LICENSE AGREEMENT" and any terms and conditions arising from events occurring during the term of the contract .

15.
ENTIRETY

This Agreement contains all commitments and Agreements of the parties hereto, and no other oral or written commitments shall have any force or effect if not contained herein, except that this Agreement can be amended or modified by the parties if such amendment or modification is in writing and signed by Participating City and Fort Worth.

16.
SEVERABILITY

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

17.
VENUE

Should any action, real or asserted, at law or in equity, arise out of the terms and conditions of this Agreement, venue for said action shall be in Tarrant County, Texas.

18.
AUTHORITY

This Agreement is made for Fort Worth and Participating City as an Interlocal Agreement, pursuant to Texas Government Code, Chapter 791.

19.
AUTHORIZATION

The undersigned officers and/or agents of the parties hereto are properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto, and each party hereby certifies to the other that any necessary resolutions extending such authority have been duly passed and are now in full force and effect.

SIGNATURE PAGE

INTERLOCAL AGREEMENT FOR PARTICIPATION IN FORT WORTH'S
ENVIRONMENTAL COLLECTION CENTER
HOUSEHOLD HAZARDOUS WASTE PROGRAM

CITY OF FORT WORTH

By:

_____
Fernando Costa
Assistant City Manager
Date: _____

APPROVED AS TO FORM
AND LEGALITY:

_____
Christa Reynolds
Sr. Assistant City Attorney

ATTEST:

_____
Mary J. Kayser
City Secretary

_____
Contract Authorization No.

CITY OF COLLEYVILLE

By:

_____
Jerry Ducay
City Manager
Date: _____

APPROVED AS TO FORM
AND LEGALITY:

_____
Whitt L. Wyatt, City Attorney

ATTEST:

_____
Amy Shelley, TRMC
City Secretary

CITY OF FORT WORTH
CONTRACT COMPLIANCE MANAGER

By signing I acknowledge that I am the person responsible for the monitoring and administration of this contract, including ensuring all performance and reporting requirements.

_____
Rex Johnson
Environmental Supervisor – Environmental Collection Center

Exhibit "A"

# RESTOCKING LIST FOR THE MOBILE COLLECTION UNIT

| Material | Amount Restocked | Special Needs | Remarks |
|---|---|---|---|
| 55 gallon open top drums (open top for loose packs) | Amount taken off the trailer | | |
| 55 gallon drums (closed top) (oil, antifreeze, bulk flammable materials and one extra) | Amount taken off the trailer | | |
| Fiber drums (55 or 30 gallon) Aerosols, acids, bases and oxidizers) | Amount taken off the trailer | | |
| Gaylord box liners (plastic) | Amount taken off the trailer | | |
| 55 gallon drum liners | Amount taken off the trailer | | |
| 5 gallon buckets (filters/haz chemicals) | Amount taken off the trailer | | |
| Survey Forms | Amount taken off the trailer | | |
| Labels/drum placard | Amount taken off the trailer | | |
| Gaylord boxes | Amount taken off the trailer | | |
| Absorbent pads | Amount taken off the trailer | | |
| Vermiculite | Amount taken off the trailer | | |
| Oil dry | Amount taken off the trailer | | |
| Promotional Materials & Brochures | Amount needed | | |

Exhibit "B"

WAIVER AND RELEASE OF LIABILITY FOR COLLECTION OF HOUSEHOLD HAZARDOUS WASTE

I being the owner of property located at _____ have been asked by the City of _____ to allow a mobile collection event on my property to collect household hazardous waste on the _____, 20___. I hereby give my permission to the City of _____ and the City of Fort Worth, to hold a household hazardous waste collection event on my property in which the City of _____ has asked the City of Fort Worth to send its mobile collection unit to collect the household hazardous waste that is brought to the event.

**Therefore, I hereby RELEASE, DISCHARGE, HOLD HARMLESS, INDEMNIFY** the City of Fort Worth or its officers, agents, and employees and the City of _____ and its officers, agents, and/or employees for any and all claims, demands, liability, causes of action, actions or suits of any character that I may have against the City of Fort Worth or its officers, agents, and/or employees and the City of _____ or its officers, agents, and/or employees for any property loss or damage, for any and all personal injury including death or any other damage of any kind or character which may arises or that arises from allowing the City of _____ to hold a household hazardous waste collection event, in which the City of Fort Worth sends its mobile collection unit on my property.

I have read this Waiver and Release and fully understand its terms and conditions. I have not been influenced in any extent whatsoever by any representation or statements not contained in this Agreement.

_____ _____

Signature Date

_____ _____

Witness Date

Exhibit “C”

MOBILE COLLECTION DATA FORMAT

| Location | Address number | Street | Zip code | Number of Households | Paint - latex |
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| Solvents / flammable | Aerosol cans | Motor oil | Oil Filters | Antifreeze | Auto batteries | Herbicides, pesticides, fertilizer | Cleaners/ corrosives | Cooking oil | Light bulbs | Household batteries | Other (description) |
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June 2, 2017

Subject: City of Fort Worth, Environmental Collection Center cost disposal increase 2017

Dear participating City,

First, I would like to thank you for being a customer to the City of Fort Worth, Environmental Collection Center (ECC). Over the last 20 years, the ECC has grown from servicing 5,000 households per year to disposing of waste from more than 25,000 homes annually. We have accomplished this without any cost adjustments since our inception.

Due to the increase in material, transportation, disposal and operational costs, we must unfortunately raise the price for citizens to dispose of household chemical waste at the ECC. Affective October 1, 2017 the cost per household to properly dispose of chemical waste at the ECC will go from $47 to $50.

We have avoided raising our prices for as long as possible, but we can no longer prolong the inevitable. Thank you for being a participating city and we look forward to working with you in the future. If you have any questions, please do not hesitate to contact me at 817-392-5275 or rex.johnson@fortworthtexas.gov.

Sincerely,

Rex Johnson
Environmental Collection Center Supervisor
Code Compliance Department | Solid Waste Division
City of Fort Worth

# City of Colleyville
## City Council
## Agenda Briefing

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

**Agenda Number** 5a **Agenda Date** 08/01/2017 **Number** Ordinance O-17-2016
**Type** Ordinance
**Department** Community Development

**Title**
Consideration of an appeal of the decision of the Planning and Zoning Commission for a Special Use Permit for a Convenience Store with Gasoline Sales on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard, Case ZC16-007

**Strategic Plan**
4.3 Adopt best-practice planning and development processes

**Explanation**
***Second Reading and Public Hearing***
There were five speakers in opposition and one speaker in support of this request who spoke during the July 18, 2017, City Council meeting; and, five persons in opposition who did not wish to speak, but did wish to register their opposition.

***First Reading and Public Hearing***

David Bond of Spiars Engineering, the applicant, has submitted a request for a Special Use Permit (SUP) to allow a Convenience Store with Gasoline Sales at 7015 Colleyville Boulevard. The subject property is zoned CC1-Village Retail district and PUD-C Planned Unit Development Commercial (Ordinance O-08-1699). A Convenience Store with Gasoline Sales is allowed in the CC1-Village Retail district with the approval of an SUP.

**Existing Conditions/Background:** The subject property is generally located on the southeast side of Colleyville Boulevard and south of John McCain Road. It is platted as Lot 1R, Block 1, of the Gardens Addition, and is currently undeveloped.

Ordinance O-08-1699 was approved for the rear portion of the subject property in June 2008. The PUD-C ordinance describes the purpose as being for a retention/detention pond, private open space, and the accessory use of a parking lot. The proposed SUP for consideration does not seek to change this use on the rear portion of the property; therefore, the zoning in place shall remain in effect.

**Proposed Business:** Per the attached Statement of Planning Objectives, the proposed name of the business is "RaceTrac". The applicant intends to construct an approximately 5,500 square foot retail store with gasoline sales on the property. The proposed business will operate 24 hours per day, 365 days per year. The conceptual

site plan identifies eight fueling stations with a total of 16 gasoline pumps.

*Ordinance* – Chapter 3 (Land Use) of the Land Development Code identifies the purpose of a Special Use Permit as:

> *"The purpose of a Special Use Permit is to allow a use not normally allowed in a zoning district, which could be of benefit in a particular case to the general welfare, provided adequate development standards and special requirements are imposed to protect surrounding uses or to preserve the character of the neighborhood."*

*Analysis* – The site plan, landscape plan, and building elevations submitted by the applicant are considered conceptual in nature. However, the plans provide an adequate level of detail to allow staff to determine the feasibility of the proposed land use and the ability to comply with the requirements of the Land Development Code. Based on staff's review of all supporting materials, the proposed use appears to comply with the requirements of the Land Development Code. Should the SUP request be approved, the applicant will be required to submit a site plan for staff review and approval. At this time staff will review in detail all components of the proposed project to ensure compliance.

Although the site plan is conceptual and future reviews will be required, staff offers the following comments/observations which will need to be resolved prior to approval of a site plan or building permit.

Fire and Engineering Comments:

1. A utility plan indicating the hose lay distance from the existing fire hydrants will be required.
2. The concrete for the fire lane stub-out to the southern property will be required to be poured all the way to the property line.
3. The turning radius shown on the north of the property fire lane is not correct. All radii are required to be 30 feet.
4. Clarify the future plans or concept of open space at the rear of the development.
5. In the event the current open space is developed, public utilities will need to be provided.
6. A utility plan that provides water and sewer service to the front and rear of the proposed development will be required.
7. A drainage plan with a complete hydraulic analysis for the entire development will be required.
8. Coordination on the proposed driveway spacing and plan is required with TxDOT.
9. A Traffic Impact Analysis (TIA) will be required for review.
10. A copy of all documentation and agreements for the shared access

concept with the property to the north will be required.
11. A minimum 30' turning radius will be required for the entire proposed fire lane.
12. Confirm that the proposed 8' sidewalks are within the right-of-way or a public easement.

Landscaping and Landscape Buffer Comments:

1. Based on review of the preliminary site and landscape plans, there is nothing that would prevent the applicant from meeting all landscaping and buffer requirements and they have not proposed any requested variances.

Tree Preservation Comments:

1. Based on review of the preliminary site plan, tree survey, and tree preservation plans, there is nothing about the use or general layout that would prevent the applicant from meeting all tree preservation and mitigation requirements and they have not proposed any variances.
2. Preliminarily, they appear to require preservation of 60% of the non-exempt protected trees and are providing 63%.
3. Preliminarily, they would appear to require 217 inches of tree mitigation or $54,250 into the tree fund.
4. Major species on site (by quantity) include American elm, cedar elm, and Eastern redcedar. Minor species on site (by quantity) include gum bumelia, osage orange, pecan, post oak, slash pine, white mulberry, and hackberry.

**Hours of Operation:** According to the applicant, the business will operate during the following hours:

- Monday – Sunday: 12:00 am to 12:00 pm

**Comprehensive Plan:** The City's comprehensive plan, *Destination Colleyville*, identifies the subject property within the Northern Gateway of the Colleyville Boulevard Corridor. The proposed SUP is not consistent with the Comprehensive plan.

Specifically, the vision for the Northern Gateway calls for the following items:

- Quality retail and restaurant uses that generate sales tax with office and/or retail-service uses as transitions to existing neighborhoods
  - Although the proposed gas station has retail and food components, the Northern Gateway was intended for high quality retail and restaurant uses that generate sales tax. This area is further designated for retail and commercial mixed-use.

- Buildings closer to Colleyville Corridor to minimize visibility of any surface parking along the Corridor
  - With the proposed canopy and surface parking in the front of the proposed building along the Corridor, the proposed layout does not

comply with this standard.

- Multi-story buildings immediately adjacent to the Corridor, in addition to corner tower elements to add interest and character along the Corridor
  - Although the proposed building has a corner tower element, it is hidden behind the canopy structure and the building is a single story.

- Appropriate transitions adjoining neighborhoods
  - Although a masonry wall is proposed on the east side adjoining single family residential uses, the proposed use will operate 24/7 and will be an intense land use. This is not an appropriate transition to residential land uses.

- Connection to the Cotton Belt Recreational Trail.
  - No connection to the Cotton Belt Recreational Trail is proposed.

- A detention area is designated along the northwestern portion of the subject property in the comprehensive plan as a gateway element.
  - No gateway element is proposed.

**Surrounding Development:** The property to the north is zoned PUD-C and developed with commercial and retail uses. The property to the east is zoned PUD-C and developed with single family residential homes. The property to the south is zoned AG-Agricultural district and developed with one single family home. The properties to the west are zoned CC2 – Shopping Center district and are currently undeveloped.

**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 on Friday, May 26, 2017. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* on Saturday, May 27, 2017, 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 denial of this request at the June 12, 2017, meeting by a vote of 5-0. When the Planning and Zoning Commission makes a recommendation of denial, a favorable vote of three-fourths (3/4) of all members of the City Council is required for approval of the request.

**Staff Recommendation:** The proposed zoning change is not consistent with the City's comprehensive plan. Additionally, the request is not a compatible land use with residential adjacency. Staff recommends denial of the Special Use Permit.

**Financial Impact**

There is no financial impact to the City.

**Recommendation**
Denial

**Attachments**
1. Request to Appeal
2. Ordinance O-08-1699
3. Aerial Map
4. Zoning Map
5. Future Land Use Map
6. Statement of Planning Objectives
7. Site Plan
8. Landscape Plan
9. Architectural Renderings
10. Building Elevations
11. Canopy Elevations
12. Notification Map
13. Notification List
14. Property Owner Notification
15. Letter of Opposition
16. Legal Notice
17. Ordinance O-17-2016

# Request to Appeal

**From:** Mann, Tommy
**To:** Ben Bryner
**Cc:** "Drew Cunningham"
**Subject:** RaceTrac SUP Requests/John McCain @ Colleyville Blvd
**Date:** Thursday, June 15, 2017 6:34:39 PM

---

Ben,

Per our conversation today, my client wishes to appeal the Planning and Zoning Commission's recommendations of denial for both the SUP for convenience store with gasoline sales and SUP for alcohol sales at the referenced locations. It is my understanding that we will be scheduled for City Council first reading on July 11th and second reading on July 18th.

If you need any further information from me or RaceTrac, please let us know.

Thanks,
Tommy

**Tommy Mann,** Shareholder
Winstead PC | 500 Winstead Building | 2728 N. Harwood Street | Dallas, Texas 75201
214.745.5724 *direct* | 214.745.5390 *fax* | tmann@winstead.com | www.winstead.com

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Information contained in this transmission is attorney privileged and confidential. It is intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone.

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## ORDINANCE O-08-1699

**AN ORDINANCE AMENDING ORDINANCE O-08-1683 BY APPROVING A DETAILED SITE PLAN; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS,** the City Council approved Ordinance O-08-1683 on June 17, 2008 to establish the zoning on 0.6 acres on Tracts 3D1 and 3E1, Abstract 963 of the Absalom J. Lott Survey, from the AG-Agricultural Zoning district to PUDC-Planned Unit Development Commercial zoning district; and

**WHEREAS,** the applicant has requested an amendment to Ordinance O-08-1683 to authorize the approval of a detailed site plan, as required by Ordinance O-08-1683; and

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

**WHEREAS**, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

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

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

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

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

Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending Ordinance O-08-1683 to authorize the approval of a detailed site plan, as required by Ordinance O-08-1683.

Sec. 3. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning of 0.6 acres on Tracts 3D1 and 3E1, Abstract 963 of the Absalom J. Lott Survey, as described in attached Exhibit "A", to add a detailed site plan, attached as Exhibit "B".

Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

**1. DETAILED SITE PLAN**

a. The development and layout of the property shall adhere to the detailed site plan, attached as Exhibit "B".

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.

Sec. 10. THAT Ordinance O-08-1683 shall remain in full force and effect, except where amended by this ordinance.

**AND IT IS SO ORDERED.**

The first reading and public hearing being conducted on the 5th day of November 2008.

The second reading and public hearing being conducted on the 18th day of November 2008.

**ATTEST:**

Cynthia Singleton, TRMC, CMC
City Secretary

**CITY OF COLLEYVILLE**

Jon Ayers
Mayor Pro Tem

**APPROVED AS TO FORM AND LEGALITY:**

Michael Kallas
City Attorney

# EXHIBIT "A"- Legal Description

**THE GARDENS AT COLLEYVILLE**
**PROPERTY DESCRIPTION**

BEING a tract of land situated in the Absalom J. Lott Survey, Abstract No. 963, City of Colleyville, Tarrant County, Texas, being all of that certain tract of land as described by deed to Cynthia D. Hudson, recorded in Volume 11338, Page 812, Deed Records, Tarrant County, Texas and being all of that certain tract of land as described by deed to Rocky Alan Hudson, recorded in Volume 10491, Page 714, Deed Records, Tarrant County, Texas, said tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with orange cap stamped "Moak Surv Inc." found for the northwest corner of said Hudson's tract, the northeast corner of that certain tract of land as described by deed to Gardens Commercial Partners, Ltd., recorded in County Clerk's Document No. D207153199, Deed Records, Tarrant County, Texas, in the south line of Lot 1R2, Block 1, Tropicana Fuels Addition, an addition to the City of Colleyville, according to the plat recorded in Cabinet A, Slide 5398, Plat Records, Tarrant County, Texas;

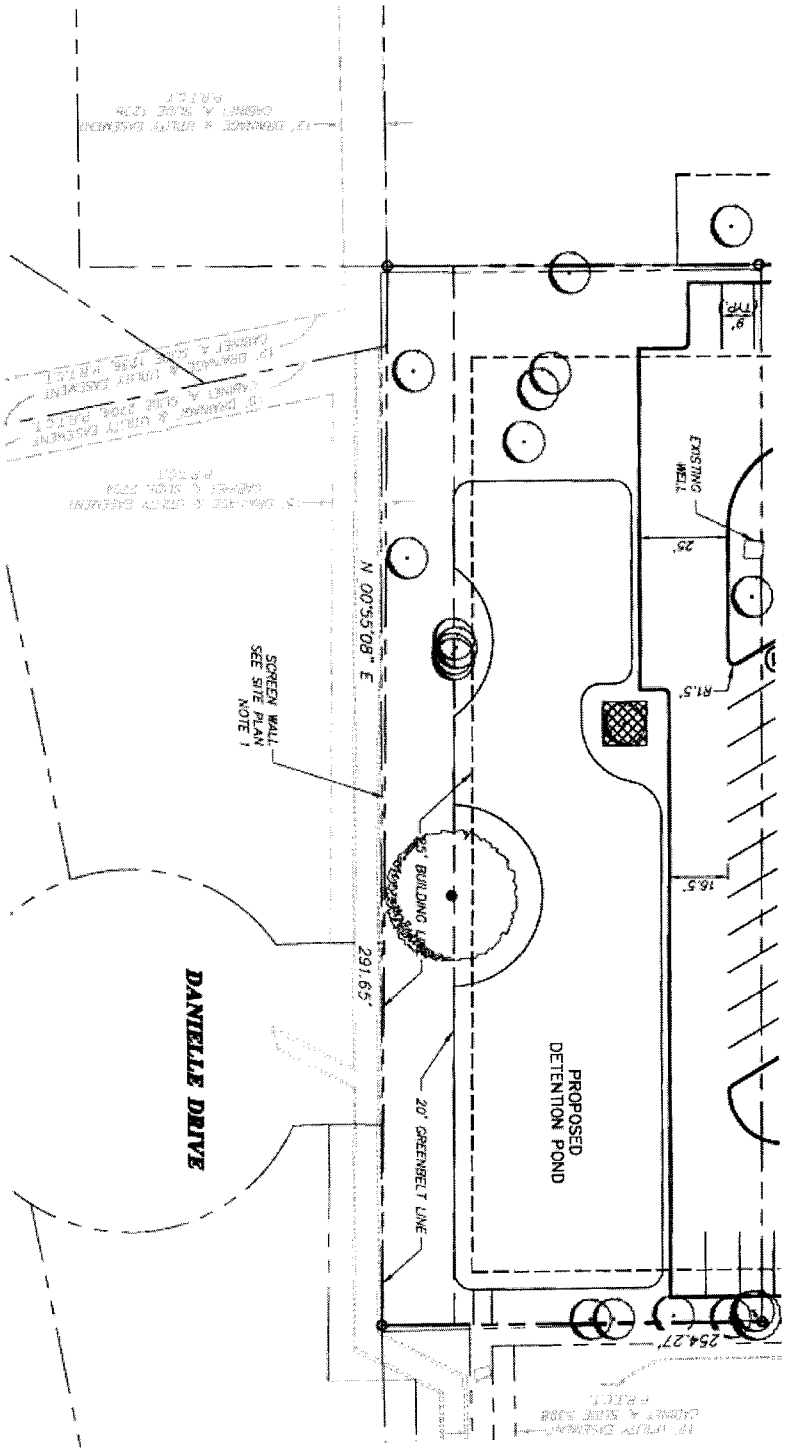
THENCE South 89°33'06" East (S 89°29' E Deed), with the north line of said Hudson's tract, with the south line of said Lot 1R2, Block 1, Tropicana Fuels Addition, a passing distance of 80.89 feet to a 1/2" iron rod found for the southeast corner of said Lot 1R2, Block 1, Tropicana Fuels Addition, being the most westerly southwest corner of Lot 6, Block 9, Longwood Estates at Ross Downs Phase V, an addition to the City of Colleyville, according to the plat recorded in Cabinet A, Slide 2704, Plat Records, Tarrant County, Texas, continuing with north line of said Hudson's tract, with the a south line of said Lot 6, Block 9, Longwood Estates Addition for a total distance of 105.04 feet (105.00' Deed) to a 1/2" iron rod found for a re-entrant corner of said Lot 6, Block 9 and being in a west line of said Longwood Estates Addition;

THENCE South 00°55'08" West (S 01°47'40" W Deed), with the east line of said Hudson's tract, with a west line of said Longwood Estates Addition, a passing distance of 269.87 feet to the southwest corner of Lot 13, Block 8 of said Longwood Estates Addition, continuing with the east line of said Hudson's tract for a total distance of 291.65 feet (291.5' Deed) to an 1" pipe found for the southeast corner of said Hudson's tract, the northeast corner of that certain tract of land as described by deed to Cheryl Ann West, Diana West Myers and Douglas F. Myers, recorded in County Clerk's Document No. D206035360, Deed Records, Tarrant County, Texas;

THENCE North 89°27'39" West (N 88°31' W Deed) , with the south line of said Hudson's tract, with the north line of said Myers tract, a distance of 102.68 feet (105.00' Deed) to a 5/8" iron rod found for the southeast corner of aforementioned Gardens Commercial Partners tract and being the southwest corner of said Hudson's tract;

THENCE North 00°27'17" East (N 01°47'40" E Deed), with the west line of said Hudson's tract and with the east line of said Gardens Commercial Partners tract, a distance of 291.48 feet (289.8' Deed) to the POINT OF BEGINNING and containing a calculated area of 30,280 square feet or 0.695 acres of land.

# EXHIBIT "B"- Detailed Site Plan



# AERIAL MAP

CITY OF COLLEYVILLE TEXAS

**ZC16-007**

7015 COLLEYVILLE BOULEVARD

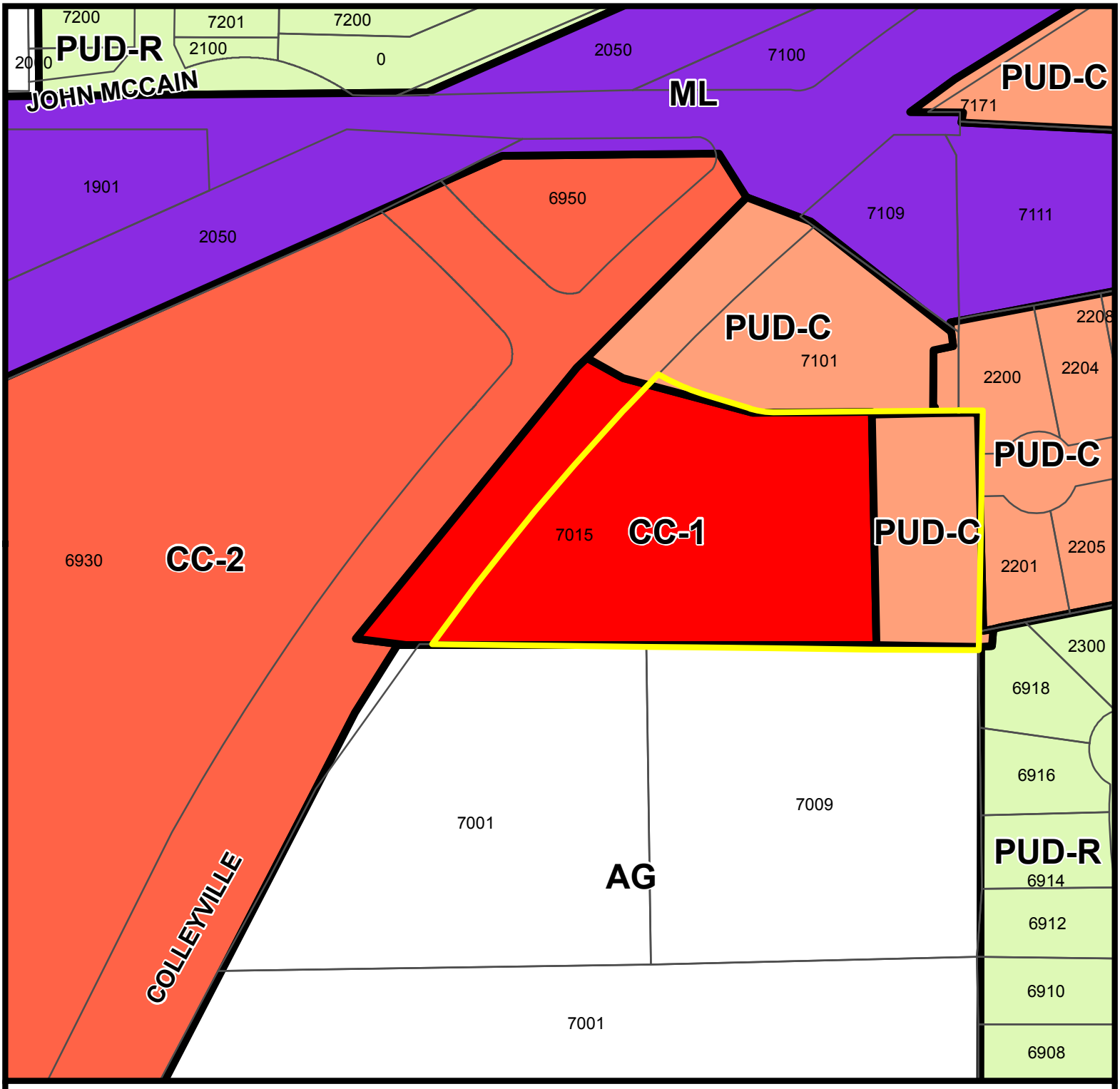
Subject Property

1 inch = 167 feet

Vicinity Map

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

# ZONING MAP




CITY OF COLLEYVILLE TEXAS

## ZC16-007

7015 COLLEYVILLE BOULEVARD

- Subject Property
- AG Agricultural
- CC-1 Village Retail
- CC-2 Shopping Center
- ML Light Manufacturing
- PUD-C Planned Unit Development, Commercial
- PUD-R Planned Unit Development, Residential

1 inch = 167 feet

Vicinity Map

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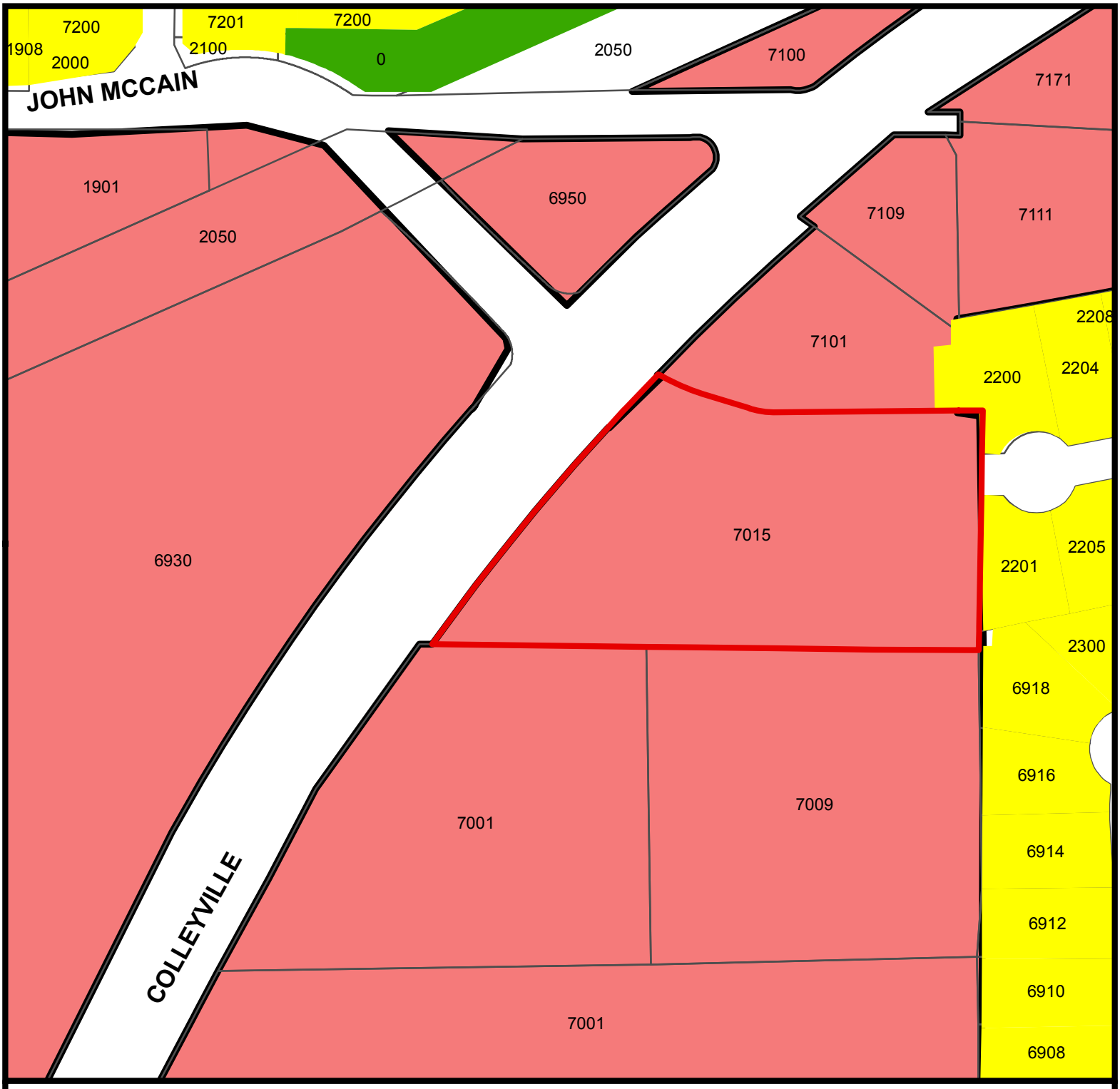
# FUTURE LAND USE MAP




CITY OF COLLEYVILLE TEXAS

## ZC16-007

7015 COLLEYVILLE BOULEVARD

- Subject Property
- Residential
- Parks/Open Space
- Colleyville Boulevard Corridor

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.

## Statement of Planning Objectives

The purpose of the request is to obtain a SUP to accommodate a new retail store with gasoline sales. The approximately 3.81-acre request site is currently zoned PUD-C and Village Retail District (CC-1). The property is presently undeveloped. The property to the north is zoned PUD-C and is developed with retail shopping. The properties to the east and south are zoned Planned Unit Development–Residential (PUD-R) and Agricultural (AG) respectively, and are developed with residential uses. The property to the west, across Colleyville Boulevard, is zoned Shopping Center District (CC-2) and is undeveloped.

The applicant proposes to develop an approximately 5,500 square foot RaceTrac retail store with gasoline sales on the property. The development features enhanced exterior brick and other masonry building materials. The structure includes significant retail window areas and a covered indoor patio to provide an inviting environment to pedestrians. The store's interior retail sales include a modern frozen yogurt station, coffee station, and a wide-variety of food items. The rear of the lot to the east will be left for future office development in accordance with Colleyville Comprehensive Plan.

The fuel stations are oriented along Colleyville Boulevard away from the residential neighborhood on the east side of the site. Over 30% of the site is designated as open space. A majority of this space is located between the retail store and the neighborhood to provide a substantial buffer to the residences. The development proposes landscape screening adjacent to the neighborhood's existing fence. Finally, there is a 20-foot typical landscape buffer with trees located along the eastern and southern property lines to provide additional screening.

The proposed location is ideal for providing neighborhood serving retail and amenities to the public with an industry leading quality store in terms of architecture, quality materials, modern site design and landscaping, and interior store offerings such as fresh foods, frozen yogurt, and an array of tea and coffee drinks.

The development conforms to the criteria established in the City's future land use plan, *Destination Colleyville*, in a myriad of ways:

A. <u>Consistency with the Comprehensive Plan</u>

*Destination Colleyville* envisions that the property be located in the Colleyville Boulevard Corridor, which, among others, calls for retail uses. (p. 118, 123). The property is located within the "Northern Gateway" of the Corridor, which should accommodate "new development on relatively undeveloped property as a new mixed commercial node, highlighting this northern entry point into the city along the corridor." (p. 124). The proposed development is consistent with the Plan in that it offers a fresh, modern design that serves as a welcome point into the city by offering gas and refreshments that in turn enable residents and visitors alike to enter into the city for both business and leisure.

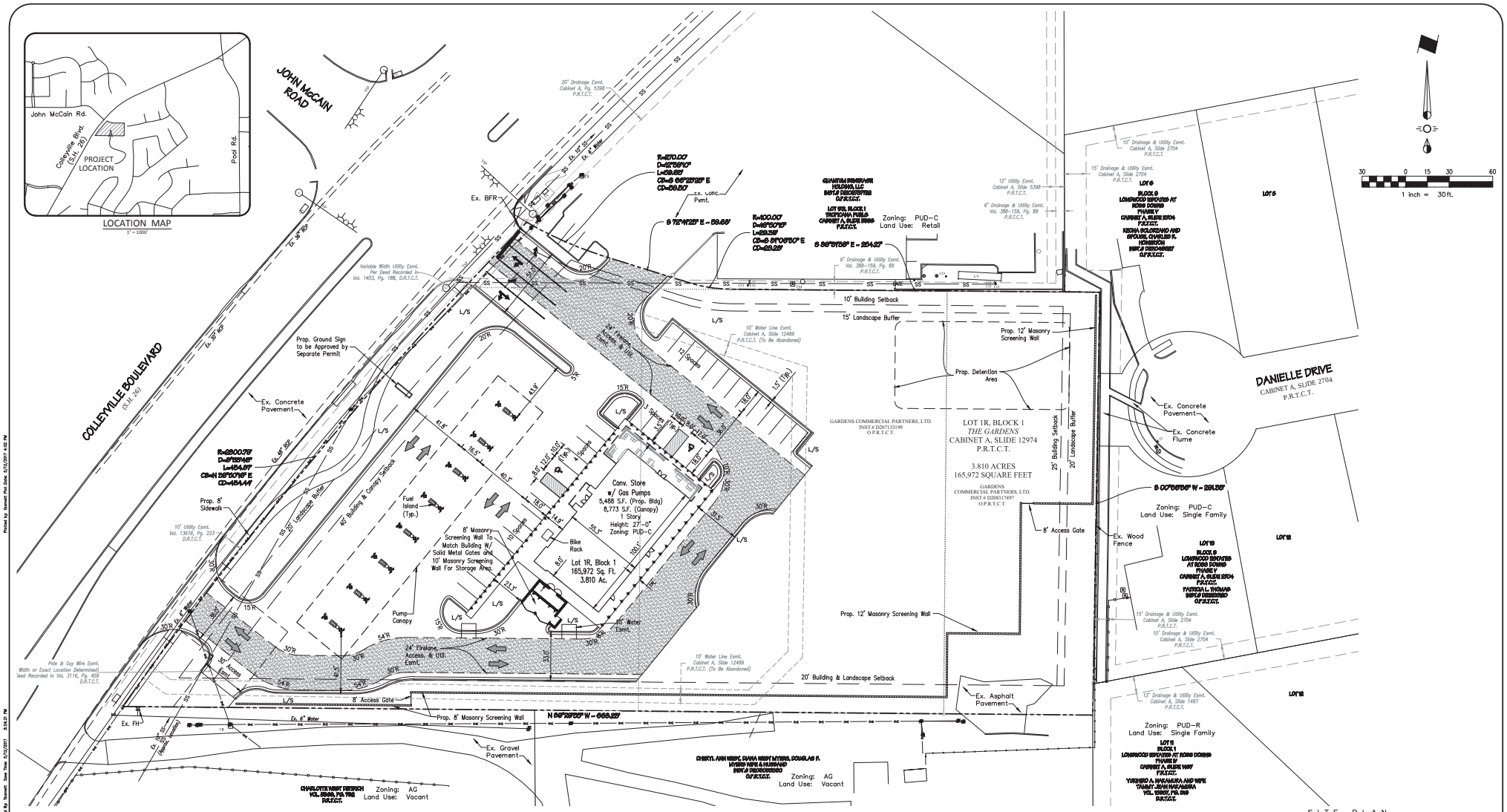
B. Enhancing Colleyville's Economic Resilience

*Destination Colleyville* states that one of its principles is to "enhance Colleyville's economic resilience." (p. 25). The Plan envisions accomplishing this goal by "diversifying Colleyville's tax base," which may include "encouraging non-residential development . . . along Colleyville Boulevard, at the northern gateway to Colleyville." (p. 25). The proposed development accomplishes this goal by providing an essential service to the community: the sale of gas and food on a currently undeveloped lot that does not provide any service to the community nor generate economic growth. The development will provide a respite for travelers entering the city as well as foster a sense of community in the neighborhood as a gathering point for frozen yogurt, coffee, and a wide variety of food items. Such an attraction will activate the area and promote new development. The masonry building materials ensure a high quality development that will also encourage other quality development in the area, further diversifying Colleyville's tax base and accomplishing a goal of the Comprehensive Plan.

C. Preservation of Neighborhoods

*Destination Colleyville* also calls for the "preservation of high quality, established neighborhoods with an emphasis on large lots and natural settings with a "country feel." (p. 28). The proposed development will accomplish this goal by providing a 20-foot typical landscape buffer between the proposed development and the residential development to the east and south. An 8-foot masonry screening wall runs along a portion of the southern property line and a 12-foot masonry screening wall runs along the east property line. Furthermore, the gas pumps in the proposed development are located on the western portion of the site, both located and oriented away from the adjacent residential development. The proposed development provides an appropriate transition from retail uses to the nearby neighborhoods. By requiring quality materials such as brick and stone, the proposed development ensures that it will be a pleasant site for passers-by and compliment the nearby neighborhood.

# Site Plan




## Site Data Summary Table

| GENERAL SITE DATA | LOT 1RA, BLOCK 1 |
|---|---|
| Zoning | PUD-C |
| Land Use | Convenience Store w/ Gas Pumps |
| Lot Area | 3.810 Ac. (165,972 Sq. Ft.) |
| Building Footprint Area | 5,488 Sq. Ft. |
| Canopy Footprint Area | 8,773 Sq. Ft. |
| Total Building Area: | 14,261 Sq. Ft. |
| Building Height | 1 Story |
| Building Height | 27' Max. Ht. |
| Lot Coverage | 3.3% Of Site |
| Floor Area Ratio | 0.033:1 |
| Impervious Area | 57,069 Sq. Ft. (34.4%) |
| Open Space Area | 108,903 Sq. Ft. (65.6%) |

## LEGEND

Firelane, Access & Utility Easement

L/S Landscape Area

**Notes:**

1. Handicap Parking Is Provided In Accordance w/ ADA Standards.
2. No Floodplain Exists On The Site.
3. Site Plan Is For Informational Purposes only. It Is Not A Construction Document.
4. Trees exist on the site.

SITE PLAN
OF
# THE GARDENS ADDITION
LOT 1R, BLOCK 1
3.810 ACRES
situated in the
A.J. LOTT SURVEY ~ ABSTRACT 963
COLLEYVILLE, TARRANT COUNTY, TEXAS

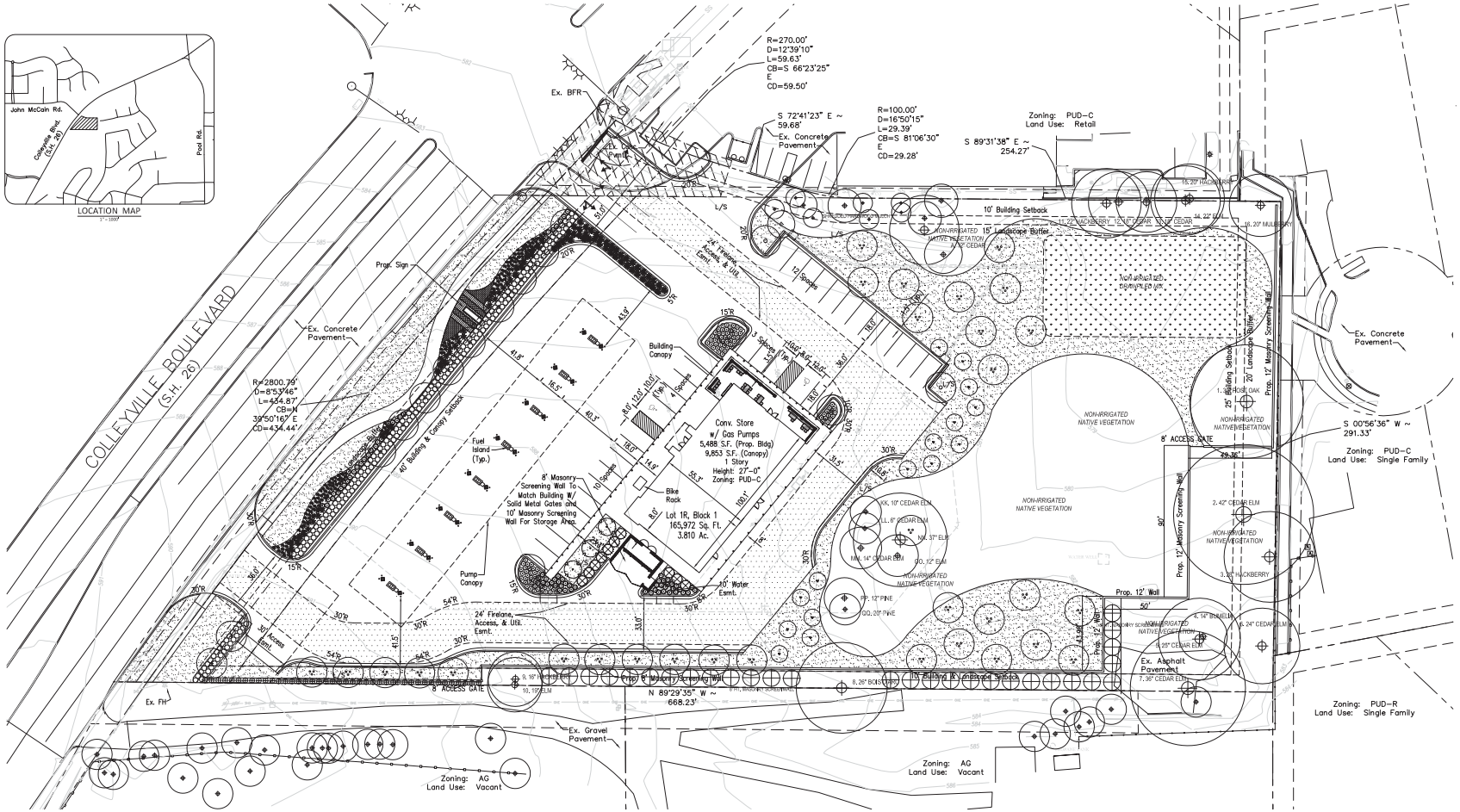
**Applicant**
Racetrac Petroleum
3225 Cumberland Blvd.
Atlanta, GA 30339
Telephone (770) 431-7600
Contact: Drew Cunningham

**Engineer/Surveyor**
Splars Engineering, Inc.
TBPE No. F-2121
765 Custer Road, Suite 100
Plano, Texas 75075
Telephone (972) 422-0077
Contact: David Bond

Zoning Exhibit For Zoning Change for SUP.

SEI # 16-020 Scale 1"=30' May 2016

# Landscape Plan




## LANDSCAPE NOTES

1. Contractor shall verify all existing and proposed site elements and notify Architect of any discrepancies. Survey data of existing conditions was supplied by others.
2. Contractor shall locate all existing underground utilities and notify Architect of any conflicts. Contractor shall exercise caution when working in the vicinity of underground utilities.
3. Contractor is responsible for obtaining all required landscape and irrigation permits.
4. Contractor to provide a minimum 2% slope away from all structures.
5. All planting beds and lawn areas to be separated by 'V' Trench. No steel to be installed adjacent to sidewalks or curbs.
6. All landscape areas to be 100% irrigated with an underground automatic irrigation system and shall include rain and freeze sensors.
7. All lawn areas to be Solid Sod Bermudagrass, unless otherwise noted on the drawings.

## MAINTENANCE NOTES

1. The Owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscape.
2. All landscape shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding and other such activities common to landscape maintenance.
3. All landscape areas shall be kept free of trash, litter, weeds and other such material or plants not part of this plan.
4. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
5. All plant material which dies shall be replaced with plant material of equal or better value.
6. Contractor shall provide separate bid proposal for one year's maintenance to begin after final acceptance.

## GENERAL LAWN NOTES

1. Fine grade areas to achieve final contours indicated on civil plans.
2. Adjust contours to achieve positive drainage away from buildings. Provide uniform rounding at top and bottom of slopes and other breaks in grade. Correct irregularities and areas where water may stand.
3. All lawn areas to receive solid sod shall be left in a maximum of 1" below final finish grade. Contractor to coordinate operations with on-site Construction Manager.
4. Imported topsoil shall be natural, friable soil from the region, known as bottom and soil, free from lumps, clay, toxic substances, roots, debris, vegetation, stones, containing no salt and black to brown in color.
5. All lawn areas to be fine graded, irrigation trenches completely settled, and finish grade approved by the Owner's Construction Manager or Architect prior to installation.
6. All rocks 3/4" diameter and larger, dirt clods, sticks, concrete spalls, etc. shall be removed prior to placing topsoil and any lawn installation
7. Contractor shall provide (1") one inch of imported topsoil on all areas to receive lawn.

## SOLID SOD NOTES

1. Fine grade areas to achieve final contours indicated. Leave areas to receive topsoil 3" below final desired grade in planting areas and 1" below final grade in turf areas.
2. Adjust contours to achieve positive drainage away from buildings. Provide uniform rounding at top and bottom of slopes and other breaks in grade. Correct irregularities and areas where water may stand.
3. All lawn areas to receive solid sod shall be left in a maximum of 1" below final finish grade. Contractor to coordinate operations with on-site Construction Manager.
4. Contractor to coordinate with on-site Construction Manager for availability of existing topsoil.
5. Plant sod by hand to cover indicated area completely. Insure edges of sod are touching. Top dress joints by hand with topsoil to fill voids.
6. Roll grass areas to achieve a smooth, even surface, free from unnatural undulations.
7. Water sod thoroughly as sod operation progresses.
8. Contractor shall maintain all lawn areas until final acceptance. This shall include, but not limited to: mowing, watering, weeding, cultivating, cleaning and replacing dead or bare areas to keep plants in a vigorous, healthy condition.
9. Contractor shall guarantee establishment of an acceptable turf area and shall provide replacement from local supply if necessary.
10. If installation occurs between September 1 and March 1, all sod areas to be over-seeded with Winter Ryegrass, at a rate of (4) pounds per one thousand (1000) square feet.

## PLANT LEGEND

- REQUIRED STREET TREE BALD CYPRESS, 4" CAL.
- REQUIRED PARKING LOT TREE BALD CYPRESS, 4" CAL.
- ORNAMENTAL FLOWERING TREE CREPE MYRTLE, 3" CAL.
- NELLIE R. STEVENS HOLLY, 6' HT.
- DWARF BURFORD HOLLY, 5 GAL.
- REQUIRED RESIDENTIAL ADJACENCY SHRUB NEOLDSPOINT HOLLY, 4' HT, 4' O.C.
- INDIAN HAWTHORNE 'CLARA', 5 GAL.
- DWARF ABELIA 'EDWARD GOUCHER', 5 GAL.
- GULF MUHLY, 5 GAL.
- ROSEMARY, 5 GAL.
- DWARF HAMELIN GRASS, 3 GAL.
- EXISTING TREE TO REMAIN, REFER TO SHEET L.0
- MITIGATION TREES TOTAL OF (35) @ 180" CHINESE PISTACHE, 4" CAL. RED OAK, 4" CAL.
- MITIGATION TREE TOTAL OF (20) @ 60" EASTERN RED CEDAR, 3" CAL.
- MITIGATION TREE TOTAL OF (10) @ 40" REDBUD, 3" CAL.
- TOTAL 312" FOR MITIGATION
- GROUNDCOVER TYPE 'C'
- GROUNDCOVER TYPE 'A'
- GROUNDCOVER TYPE 'B'
- LAWN, BERMUDAGRASS

## Site Data Summary Table

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| Land Use | Convenience Store w/ Gas Pumps |
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| Canopy Footprint Area | 8,773 Sq. Ft. |
| Total Building Area: | 14,261 Sq. Ft. |
| Building Height | 1 Story |
| Building Height | 27' Max. Ht. |
| Lot Coverage | 3.3% Of Site |
| Floor Area Ratio | 0.033:1 |
| Impervious Area | 57,069 Sq. Ft. (34.4%) |
| Open Space Area | 108,903 Sq. Ft. (65.6%) |

## LANDSCAPE TABULATIONS: LOT 1RA

SITE LANDSCAPE: 25% of total lots to be landscape area (165,972 s.f.)

| Required | Provided |
|---|---|
| 33,194 s.f. (20%) | 108,903 s.f. (65.6%) |

STREETYARD: 50% of total landscape to be in streetyard

| Required | Provided |
|---|---|
| 16,597.2 s.f. (50%) | 68,770 s.f. (291%) |

STREET FRONTAGE: (1) tree, 3" cal., per 40 L.F. of street frontage and (1) shrub, 5 gal. per 5 L.F. of street frontage (434.27 L.F.)

| Required | Provided |
|---|---|
| (11) trees, 3" cal. | (11) trees, 4" cal. |
| (87) shrubs, 5 gal. | (266) shrubs, 5 gal. |

RESIDENTIAL ADJACENCY: landscape buffer 20' w/ple greenbelt with shrubs (1 ft., 6' o.c.) (301 L.F.)

| Required | Provided |
|---|---|
| (56) shrubs, 3' ht. | (84) shrubs, 3' ht. |

PARKING LOT LANDSCAPE: (34 spaces)
Requirements: (1) tree, 3" cal. and 140 s.f. per each 18 parking spaces

| Required | Provided |
|---|---|
| (2) trees, 3" cal. | (5) trees, 4" cal. |
| 280 s.f. | |

Zoning Exhibit For Zoning Change for SUP.

Scale: 1"=30' May 11, 2016 May 23, 2016 Oct. 10, 2016 March 31, 2017 May 12, 2017

## 01 LANDSCAPE PLAN

SCALE: 1" = 30'-0"

0 15 30 60

CALL BEFORE YOU DIG! TEXAS 1-800-245-4545 ONE CALL SYSTEM

smr landscape architects, Inc.
1709 N. Griffin Street
Dallas, Texas 75202
Tel 214.871.0083
Fax 214.871.0545
Email smr@smr-la.com

# THE GARDENS ADDITION

LOTS 1R, BLOCK 1
3.810 ACRES
situated in the
A.J. LOTT SURVEY ~ ABSTRACT 963
COLLEYVILLE, TARRANT COUNTY, TEXAS

REGISTERED LANDSCAPE ARCHITECT BRIAN D. ADAMS 2701 STATE OF TEXAS 5.12.17

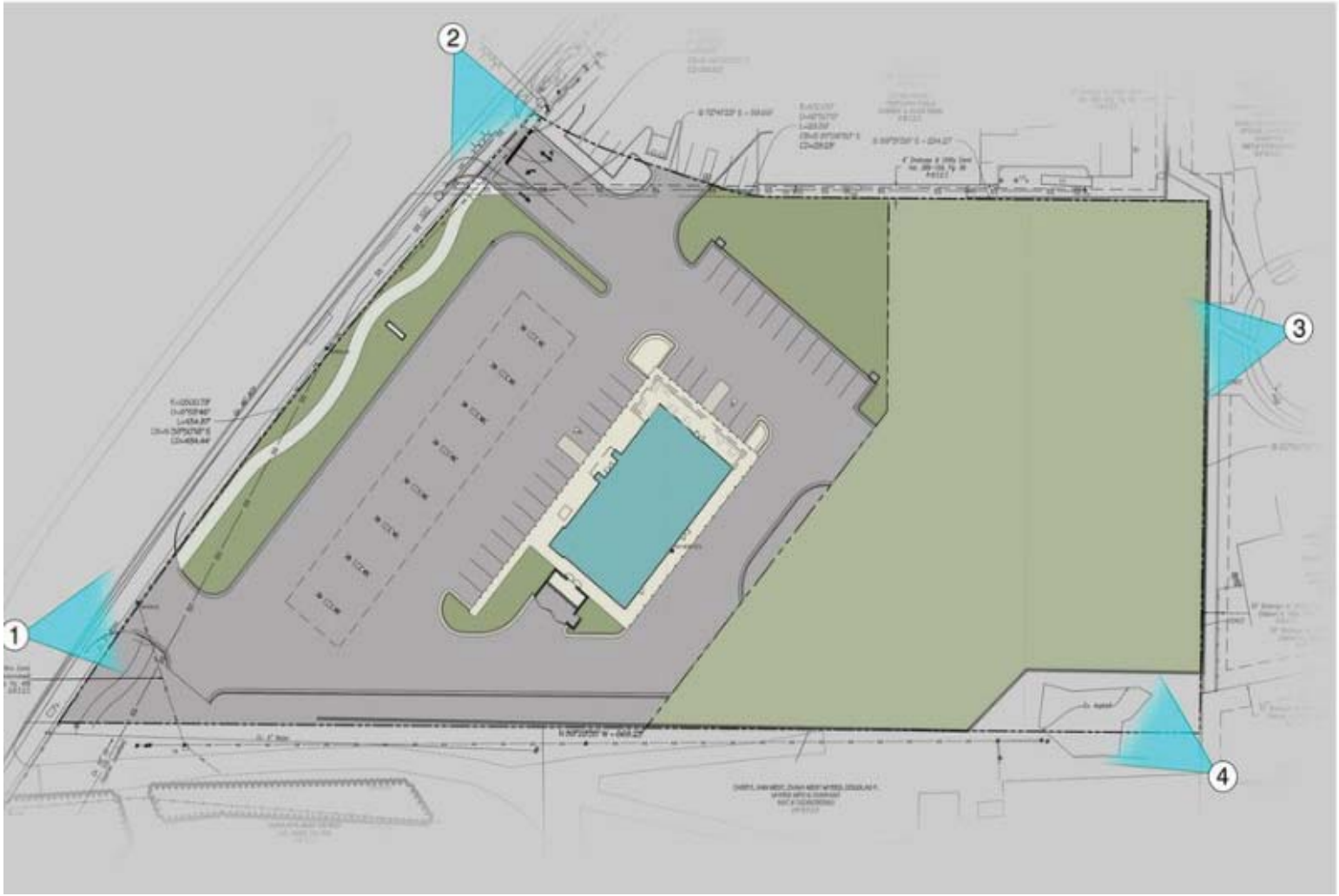
**Owner/Applicant**
Racetrac Petroleum
3225 Cumberland Blvd.
Atlanta, GA 30339
Telephone (770) 431-7600
Contact: Drew Cunningham

**Engineer/Surveyor**
Spiars Engineering, Inc.
TBPE No. F-2121
765 Custer Road, Suite 100
Plano, Texas 75075
Telephone (972) 422-0077
Contact: David Bond

L.1

Plotted by: brian Plot Date: 5/12/2017 1:29 PM
Drawing: P:\Projects 2016\Racetrac Colleyville\L06 RTAdg Saved By: ---- Save Time: 5/12/2017 12:52:12 PM

# Architectural Renderings



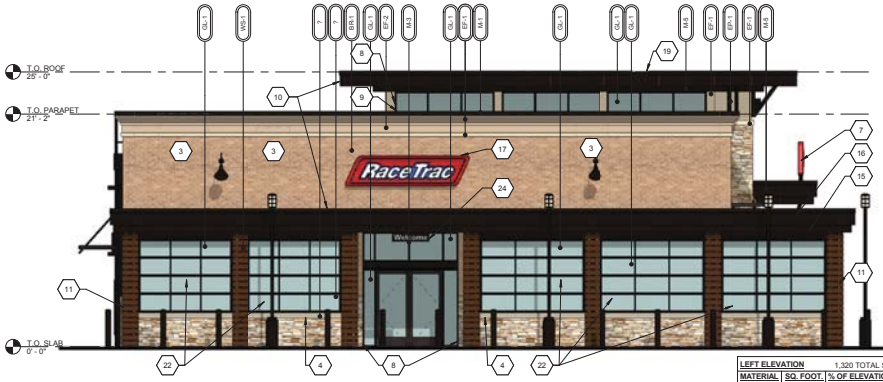
# Architectural Renderings

# Architectural Renderings

# Architectural Renderings

# Architectural Renderings

# Building Elevations



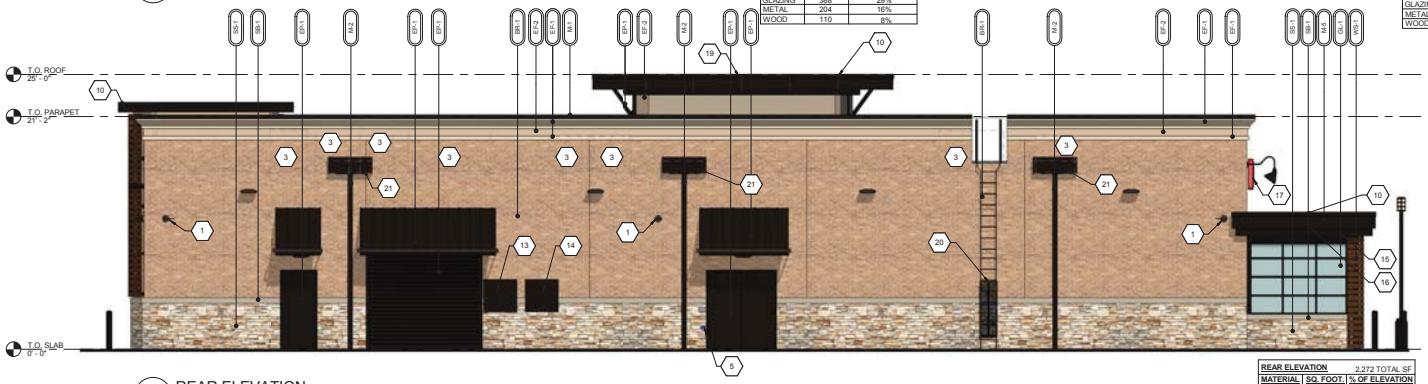

3 LEFT ELEVATION
3/16" = 1'-0"

| LEFT ELEVATION | 1,320 TOTAL SF | |
|---|---|---|
| MATERIAL | SQ. FOOT. | % OF ELEVATION |
| STONE | 148 | 11% |
| BRICK | 366 | 28% |
| EIFS | 104 | 8% |
| GLAZING | 388 | 29% |
| METAL | 204 | 16% |
| WOOD | 110 | 8% |

2 RIGHT ELEVATION
3/16" = 1'-0"

| RIGHT ELEVATION | 1,238 TOTAL SF | |
|---|---|---|
| MATERIAL | SQ. FOOT. | % OF ELEVATION |
| STONE | 266 | 21% |
| BRICK | 711 | 57% |
| EIFS | 86 | 7% |
| GLAZING | 0 | 0% |
| METAL | 32 | 3% |
| WOOD | 143 | 12% |

| ELEVATION | SIGNAGE | DIMENSIONS | AREA |
|---|---|---|---|
| FRONT | RT PARALLELOGRAM | 13'-5/8" X 3'-0" | 40 SF |
| | BANNER | 7'-8" X 5'-6" | 42 SF |
| RIGHT | BANNER | 7'-8" X 5'-6" | 42 SF |
| LEFT | RT PARALLELOGRAM | 13'-5/8" X 3'-0" | 40 SF |




4 REAR ELEVATION
3/16" = 1'-0"

| REAR ELEVATION | 2,272 TOTAL SF | |
|---|---|---|
| MATERIAL | SQ. FOOT. | % OF ELEVATION |
| STONE | 404 | 18% |
| BRICK | 1356 | 59% |
| EIFS | 182 | 8% |
| GLAZING | 60 | 3% |
| METAL | 254 | 11% |
| WOOD | 16 | 1% |

1 FRONT ELEVATION
3/16" = 1'-0"

| FRONT ELEVATION | 2,415 TOTAL SF | |
|---|---|---|
| MATERIAL | SQ. FOOT. | % OF ELEVATION |
| STONE | 509 | 21% |
| BRICK | 667 | 28% |
| EIFS | 147 | 6% |
| GLAZING | 650 | 27% |
| METAL | 222 | 9% |
| WOOD | 220 | 9% |

## ELEVATION KEY NOTES

1. WALL MOUNTED SECURITY CAMERA.
2. 3" SQUARE DOWNSPOUT. REFER TO CIVIL DRAWINGS FOR CONNECTIONS.
3. MECHANICAL EQUIPMENT BEYOND
4. REFER TO DETAILS FOR CAST STONE SHAPES.
5. HOSE BIBB; REFER TO PLUMBING DRAWINGS.
6. PATIO CEILING FANS IN CEILING BEYOND; REFER TO REFLECTED CEILING PLAN AND SPECIFICATIONS.
7. ILLUMINATED SIGN PANEL BY OWNER MOUNTED ON MINIMUM 4" STEEL TUBES OR HSS TUBES. PAINT EP-1.
8. BRONZE BREAK METAL WRAP AT WINDOW JAMB, TYPICAL.
9. EPDM ROOFING TO BE RUN UP CLERESTORY TO UNDERSIDE OF WINDOW. REFER TO WALL SECTIONS & DETAIL 2/A431.
10. ACM PANEL REVEAL LINE. REFER TO REFLECTED CEILING PLAN FOR DIMENSIONS.
11. 3" SQUARE METAL DOWNSPOUT ATTACHED TO WALL WITH BRACKETS. REFER TO CIVIL FOR CONNECTIONS.
12. EMERGENCY FUEL SHUT OFF SWITCH. MOUNT TOP OF SIGN AT 50" A.F.F.
13. LOCATION OF ELECTRICAL SERVICE C/T AND METER.
14. GENERATOR TAP BOX - SEE ELECTRICAL FOR LOCATION.
15. SECURITY CAMERA MOUNTED ON SOFFIT OF PATIO SEATING AREA.
16. OVERFLOW SPILL SCUPPER.
17. ILLUMINATED SIGN PANEL BY OWNER MOUNTED TO WALL. PAINT ATTACHMENTS EP-1.
18. PACKAGE PASSER. REFER TO EQUIPMENT PLAN.
19. SPILL SCUPPER. REFER TO DETAIL.
20. PROVIDE METAL GUARD GATE AT LADDER TO 8' AFF WITH LOCKING HASP
21. 4'-0" WIDE x 1'-7" HIGH SCUPPER. REFER TO DETAILS ON SHEET A201.
22. OPERABLE GARAGE DOOR SYSTEM.
23. OPAQUE WINDOW CLINGS BY RACETRAC.
24. WELCOME SIGN.

## EXTERIOR MATERIAL SCHEDULE

| | | | |
|---|---|---|---|
| AWNING | | | |
| AW-1 | | ALUMINUM AWNING | SELECTED BY RACETRAC |
| BRICK | | | |
| BR-1 | BORAL | LAREDO BRICK | MORTAR COLOR "LIGHT BUFF" |
| CAST STONE | | | |
| CS-1 | CONTINENTAL CAST STONE OR APPROVED OTHER | MATCH BORAL TUSCAN LINTEL CHAMPAGNE | COLOR 1102 NATURAL STONE; MORTAR COLOR "LIGHT BUFF" |
| EIFS | | | |
| EF-1 | STO | STO THERM CI | "FINE FINISH" APPLICATION; COLOR TO MATCH SW #6113 "INTERACTIVE CREAM" |
| EF-2 | STO | STO THERM CI | "FINE FINISH" APPLICATION; COLOR TO MATCH SW #6094 "SENSATIONAL SAND" |
| GLAZING | | | |
| GL-1 | | 1" NON-IMPACT RATED INSULATED GLAZING | CLIMATE ZONES 2 OR 3. IGU AT STOREFRONT 0.27 U-FACTOR, SHGC PF×0.25=0.27 (/4" PPG SOLARBAN 70-XL LOW-E #2 +1/2" AIR + 1/4" CLEAR) |
| GL-2 | | 1" NON-IMPACT RATED ACID ETCHED INSULATED GLAZING | CLIMATE ZONES 2 OR 3. IGU AT STOREFRONT 0.27 U-FACTOR, SHGC PF×0.25=0.27 (/4" PPG SOLARBAN 70-XL LOW-E #2 +1/2" AIR + 1/4" CLEAR SATIN ETCH #3) |
| METAL | | | |
| M-1 | | PREFINISHED4" 2-PIECE COMPRESSION METAL COVER | METAL TO MATCH STOREFRONT COLOR DRAK BRONZE |
| M-2 | | COLOR DARK BRONZE. | METAL TO MATCH STOREFRONT COLOR DARK BRONZE |
| M-3 | VISTAWALL | FG-3000 STOREFRONT SYSTEM | PREFINISHED DARK BRONZE ANODIZED ALUMINUM AA-M2C22A44 |
| M-5 | REYNOBOND | METAL TO MATCH STOREFRONT; COLOR DARK BRONZE. | |
| M-7 | VERSATEX | WPA TONGUE AND GROOVE | PAINT INTERACTIVE CREAM |
| PAINT | | | |
| EP-1 | SHERWIN WILLIAMS | EXTERIOR PAINT TO MATCH DARK BRONZE | |
| EP-2 | SHERWIN WILLIAMS | EXTERIOR PAINT AS SELECTED BY RACETRAC | PAINT AS SELECTEC BY RACETRAC FOR SLAT WALL METAL SUPPORTS |
| ROOFING | | | |
| EPDM | DUROLAST | 50 MIL MEMBRANE ROOFING SYSTEM | WHITE; MECHANICALLY FASTENED |
| STACKED STONE | | | |
| SS-1 | BORAL | ASPEN COUNTRY LEDGESTONE | WET STACK APPLICATION. MORTAR COLOR "LIGHT BUFF" |
| STONE BAND | | | |
| SB-1 | BORAL | TUSCAN LINTEL CHAMPAGNE | MORTAR COLOR "LIGHT BUFF" |
| WOOD SLATS | | | |
| WS-1 | COMPACTWOOD | 1/2" THICKNESS | WALNUT QC "CW-QCWAL-S-0410-12" |


RaceTrac
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DESIGN PROFESSIONALS

ISSUE/REVISION RECORD

| DATE | DESCRIPTION |
|---|---|
| 3/22/16 | UPDATED |


RaceTrac
RACETRAC PETROLEUM, INC.
3225 CUMBERLAND BOULEVARD
SUITE 100
ATLANTA, GEORGIA 30339
(770) 431-7600


PROJECT NAME
ANYTOWN,CITY

STATE 00000
ADDRESS

RACETRAC STORE NUMBER
#000

PROTOTYPE SERIES 5.5K_
2016 BR-LH-M0(-) 0301

PLAN MODIFICATION NOTICE
SPB NO. XXX DATE 03.01.16

STANDARD PLAN BULLETINS (SPB) MODIFY THE PROTOTYPE SERIES SET NOTED ABOVE. THE LISTED SPB REPRESENTS THE LATEST MODIFICATION INCORPORATED TO THIS PROTOTYPE SERIES SET AT ORIGINAL RELEASE. THE ISSUE/ REVISION RECORD COLUMN ABOVE LISTS ANY REVISIONS OR SPB INCORPORATED IN THIS SET AFTER THE ORIGINAL RELEASE. CONTACT RACETRAC ENGINEERING AND CONSTRUCTION FOR ANY SUBSEQUENT BULLETINS NOT INCORPORATED HEREIN.

PROFESSIONAL SEAL

PROJECT NUMBER
2015127.XX

SHEET TITLE
EXTERIOR ELEVATIONS

SHEET NUMBER
A300B

# Canopy Elevations

2 CANOPY FRONT ELEVATION
1/8" = 1'-0"

1 CANOPY LEFT ELEVATION
1/8" = 1'-0"

## FUEL CANOPY MATERIAL LEGEND

| ID | MANUF. | MATERIAL | COMMENTS |
|---|---|---|---|
| BRICK | | | |
| BR1 | BORAL | LAREDO BRICK | MORTAR COLOR "LIGHT BUFF" |
| FASCIA | | | |
| BLUE | - | | 2" BLUE STRIPE |
| RED | - | | REFER TO SPECIFICATION CHART ON SHEET 100 |
| WHITE | - | | 8" WHITE STRIPE |
| PAINT | | | |
| EP1 | SHERWIN WILLIAMS | EXTERIOR PAINT TO MATCH DARK BRONZE | |
| STACKED STONE | | | |
| SS1 | BORAL | ASPEN COUNTRY LEDGESTONE | WET STACK APPLICATION. MORTAR COLOR "LIGHT BUFF" |
| STONE BAND | | | |
| SB1 | BORAL | TUSCAN LINTEL CHAMPAGNE | MORTAR COLOR "LIGHT BUFF" |
| TILE | | | |
| FT4 | EMSER | ALCHEMY IN COPPER 6"x6", FROM VENDOR 12"X24" TO BE CUT DOWN TO 6"X6" BY INSTALLER | INDIVIDUAL TILES LAID STRAIGHT WITH 1/4" SPACING: GROUT MERKRETE PROGROUT #00145 "MOCHA" |

## STANDARD CANOPY FASCIA COLOR SPECIFICATION CHART

| COLOR CALLOUT | CANOPY MANUFACTURER | STANDARD COLOR SPECIFICATION |
|---|---|---|
| "TAN" | LANE CANOPIES | ETT TAN FASCIA |
| | McGEE CANOPIES | ETT TAN FASCIA |
| | MADISON CANOPIES | PUEBLO TAN FASCIA |
| "RED" | LANE CANOPIES | TRD RED FASCIA |
| | McGEE CANOPIES | TRD RED FASCIA |
| | MADISON CANOPIES | PROGRAM RED FASCIA |

RaceTrac.

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DESIGN PROFESSIONALS

ISSUE/REVISION RECORD

| DATE | DESCRIPTION |
|---|---|
| 01/14/16 | SUBMITTED |
| 02/26/16 | UPDATES |
| 07/29/16 | UPDATES |

RaceTrac.
RACETRAC PETROLEUM, INC.
3225 CUMBERLAND BOULEVARD
SUITE 150
ATLANTA, GEORGIA 30339
(770) 431-7600

PROJECT NAME
ANYTOWN,CITY

CITY
STATE 00000
ADDRESS

RACETRAC STORE NUMBER
#000

PROTOTYPE SERIES D.D.K
2016 BR-LH-MO(-)15R01

PLAN MODIFICATION NOTICE
SPB NO. 004 DATE 08.02.16

STANDARD PLAN BULLETIN (SPB) MODIFY THE PROTOTYPE SERIES SET NOTED ABOVE. THE LISTED SPB REPRESENTS THE LATEST MODIFICATION INCORPORATED TO THIS PROTOTYPE SERIES SET AT ORIGINAL RELEASE. THE ISSUE/REVISION RECORD COLUMN ABOVE LISTS ANY REVISIONS OR SPB INCORPORATED IN THIS SET AFTER THE ORIGINAL RELEASE. CONTACT RACETRAC ENGINEERING AND CONSTRUCTION FOR ANY SUBSEQUENT BULLETINS NOT INCORPORATED HEREIN.

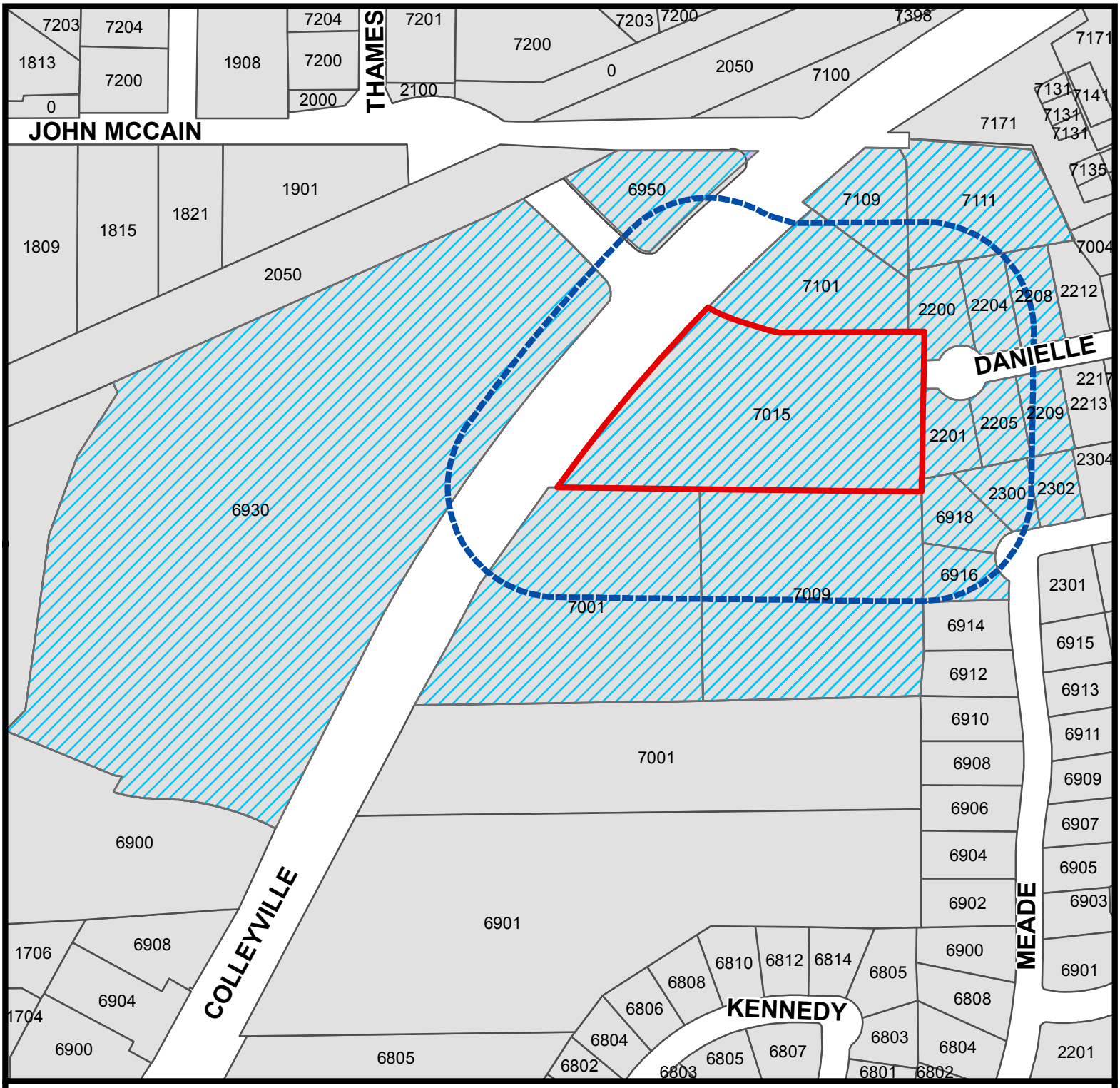
PROFESSIONAL SEAL

PROJECT NUMBER
2016157.99

SHEET TITLE
FUEL CANOPY ELEVATIONS

SHEET NUMBER
A100B

# NOTIFICATION MAP




CITY OF COLLEYVILLE TEXAS

## ZC16-007

7015 COLLEYVILLE BOULEVARD

Subject_Property

200ft Buffer

Properties within 200ft

1 inch = 250 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 |
|---|---|---|---|---|
| WILLIAM AND DEENA RAMSEY REVOC | 6918 MEADE DR | COLLEYVILLE, TX | 76034 | 6918 MEADE DR |
| CUSTOMER SOLUTIONS INC | 906 LAGUNA TR | KELLER, TX | 76248 | 7109 COLLEYVILLE BLVD # |
| CUSTOMER SOLUTIONS INC | 906 LAGUNA TR | KELLER, TX | 76248 | 7109 COLLEYVILLE BLVD # B |
| BEAR CREEK SPIRIT AND WINE LLC | 7101 COLLEYVILLE BLVD | COLLEYVILLE, TX | 76034 | 7101 COLLEYVILLE BLVD |
| QUANTUM BEVERAGE HOLDINGS LLC | 7401 BRAEMAR TERR | COLLEYVILLE, TX | 76034 | 7101 COLLEYVILLE BLVD |
| FACTOR, KRISTOPHER C | 2302 STILL POINT LN | COLLEYVILLE, TX | 76034 | 2302 STILL POINT LN |
| WEST, CHERYL ANN | 7009 COLLEYVILLE BLVD | COLLEYVILLE, TX | 76034 | 7009 COLLEYVILLE BLVD |
| WEST, DIANE MYERS | 7009 COLLEYVILLE BLVD | COLLEYVILLE, TX | 76034 | 7009 COLLEYVILLE BLVD |
| ELBORAI, ADEL M | 2300 STILL POINT LN | COLLEYVILLE, TX | 76034 | 2300 STILL POINT LN |
| DIETRICH, CHARLOTTE W | 7001 COLLYVILLE BLVD | COLLEYVILLE, TX | 76034 | 7001 COLLEYVILLE BLVD |
| GARDENS COMM PARTNERS LTD | 101 NW NEWTON DR | BURLESON, TX | 76028 | 7015 COLLEYVILLE BLVD |
| GARDENS COMM PARTNERS LTD | 101 NW NEWTON DR | BURLESON, TX | 76028 | 7015 COLLEYVILLE BLVD |
| CASTRO, CHRIS | 2205 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2205 DANIELLE DR |
| PECAN CREEK VILLAGE CNTR PRTN | 8231 E PRENTICE AVE | GREENWOOD VILLAGE, CO | 80111 | 6930 COLLEYVILLE BLVD |
| JARWAN, ESAM | 2208 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2208 DANIELLE DR |
| ESPINOZA, MARVIN | 6916 MEADE DR | COLLEYVILLE, TX | 76034 | 6916 MEADE DR |
| COLLEYVILLE, CITY OF | 100 MAIN ST | COLLEYVILLE, TX | 76034 | 6950 COLLEYVILLE BLVD |
| SOLORZANO, KEONA | 2200 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2200 DANIELLE DR |
| KUHN, ALYCE | 2204 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2204 DANIELLE DR |
| HAMRAEE, FARZIN | 2209 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2209 DANIELLE DR |
| THOMAS-AISTRUP, PATRICIA | 2201 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2201 DANIELLE DR |
| KAUFFMAN, KURT | 7111 COLLEYVILLE BLVD | COLLEYVILLE, TX | 76034 | 7111 COLLEYVILLE BLVD |
| UNIQUE LANDSCAPING DESIGN | 7111 COLLYVILLE BLVD | COLLEYVILLE, TX | 76034 | 7111 COLLEYVILLE BLVD |

| | | | | |
|---|---|---|---|---|
| TIMARON-CASCADES AT TIMARRON | 700 WENTWOOD DRIVE | SOUTHLAKE, TX | 76092 | COURTESY NOTICE |
| BOND, DAVID | 765 CUSTER ROAD, SUITE 100 | PLANO, TX | 75075 | APPLICANT |
| GRAPEVINE-COLLEYVILLE ISD | 3051 IRA WOODS AVE E | GRAPEVINE, TX | 76051 | STATE LAW REQUIRED |

Public hearing notices were mailed
Friday, May 26, 2017 by Araceli Botello

# Property Owner Notification

## NOTICE OF PUBLIC HEARING

| | |
|---|---|
| **Zoning Case Number:** | **ZC16-007** |
| **Applicant:** | **David Bond** |
| **Owner:** | **Gardens Commercial Partners, Ltd** |
| **Location:** | **7015 Colleyville Boulevard** |
| **Property Description:** | **Lot 1R, Block 1, of the Gardens Addition** |
| **Present Zoning:** | **CC1-Village Retail District and PUDC- Planned Unit Development Commercial District** |
| **Request:** | **Consideration of a Special Use Permit for a Convenience Store with Gasoline Sales** |

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

**Planning and Zoning Commission Meeting: Monday, June 12, 2017 at 7:00 p.m.**
**City Council Meeting: Tuesday, July 11, 2017 & Tuesday, July 18, 2017 at 7:30 p.m.**
**3rd floor of City Hall, 100 Main Street, Colleyville, Texas**

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 200 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

**Community Development Department**
**City of Colleyville**
**100 Main Street**
**Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. For additional information, please contact the Community Development Department at 817.503.1052. Please reference the zoning case number when requesting information.

Ben Bryner
Community Development Director
bbryner@colleyville.com

**Araceli Botello**

**Subject:** FW: RaceTrac 7105 Colleyville Blvd.

**From:** Robert Howerton
**Sent:** Monday, June 12, 2017 9:08 AM
**To:** George Dodson Mark Wood < Mike Holder Tammy Nakamura Richard Newton < Kathy Wheat <
**Cc:**
**Subject:** RaceTrac 7105 Colleyville Blvd.

City Council/Zoning Commission,

I am strongly opposed to the approval of a RaceTrac Gas Station proposed for 7105 Colleyville Blvd., Colleyville Texas. I am alarmed at the anticipation of crime to our wonderful city and the negative impact to local infrastructure with potential health risk from the chemicals and fumes emitted from a gas station. Since the zones commenced, the emotions of the property have escalated. Some facts on my opposition are current plan has sixteen pumps with a minimum of three gasoline underground storage tanks. The increased lighting, noise and air pollution and the increased trash that has the potential to spread out into the residential homes behind the potential Racetrac. I live directly adjacent the property and have the most impact from this along with Ms. Thomas, and my fears are that this fuel station will drive down property values which have steadily climbed over that last few years in the residents favor.

My hopes are that the location would adjust to restaurants and a business park that would not be open 24/7 and would bring more patrons to the area instead of going to Southlake or surrounding cities. My wife and I will be at the meetings tonight, and I admit I was indifferent on potential RaceTrac property zoning. I don't feel that the mason wall is enough of a barrier to the homes of the closest proximity considering the myriad impact stated previously. I am not the only one opposed to this property, and there is a petition being circulated to stress the resident's concerns.

I took the liberty to include some members of the Colleyville planning and zoning commission.

Please let me know if you have any question and my wife Keona and I look forward to meeting you at the city councel meeting this evening. We appreciate the City Council and will support keeping the City of Colleyville great and thank you for your attention on this matter.

Regards,
**Robert Howerton**
*AVP, IT Infrastructure & Emerging Technologies*
Nationstar Mortgage
8950 Cypress Waters Blvd.
Coppell, TX 75019

O: (214) 687.4108
www.nationstarmtg.com

# Legal Notice

May 26, 2017

**SENT VIA EMAIL on Friday, May 26, 2017**

Christine Lopez
Legal Notices
Fort Worth Star-Telegram
400 W. Seventh Street
Fort Worth, TX 76102

Dear Christine:

***Please publish and furnish an affidavit (N.E. Section):***
*Saturday, May 27, 2017*

The City of Colleyville Planning and Zoning Commission gives notice of a Public Hearing on Monday, 6/12/17 at 7:00 p.m. at City Hall, 100 Main Street, Colleyville, Texas:

Case ZC17-007 - Consideration of a zoning change from the AG- Agricultural zoning district to the R40- Single Family Residential zoning district on Tract 5A01, Abstract 294, in the Robert Chowning Survey, located at 6260 Pool Road

Case ZC16-007 - Consideration of a Special Use Permit for a Convenience Store with Gasoline Sales on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard

Case ZC17-010 - Consideration of a Special Use Permit for Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption, on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard

The City Council will hold a Public Hearing on the above items on 7/11/17 and 7/18/17 at 7:30 p.m. at City Hall, 100 Main Street, Colleyville, Texas.

All interested citizens will be given the opportunity to speak and be heard.

**CITY OF COLLEYVILLE**

Araceli Botello
Planning Technician

# ORDINANCE O-17-2016

**AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP BY CHANGING THE ZONING ON LOT 1R, BLOCK 1, OF THE GARDENS ADDITION, LOCATED AT 7015 COLLEYVILLE BOULEVARD, BY AUTHORIZING A SPECIAL USE PERMIT FOR A CONVENIENCE STORE WITH GASOLINE SALES; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00); AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Colleyville has received an application for a convenience store with gasoline sales under Case No. ZC16-007; and

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

**WHEREAS**, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

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

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

**WHEREAS**, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and

affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard, by authorizing a Special Use Permit for a convenience store with gasoline sales, as depicted on 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 Land Development Code of the City of Colleyville as heretofore amended, and as amended herein.

Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

**1. GENERAL**

a. All requirements of the Land Development Code shall be met, except where amended herein.

Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense.

Sec. 6. THAT 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 18th day of July 2017.

The second reading and public hearing being conducted on the 1st day of August 2017.

PASSED AND APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 1ST DAY OF AUGUST 2017.

| | | | |
|---|---|---|---|
| Mayor Richard Newton | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 5, Nancy Coplen | _____ |
| Place 3, Kathy Wheat | _____ | Place 6, Mike Taylor | _____ |
| Place 4, George Dodson | _____ | | |

**ATTEST:** **CITY OF COLLEYVILLE**

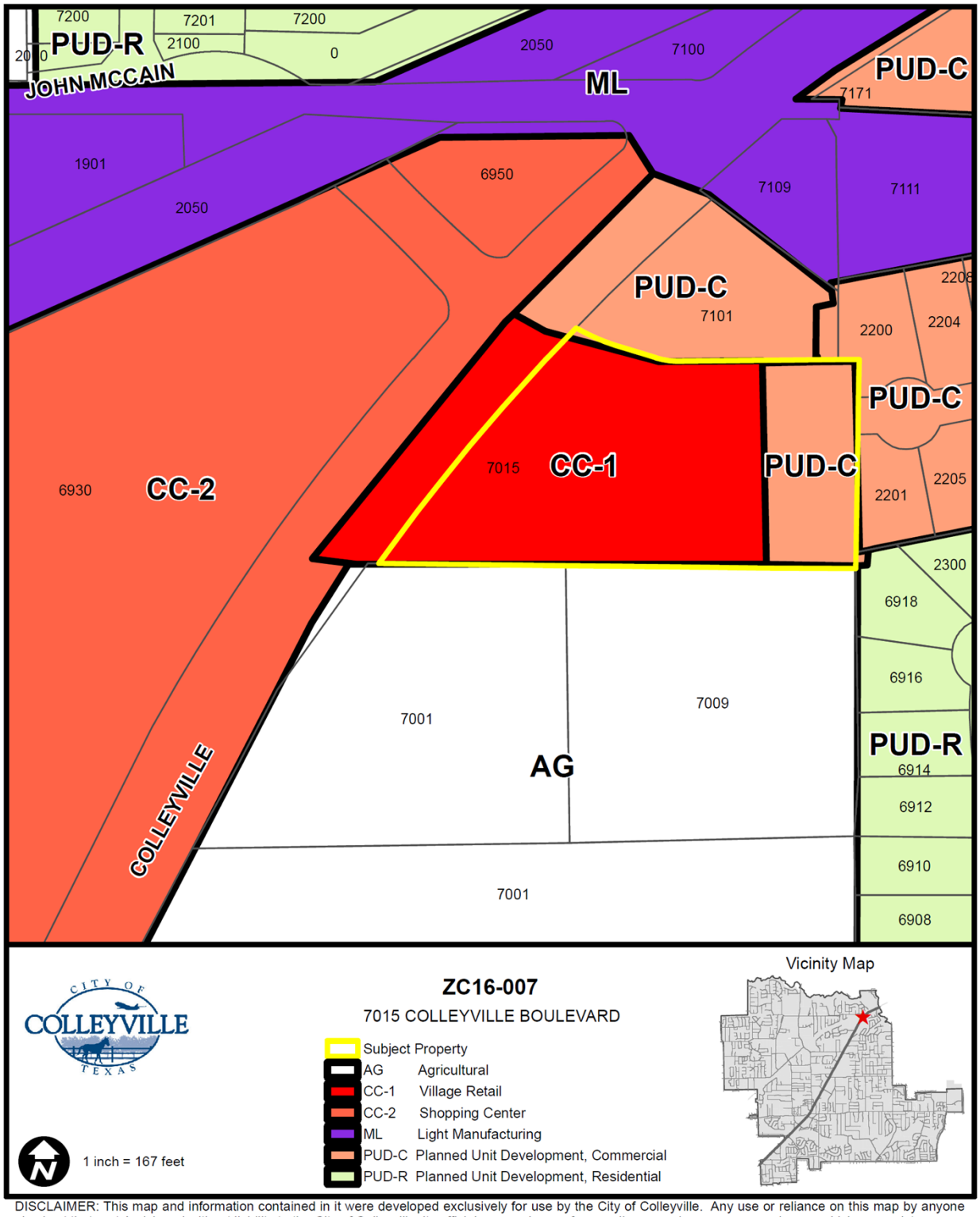
Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

**APPROVED AS TO FORM AND LEGALITY:**

Whitt L. Wyatt
City Attorney

# Exhibit "A" – Zoning Map

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# Exhibit "B" – Aerial Map

CITY OF COLLEYVILLE TEXAS

**ZC16-007**

7015 COLLEYVILLE BOULEVARD

Subject Property

1 inch = 167 feet

Vicinity Map

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# City of Colleyville
## City Council
## Agenda Briefing

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

**Agenda Number** 5b **Agenda Date** 08/01/2017 **Number** Ordinance O-17-2017
**Type** Ordinance
**Department** Community Development

**Title**
Consideration of an appeal of the decision of the Planning and Zoning Commission for a Special Use Permit for Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption, on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard, Case ZC17-010

**Strategic Plan**
There is no Strategic Plan connection for this item.

**Explanation**
***Second Reading and Public Hearing***
There were two speakers in opposition who spoke during the July 18, 2017, City Council meeting; and, five persons in opposition who did not wish to speak, but did wish to register their opposition.

***First Reading and Public Hearing***

David Bond of Spiars Engineering, the applicant, has submitted a request for a Special Use Permit (SUP) to allow beer and wine sales for off-premise consumption in conjunction with a convenience store with gasoline sales at 7015 Colleyville Boulevard.

The subject property is zoned CC1-Village Retail district and PUD-C Planned Unit Development Commercial (Ordinance O-08-1699). Beer and wine sales for off-premise consumption is allowed in the CC1-Village Retail district with the approval of an SUP.

**Existing Conditions/Background:** The subject property is generally located on the southeast side of Colleyville Boulevard and south of John McCain Road. It is platted as Lot 1R, Block 1, of the Gardens Addition and is currently undeveloped.

Ordinance O-08-1699 was approved for the rear portion of the subject property in June 2008. The PUD-C ordinance describes the purpose for a retention/detention pond, private open space, and the accessory use of a parking lot. The proposed SUP up for consideration does not seek to change this use on the rear portion of the property. Therefore, the zoning in place shall remain in effect.

**Proposed Special Use Permit:**
*Request* – The applicant is requesting approval of an SUP to allow beer and wine sales for off-premises consumption in conjunction with a new convenience store with

gasoline sales.

*Ordinance* – There are four components of procedure that a business must complete to sell beer and wine for off-premises consumption in Colleyville: (1) a Special Use Permit (SUP) approval by the City Council for beer and wine sales (off-premises consumption); (2) submission of draft Texas Alcoholic Beverage Commission (TABC) License paperwork to the City Secretary's Office for review and approval; (3) submission of completed TABC License paperwork to the TABC; and, (4) the issuance of an Alcoholic Beverage License through the City Secretary's Office.

- Section 3.25 of the Land Development Code states that an SUP is to "allow a use not normally allowed in a zoning district which could be of benefit in a particular case to the general welfare, provided adequate development standards, and special requirements are imposed to protect surrounding uses or to preserve the character of the neighborhood." SUP's for alcohol sales automatically expire upon the abandonment of the business, change in the use, a change in ownership, or upon termination of the Certificate of Occupancy.

- Section 6-3 of the Code of Ordinances requires businesses that sell alcoholic beverages to be located at least 300 feet from a church, school, or public hospital. The distance is measured from property line to property line for schools, and from front door to front door along the street-front property lines for churches and hospitals.

**Analysis:** The proposed RaceTrac is a retail convenience store, with primary retail sales that include a modern frozen yogurt station, coffee station, and a wide-variety of food items. The proposed RaceTrac convenience store will be approximately 5,500 square feet.

The applicant is requesting to sell alcoholic beverages that include beer and wine only. Other liquor sales would not be permitted. On-premise consumption of beer and wine would not be permitted on the property and is prohibited by state law.

Although the proposed business will operate 24/7, the sale of off-premise alcoholic beverage sales will be restricted and limited to the available hours per the Texas Alcoholic Beverage Code (TABC) which outlines Monday - Friday: 7am - midnight; Saturday: 7am - 1am and Sunday: noon to midnight.

Should the proposed business go out of business, or no longer operate for more than six months, any SUP for alcohol sales will expire. Section 3.25(6) Special Use Permit of the Land Development Code states:

> *"6. Termination and Abandonment of Use – In the event the building, premises or land uses authorized by a Special Use Permit are terminated or abandoned for a period of six (6) months or longer, the use of the same shall thereafter conform to the regulations applicable to the zoning district, unless a new and*

*spate Special Use Permit is approved for continuation of the use."*

The requested location is in compliance with the distance requirements of the Code of Ordinances and the applicant is proposing to comply with all other requirements of the Code of Ordinances and State law.

**Surrounding Development:** The property to the north is zoned PUD-C and developed with commercial and retail uses. The property to the east is zoned PUD-C and developed with single family residential homes. The property to the south is zoned AG-Agricultural district and developed with one single family home. The properties to the west are zoned CC2 – Shopping Center district and are currently undeveloped.

**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 on Friday, May 26, 2017. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* on Saturday, May 27, 2017 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 denial of this request at the June 12, 2017 meeting by a vote of 5-0. When the Planning and Zoning Commission makes a recommendation of denial, a favorable vote of three-fourths (3/4) of all members of the City Council is required for approval of the request.

**Staff Recommendation:** The proposed Special Use Permit (SUP) would authorize the sale of beer and wine for off-premises consumption for the RaceTrac at 7015 Colleyville Boulevard. The proposed business is not consistent with City's Comprehensive Plan and may adversely impact surrounding uses. Staff recommends denial of the request.

**Financial Impact**
There is no financial impact to the City.

**Recommendation**
Denial

**Attachments**
1. Request to Appeal
2. Ordinance O-08-1699
3. Aerial Map
4. Zoning Map
5. Future Land Use Map
6. Statement of Planning Objectives
7. Site Plan
8. Notification Map

9. Notification List
10. Property Owner Notification
11. Legal Notice
12. July 18, 2017 Speaker Cards
13. Ordinance O-17-2017

# Request to Appeal

**From:** Mann, Tommy
**To:** Ben Bryner
**Cc:** "Drew Cunningham"
**Subject:** RaceTrac SUP Requests/John McCain @ Colleyville Blvd
**Date:** Thursday, June 15, 2017 6:34:39 PM

---

Ben,

Per our conversation today, my client wishes to appeal the Planning and Zoning Commission's recommendations of denial for both the SUP for convenience store with gasoline sales and SUP for alcohol sales at the referenced locations. It is my understanding that we will be scheduled for City Council first reading on July 11th and second reading on July 18th.

If you need any further information from me or RaceTrac, please let us know.

Thanks,
Tommy

**Tommy Mann,** Shareholder
Winstead PC | 500 Winstead Building | 2728 N. Harwood Street | Dallas, Texas 75201
214.745.5724 *direct* | 214.745.5390 *fax* | tmann@winstead.com | www.winstead.com

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## ORDINANCE O-08-1699

**AN ORDINANCE AMENDING ORDINANCE O-08-1683 BY APPROVING A DETAILED SITE PLAN; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS,** the City Council approved Ordinance O-08-1683 on June 17, 2008 to establish the zoning on 0.6 acres on Tracts 3D1 and 3E1, Abstract 963 of the Absalom J. Lott Survey, from the AG-Agricultural Zoning district to PUDC-Planned Unit Development Commercial zoning district; and

**WHEREAS,** the applicant has requested an amendment to Ordinance O-08-1683 to authorize the approval of a detailed site plan, as required by Ordinance O-08-1683; and

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

**WHEREAS**, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

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

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

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

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

Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending Ordinance O-08-1683 to authorize the approval of a detailed site plan, as required by Ordinance O-08-1683.

Sec. 3. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning of 0.6 acres on Tracts 3D1 and 3E1, Abstract 963 of the Absalom J. Lott Survey, as described in attached Exhibit "A", to add a detailed site plan, attached as Exhibit "B".

Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

**1. DETAILED SITE PLAN**

a. The development and layout of the property shall adhere to the detailed site plan, attached as Exhibit "B".

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.

Sec. 10. THAT Ordinance O-08-1683 shall remain in full force and effect, except where amended by this ordinance.

**AND IT IS SO ORDERED.**

The first reading and public hearing being conducted on the 5th day of November 2008.

The second reading and public hearing being conducted on the 18th day of November 2008.

**ATTEST:**

Cynthia Singleton, TRMC, CMC
City Secretary

**CITY OF COLLEYVILLE**

Jon Ayers
Mayor Pro Tem

**APPROVED AS TO FORM AND LEGALITY:**

Michael Kallas
City Attorney

# EXHIBIT "A"- Legal Description

**THE GARDENS AT COLLEYVILLE**
**PROPERTY DESCRIPTION**

BEING a tract of land situated in the Absalom J. Lott Survey, Abstract No. 963, City of Colleyville, Tarrant County, Texas, being all of that certain tract of land as described by deed to Cynthia D. Hudson, recorded in Volume 11338, Page 812, Deed Records, Tarrant County, Texas and being all of that certain tract of land as described by deed to Rocky Alan Hudson, recorded in Volume 10491, Page 714, Deed Records, Tarrant County, Texas, said tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with orange cap stamped "Moak Surv Inc." found for the northwest corner of said Hudson's tract, the northeast corner of that certain tract of land as described by deed to Gardens Commercial Partners, Ltd., recorded in County Clerk's Document No. D207153199, Deed Records, Tarrant County, Texas, in the south line of Lot 1R2, Block 1, Tropicana Fuels Addition, an addition to the City of Colleyville, according to the plat recorded in Cabinet A, Slide 5398, Plat Records, Tarrant County, Texas;

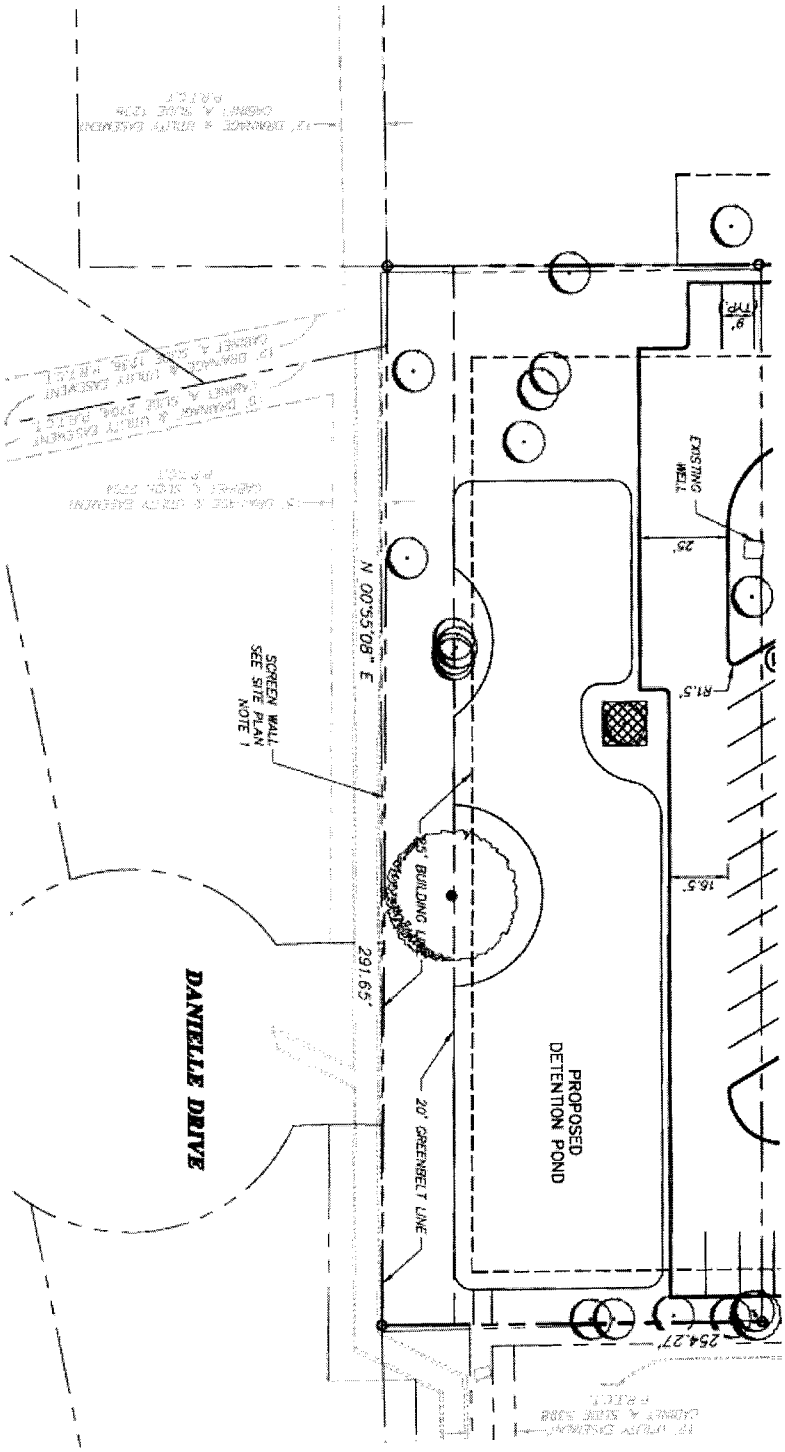
THENCE South 89°33'06" East (S 89°29' E Deed), with the north line of said Hudson's tract, with the south line of said Lot 1R2, Block 1, Tropicana Fuels Addition, a passing distance of 80.89 feet to a 1/2" iron rod found for the southeast corner of said Lot 1R2, Block 1, Tropicana Fuels Addition, being the most westerly southwest corner of Lot 6, Block 9, Longwood Estates at Ross Downs Phase V, an addition to the City of Colleyville, according to the plat recorded in Cabinet A, Slide 2704, Plat Records, Tarrant County, Texas, continuing with north line of said Hudson's tract, with the a south line of said Lot 6, Block 9, Longwood Estates Addition for a total distance of 105.04 feet (105.00' Deed) to a 1/2" iron rod found for a re-entrant corner of said Lot 6, Block 9 and being in a west line of said Longwood Estates Addition;

THENCE South 00°55'08" West (S 01°47'40" W Deed), with the east line of said Hudson's tract, with a west line of said Longwood Estates Addition, a passing distance of 269.87 feet to the southwest corner of Lot 13, Block 8 of said Longwood Estates Addition, continuing with the east line of said Hudson's tract for a total distance of 291.65 feet (291.5' Deed) to an 1" pipe found for the southeast corner of said Hudson's tract, the northeast corner of that certain tract of land as described by deed to Cheryl Ann West, Diana West Myers and Douglas F. Myers, recorded in County Clerk's Document No. D206035360, Deed Records, Tarrant County, Texas;

THENCE North 89°27'39" West (N 88°31' W Deed) , with the south line of said Hudson's tract, with the north line of said Myers tract, a distance of 102.68 feet (105.00' Deed) to a 5/8" iron rod found for the southeast corner of aforementioned Gardens Commercial Partners tract and being the southwest corner of said Hudson's tract;

THENCE North 00°27'17" East (N 01°47'40" E Deed), with the west line of said Hudson's tract and with the east line of said Gardens Commercial Partners tract, a distance of 291.48 feet (289.8' Deed) to the POINT OF BEGINNING and containing a calculated area of 30,280 square feet or 0.695 acres of land.

# EXHIBIT "B"- Detailed Site Plan



# AERIAL MAP

CITY OF COLLEYVILLE TEXAS

**ZC16-007**

7015 COLLEYVILLE BOULEVARD

Subject Property

1 inch = 167 feet

Vicinity Map

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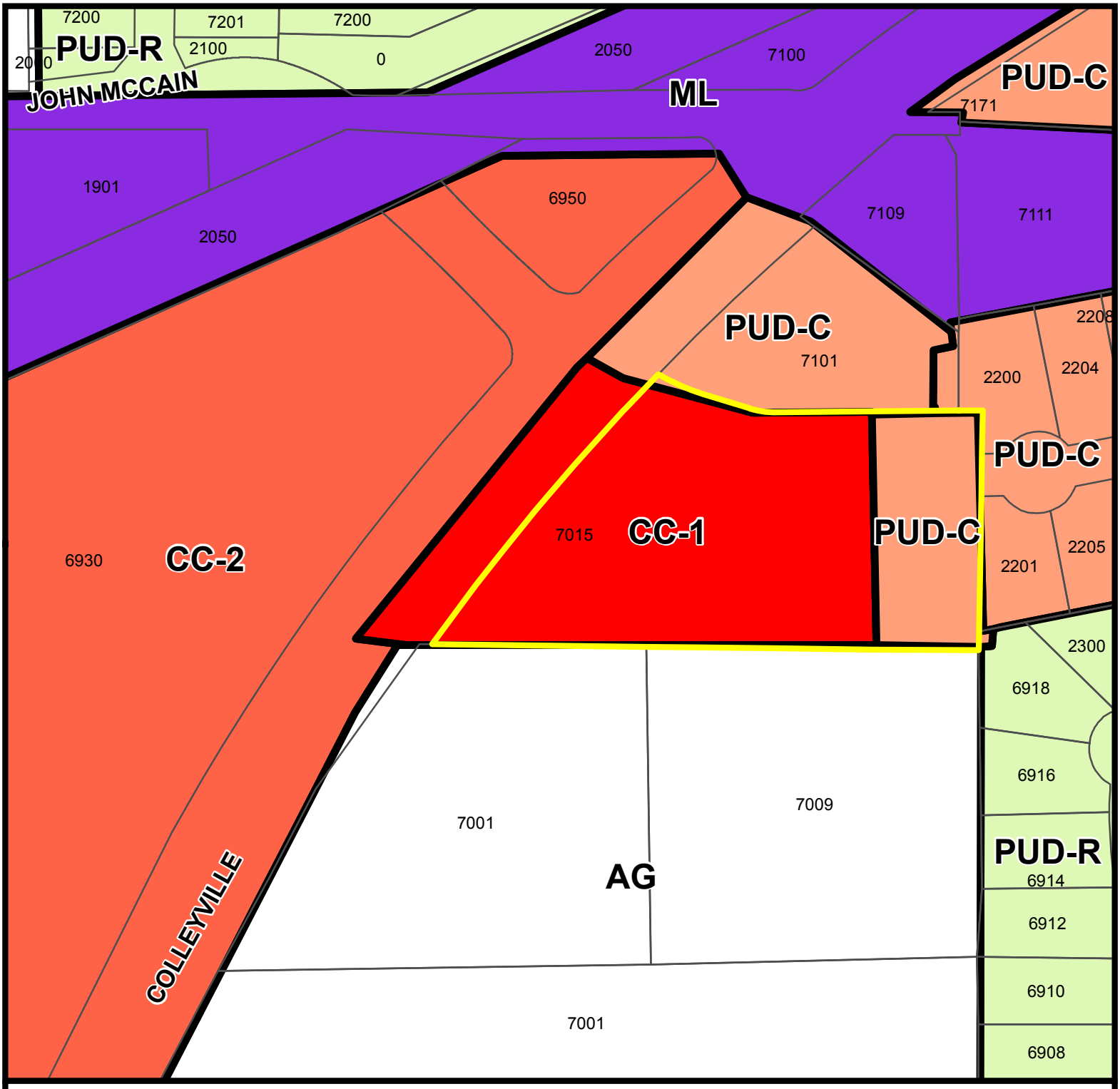
# ZONING MAP




CITY OF COLLEYVILLE TEXAS

## ZC16-007

7015 COLLEYVILLE BOULEVARD

- Subject Property
- AG Agricultural
- CC-1 Village Retail
- CC-2 Shopping Center
- ML Light Manufacturing
- PUD-C Planned Unit Development, Commercial
- PUD-R Planned Unit Development, Residential

1 inch = 167 feet

Vicinity Map

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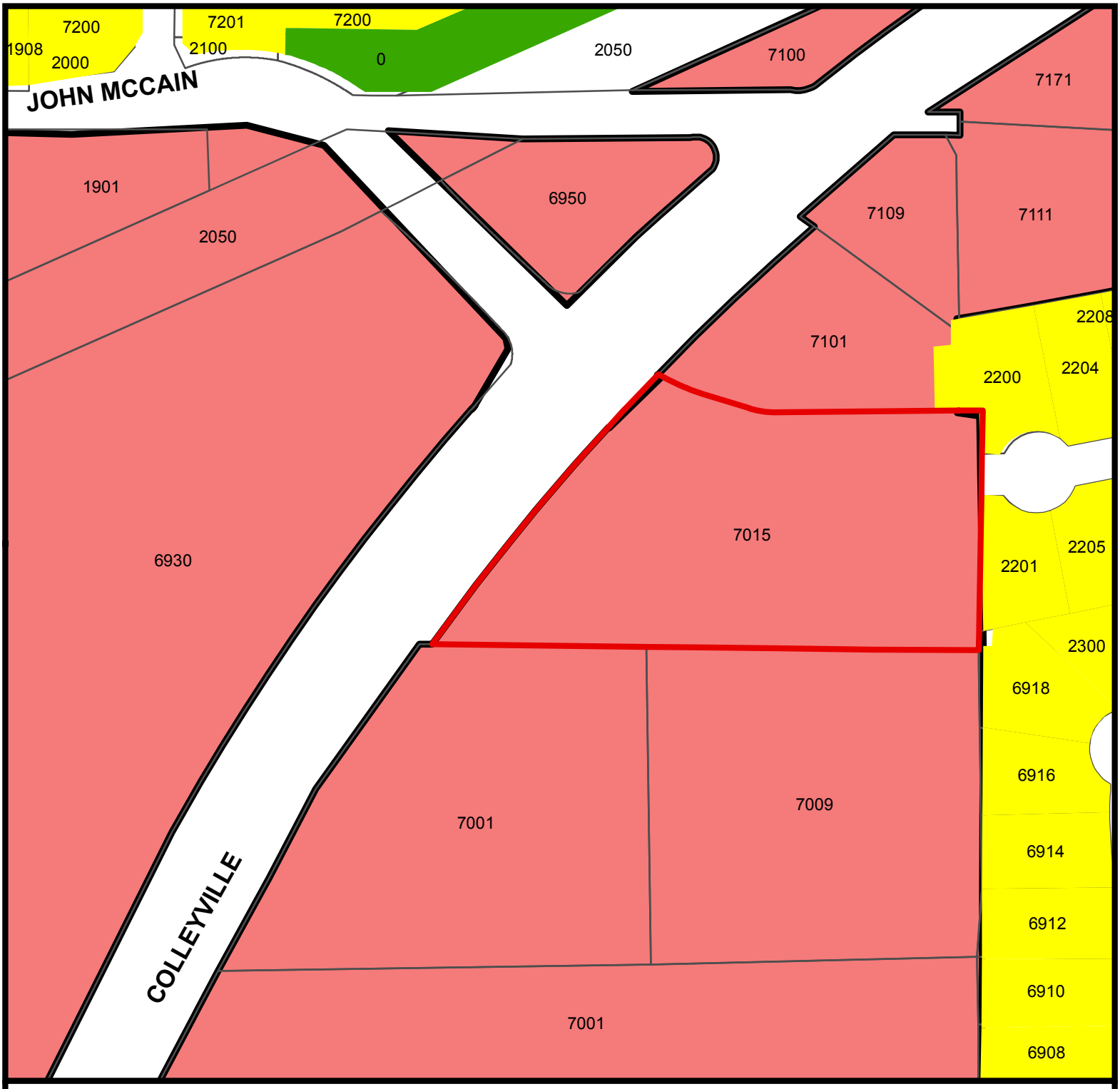
# FUTURE LAND USE MAP




CITY OF COLLEYVILLE TEXAS

## ZC16-007

7015 COLLEYVILLE BOULEVARD

- Subject Property
- Residential
- Parks/Open Space
- Colleyville Boulevard Corridor

1 inch = 167 feet

Vicinity Map

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## Statement of Planning Objectives

The purpose of the request is to obtain a SUP to accommodate a new retail store with gasoline sales. The approximately 3.81-acre request site is currently zoned PUD-C and Village Retail District (CC-1). The property is presently undeveloped. The property to the north is zoned PUD-C and is developed with retail shopping. The properties to the east and south are zoned Planned Unit Development–Residential (PUD-R) and Agricultural (AG) respectively, and are developed with residential uses. The property to the west, across Colleyville Boulevard, is zoned Shopping Center District (CC-2) and is undeveloped.

The applicant proposes to develop an approximately 5,500 square foot RaceTrac retail store with gasoline sales on the property. The development features enhanced exterior brick and other masonry building materials. The structure includes significant retail window areas and a covered indoor patio to provide an inviting environment to pedestrians. The store's interior retail sales include a modern frozen yogurt station, coffee station, and a wide-variety of food items. The rear of the lot to the east will be left for future office development in accordance with Colleyville Comprehensive Plan.

The fuel stations are oriented along Colleyville Boulevard away from the residential neighborhood on the east side of the site. Over 30% of the site is designated as open space. A majority of this space is located between the retail store and the neighborhood to provide a substantial buffer to the residences. The development proposes landscape screening adjacent to the neighborhood's existing fence. Finally, there is a 20-foot typical landscape buffer with trees located along the eastern and southern property lines to provide additional screening.

The proposed location is ideal for providing neighborhood serving retail and amenities to the public with an industry leading quality store in terms of architecture, quality materials, modern site design and landscaping, and interior store offerings such as fresh foods, frozen yogurt, and an array of tea and coffee drinks.

The development conforms to the criteria established in the City's future land use plan, *Destination Colleyville*, in a myriad of ways:

A. <u>Consistency with the Comprehensive Plan</u>

*Destination Colleyville* envisions that the property be located in the Colleyville Boulevard Corridor, which, among others, calls for retail uses. (p. 118, 123). The property is located within the "Northern Gateway" of the Corridor, which should accommodate "new development on relatively undeveloped property as a new mixed commercial node, highlighting this northern entry point into the city along the corridor." (p. 124). The proposed development is consistent with the Plan in that it offers a fresh, modern design that serves as a welcome point into the city by offering gas and refreshments that in turn enable residents and visitors alike to enter into the city for both business and leisure.

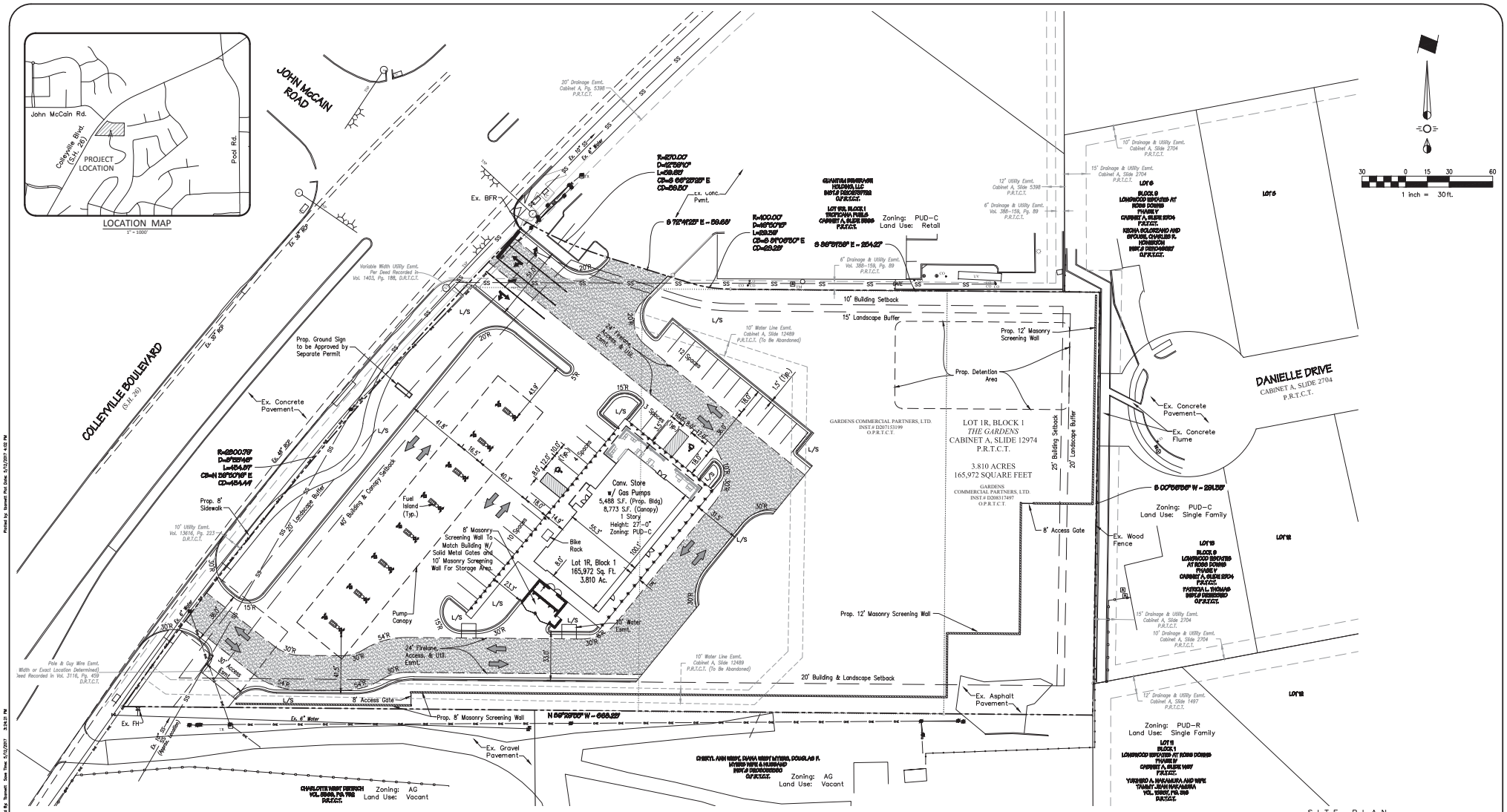
B. Enhancing Colleyville's Economic Resilience

*Destination Colleyville* states that one of its principles is to "enhance Colleyville's economic resilience." (p. 25). The Plan envisions accomplishing this goal by "diversifying Colleyville's tax base," which may include "encouraging non-residential development . . . along Colleyville Boulevard, at the northern gateway to Colleyville." (p. 25). The proposed development accomplishes this goal by providing an essential service to the community: the sale of gas and food on a currently undeveloped lot that does not provide any service to the community nor generate economic growth. The development will provide a respite for travelers entering the city as well as foster a sense of community in the neighborhood as a gathering point for frozen yogurt, coffee, and a wide variety of food items. Such an attraction will activate the area and promote new development. The masonry building materials ensure a high quality development that will also encourage other quality development in the area, further diversifying Colleyville's tax base and accomplishing a goal of the Comprehensive Plan.

C. Preservation of Neighborhoods

*Destination Colleyville* also calls for the "preservation of high quality, established neighborhoods with an emphasis on large lots and natural settings with a "country feel." (p. 28). The proposed development will accomplish this goal by providing a 20-foot typical landscape buffer between the proposed development and the residential development to the east and south. An 8-foot masonry screening wall runs along a portion of the southern property line and a 12-foot masonry screening wall runs along the east property line. Furthermore, the gas pumps in the proposed development are located on the western portion of the site, both located and oriented away from the adjacent residential development. The proposed development provides an appropriate transition from retail uses to the nearby neighborhoods. By requiring quality materials such as brick and stone, the proposed development ensures that it will be a pleasant site for passers-by and compliment the nearby neighborhood.

# Site Plan




## Site Data Summary Table

| GENERAL SITE DATA | LOT 1RA, BLOCK 1 |
|---|---|
| Zoning | PUD-C |
| Land Use | Convenience Store w/ Gas Pumps |
| Lot Area | 3.810 Ac. (165,972 Sq. Ft.) |
| Building Footprint Area | 5,488 Sq. Ft. |
| Canopy Footprint Area | 8,773 Sq. Ft. |
| Total Building Area: | 14,261 Sq. Ft. |
| Building Height | 1 Story |
| Building Height | 27' Max. Ht. |
| Lot Coverage | 3.3% Of Site |
| Floor Area Ratio | 0.033:1 |
| Impervious Area | 57,069 Sq. Ft. (34.4%) |
| Open Space Area | 108,903 Sq. Ft. (65.6%) |

## LEGEND

Firelane, Access & Utility Easement

L/S Landscape Area

**Notes:**

1. Handicap Parking Is Provided In Accordance w/ ADA Standards.
2. No Floodplain Exists On The Site.
3. Site Plan Is For Informational Purposes only. It Is Not A Construction Document.
4. Trees exist on the site.

SITE PLAN
OF
# THE GARDENS ADDITION
LOT 1R, BLOCK 1
3.810 ACRES
situated in the
A.J. LOTT SURVEY ~ ABSTRACT 963
COLLEYVILLE, TARRANT COUNTY, TEXAS

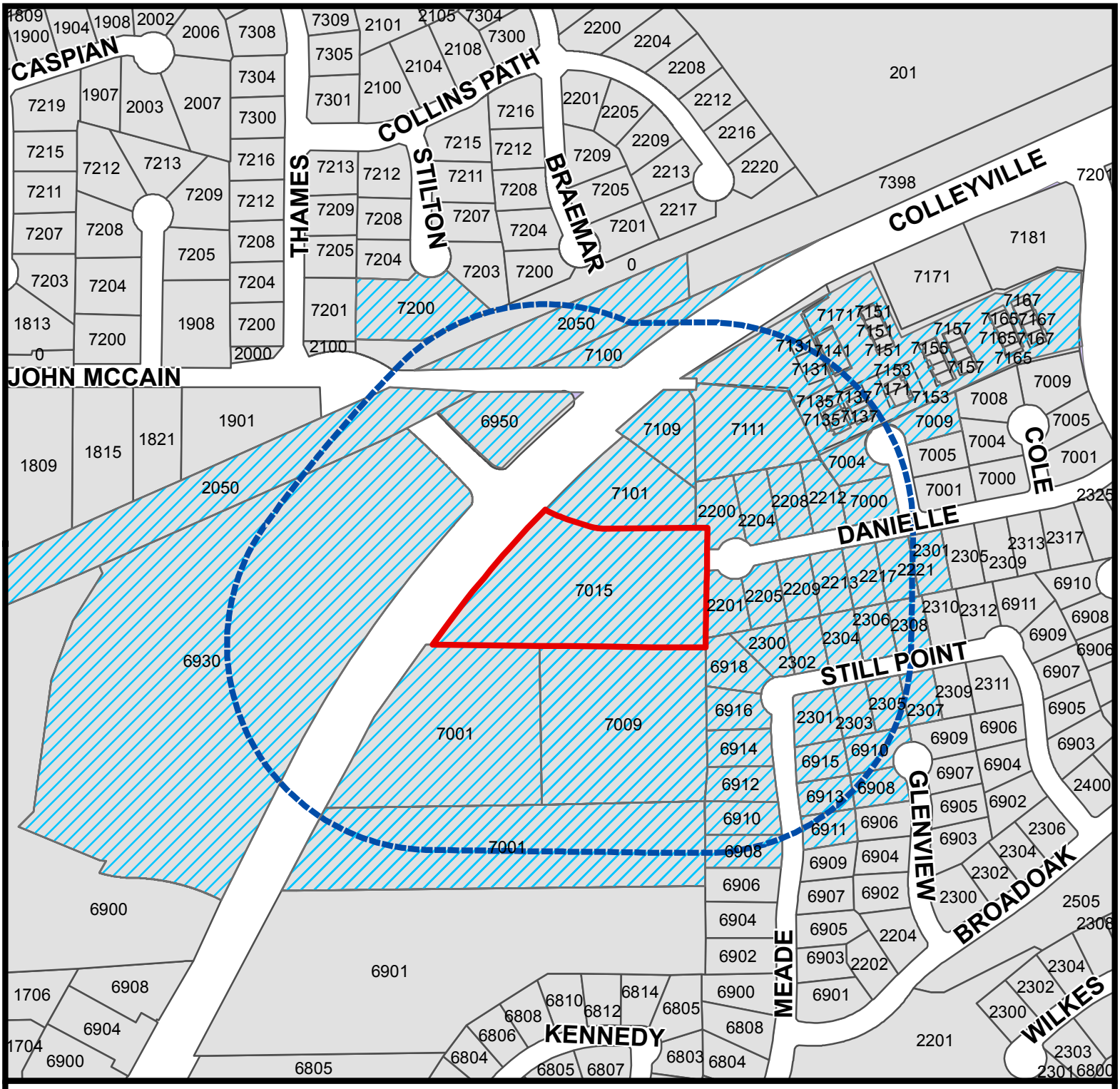
**Applicant**
Racetrac Petroleum
3225 Cumberland Blvd.
Atlanta, GA 30339
Telephone (770) 431-7600
Contact: Drew Cunningham

**Engineer/Surveyor**
Splars Engineering, Inc.
TBPE No. F-2121
765 Custer Road, Suite 100
Plano, Texas 75075
Telephone (972) 422-0077
Contact: David Bond

Zoning Exhibit For Zoning Change for SUP.

SEI # 16-020 Scale 1"=30' May 2016

# NOTIFICATION MAP




CITY OF COLLEYVILLE TEXAS

## ZC17-10

7015 COLLEYVILLE BOULEVARD

Subject Property

500ft Buffer

Properties within 500ft

1 inch = 333 feet

Vicinity Map

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# Notification List

| Owner Name | Owner Address | Owner City | Owner Zip | Situs Address |
|---|---|---|---|---|
| WILLIAM AND DEENA RAMSEY REVOC | 6918 MEADE DR | COLLEYVILLE, TX | 76034 | 6918 MEADE DR |
| REGIONAL RAIL ROW CO | PO BOX 660163 | DALLAS, TX | 75266 | 2050 JOHN MCCAIN RD |
| REGIONAL RAIL ROW CO | PO BOX 660163 | DALLAS, TX | 75266 | 2050 JOHN MCCAIN RD |
| SOLORZANO, KEONA | 2200 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2200 DANIELLE DR |
| THOMAS-AISTRUP, PATRICIA | 2201 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2201 DANIELLE DR |
| KUHN, ALYCE | 2204 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2204 DANIELLE DR |
| CASTRO, CHRIS | 2205 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2205 DANIELLE DR |
| JARWAN, ESAM | 2208 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2208 DANIELLE DR |
| HAMRAEE, FARZIN | 2209 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2209 DANIELLE DR |
| SHAIA, CHRISTOPHER | 2212 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2212 DANIELLE DR |
| SMITH, JOHN A | 2213 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2213 DANIELLE DR |
| COPELAND, LARRY BRENT | 2217 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2217 DANIELLE DR |
| PEREIRA, LEONID M | 2221 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2221 DANIELLE DR |
| ELBORAI, ADEL M | 2300 STILL POINT LN | COLLEYVILLE, TX | 76034 | 2300 STILL POINT LN |
| WARD, CHAS R | 2301 DANIELLE DR | COLLEYVILLE, TX | 76034 | 2301 DANIELLE DR |
| BOWMAN, KIRK A | 2301 STILL POINT LN | COLLEYVILLE, TX | 76034 | 2301 STILL POINT LN |
| FACTOR, KRISTOPHER C | 2302 STILL POINT LN | COLLEYVILLE, TX | 76034 | 2302 STILL POINT LN |
| SNOW, JAY F | 2303 STILL POINT LN | COLLEYVILLE, TX | 76034 | 2303 STILL POINT LN |
| PHELPS, KIMBERLIE A | 2304 STILL POINT LN | COLLEYVILLE, TX | 76034 | 2304 STILL POINT LN |
| WILLIAMS, JUDY | 2305 STILL POINT LN | COLLEYVILLE, TX | 76034 | 2305 STILL POINT LN |
| PONTES, DAVID N | 2306 STILL POINT LN | COLLEYVILLE, TX | 76034 | 2306 STILL POINT LN |
| REPASS, ROBERT | 2307 STILL POINT LN | COLLEYVILLE, TX | 76034 | 2307 STILL POINT LN |
| KAZI, TAREQUE | 2308 STILL POINT LN | COLLEYVILLE, TX | 76034 | 2308 STILL POINT LN |
| ALEXANDER, KAREN J | 6908 GLENVIEW LN | COLLEYVILLE, TX | 76034 | 6908 GLENVIEW LN |
| MARTIN, ROBERT V | 6908 MEADE DR | COLLEYVILLE, TX | 76034 | 6908 MEADE DR |
| RAKIGJIJA, NICHOLAS | 6910 GLENVIEW LN | COLLEYVILLE, TX | 76034 | 6910 GLENVIEW LN |
| CHEVALIER, RICK W | 6910 MEADE DR | COLLEYVILLE, TX | 76034 | 6910 MEADE DR |
| HARDEN, NICOLE PARILOVA | 6911 MEADE DR | COLLEYVILLE, TX | 76034 | 6911 MEADE DR |
| POOLE, JOHN T | 6912 MEADE DR | COLLEYVILLE, TX | 76034 | 6912 MEADE DR |
| SMITH, THOMAS J | 6913 MEADE DR | COLLEYVILLE, TX | 76034 | 6913 MEADE DR |
| LOWACK, TOMMY | 6914 MEADE DR | COLLEYVILLE, TX | 76034 | 6914 MEADE DR |
| DUNN, DONALD R | 6915 MEADE DR | COLLEYVILLE, TX | 76034 | 6915 MEADE DR |
| ESPINOZA, MARVIN | 6916 MEADE DR | COLLEYVILLE, TX | 76034 | 6916 MEADE DR |
| PECAN CREEK VILLAGE CNTR PRTN | 8231 E PRENTICE AVE | GREENWOOD VILLAGE, CO | 80111 | 6930 COLLEYVILLE BLVD |
| COLLEYVILLE, CITY OF | 100 MAIN ST | COLLEYVILLE, TX | 76034 | 6950 COLLEYVILLE BLVD |
| TABONE, GEORGE | 7000 COLEMAN CT | COLLEYVILLE, TX | 76034 | 7000 COLEMAN CT |
| DIETRICH, CHARLOTTE W | 7001 COLLYVILLE BLVD | COLLEYVILLE, TX | 76034 | 7001 COLLEYVILLE BLVD |
| DIETRICH, CHARLOTTE W | 7001 COLLYVILLE BLVD | COLLEYVILLE, TX | 76034 | 7001 COLLEYVILLE BLVD |
| DIETRICH, CHARLOTTE W | 7001 COLLYVILLE BLVD | COLLEYVILLE, TX | 76034 | 7001 COLLEYVILLE BLVD |
| WOZNIAK, CRAIG C | 7004 COLEMAN CT | COLLEYVILLE, TX | 76034 | 7004 COLEMAN CT |
| BHATLA, RAVINDER N | 7009 COLEMAN CT | COLLEYVILLE, TX | 76034 | 7009 COLEMAN CT |
| WEST, CHERYL ANN | 7009 COLLEYVILLE BLVD | COLLEYVILLE, TX | 76034 | 7009 COLLEYVILLE BLVD |
| WEST, DIANE MYERS | 7009 COLLEYVILLE BLVD | COLLEYVILLE, TX | 76034 | 7009 COLLEYVILLE BLVD |
| GARDENS COMM PARTNERS LTD | 101 NW NEWTON DR | BURLESON, TX | 76028 | 7015 COLLEYVILLE BLVD |
| GARDENS COMM PARTNERS LTD | 101 NW NEWTON DR | BURLESON, TX | 76028 | 7015 COLLEYVILLE BLVD |
| COLLEYVILLE, CITY OF | 100 MAIN ST | COLLEYVILLE, TX | 76034 | 7100 COLLEYVILLE BLVD |
| BEAR CREEK SPIRIT AND WINE LLC | 7101 COLLEYVILLE BLVD | COLLEYVILLE, TX | 76034 | 7101 COLLEYVILLE BLVD |
| QUANTUM BEVERAGE HOLDINGS LLC | 7401 BRAEMAR TERR | COLLEYVILLE, TX | 76034 | 7101 COLLEYVILLE BLVD |
| CUSTOMER SOLUTIONS INC | 906 LAGUNA TR | KELLER, TX | 76248 | 7109 COLLEYVILLE BLVD # |
| CUSTOMER SOLUTIONS INC | 906 LAGUNA TR | KELLER, TX | 76248 | 7109 COLLEYVILLE BLVD # B |
| KAUFFMAN, KURT | 7111 COLLEYVILLE BLVD | COLLEYVILLE, TX | 76034 | 7111 COLLEYVILLE BLVD |
| UNIQUE LANDSCAPING DESIGN | 7111 COLLYVILLE BLVD | COLLEYVILLE, TX | 76034 | 7111 COLLEYVILLE BLVD |
| LONGWOOD PLAZA PARTNERS LP | 1901 N AKARD ST | DALLAS, TX | 75201 | 7135 COLLEYVILLE BLVD UNIT 101 |
| LONGWOOD PLAZA PARTNERS LP | 1901 N AKARD ST | DALLAS, TX | 75201 | 7135 COLLEYVILLE BLVD UNIT 102 |
| LONGWOOD PLAZA PARTNERS LP | 1901 N AKARD ST | DALLAS, TX | 75201 | 7137 COLLEYVILLE BLVD UNIT 101 |
| LONGWOOD PLAZA PARTNERS LP | 1901 N AKARD ST | DALLAS, TX | 75201 | 7137 COLLEYVILLE BLVD UNIT 102 |
| LONGWOOD PLAZA PARTNERS LP | 1901 N AKARD ST | DALLAS, TX | 75201 | 7153 COLLEYVILLE BLVD |
| TARRANT COUNTY PS PROPERTY LLC | 7141 COLLEYVILLE BLVD STE 101 | COLLEYVILLE, TX | 76034 | 7167 COLLEYVILLE BLVD # 101 |
| LONGWOOD PLAZA PARTNERS LP | 1901 N AKARD ST | DALLAS, TX | 75201 | 7171 COLLEYVILLE BLVD |
| MAAKALI INC | 8004 RUSHING SPRING DR | NORTH RICHLAND HILLS, TX | 76182 | 7171 COLLEYVILLE BLVD # |
| TIMARRON OWNERS ASSN INC | 700 WENTWOOD DR | SOUTHLAKE, TX | 76092 | 7200 STILTON CT |

| | | | | |
|---|---|---|---|---|
| TIMARON-CASCADES AT TIMARRON | 700 WENTWOOD DRIVE | SOUTHLAKE, TX | 76092 | COURTESY NOTICE |
| BOND, DAVID | 765 CUSTER ROAD, SUITE 100 | PLANO, TX | 75075 | APPLICANT |
| GRAPEVINE-COLLEYVILLE ISD | 3051 IRA WOODS AVE E | GRAPEVINE, TX | 76051 | STATE LAW REQUIRED |

Public hearing notices were mailed Friday,
May 26, 2017 by Araceli Botello

# Property Owner Notification

## NOTICE OF PUBLIC HEARING

| | |
|---|---|
| **Zoning Case Number:** | **ZC17-010** |
| **Applicant:** | **David Bond** |
| **Owner:** | **Gardens Commercial Partners, Ltd** |
| **Location:** | **7015 Colleyville Boulevard** |
| **Present Zoning:** | **CC1-Village Retail District and PUDC- Planned Unit Development Commercial District** |
| **Request:** | **Consideration of a Special Use Permit for Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption** |

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

**Planning and Zoning Commission Meeting: Monday, June 12, 2017 at 7:00 p.m.**
**City Council Meeting: Tuesday, July 11, 2017 & July 18, 2017 at 7:30 p.m.**
**3rd floor of City Hall, 100 Main Street, Colleyville, Texas**

This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 500 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

**Community Development Department**
**City of Colleyville**
**100 Main Street**
**Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Ben Bryner
Community Development Director
bbryner@colleyville.com

# Legal Notice

May 26, 2017

**SENT VIA EMAIL on Friday, May 26, 2017**

Christine Lopez
Legal Notices
Fort Worth Star-Telegram
400 W. Seventh Street
Fort Worth, TX 76102

Dear Christine:

***Please publish and furnish an affidavit (N.E. Section):***
*Saturday, May 27, 2017*

The City of Colleyville Planning and Zoning Commission gives notice of a Public Hearing on Monday, 6/12/17 at 7:00 p.m. at City Hall, 100 Main Street, Colleyville, Texas:

Case ZC17-007 - Consideration of a zoning change from the AG- Agricultural zoning district to the R40- Single Family Residential zoning district on Tract 5A01, Abstract 294, in the Robert Chowning Survey, located at 6260 Pool Road

Case ZC16-007 - Consideration of a Special Use Permit for a Convenience Store with Gasoline Sales on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard

Case ZC17-010 - Consideration of a Special Use Permit for Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption, on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard

The City Council will hold a Public Hearing on the above items on 7/11/17 and 7/18/17 at 7:30 p.m. at City Hall, 100 Main Street, Colleyville, Texas.

All interested citizens will be given the opportunity to speak and be heard.

**CITY OF COLLEYVILLE**

Araceli Botello
Planning Technician

# SPEAKER CARD

**Date:** 7-18-17

**Agenda Item Number:** 6 A ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

X I will speak **In Support** of this item. _____ I will speak **In Opposition** to this item.

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

Name: Floyd Swann

Address: 204 Timberline Dr. S. City: Colleyville

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

Signed: [signature]

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

# SPEAKER CARD

**Date:** 7-18-17

**Agenda Item Number:** 6a ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

_____ I will speak **In Support** of this item. ✓ I will speak **In Opposition** to this item.

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

Name: Allison Koch

Address: 6907 Upland LN. City: Colleyville

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

Signed: Allison Koch

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

# SPEAKER CARD

**Date:** Aug 18, 2017

**Agenda Item Number:** 6A ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

_____ I will speak **In Support** of this item. ✓ I will speak **In Opposition** to this item.

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

Name: Matt Koch

Address: 6907 Upland Ln City: Colleyville, TX

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

Signed: _____

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

# SPEAKER CARD

**Date:** 7/18/17

**Agenda Item Number:** 6a ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

_____ I will speak **In Support** of this item. ✓ I will speak **In Opposition** to this item.

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

Name: PAM WOZNIAK

Address: 7004 COLEMAN CT City: COLLEYVILLE

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

Signed: Pam Wozniak

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

# SPEAKER CARD

**Date:** 7/18/17

**Agenda Item Number:** 6A,6B ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

_____ I will speak **In Support** of this item. ___X___ I will speak **In Opposition** to this item.

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

Name: Craig Wozniak

Address: 7004 Coleman Pt City: Colleyville

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

Signed: Craig Wozniak

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

SPEAKER CARD

**Date:** 7/18/17

**Agenda Item Number:** 69 ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

_____ I will speak **In Support** of this item. ✓ I will speak **In Opposition** to this item.

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

Name: David Medlin

Address: 605 Montrose Ave City: Colleyville TX

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

Signed: David

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

# SPEAKER CARD

**Date:** 7-18-17

**Agenda Item Number:** 6a ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

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

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

Name: Emily Koch

Address: 6907 Upland Ln City: Colleyville

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

Signed: Emily Koch

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

# SPEAKER CARD

**Date:** 7-18-17

**Agenda Item Number:** 6a ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

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

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

Name: Rachel Roth

Address: 6907 Upland Ln City: Colleyville

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

Signed: _____

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

# SPEAKER CARD

**Date:** 12-18-17

**Agenda Item Number:** 6a & 6b ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

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

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

Name: Keona Solorzano

Address: 2200 Danielle Dr City: Colleyville

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

Signed: Keona Solorzano

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

# SPEAKER CARD

**Date:** July 18 2017

**Agenda Item Number:** 6A/6B ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

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

✓ I do not wish to speak, but please record my: _____ **support** X **opposition**

Name: Robert Herweiten

Address: 2200 Danielle City: Collayville

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

Signed: _____

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

# SPEAKER CARD

**Date:** 07-18-18

**Agenda Item Number:** 6A+6B ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

_____ I will speak **In Support** of this item. _____I will speak **In Opposition** to this item.

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

Name: Henry Mitchell

Address: 500 Bradlewood N. City: Colleyville

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

Signed: _____

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

# ORDINANCE O-17-2017

**AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP BY CHANGING THE ZONING ON LOT 1R, BLOCK 1, OF THE GARDENS ADDITION, LOCATED AT 7015 COLLEYVILLE BOULEVARD, BY AUTHORIZING A SPECIAL USE PERMIT FOR THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION; 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 beer and wine sales for off-premises consumption of alcohol under Case No. ZC17-010; and

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

**WHEREAS**, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

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

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

**WHEREAS**, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and

affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard, by authorizing a Special Use Permit for the sale of beer and wine for off-premise consumption, as depicted on 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 Land Development Code of the City of Colleyville as heretofore amended, and as amended herein.

Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

**1. GENERAL**

a. The Special Use Permit shall apply to the sale of beer and wine for off-premises consumption in conjunction with a convenience store use only.

b. The name of the business authorized for off-premise consumption alcohol sales by this Special Use Permit shall be called "RaceTrac".

c. The Special Use Permit shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.

d. All requirements of the Land Development Code shall be met, except where amended herein.

Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense.

Sec. 6. THAT 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 18th day of July 2017.

The second reading and public hearing being conducted on the 1st day of August 2017.

PASSED AND APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 1ST DAY OF AUGUST 2017.

| | | | |
|---|---|---|---|
| Mayor Richard Newton | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 5, Nancy Coplen | _____ |
| Place 3, Kathy Wheat | _____ | Place 6, Mike Taylor | _____ |
| Place 4, George Dodson | _____ | | |

**ATTEST:** **CITY OF COLLEYVILLE**

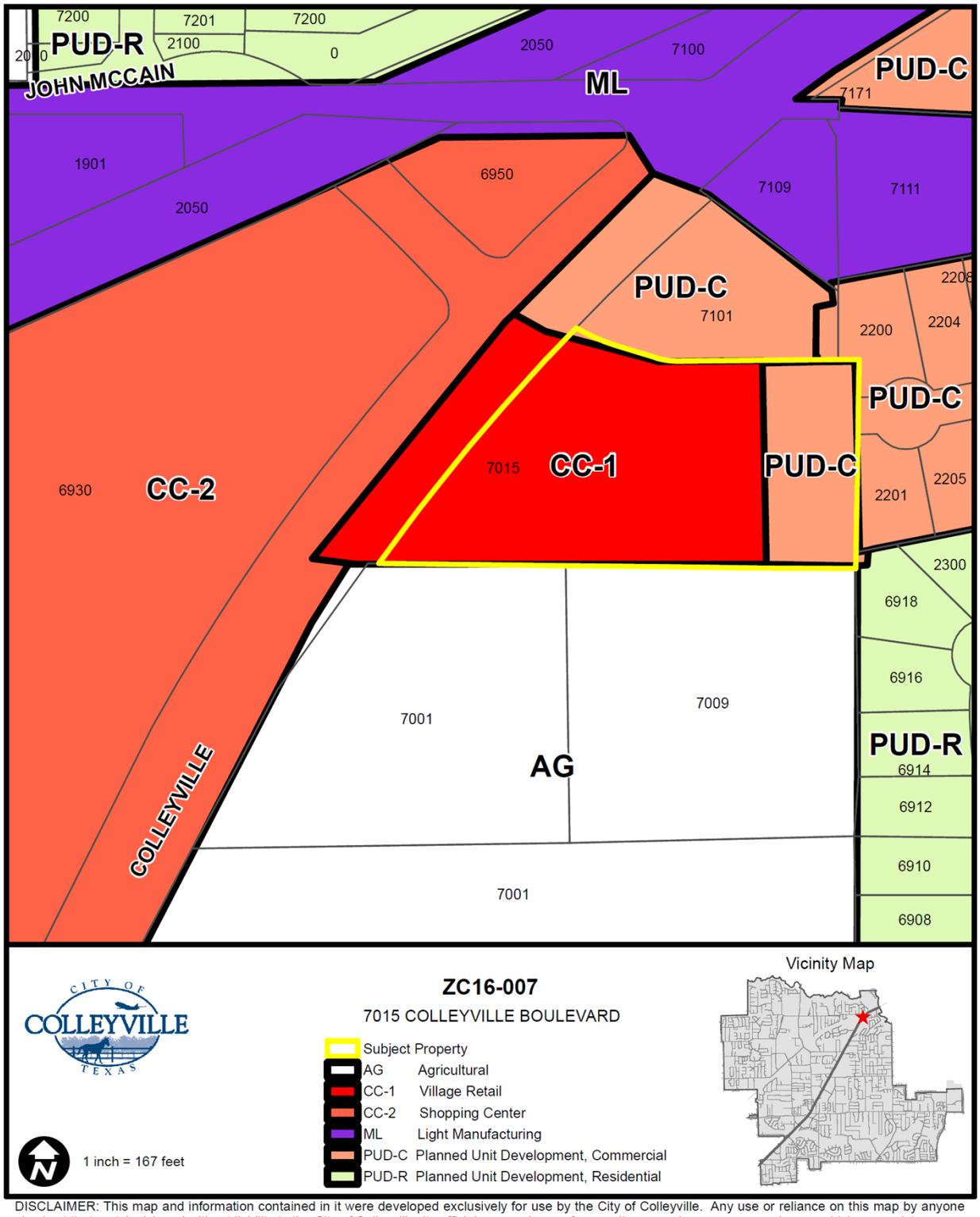
Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

**APPROVED AS TO FORM AND LEGALITY:**

Whitt L. Wyatt
City Attorney

# Exhibit "A" – Zoning 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.

# Exhibit "B" – Aerial Map

CITY OF COLLEYVILLE TEXAS

**ZC16-007**

7015 COLLEYVILLE BOULEVARD

Subject Property

1 inch = 167 feet

Vicinity Map

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

# City of Colleyville
## City Council
## Agenda Briefing

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

**Agenda Number** 5c **Agenda Date** 08/01/2017 **Number** Ordinance O-17-2018
**Type** Ordinance
**Department** Police

**Title**
Approval of the Fiscal Year 2018 Colleyville Crime Control and Prevention District budget

**Strategic Plan**
2.4 Demonstrate stewardship of public resources
2.1 Provide responsive, efficient city services

**Explanation**
***Second Reading and Public Hearing***

There was one speaker in support of this request at the July 18, 2017, City Council meeting.

***First Reading and Public Hearing***

In accordance with Chapter 363 of the Local Government Code, the Colleyville Crime Control and Prevention District (CCCPD) Board, which is comprised of the City Council, must hold a public hearing on the proposed annual budget at least 100 days before the start of the fiscal year and adopt a budget at least 80 days before the start of the fiscal year. The CCCPD Board held a public hearing on the proposed FY2018 CCCPD budget on June 20, 2017 and advertised this public hearing in the *Fort Worth Star-Telegram* on Friday, June 9, 2017, per the 10 day advance requirement. On July 11, 2017, the Board approved the proposed FY2018 CCCPD budget.

Upon Board approval, the CCCPD budget must be submitted to the City Council for approval or rejection within 10 days. Per Sec. 363.205(d) of the Local Government Code, the governing body may not amend the budget submitted by the Board. If the governing body rejects the budget submitted by the Board, the governing body and the Board shall meet and together amend and approve the budget before the beginning of the fiscal year. This agenda item allows for City Council consideration (1st reading of the CCCPD budget ordinance). The July 18th City Council agenda item for first reading of the CCCPD budget ordinance will also serve as the required public hearing by the governing body and was advertised in the *Fort Worth Star-Telegram* on Friday, July 7, 2017, per the 10 day advance requirement.

During the discussion of the FY2018 proposed CCCPD budget on June 20, 2017, staff presented a complete FY2018 budget proposal and a five-year forecast based on

current information. No changes to the FY2018 proposed CCCPD budget were requested. Staff is seeking City Council approval of the proposed FY2018 expenditures.

**Financial Impact**
The attached proposed budget provides estimated fund balances and revenues, as well as a detailed list of proposed expenditures.

**Recommendation**
Approve

**Attachments**
1. Proposed FY2018 CCCPD Budget
2. Ordinance O-17-2018

**COLLEYVILLE CRIME CONTROL DISTRICT**
**FY 2017 THROUGH FY 2022 PROJECTION**

| *FISCAL YEAR* | *ADOPTED FY 2017* | *PROJECTED FY 2017* | *PROPOSED FY 2018* | *PROJECTED FY 2019* | *PROJECTED FY 2020* | *PROJECTED FY 2021* | *PROJECTED FY 2022* |
|---|---|---|---|---|---|---|---|
| BEGINNING FUND BALANCE | $1,381,476 | $1,483,659 | $1,438,234 | $1,194,329 | $972,451 | $1,022,872 | $889,441 |
| **REVENUES:** | | | | | | | |
| 1/2 CENT SALES TAX REVENUE* | $1,613,620 | $1,700,000 | $1,700,000 | $1,717,000 | $1,734,170 | $1,751,512 | $1,769,027 |
| INTEREST INCOME | $1,500 | $1,500 | $1,500 | $1,500 | $1,500 | $1,500 | $1,500 |
| USE OF AVAILABLE CASH | $343,350 | $246,970 | $444,643 | $425,518 | $0 | $133,431 | $0 |
| TOTAL REVENUES | $1,958,470 | $1,948,470 | $2,146,143 | $2,144,018 | $1,735,670 | $1,886,443 | $1,770,527 |
| **EXPENDITURES:** | | | | | | | |
| ADMINISTRATIVE BOARD/AUDIT EXPENSES: | $1,850 | $1,850 | $1,850 | $1,850 | $1,850 | $1,850 | $1,850 |
| POLICE SOFTWARE ANNUAL MAINTENANCE CONTRACT | $49,500 | $49,500 | $49,500 | $49,500 | $49,500 | $49,500 | $49,500 |
| REGIONAL RECRUITING AND HIRING PROCESS | $2,500 | $2,500 | $2,500 | $2,500 | $2,500 | $2,500 | $2,500 |
| REGIONAL CRIME SCENE RESPONSE UNIT | $10,000 | $0 | $10,000 | $10,000 | $10,000 | $10,000 | $10,000 |
| CRIME REPORTS ANALYTICAL CRIME MAPPING SOFTWARE | $5,492 | $5,492 | $5,492 | $5,492 | $5,492 | $5,492 | $5,492 |
| NETMOTION WIRELESS MAINTENANCE AGREEMENT | $3,219 | $3,219 | $3,219 | $3,219 | $3,219 | $3,219 | $3,219 |
| L-3 IN-CAR VIDEO SYSTEM SERVER MAINTENANCE | $3,949 | $3,949 | $3,949 | $3,949 | $3,949 | $3,949 | $3,949 |
| TICKET WRITER REPLACEMENT | $4,700 | $4,700 | $4,700 | $4,700 | $4,700 | $4,700 | $4,700 |
| CALEA ACCREDITATION | $0 | $0 | $11,000 | $6,000 | $6,000 | $6,000 | $6,000 |
| ***PERSONNEL:*** | | | | | | | |
| 9 POLICE OFFICERS | $770,103 | $770,103 | $841,350 | $883,418 | $927,589 | $973,968 | $1,022,667 |
| ADDITIONAL OFFICER IN FY 2019 | $0 | $0 | $0 | $85,000 | $89,250 | $93,713 | $98,398 |
| ADDITIONAL SERGEANT IN FY 2021 | $0 | $0 | $0 | $0 | $100,000 | $105,000 | $110,250 |
| TEEN COURT | $33,750 | $33,750 | $33,750 | $33,750 | $33,750 | $33,750 | $33,750 |
| ***CAPITAL -*** | | | | | | | |
| FACILITY NEEDS ASSESSMENT | $30,000 | $30,000 | $0 | $0 | $0 | $0 | $0 |
| UPS BATTERY BACKUP REPLACEMENT | $85,000 | $85,000 | $0 | $0 | $0 | $0 | $0 |
| JUSTICE CENTER DUMPSTER ENCLOSURES | $0 | $0 | $0 | $10,000 | $0 | $0 | $0 |
| HVAC REPLACEMENT - JUSTICE CENTER | $0 | $0 | $0 | $0 | $0 | $237,000 | $0 |
| METAL ROOF COATING - JUSTICE CENTER | $0 | $0 | $0 | $0 | $167,200 | $0 | $0 |
| CARPET & VCT TILE REPLACEMENT - JUSTICE CENTER | $0 | $0 | $0 | $0 | $0 | $88,052 | $0 |
| **VEHICLES:** | | | | | | | |
| REPLACEMENT - PATROL VEHICLE AND EQUIPMENT | $113,000 | $113,000 | $206,600 | $206,600 | $206,600 | $206,600 | $206,600 |
| REPLACEMENT - MOTORCYCLE (TWO) | $0 | $0 | $0 | $12,500 | $12,500 | $0 | $0 |
| REPLACEMENT - ADMINISTRATIVE VEHICLES | $121,500 | $121,500 | $27,000 | $27,000 | $27,000 | $27,000 | $27,000 |
| NEW VEHICLE (FOR NEW OFFICERS) | $0 | $0 | $0 | $51,650 | $0 | $0 | $0 |
| **EQUIPMENT:** | | | | | | | |
| ANNUAL WEAPONS REPLACEMENT | $8,500 | $8,500 | $10,000 | $10,000 | $10,000 | $10,000 | $10,000 |
| SWAT EQUIPMENT AND TRAINING | $0 | $0 | $6,150 | $6,150 | $6,150 | $6,150 | $6,150 |
| SAFETY EQUIPMENT AND REPLACEMENT | $0 | $0 | $5,000 | $5,000 | $5,000 | $5,000 | $5,000 |
| BALLISTIC TAC PLATE CARRIERS AND HELMETS | $0 | $0 | $13,500 | $0 | $0 | $0 | $0 |
| TWO RADAR SIGNS- LICENSES | $0 | $0 | $3,000 | $3,000 | $3,000 | $3,000 | $3,000 |
| IN CAR CAMERAS & SERVER | $0 | $0 | $195,000 | $0 | $0 | $0 | $0 |
| ***DEBT SERVICE:*** | | | | | | | |
| 2006 SERIES REFUNDING DEBT | $503,862 | $503,862 | $501,845 | $509,100 | $0 | $0 | $0 |
| ***TRANSFERS:*** | | | | | | | |
| CAPITAL EQUIPMENT REPLACEMENT FUND - IN-CAR MOBILE DIGITAL COMPUTER SYSTEM | $10,000 | $10,000 | $10,000 | $10,000 | $10,000 | $10,000 | $10,000 |
| TOTAL EXPENDITURES | $1,756,925 | $1,746,925 | $1,945,405 | $1,940,378 | $1,685,249 | $1,886,443 | $1,620,025 |
| EXCESS REVENUES OVER EXPENDITURES ^^ | $201,545 | $201,545 | $200,738 | $203,640 | $50,421 | $0 | $150,502 |
| ENDING FUND BALANCE | $1,239,670 | $1,438,234 | $1,194,329 | $972,451 | $1,022,872 | $889,441 | $1,039,943 |

^^ MUST HAVE A 1.4 TIMES COVERAGE RATIO ($201,545) FOR DEBT SERVICE PAYMENT IN FY 2017

^^ MUST HAVE A 1.4 TIMES COVERAGE RATIO ($200,738) FOR DEBT SERVICE PAYMENT IN FY 2018

^^ MUST HAVE A 1.4 TIMES COVERAGE RATIO ($203,640) FOR DEBT SERVICE PAYMENT IN FY 2019

*NOTE: SALES TAX GROWTH PROJECTION OF 0% IN FY 2018, 1% IN FY 2019 - FY 2022

# ORDINANCE O-17-2018

**AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR FISCAL YEAR 2018 FOR THE COLLEYVILLE CRIME CONTROL AND PREVENTION DISTRICT, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2018, A COPY OF SAME BEING ON FILE IN THE OFFICE OF THE CITY SECRETARY, TO BECOME EFFECTIVE UPON PASSAGE BY THE CITY COUNCIL**

**WHEREAS,** the laws of the State of Texas require the Board of Directors of the Colleyville Crime Control and Prevention District to adopt a budget of projected revenues and proposed expenditures, cash on hand at the start of the year, the amount of money received during the prior year, the tax rate, and the projected ending fund balance; and

**WHEREAS,** on July 11, 2017, the Board of Directors of the Colleyville Crime Control and Prevention District approved the following budget; 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 the budget for the fiscal year beginning October 1, 2017 and ending September 30, 2018 for the Colleyville Crime Control and Prevention District, a copy of which is on file in the Office of the City Secretary, is hereby made a part of this Ordinance by reference and is hereby approved and adopted by the City Council of the City of Colleyville, Texas, as the official budget for the fiscal year beginning October 1, 2017 and ending September 30, 2018 and that the City Manager is authorized to execute all contracts and agreements approved as a part of the budget.

Sec. 2. THAT the budget of the fiscal year beginning October 1, 2017, and ending September 30, 2018, for the Colleyville Crime Control and Prevention District with a sales and use tax rate of .5%, is hereby fixed as follows:

| | |
|---|---|
| Projected Revenue Received in Fiscal Year 2017 | $ 1,948,470 |
| Projected Cash on Hand as of October 1, 2017 | $ 1,438,234 |
| Revenues | $ 2,146,143 |
| Expenditures | $ 1,945,405 |
| Ending Fund Balance at September 30, 2018 | $ 1,194,329 |

**AND IT IS SO ORDERED.**

The first reading and public hearing being conducted on the 18th day of July 2017.

The second reading and public hearing being conducted on the 1st day of August 2017.

APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 1ST DAY OF AUGUST 2017.

| | | | |
|---|---|---|---|
| Mayor Richard Newton | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 5, Nancy Coplen | _____ |
| Place 3, Kathy Wheat | _____ | Place 6, Mike Taylor | _____ |
| Place 4, George Dodson | _____ | | |

**ATTEST:** **CITY OF COLLEYVILLE**

Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

**APPROVED AS TO FORM AND LEGALITY:**

Whitt L. Wyatt
City Attorney

# City of Colleyville
## City Council
## Agenda Briefing

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

**Agenda Number** 6a **Agenda Date** 08/01/2017 **Number** Ordinance O-17-2019
**Type** Ordinance
**Department** Community Development

**Title**
Consideration of a Special Use Permit for an Accessory Building to exceed the total square footage permitted on Lot 1, Block 1, of the K Bar G Estates Addition, located at 6401 Westcoat Road, Case ZC17-008

**Strategic Plan**
There is no Strategic Plan connection for this item.

**Explanation**
***First Reading and Public Hearing***

Jeff Polk, the applicant, on behalf of Ms. Julianna Garrison, the owner, has submitted a request for a Special Use Permit (SUP) to construct an additional 302 square feet to an existing cabana of approximately 660 square feet located at 6401 Westcoat Road. Specifically the applicant is requesting an SUP to allow the total square footage of the accessory building to exceed the square footage permitted by staff for all accessory buildings on the lot. The expansion is to create additional restroom areas for guests and employees of the farm.

**Existing Conditions/Background:** The subject property is zoned AG-Agricultural district and generally located on the east side of Westcoat Road and north of White Drive. The subject property is approximately 286,708 square feet, or 6.58 acres and currently developed with one single family home, and three existing accessory buildings. The existing accessory buildings consist of one 6,000 square foot barn, one 750 square foot three-sided pole barn, and one 660 square foot cabana or pool house. The total square footage for all existing accessory buildings is 7,410 square feet. The proposed lot coverage for the existing home and accessory buildings together equals approximately 20,030 square feet of building footprint or 7.0 percent of the lot.

**Proposed Special Use Permit Request:**
*Request* – The applicant is requesting an SUP to permit the proposed building expansion of the existing cabana which would exceed the total square footage for all accessory buildings allowed to be permitted by staff on the subject property.

*Ordinance* – Section 3.27 Accessory Buildings and Residential Carport Regulations of the Land Development Code establishes the maximum size and number of accessory buildings to be permitted by staff on a residential lot:

*"2. Maximum Size and Number of Buildings:*

*a. The maximum number of accessory buildings allowed per lot shall be three (3) buildings. In addition, the combined square footage of all accessory buildings shall not exceed the maximum square footage specified in the following table.*

| Maximum Square Footage of all Accessory Buildings | | | | |
|---|---|---|---|---|
| Lot Size | Under .5 ac | .5– .99 ac. | 1 – 2.99 ac. | 3+ ac. |
| Total s. f. | 750 s. f. | 1,000 s. f. | 1,750 s. f. | 2,500 s. f. |

*a. For the purpose of this Section, the size of an accessory building shall be the square footage of the building footprint.*

*b. An application to exceed the total square footage shown in the above table may be approved as a Special Use Permit (SUP)."*

*Analysis* – The purpose of a Special Use Permit is to allow a use not normally allowed in a zoning district, which could be of benefit in a particular case to the general welfare, provided adequate development standards and special requirements are imposed to protect surrounding uses or to preserve the character of the neighborhood.

The proposed expansion to the accessory building will not comply with the following provisions of the Land Development Code:

Section 3.27(A)2 – Maximum Size and Number of Buildings:
For lots greater than 3 acres in size, the maximum size allowed for all accessory buildings on the site is 2,500 square feet.

The subject property is 286,708 square feet, or 6.58 acres. The proposal up for consideration requests to expand the restroom areas in an existing cabana totaling 962 square feet in size. As previously stated, the total square footage for the three existing accessory buildings is 7,410 square feet. Therefore, the total proposed square footage for all accessory buildings will be 7,712 square feet. This total exceeds the maximum 2,500 square footage allowed by 5,212 square feet.

The existing cabana is on the rear portion of the property and the proposed expansion does not reduce the distance to the south property line. The setback will be approximately 95 feet from the side property line and approximately 90 feet from the rear property line. The accessory building will be located entirely behind the primary residence and will not be clearly visible from the street. The accessory structure does not penetrate the vertical height envelope and meets the required side and rear yard setbacks, respectively.

The applicant has indicated that the proposed building will be constructed with masonry materials, specifically, stone to match the existing material.

The proposed accessory building complies with all other requirements of Section 3.27. The site plan and elevations have been included as attachments for review.

**Surrounding Development:** The properties to the north and east are zoned AG-Agricultural district and is part of the farm developed with single family homes. The properties to the south and west are a mix of R-10 Single Family Residential, R-20 Single Family Residential, and R-40 Single Family Residential districts and developed with single family homes.

**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 on Friday, June 23, 2017. Both Grapevine-Colleyville ISD and Keller ISD, where the subject property is located, were notified per State law. Notice was published in the *Fort Worth Star-Telegram* on Saturday, June 24, 2017, as required by State law and the Land Development Code. To date, no correspondence has been received.

**Staff Recommendation:** The applicant proposes to expand a 660 square foot cabana by 302 square feet. The proposed accessory building meets all of the requirements for a cabana and appears to be compatible with the property and surrounding development patterns. However, the total square footage for all accessory buildings exceeds the allowed 2,500 square feet allowed to be permitted by staff by 5,212 square feet. However, given the location, size of the lot, and minor impact of the expansion, staff recommends approval.

**Planning and Zoning Commission Recommendation:** The Planning and Zoning Commission recommended approval of the request at their July 10th meeting by a vote of 6-0.

**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. Site Plan
6. Floor Plan

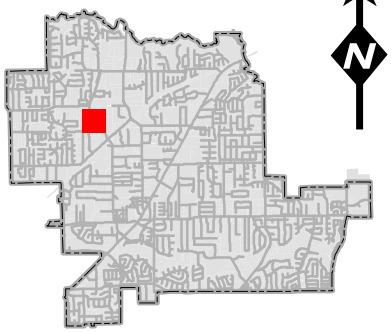
7. Building Elevations
8. Notification Map
9. Notification List
10. Property Owner Notification
11. Legal Notice
12. Ordinance O-17-2019

# Aerial Map

CITY OF COLLEYVILLE TEXAS

# ZC17-008

## 6401 WESTCOAT DRIVE

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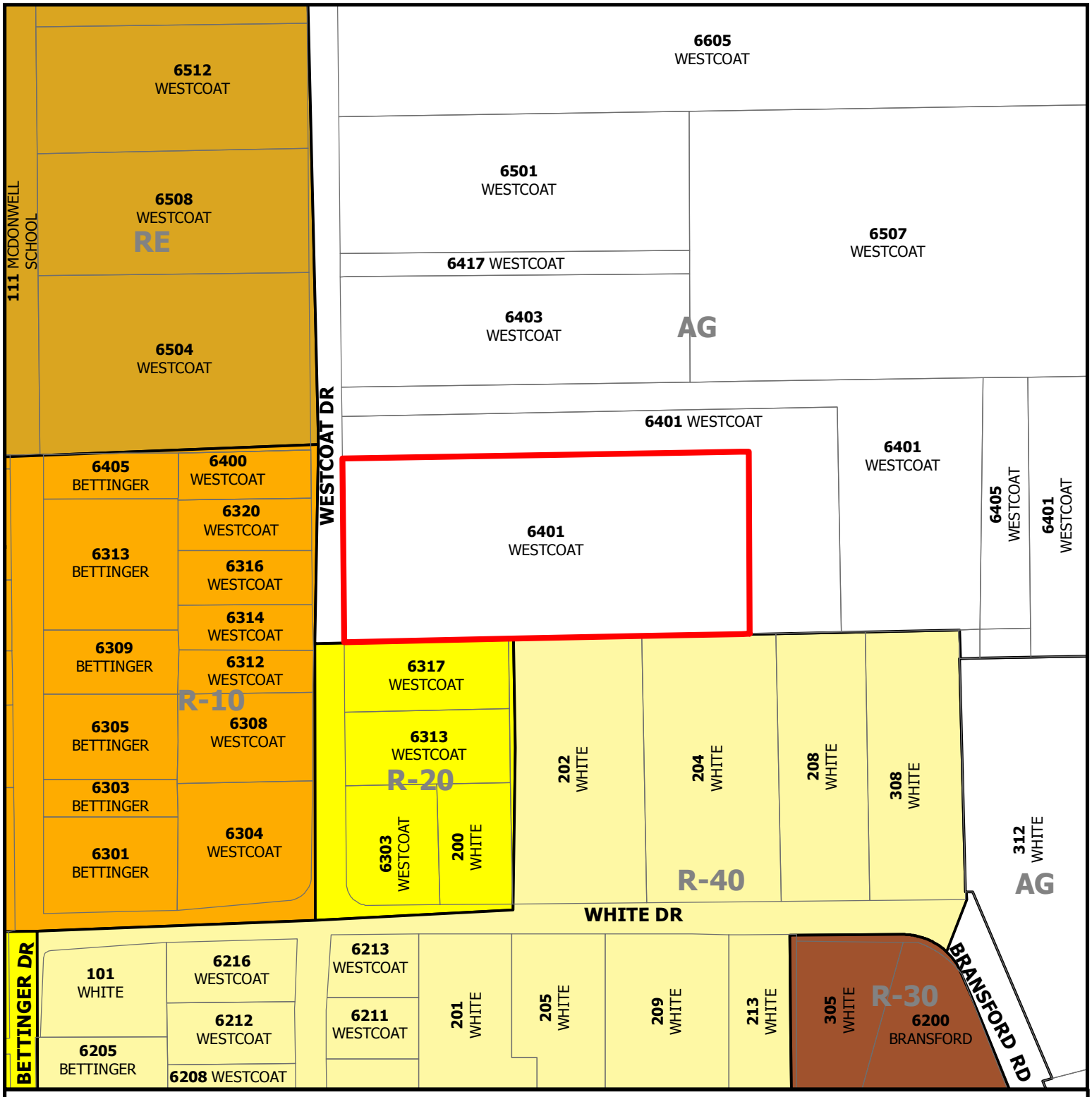
Subject Property

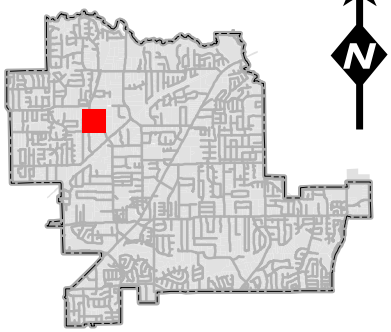
# Zoning Map




CITY OF COLLEYVILLE TEXAS

# ZC17-008

## 6401 WESTCOAT DRIVE



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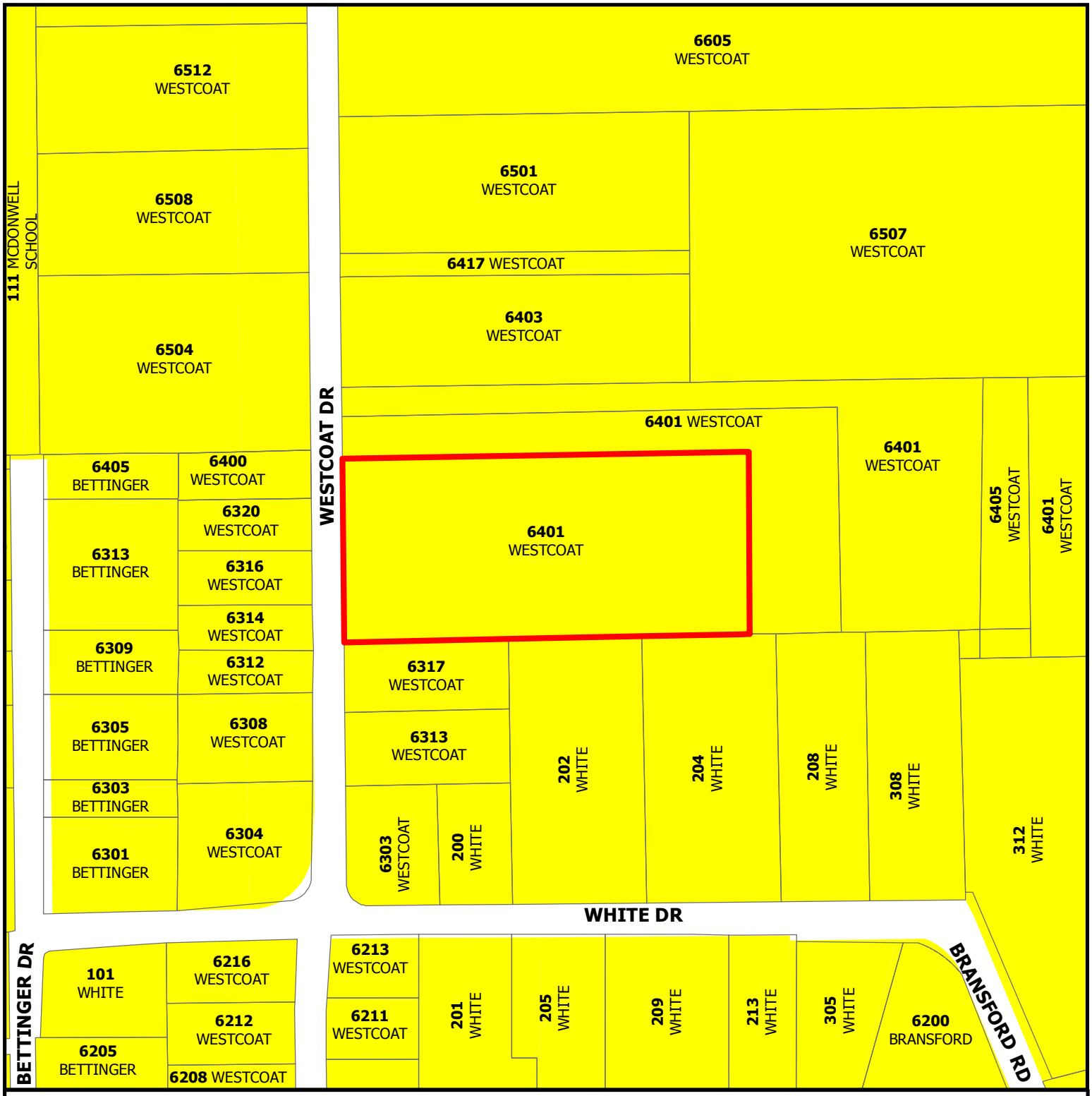
Subject_Property

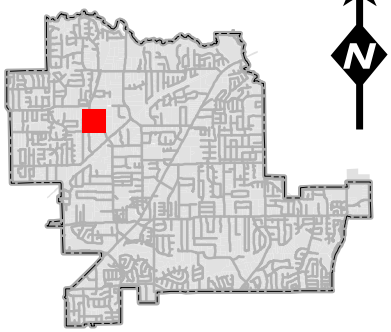
# Future Land Use Map




CITY OF COLLEYVILLE TEXAS

# ZC17-008

## 6401 WESTCOAT DRIVE



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Subject_Property

# Statement of Planning Objectives

## 6401 Westcoat Rd. SUP – Statement of Planning Objectives

The proposed construction requiring a special use permit involves adding 302 square feet to an already existing accessory building (Cabana). The addition would include 2 bathrooms. The remodel of the existing structure takes in an existing closet and half bath to enlarge the existing bar. See the attached plans for more details.

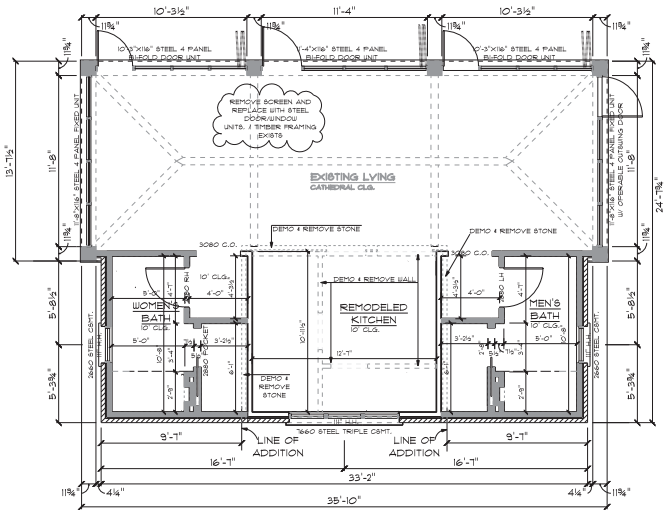
The purpose of this addition is to address a need for restroom facilities apart from the existing home. The property includes a working farm which employs 3 farm workers. The owner, Julianna Garrison who lost her husband in the fall of 2016 and is living alone wishes to provide separate full restroom facilities outside of the main residence to enhance security for the main home. The remodeled bar would also serve as a space for farm visitors, customers and employees to meet and take breaks outside of the main home. Additionally, the proposed addition is not substantially visible from adjacent properties.

# Site Plan

ROUGH SITE PLAN SCALE: 1" = 50'

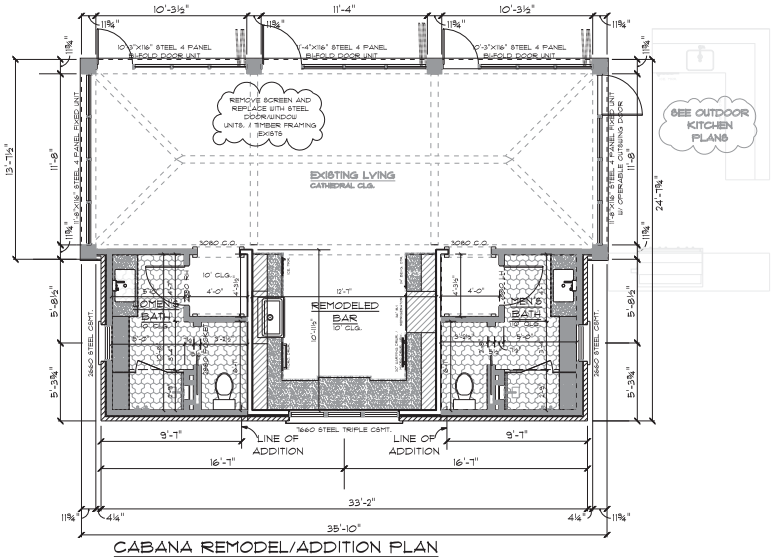
| | | | | | | |
|---|---|---|---|---|---|---|
| MEMBER AIA BD | OWNER: Julianna Garrison | WARDLAW+POLK DESIGN+BUILD | Wardlaw Polk Design Build, LLC<br>1904 Industrial Blvd. Suite 104 -- Colleyville, TX 76034<br>wardlawpolk.com -- jeff@wardlawpolk.com -- 817-829-0040 | GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, DUE TO VARIANCES IN GEOGRAPHIC LOCATIONS, POLK DESIGN BUILD GROUP, LLC, OR JEFF POLK WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. ANY RESTITUTION NOT TO EXCEED THE ORIGINAL COST OF THE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION.<br>THESE PLANS ARE PROTECTED UNDER COPYRIGHT LAW. REPRODUCTION BY ANY MEANS IS STRICTLY PROHIBITED. THE RIGHT OF BUILDING ONLY ONE STRUCTURE IS LICENSED EXCLUSIVELY TO THE ORIGINAL BUYER.<br>© 2017, WARDLAW POLK DESIGN BUILD | DRAWN BY: Jeff A. Polk | Designer Approval: x_____ date _____ | SHEET: |
| | PROJECT ADDRESS: 6401 Westcoat Rd. Colleyville, TX 76034 | | | | DATE: 04.20.2017 | Owner Approval: x_____ date _____ | C.01.01 |

# Floor Plan



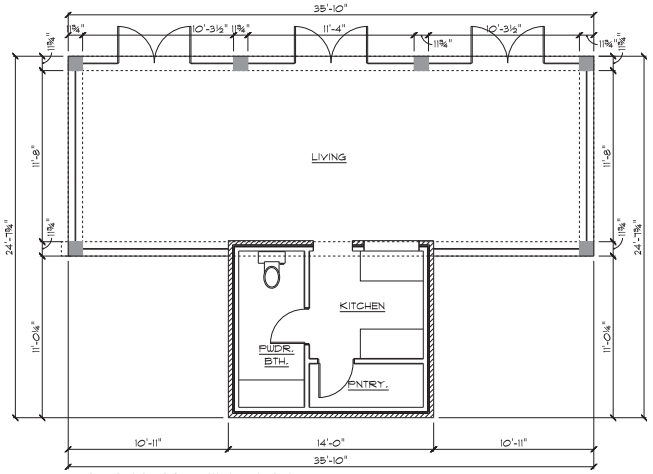

CABANA FRAMING AND DEMOLITION PLAN

SCALE: 1/4" = 1'



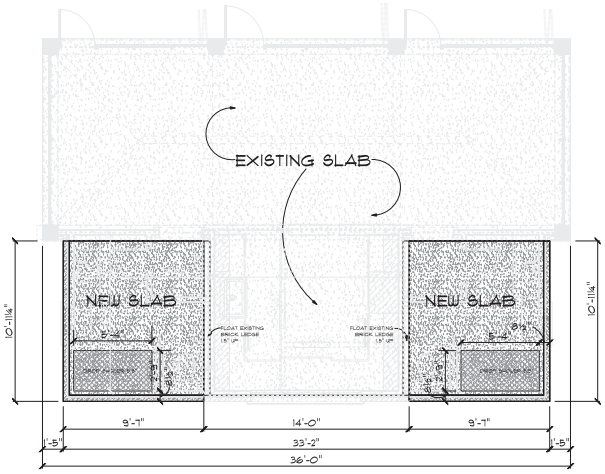

CABANA REMODEL/ADDITION PLAN

SCALE: 1/4" = 1'




CABANA AS-BUILT PLAN

SCALE: 1/4" = 1'




CABANA SLAB ADDITION PLAN

SCALE: 1/4" = 1'


MEMBER AIA BD

Wardlaw Polk Design Build, LLC

1904 Industrial Blvd. Suite 104 — Colleyville, TX 76034

wardlawpolk.com -- jeff@wardlawpolk.com -- 817-829-0040

WARDLAW+POLK DESIGN+BUILD


Our Core Values

Be Honest + Be Excellent + Be Creative + Be Generous + Be Joyful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©2017, WARDLAW POLK DESIGN BUILD


Owner Approval:

x _____

date _____

Designer Approval:

x _____

date _____

DRAWN BY: Jeff A. Polk

DATE: 04.07.2017

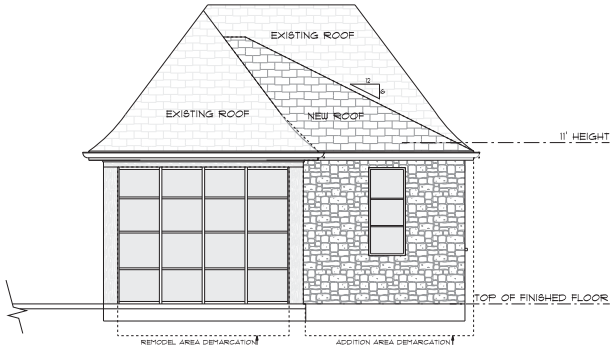
OWNER: Julianna Garrison

PROJECT ADDRESS: 6401 Westcoat Rd. Colleyville, TX 76034

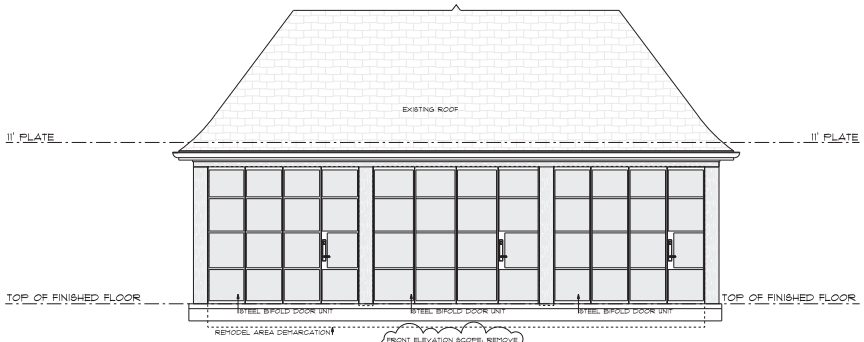
SHEET: A.1.01

BINDER HERE

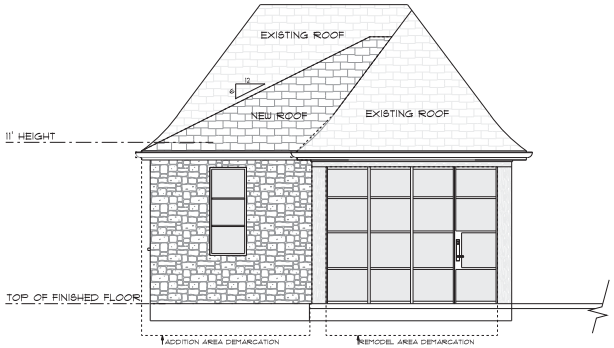
# Building Elevations



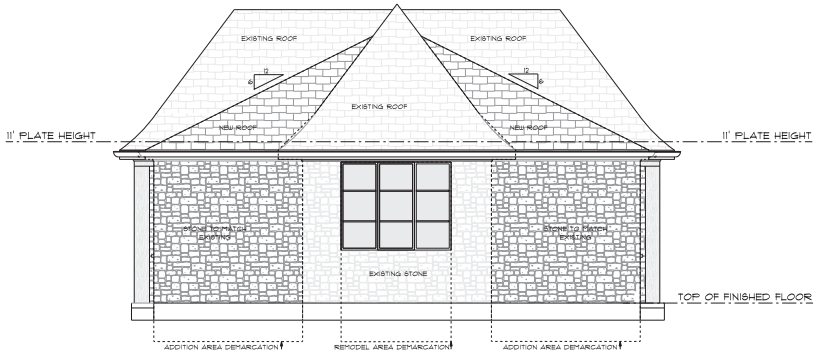

RIGHT ELEVATION
SCALE: 1/4" = 1'




FRONT ELEVATION
SCALE: 1/4" = 1'

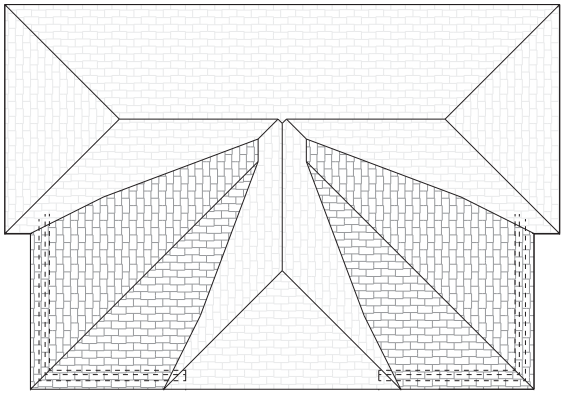



LEFT ELEVATION
SCALE: 1/4" = 1'

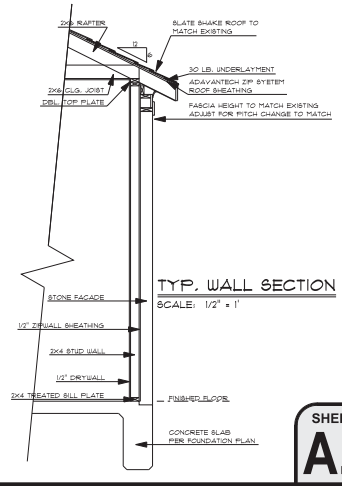



REAR ELEVATION
SCALE: 1/4" = 1'

REAR ELEVATION SCOPE: ADDITION OF RESTROOMS PER PLAN, ADD STEEL CASEMENT WINDOW PER PLAN, NEW ROOF PER PLAN



ROOF PLAN
SCALE: 1/4" = 1'




TYP. WALL SECTION
SCALE: 1/2" = 1'


MEMBER AIBD
Wardlaw Polk Design Build, LLC
1904 Industrial Blvd. Suite 104 — Colleyville, TX 76034
wardlawpolk.com — jeff@wardlawpolk.com — 817-829-0040
WARDLAW+POLK DESIGN+BUILD


Our Core Values
Be Honest
+
Be Excellent
+
Be Creative
+
Be Generous
+
Be Joyful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Owner Approval:
x
date

Designer Approval:
x
date

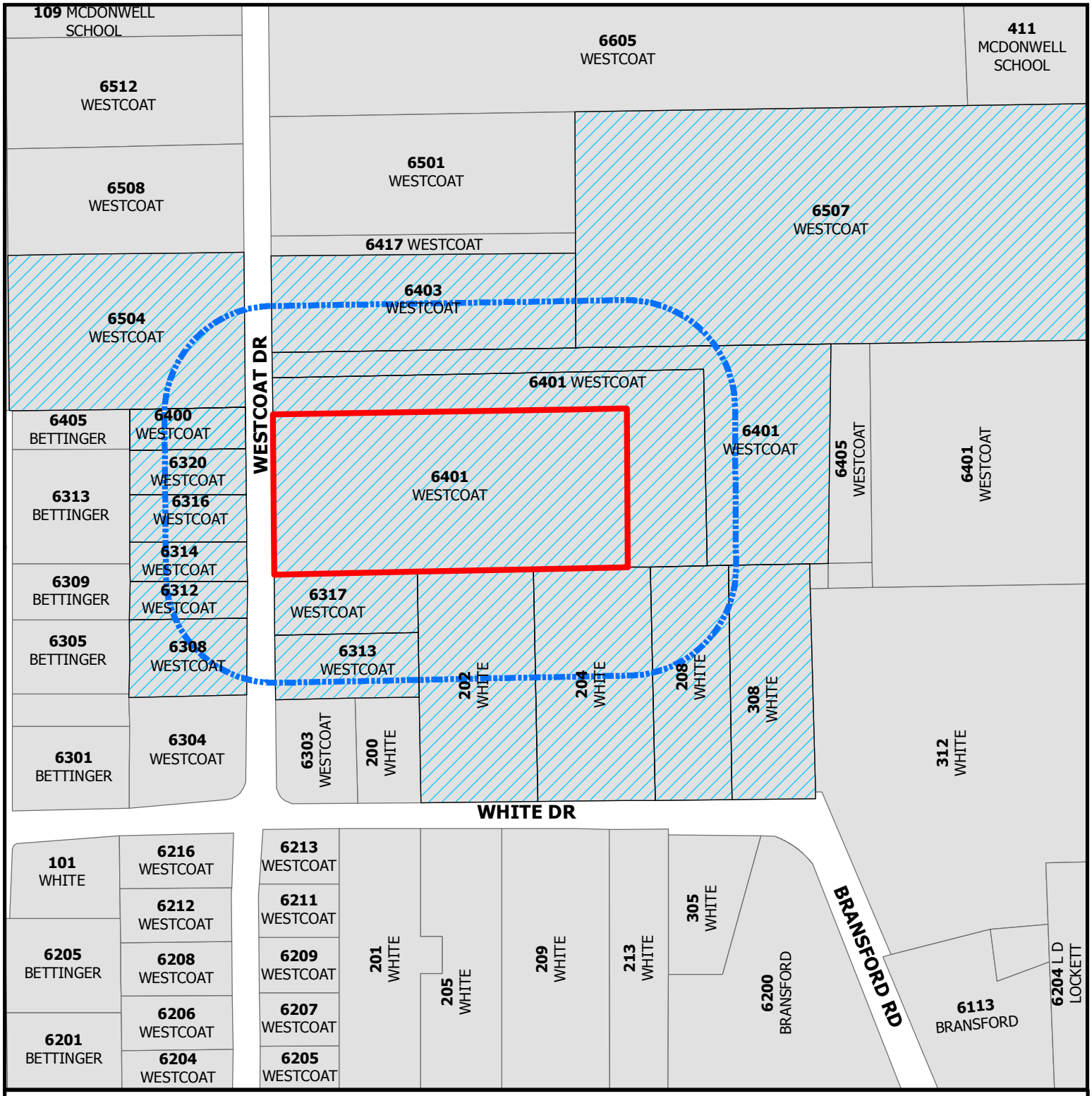
DRAWN BY: Jeff A. Polk
DATE: 04.07.2017

OWNER: Julianna Garrison
PROJECT ADDRESS: 6401 Westcoat Rd. Colleyville, TX 76034

SHEET: A.2.01

BINDER HERE

# Notification Map




CITY OF COLLEYVILLE TEXAS

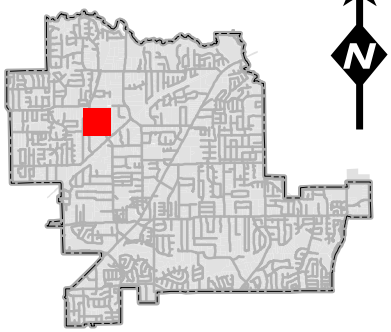
# ZC17-008

## 6401 WESTCOAT DRIVE

Subject Property

200ft Buffer

Properties within 200ft



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# Notification List

| Owner Name | Owner Address | Owner City | Owner Zip | Situs Address |
|---|---|---|---|---|
| GREYSTONE MANOR LP | 6401 WESTCOAT DR | COLLEYVILLE, TX | 76034 | 6507 WESTCOAT DR |
| ROBERTS, CORY | 6314 WESTCOAT DR | COLLEYVILLE, TX | 76034 | 6314 WESTCOAT DR |
| STEWART, PAM | 208 WHITE DR | COLLEYVILLE, TX | 76034 | 208 WHITE DR |
| CALHOON, CHRISTOPHER | 6308 WESTCOAT DR | COLLEYVILLE, TX | 76034 | 6308 WESTCOAT DR |
| LEVITZ, SHELLEY | 6403 WESTCOAT DR | COLLEYVILLE, TX | 76034 | 6403 WESTCOAT DR |
| WAYMARK LP | 103 ADAMS CT | COLLEYVILLE, TX | 76034 | 6317 WESTCOAT DR |
| HYDE, R W | 202 WHITE DR | COLLEYVILLE, TX | 76034 | 202 WHITE DR |
| GARRISON, JULIANNA | 6401 WESTCOAT DR | COLLEYVILLE, TX | 76034 | 6401 WESTCOAT DR |
| DOODY, KEVIN J | 1109 SOMERSET BLVD | COLLEYVILLE, TX | 76034 | 6312 WESTCOAT DR |
| PUTNAM, CHRISTOPHER | 204 WHITE DR | COLLEYVILLE, TX | 76034 | 204 WHITE DR |
| OWENS, GARY A | 6313 WESTCOAT DR | COLLEYVILLE, TX | 76034 | 6313 WESTCOAT DR |
| GARRISON, DANIEL | 6401 WESTCOAT DR | COLLEYVILLE, TX | 76034 | 6401 WESTCOAT DR |
| HEATH, H DARRYL | 6200 BRANSFORD RD | COLLEYVILLE, TX | 76034 | 6316 WESTCOAT DR |
| HOFMANN, NANCY C | 6400 WESTCOAT DR | COLLEYVILLE, TX | 76034 | 6400 WESTCOAT DR |
| BROWN, WHITNEY C | 308 WHITE DR | COLLEYVILLE, TX | 76034 | 308 WHITE DR |
| MERCER, LEE | 6504 WESTCOAT DR | COLLEYVILLE, TX | 76034 | 6504 WESTCOAT DR |
| GREYSTONE MANOR LP | 6401 WESTCOAT DR | COLLEYVILLE, TX | 76034 | 6401 WESTCOAT DR |
| HOFMANN, NANCY C | 6400 WESTCOAT DR | COLLEYVILLE, TX | 76034 | 6400 WESTCOAT DR |
| WALTON, KIMBERLY A | 6320 WESTCOAT DR | COLLEYVILLE, TX | 76034 | 6320 WESTCOAT DR |

| | | | | |
|---|---|---|---|---|
| POLK, JEFF | 1904 INDUSTRIAL BLVD, SUITE 104 | COLLEYVILLE, TX | 76034 | APPLICANT |
| GRAPEVINE-COLLEYVILLE ISD | 3051 IRA WOODS AVE E | GRAPEVINE, TX | 76051 | STATE LAW REQUIRED |

Public hearing notices were mailed Friday,
June 23, 2017 by Araceli Botello

# Property Owner Notification

## NOTICE OF PUBLIC HEARING

| | |
|---|---|
| **Zoning Case Number:** | **ZC17-008** |
| **Applicant:** | **Jeff Polk** |
| **Owner:** | **Julianna Garrison** |
| **Location:** | **6401 Westcoat Drive** |
| **Property Description:** | **Lot 1A, Block 1, of the K Bar G Estates Addition** |
| **Present Zoning:** | **AG – Agricultural zoning district** |
| **Request:** | **Consideration of a Special Use Permit for an Accessory Building to exceed the total square footage permitted** |

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

**Planning and Zoning Commission Meeting: Monday, July 10, 2017 at 7:00 p.m.**
**City Council Meeting: Tuesday, August 1, 2017 & Tuesday, August 15, 2017 at 7:30 p.m.**
**3rd floor of City Hall, 100 Main Street, Colleyville, Texas**

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 200 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

**Community Development Department**
**City of Colleyville**
**100 Main Street**
**Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. For additional information, please contact the Community Development Department at 817.503.1052. Please reference the zoning case number when requesting information.

Ben Bryner
Community Development Director
bbryner@colleyville.com

# Legal Notice

June 23, 2017

**SENT VIA EMAIL on Friday, June 23, 2017**

Christine Lopez
Legal Notices
Fort Worth Star-Telegram
400 W. Seventh Street
Fort Worth, TX 76102

Dear Christine:

***Please publish and furnish an affidavit (N.E. Section):***
*Saturday, June 24, 2017*

The City of Colleyville Planning and Zoning Commission gives notice of a Public Hearing on Monday, 7/10/17 at 7:00 p.m. at City Hall, 100 Main Street, Colleyville, Texas:

Case ZC17-001 - Consideration of a zoning change from the R-40 Single Family Residential zoning district to the R-30 Single Family Residential zoning district on Tracts 1B1A and 2C2B, Abstracts 1674 and 1038, in the Hall Medlin Survey, located at 600 John McCain Road

Case ZC16-008 – Consideration of a Special Use Permit for an Accessory Building to exceed the total square footage permitted on Lot 1A, Block 1, of the K Bar G Estates Addition, located at 6401 Westcoat Road

Case ZC17-009 - Consideration of a zoning change from the PUD-C Planned Unit Development Commercial zoning district to the PUD-C Planned Unit Development Commercial zoning district on Lot 1, Block 1, of the San Bar Square Addition, located at 105 Cheek Sparger Road

The City Council will hold a Public Hearing on the above items on 8/1/17 and 8/15/17 at 7:30 p.m. at City Hall, 100 Main Street, Colleyville, Texas.

All interested citizens will be given the opportunity to speak and be heard.

**CITY OF COLLEYVILLE**

Araceli Botello
Planning Technician

# ORDINANCE O-17-2019

**AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING OF LOT 1, BLOCK 1, K BAR G ESTATES ADDITION, LOCATED AT 6401 WESTCOAT ROAD, BY AUTHORIZING A SPECIAL USE PERMIT FOR AN ACCESSORY BUILDING TO EXCEED THE SQUARE FOOTAGE PERMITTED BY STAFF FOR ALL ACCESSORY BUILDINGS ON THE LOT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Colleyville has received an application for a Special Use Permit for an accessory building to exceed the square footage permitted by staff for all accessory buildings on the lot under Case No. ZC17-008; and

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

**WHEREAS**, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

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

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

**WHEREAS**, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the

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

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

Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by authorizing a Special Use Permit for an accessory building to exceed the square footage permitted by staff for all accessory buildings on the lot on Lot 1, Block 1, K Bar G Estates Addition, located at 6401 Westcoat Road, as depicted on the attached as Exhibit "A".

Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

**1. GENERAL**

a. The Special Use Permit shall apply to the expansion of the existing cabana.

b. The expansion shall only be permitted for approximately 302 square feet for the purpose of expanding the bathroom areas within the cabana building.

c. The accessory building shall be generally consistent with the site plan and building elevations as depicted on the attached Exhibits

"B" and "C".

d. All requirements of the Land Development Code shall be met, except where amended herein.

Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense.

Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

**AND IT IS SO ORDERED.**

The first reading and public hearing being conducted on the 1st day of August 2017.

The second reading and public hearing being conducted on the 15th day of August 2017.

PASSED AND APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 15th day of August 2017.

| | | | |
|---|---|---|---|
| Mayor Richard Newton | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 5, Nancy Coplen | _____ |
| Place 3, Kathy Wheat | _____ | Place 6, Mike Taylor | _____ |
| Place 4, Jody Short | _____ | | |

**ATTEST:** **CITY OF COLLEYVILLE**

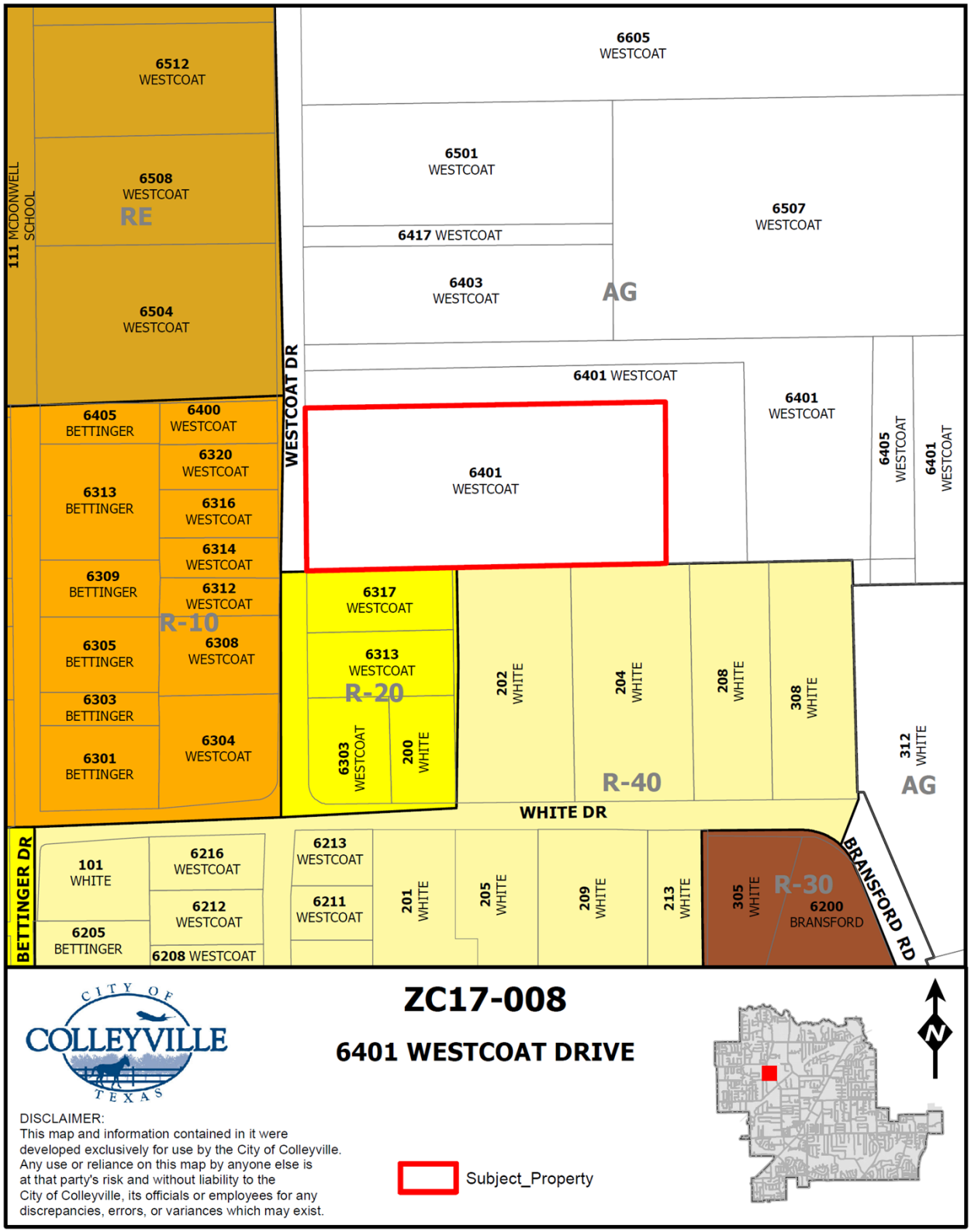
Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

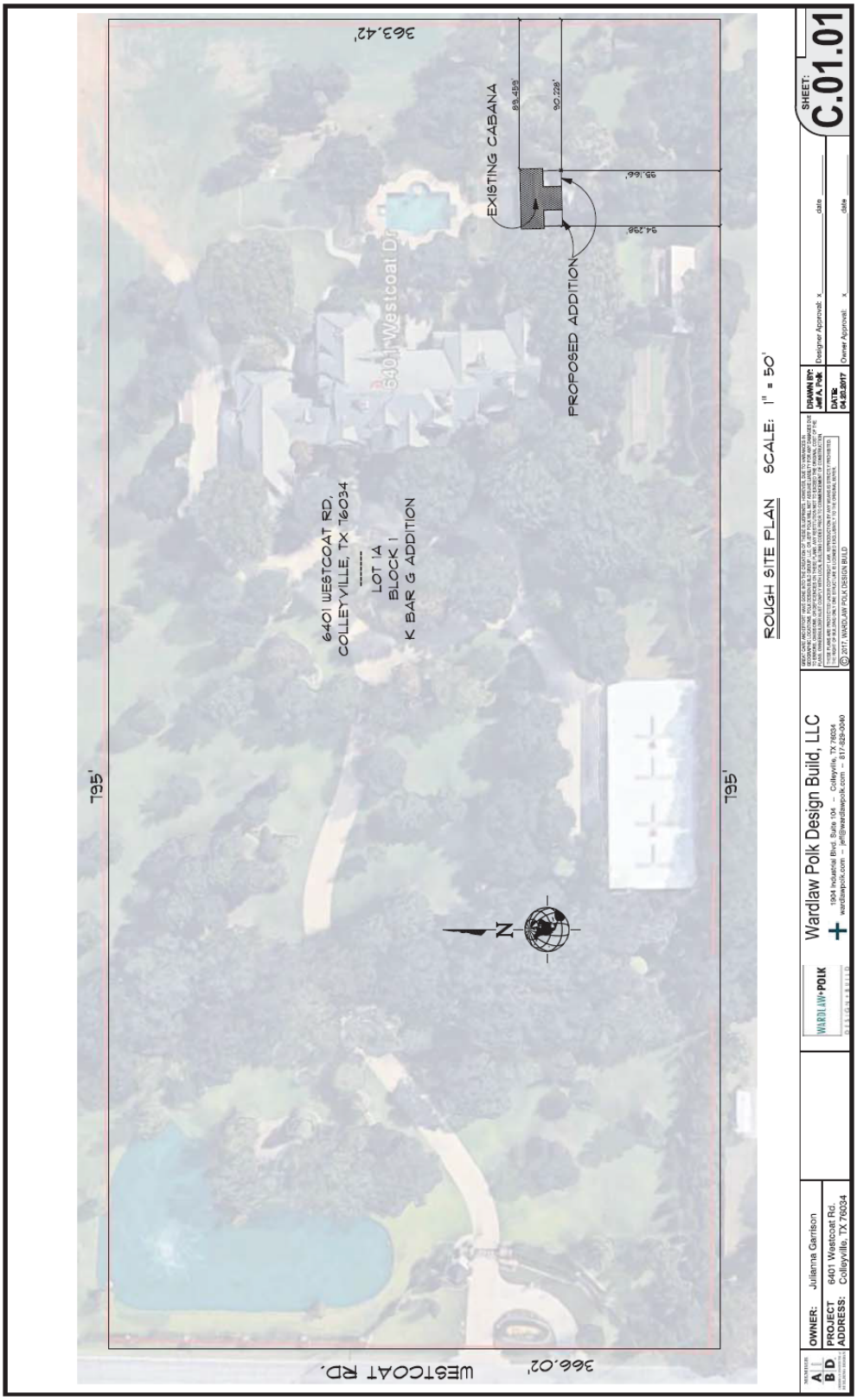
**APPROVED AS TO FORM AND LEGALITY:**

Whitt Wyatt
City Attorney

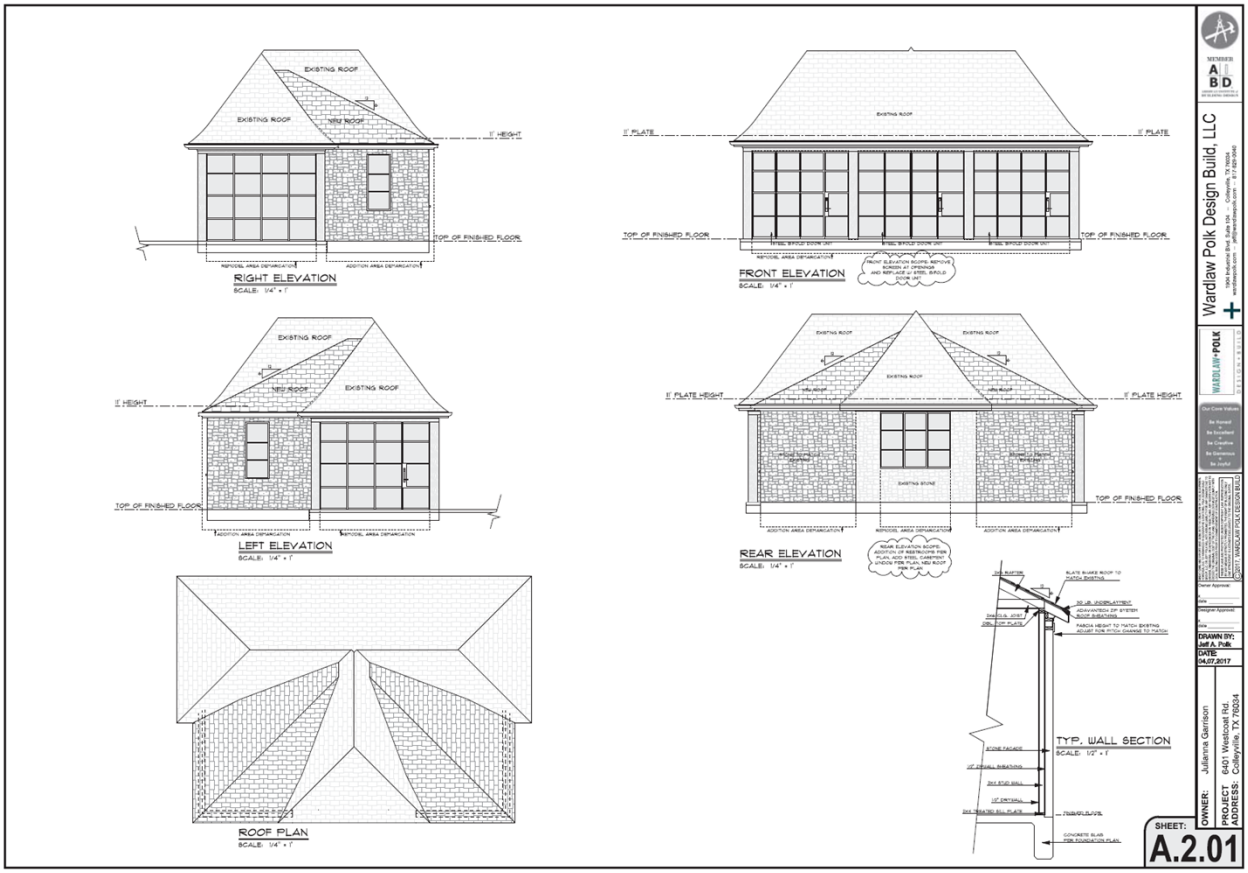
# Exhibit "A" - Location and Zoning Map



# Exhibit "B" – Site Plan



# Exhibit "C" – Elevations



# City of Colleyville
## City Council
## Agenda Briefing

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

**Agenda Number** 6b **Agenda Date** 08/01/2017 **Number** Ordinance O-17-2020
**Type** Ordinance
**Department** Community Development

**Title**
Consideration of an appeal of the decision of the Planning and Zoning Commission for a zoning change request from the PUD-C Planned Unit Development Commercial zoning district to the PUD-C Planned Unit Development Commercial zoning district on Lot 1, Block 1, of the San Bar Square Addition, located at 105 Cheek-Sparger Road, Case ZC17-009

**Strategic Plan**
There is no Strategic Plan connection for this item.

**Explanation**
***First Reading and Public Hearing***

Ruth-Ann Jones of Jenkins Sandhill Ranch, LLC, the applicant, has submitted a request for PUD-C Planned Unit Development – Commercial zoning on approximately 1.94 acres, located at 105 Cheek-Sparger Road. As requested, the zoning would be to permit a "boutique" assisted living center on the subject property. The proposed facility would be limited to 10 rooms and will include an indoor pool for residents.

**Existing Conditions:** The subject property is currently platted as Lot 1, Block 1, of the San Bar Square Addition and generally located at the southeast corner of Cheek-Sparger Road and San Bar Lane. The property is not far from Colleyville Boulevard which is located to the west of the subject property. The subject property currently is undeveloped.

**Zoning:** The subject property is currently zoned PUD-C Planned Unit Development – Commercial which was approved in January 1986 by Ordinance O-85-600. Unfortunately, the existing PUD-C ordinance does not provide specific detail to the permitted uses previously approved for the property. Per the Land Development Code, any new request for an assisted living use on a property requires approval of a PUD-C zoning.

**Statement of Planning Objectives:** The applicant submitted a Statement of Planning Objectives which is attached for review. Included in the statement, the applicant desires to construct and operate a Small Type 'A' Licensed Assisted Living Facility. Type 'A' Assisted Living licenses restrict the facility to only those residents who have the ability to self-evacuate and follow directions during an emergency. The "Small" designation restricts the facility to 16 or less residents. The proposed facility is

designed with 10 rooms providing an exclusive concierge type service for residents.

**Proposed Zoning Change:** The purpose of the PUD-C zoning request is to permit a "boutique" assisted living facility home to include ten (10) rooms, constructed at a gross maximum density of 5.2 dwelling units per acre. The proposed development is subject to all the regulations contained in the Land Development Code, except as amended by the PUD-C ordinance.

*Ordinance* – Per Section 3.24 G, Schedule of District Regulations in the Land Development Code, the PUD-C zoning regulations require the following standards:

Minimum Lot Area: 7,200 square feet
Minimum Lot Width: 70 feet
Minimum Lot Depth: 115 feet
Minimum Front Yard Setback: 40 feet
Minimum Side Yard Setbacks: 10 feet
Minimum Rear Yard Setback: 10 feet (25 feet adjacent to residential)
Maximum Lot Coverage: 50 percent

The PUD-C ordinance as written identifies the only permitted use as a "boutique" assisted living facility home to include a maximum of ten (10) rooms. The ordinance also limits the facility to one (1) story. The applicant is requesting to allow the existing seven (7) foot wood screening fence along the south property line in place of the required eight (8) foot masonry wall. This is at the request of the property owner to the south. The development shall be generally consistent with the submitted Statement of Planning Objectives, conceptual site plan, and building elevations.

**Analysis:** The proposed PUD-C zoning request is to allow a "boutique" assisted living facility home to include ten (10) rooms. Assisted living facilities are a congregate residence facility for ten or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation and social or recreational services may be provided or associated with the assisted living facility.

The applicant has taken measures to protect the adjacent residential uses by limiting the building to one story, maintaining large setbacks, and preserving the majority of existing trees on the site. The applicant will also be required to comply with existing buffering and landscaping requirements of the Land Development Code.

**Surrounding Development:** The properties to the north and east are zoned R-20 and developed with single family homes. The properties to the south are zoned R-15 and also developed with single family homes. The property to the west is zoned PUD-C and allows for office/showroom uses and some self-service storage units. Cheek-Sparger Road is designated as a 'minor arterial' roadway on the City's Master Thoroughfare

Plan.

**Comprehensive Plan:** The City's comprehensive plan, *Destination Colleyville*, identifies the subject property as located within the Southern Gateway of the Colleyville Boulevard Corridor. This area is currently ambiguous and is mostly a series of small lots with auto-service uses in old metal buildings and non-updated uses and structures. The goals are to create a more memorable entry point to the city and elevate the quality of development.

**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 on Friday, June 23, 2017 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* on Saturday, June 24, 2017 as required by State law and the Land Development Code. To date, no correspondence has been received.

**Staff Recommendation:** The requested PUD-C zoning request attempts to protect the adjacent single family residential properties and should not adversely impact the surrounding properties. Staff recommends approval contingent on support from the surrounding property owners.

**Planning and Zoning Commission Recommendation:** The Planning and Zoning Commission recommended denial of the request at their July 10th meeting by a vote of 5-2. When the Planning and Zoning Commission makes a recommendation of denial, a favorable vote of three-fourths (3/4) of all members of the City Council is required for 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. Site Plan
6. Floor Plan
7. Pool House Floor Plan
8. Pergola Plans
9. Building Elevations
10. Architectural Renderings
11. Notification Map

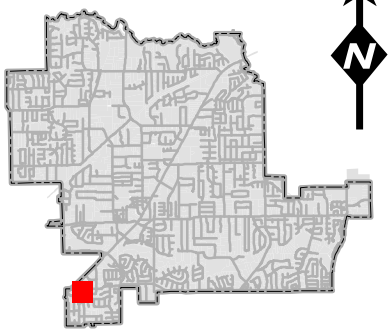
12. Notification List
13. Property Owner Notification
14. Legal Notice
15. Request to Appeal
16. Ordinance O-17-2020

# Aerial Map

CITY OF COLLEYVILLE TEXAS

# ZC17-009

## 105 CHEEK SPARGER ROAD



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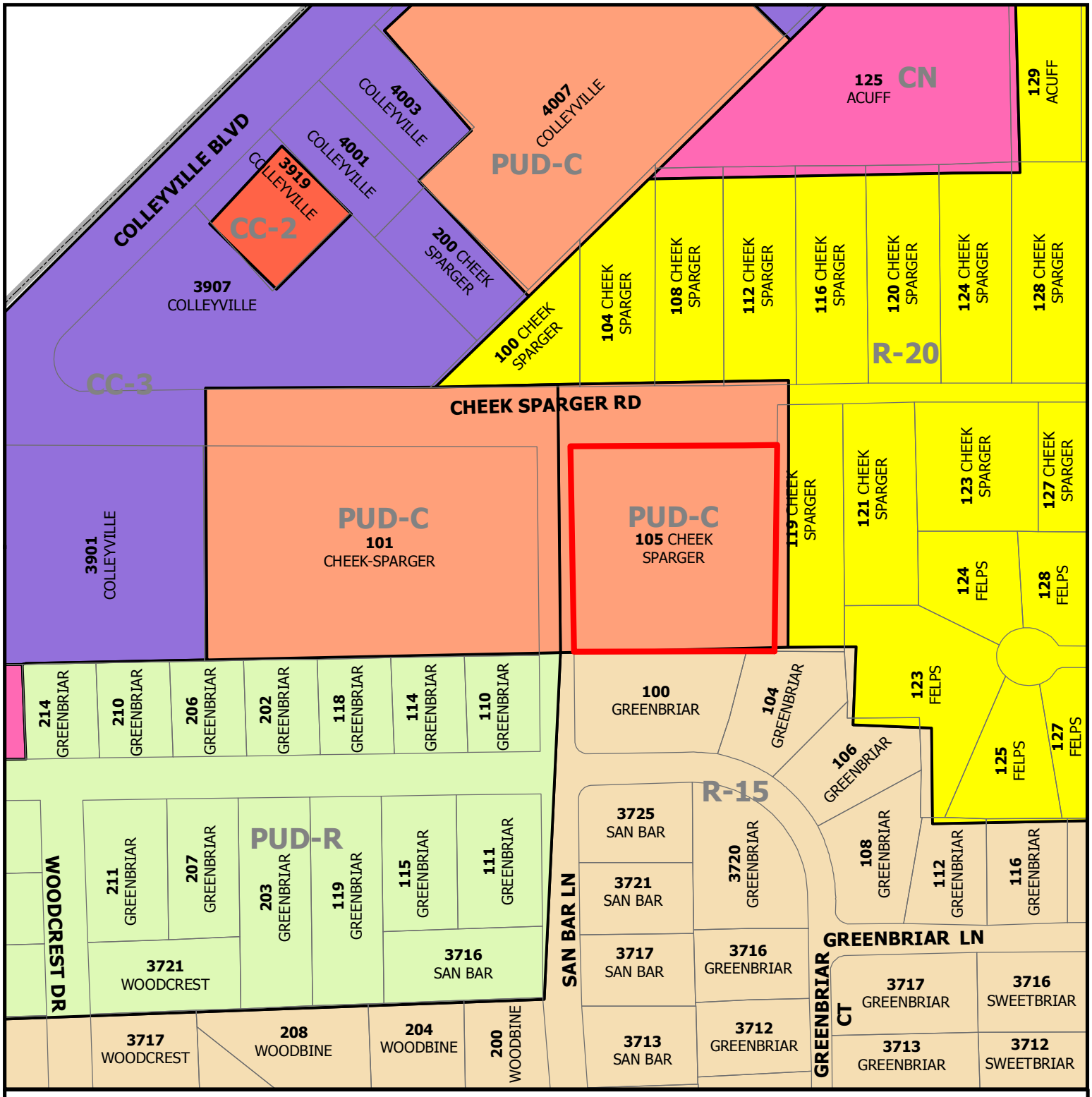
Subject Property

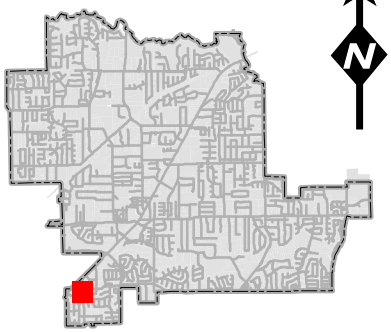
# Zoning Map




CITY OF COLLEYVILLE TEXAS

# ZC17-009

## 105 CHEEK SPARGER ROAD



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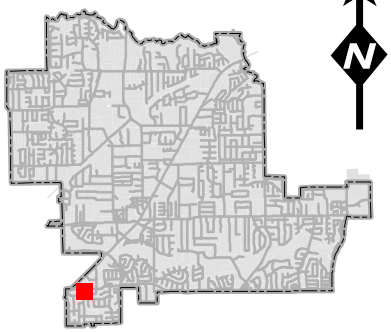
Subject Property

# Future Land Use Map

CITY OF COLLEYVILLE TEXAS

# ZC17-009

## 105 CHEEK SPARGER ROAD



Subject Property

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# Statement of Planning Objectives

Statement of Planning Objectives

Request for Zoning Change and Land Use

May 10, 2017

City of Colleyville Planning Department

100 Main Street, Colleyville, Texas 76034

Re: Zoning Change for 105 Cheek-Sparger Road

Block 1, Lot 1, San Bar Square Addition

South East Corner of Cheek-Sparger and San Bar Lane

Proposed Boutique Assisted Living

To Whom It May Concern:

Subject property is zoned PUD-C Planned Unit Development Commercial as approved by Ordinance 0-85-600, approved with no additional conditions by the City Council. Given the absence of any additional conditions, the permitted land uses allowed by Ordinance 0-85-600 correspond to the zoning ordinance requirements for PUD-C zoning districts that were in effect when Ordinance 0-85-600 was adopted in 1985.

Whereas, the Council is respectfully requested to grant this request to change the zoning for this property to PUD-C with provisions to permit the construction and operation of a Small Type A Licensed Assisted Living Facility.

The applicant desires to develop the property under PUD-C with special use as an Assisted Living Facility, affording the city close control over the initial development of the property and of any future uses of the property. The facility is designed as a luxury home and will not be able to be used for other purposes in the future. This property is zoned PUD-C under its current zoning and the City of Colleyville has recommended this property to continue under PUD-C zoning in the future Master Plan for the City of Colleyville.

Type A Assisted Living licenses restricts the facility to only those residents who have the ability to self-evacuate and follow directions during an emergency. The Small designation restricts the facility to 16 or

less residents. The facility is designed with 10 rooms providing an exclusive concierge type service for its discerning residents who need limited assistance with daily activities.

The median age for Colleyville residents increased from 40 years to 46.5 years during the 2000 to 2013 period and is continuing to see an increase in median age. Colleyville is becoming a favored place for affluent seniors to live, as many activities and services for this aging population are being expanded. Behind many gated communities in Colleyville live seniors in their seventies and eighties who would like to have a luxury home-like atmosphere providing assistance in their personal needs while maintaining a living standard to which they have been accustomed.

This facility is not in direct competition to any current or known future facility in Colleyville or surrounding municipalities because of its limited number of residents and unique amenities. The nature of the boutique Assisted Living will draw affluent seniors who desire relocation and shopping in Colleyville.

Under this proposal, the entire 1.92 acres of this property will be restricted to a one-story facility facing San Bar Lane. Every effort will be taken to preserve at least 72 (approximately 893 caliper inches) of the 82 mature trees currently on the property with minimal tree removal meeting Chapter 5 of the Tree Preservation requirements and tree replacement.

In order to shield the residences adjacent to the East and South from the proposed development the project will meet Chapter 4 Landscaping and Buffering requirements for the creation of a (20) foot green space. The screening between the development and the residential property owner to the East will also be enhanced with an eight (8) foot masonry fence and proper drainage design to prevent drainage onto that property. The property owner to the South has requested that instead of an eight (8) foot masonry fence that the project enter into a written agreement to maintain their seven (7) foot wooden stockade fence. With single story construction, both residents will be able to maintain their privacy from the development.

Landscaping is an integral part of creating the large lot "country" feel around the facility providing an area for seniors to enjoy the scenery and delights of nature. The project will meet Chapter 4 Landscape and Buffering requirements for the creation of a ten (10) foot green space with buffering shrubs and trees along both Cheek-Sparger and San Bar Lane. The project desires to create along Cheek-Sparger a design that is consistent with the city's stated goal to create a "country" feel with a look of openness using shrubs and trees.

Meeting sidewalk requirements five (5) foot wide sidewalks will be constructed along both Cheek-Sparger and San Bar Lane.

All life safety requirements that the State places on a licensed Assisted Living and all local Fire Marshall Life Safety requirements will be met in both the design and implementation of the development including a fire lane driveway in front of the facility.

It is the intent to meet the Comprehensive Plan recommendations for Colleyville as it relates to the Southern Corridor. The project design aesthetics emphasizes the preservation of neighborhood and quality contributing to the Colleyville Character and placement to make the Southern Corridor a unique destination. The building design incorporates a tower and multiple elevated portions. Both stone and brick are used on the outside of the building. The building faces San Bar Lane but will also be seen facing Colleyville Boulevard. The project seeks to satisfy the City of Colleyville Comprehensive Plan which emphasizes green space buffering between parking and local streets, single row parking, and an enhanced access (provided by the ornamental iron gates and supporting rock columns).

This project demonstrates Colleyville as an excellent and convenient place to locate a business. The project provides diversity to the local economy and strengthens Colleyville attractiveness as a high-quality place to live, work, retire, and play. Senior resident outreach to the community will connect individuals and groups with one another through health, the wellness, enrichment, technology, education, and special events for the Colleyville community.

If you require any additional information not shown on the accompanying plans, please do not hesitate to call.

Sincerely,

Ruth-Ann Jones

Ruth-Ann Jones, Trustee and Manager

Jenkins Sandhills Ranch, LLC.

Enclosures: Elevations of proposed building and entry

# Statement of Planning Objectives

Exhibit Development Schedule

May 10, 2017

City of Colleyville Planning Department

100 Main Street, Colleyville, Texas 76034

Re: Development Schedule for 105 Cheek-Sparger Road

Block 1, Lot 1, San Bar Square Addition

South East Corner of Cheek-Sparger and San Bar Lane

Proposed Boutique Assisted Living

To Whom It May Concern:

With zoning request approved by the City of Colleyville City Council, all architectural and engineering documents will be completed and a final Commercial Site Plan will be submitted to city Staff for consideration and approval.

Construction of phase one will begin with the issuance of a building permit. Construction is expected to be completed within eight months from issuance of permit.

Issuance of a Certificate of Occupancy will allow the opening of the Assisted Living facility. Within Ten Months of the issuance of the Certificate of Occupancy Phase Two will begin construction with completion expected to be completed within five months.

Respectfully,

Ruth-Ann Jones

Ruth-Ann Jones, Trustee and Manager

Jenkins Sandhills Ranch, LLC

# Statement of Planning Objectives

Proposed Ownership

May 10, 2017

City of Colleyville Planning Department

100 Main Street, Colleyville, Texas 76034

Re: Proposed Ownership for 105 Cheek-Sparger Road

Block 1, Lot 1, San Bar Square Addition

South East Corner of Cheek-Sparger and San Bar Lane

Boutique Assisted Living

To Whom It May Concern:

Zoning request is made of the City of Colleyville City Council, by Jenkins Sandhills Ranch, LLC. This is a family managed partnership LLC owned by two family Trusts. The LLC is funded from proceeds of the Jenkins Sandhills Ranch and was created to make real estate investments for the Trusts. The Trustee of the two Trusts is Ruth-Ann Jones. Ruth-Ann Jones is also the primary manager of the Jenkins Sandhills Ranch, LLC.

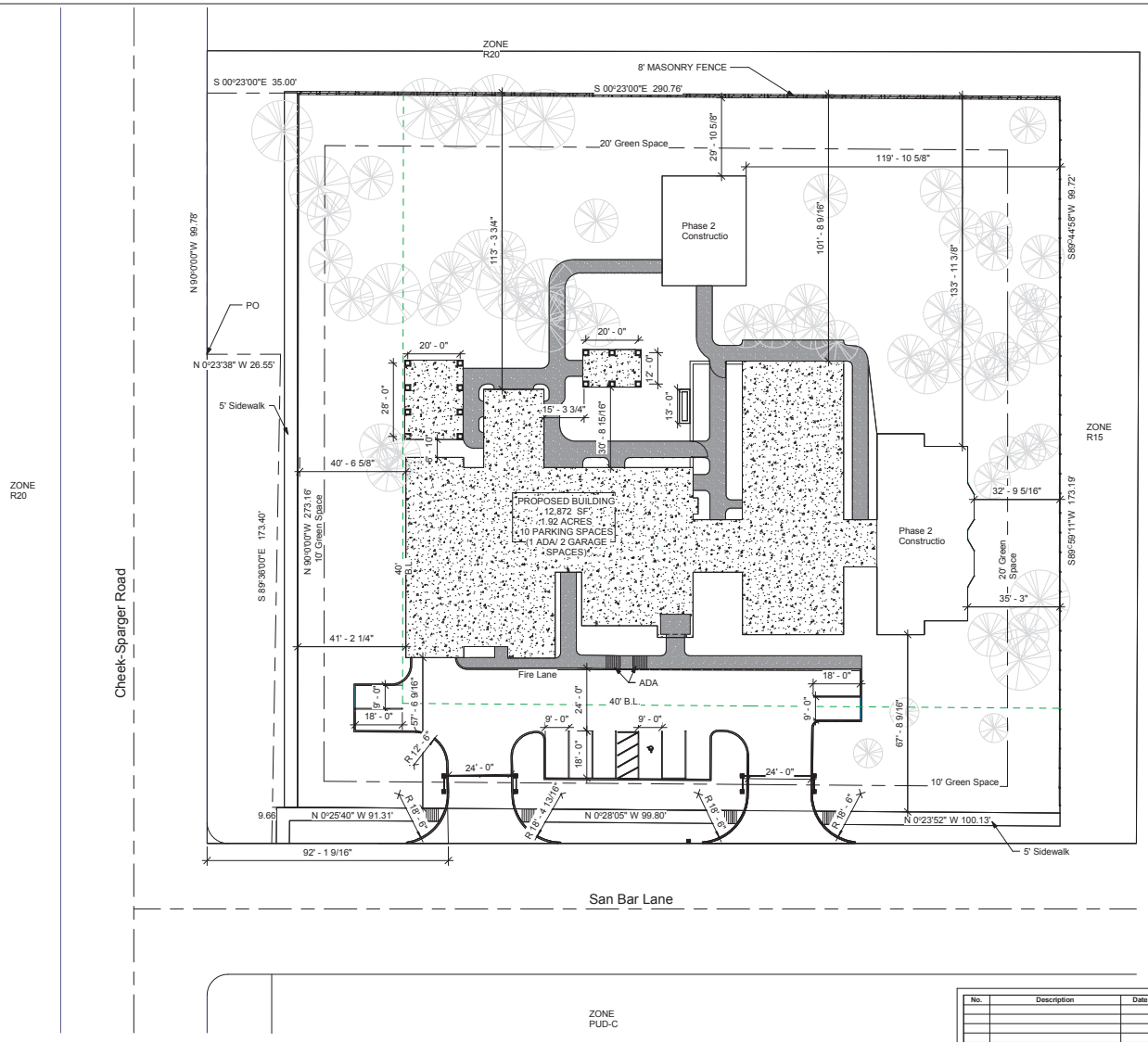
Respectfully,

Ruth-Ann Jones

Ruth-Ann Jones, Trustee and Manager

Jenkins Sandhills Ranch, LLC

# Site Plan




Note: All Tree Preservation and Planting will meet Chapter 5 Requirements
Note: All Landscape and Buffering will meet Chapter 4 Requirements
Note: ADA Compliant Sidewalks and ramps.
Note: Not in 100 Year Flood Plan

## Land use Chart

Gross Area of 105 Cheek-Sparger 84,637 square feet
Gross Area
Main Building 14,868 square feet 17.56 %
Pool Building 864 square feet 1 %
Pergola I, II 908 square feet 1 %
Parking/Driveway 4,956 square feet 5.8 %
Sidewalk 1,128 square feet 1.3 %
Open Space 62,731 square feet 74.1 %

1 Site
1" = 20'-0"

ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

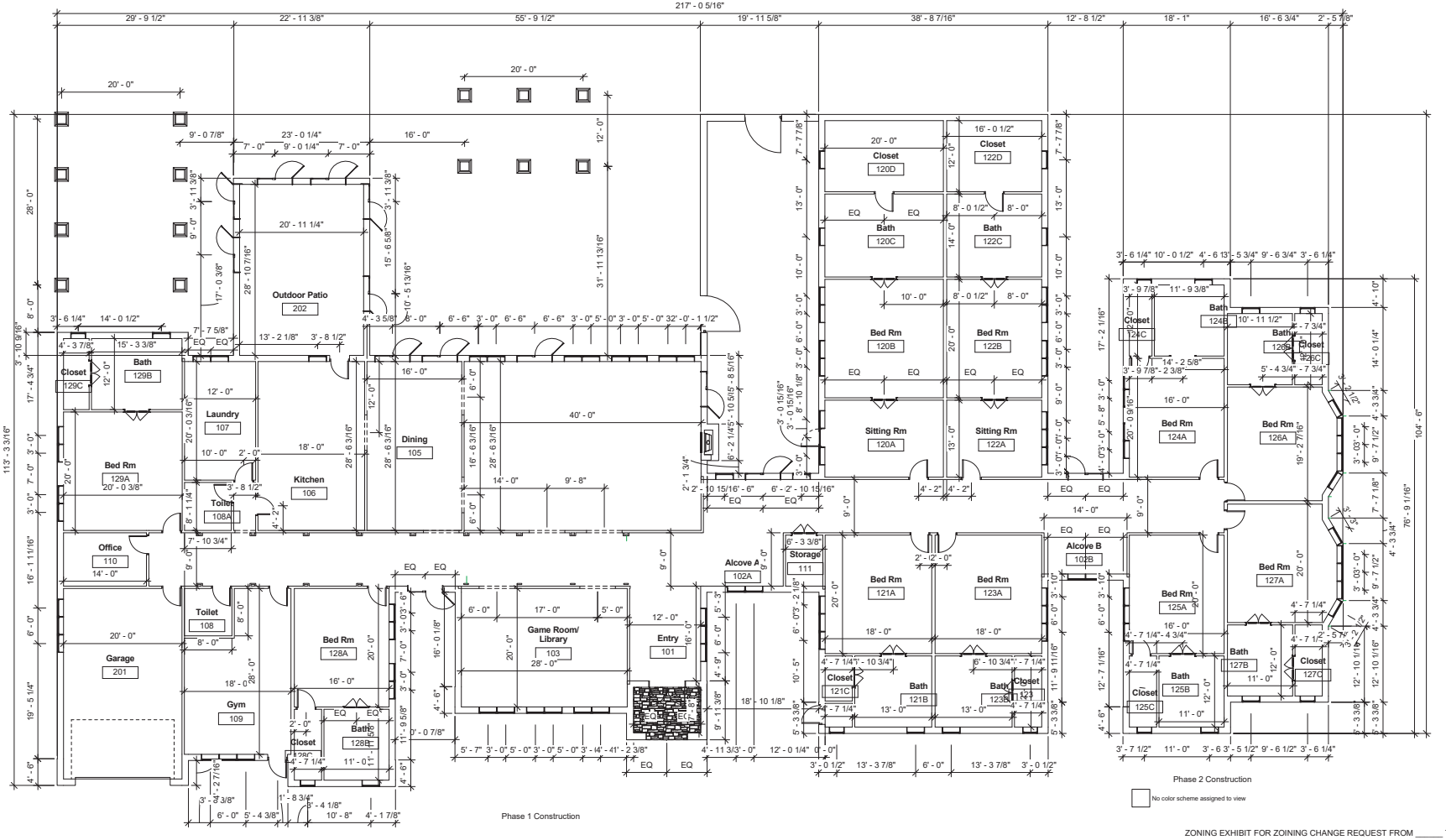
| No. | Description | Date |
|---|---|---|
| | | |

Boutique Assisted Living Home
Site Plan

| | |
|---|---|
| Project number | 2017-1508-C5B |
| Date | 5-4-2017 |
| Drawn by | A. Freemon |
| Checked by | D.J. |
| | C101 |
| Scale | 1" = 20'-0" |

5/8/2017 6:43:29 PM

# Floor Plan




ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

| No. | Description | Date |
|---|---|---|
| | | |

Boutique Assisted Living Home

Floorplan Layout

| | |
|---|---|
| Project number | 2017-1508-C5B |
| Date | 5-4-2017 |
| Drawn by | A. Freemon |
| Checked by | D.J. |
| | A101 |
| Scale | 1/8" = 1'-0" |

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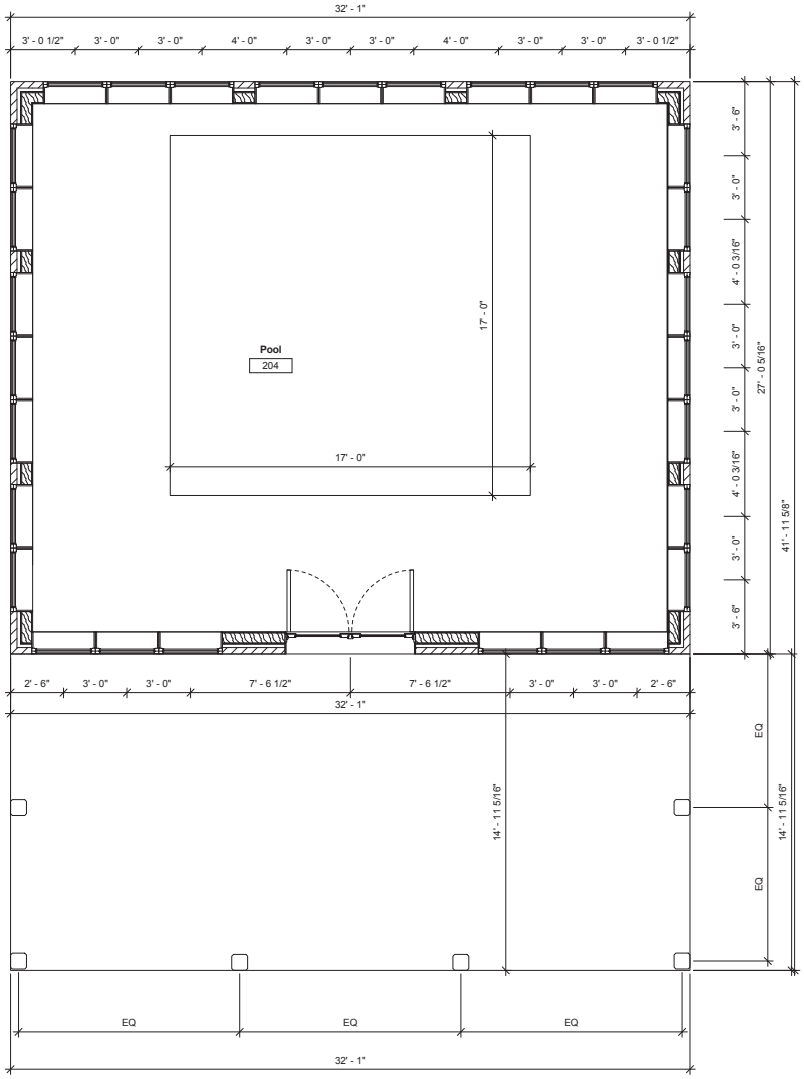
1 Floorplan - With Dimensions
1/8" = 1'-0"

# Pool House Floor Plan




1 Floorplan Poolhouse
3/8" = 1'-0"

ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

| No. | Description | Date |
|---|---|---|
| | | |

Boutique Assisted Living Home

Poolhouse Floor Plan

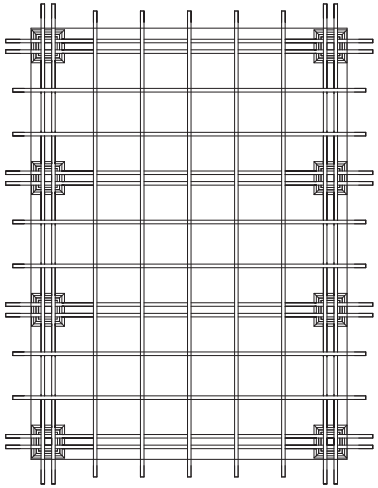
| | |
|---|---|
| Project number | 2017-1508-C5B |
| Date | 5-10-2017 |
| Drawn by | A.Freemon |
| Checked by | D.J. |

A103

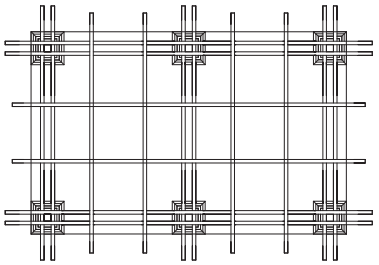
Scale 3/8" = 1'-0"

5/9/2017 6:54:18 PM

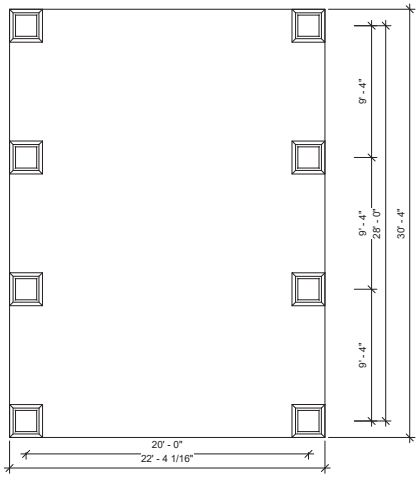
# Pergola Plans



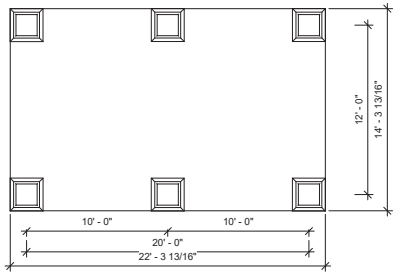
3 Roof - Large Pergola
1/4" = 1'-0"



4 Roof - Small Pergola
1/4" = 1'-0"




1 Floor Plan - Large Pergola
1/4" = 1'-0"




2 Floor Plan - Small Pergola
1/4" = 1'-0"

ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

| No. | Description | Date |
|---|---|---|
| | | |

Boutique Assisted Living Home
Pergola Plans

| | |
|---|---|
| Project number | 2017-1508-C5B |
| Date | 5-4-2017 |
| Drawn by | Author |
| Checked by | Checker |

A105

| | |
|---|---|
| Scale | 1/4" = 1'-0" |

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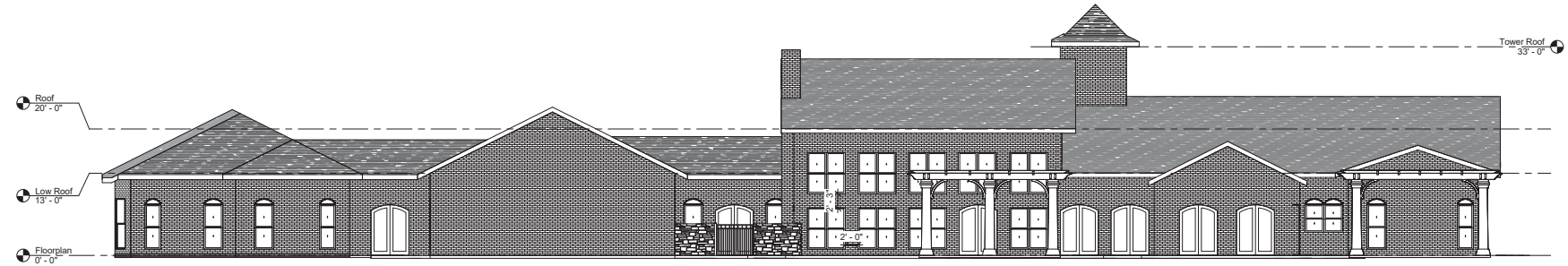
# Building Elevations

1 WEST Elevation
1/8" = 1'-0"




2 EAST Elevation
1/8" = 1'-0"

ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

| No. | Description | Date |
|---|---|---|
| | | |

Boutique Assisted Living Home
Building Elevations

| | |
|---|---|
| Project number | 2017-1508-C5B |
| Date | 5-4-2017 |
| Drawn by | A. Freemon |
| Checked by | D.J. |
| | A201 |
| Scale | 1/8" = 1'-0" |

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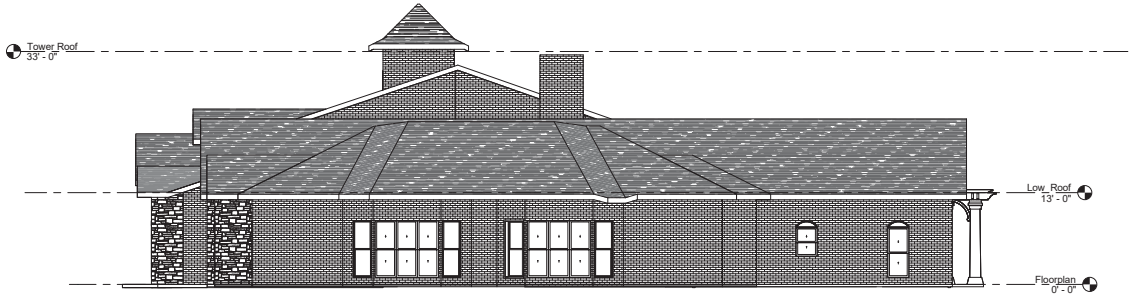
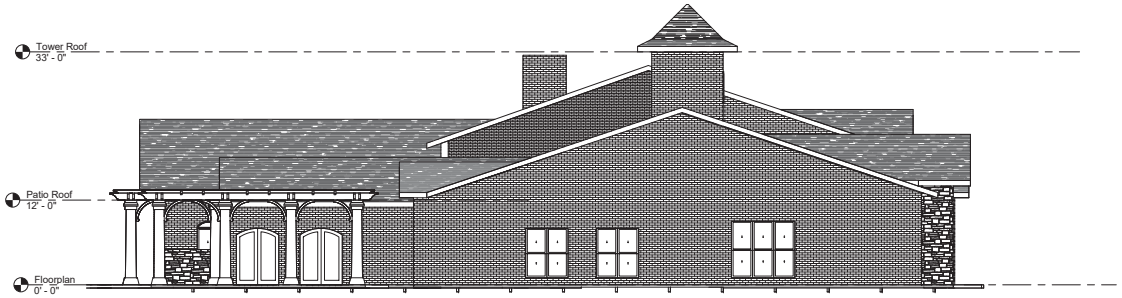
# Building Elevations




2 NORTH Elevation
1/8" = 1'-0"

ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

| No. | Description | Date |
|---|---|---|
| | | |

Boutique Assisted Living Home

Building Elevations

| | |
|---|---|
| Project number | 2017-1508-C5B |
| Date | 5-4-2017 |
| Drawn by | A. Freemon |
| Checked by | D.J. |

A202

Scale 1/8" = 1'-0"

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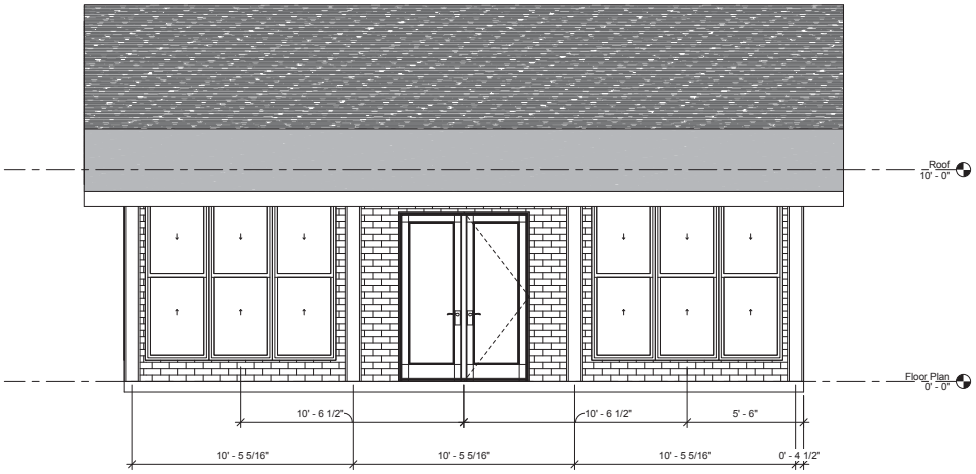
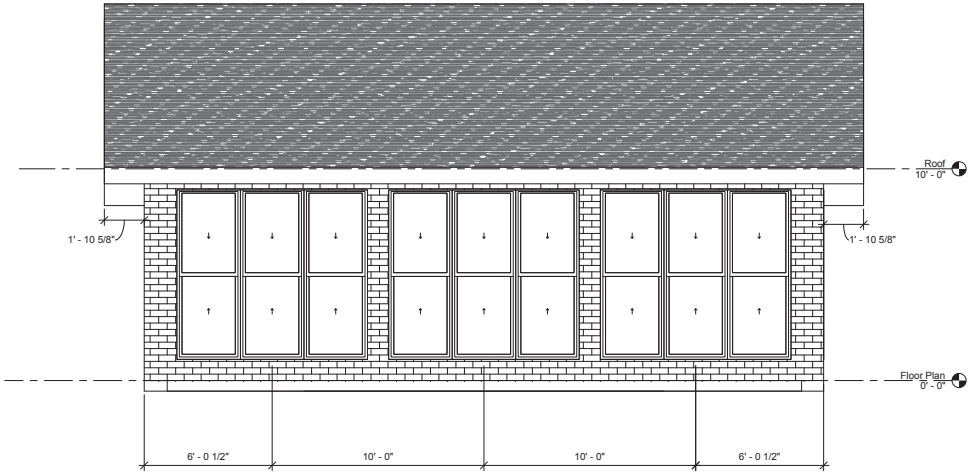
# Building Elevations




1 West Elevation - Poolhouse
3/8" = 1'-0"




2 East Elevation - Poolhouse
3/8" = 1'-0"

ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

| No. | Description | Date |
|---|---|---|
| | | |

Boutique Assisted Living Home

Building Elevations - Poolhouse

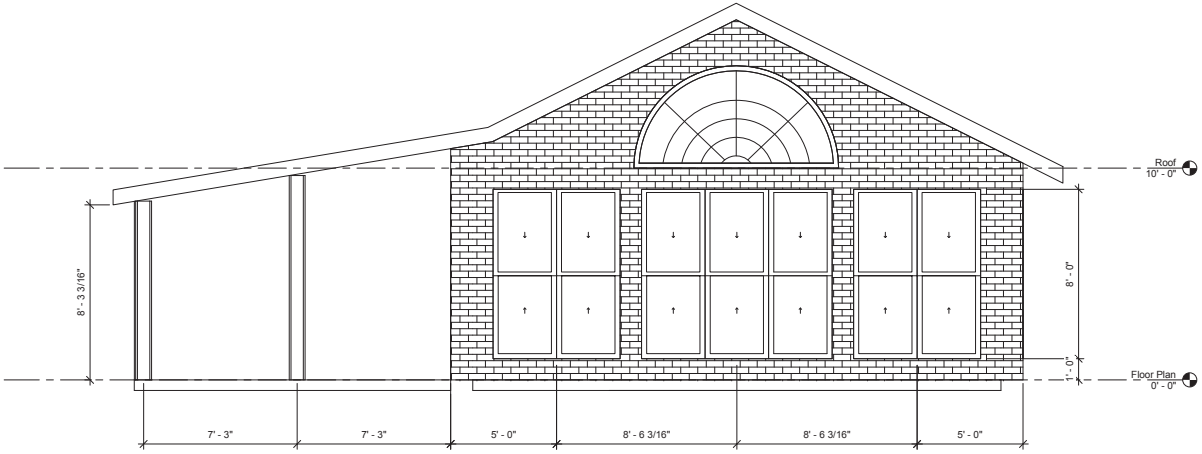
| | |
|---|---|
| Project number | 2017-1508-C5B |
| Date | 5-10-2017 |
| Drawn by | Author |
| Checked by | Checker |

A203

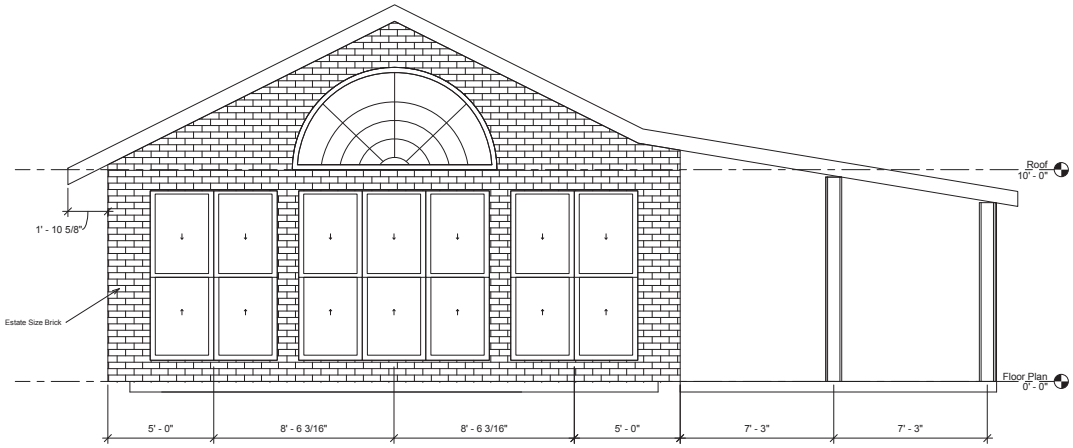
Scale 3/8" = 1'-0"

5/9/2017 7:21:39 PM

# Building Elevations




1 South Elevation - Poolhouse
3/8" = 1'-0"




2 North Elevation - Poolhouse
3/8" = 1'-0"

ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

| No. | Description | Date |
|---|---|---|
| | | |

Boutique Assisted Living Home

Building Elevations - Poolhouse

| | |
|---|---|
| Project number | 2017-1508-C5B |
| Date | 5-10-2017 |
| Drawn by | Author |
| Checked by | Checker |

A204

Scale 3/8" = 1'-0"

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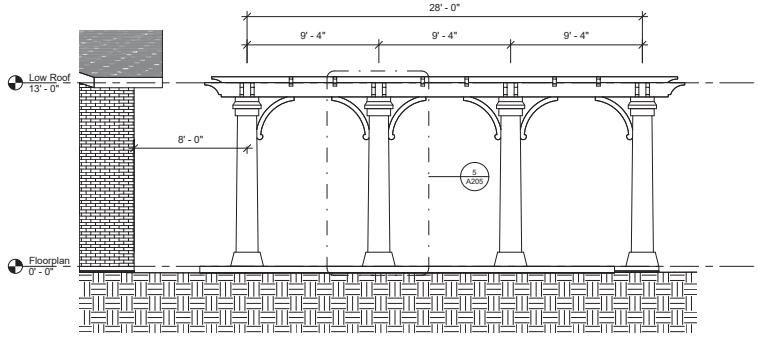
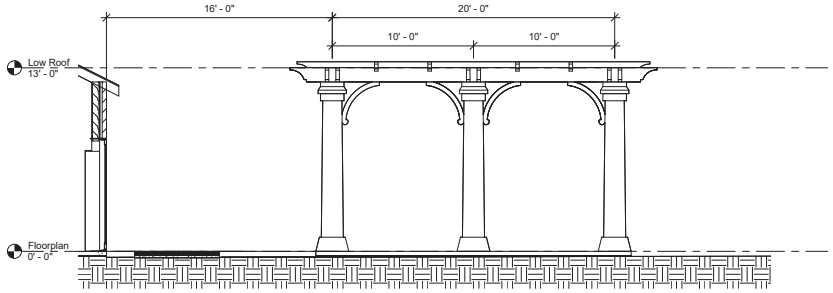
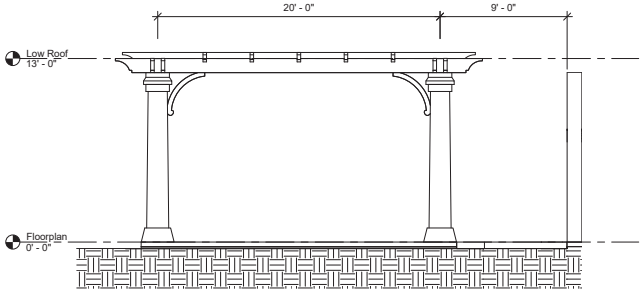
# Building Elevations



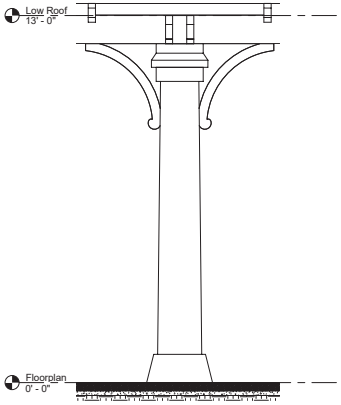

3 South Elevation - Large Pergola 28'
1/4" = 1'-0"



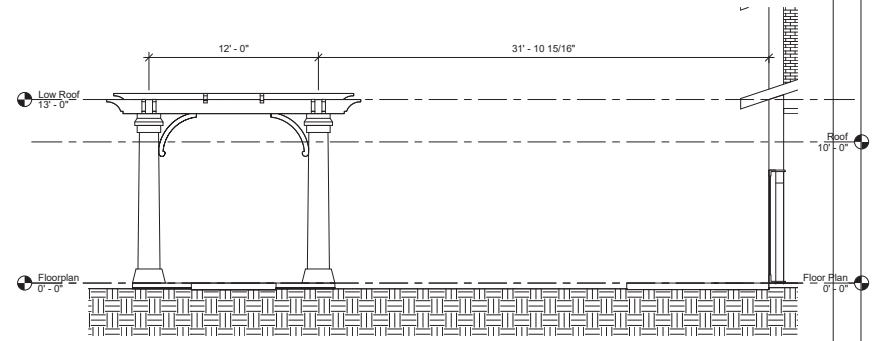

1 East Elevation - Small Pergola 12'x20'
1/4" = 1'-0"




4 West Elevation - Large Pergola 20'
1/4" = 1'-0"




5 Column Detail - Typical
1/2" = 1'-0"




2 North Elevation - Small Pergola
1/4" = 1'-0"

ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

| No. | Description | Date |
|---|---|---|
| | | |

Boutique Assisted Living Home

Pergola Elevations

| | |
|---|---|
| Project number | 2017-1508-C5B |
| Date | 5-4-2017 |
| Drawn by | A. Freemon |
| Checked by | D.J. |
| | A205 |
| Scale | As indicated |

5/8/2017 11:23:14 PM

# Architectural Renderings

1 CLEAR VIEW West
1/8" = 1'-0"

2 CLEAR VIEW - East
1/8" = 1'-0"

ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

| No. | Description | Date |
|---|---|---|
| | | |

Boutique Assisted Living Home

Elevations Clear View

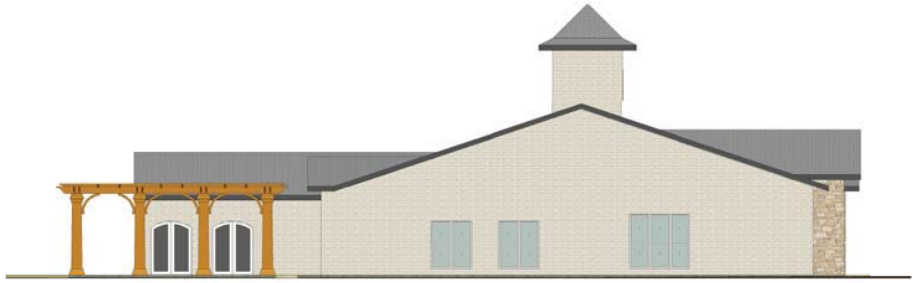
| | |
|---|---|
| Project number | 2017-1508-C5B |
| Date | 5-4-2017 |
| Drawn by | Author |
| Checked by | Checker |

A801

Scale 1/8" = 1'-0"

5/8/2017 11:23:26 PM

# Architectural Renderings



1 CLEAR VIEW - North
1/8" = 1'-0"

2 CLEAR VIEW South
1/8" = 1'-0"

ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

| No. | Description | Date |
|---|---|---|
| | | |

Boutique Assisted Living Home

Elevations Clear View

| | |
|---|---|
| Project number | 2017-1508-C5B |
| Date | 5-4-2017 |
| Drawn by | A. Freemon |
| Checked by | D.J. |

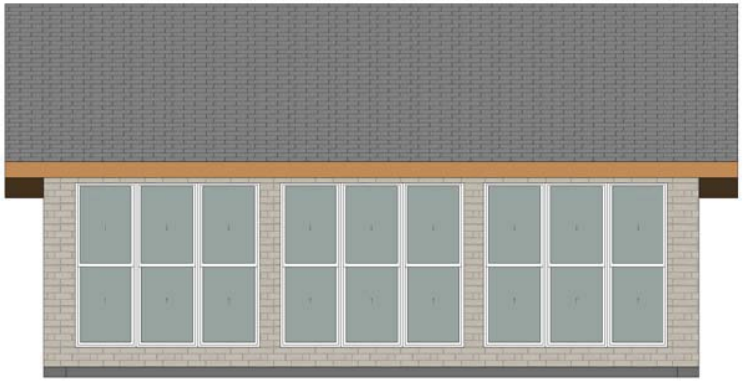
A802

Scale 1/8" = 1'-0"

5/8/2017 11:23:35 PM

# Architectural Renderings

1 West Elevation - Poolhouse Copy 1
3/8" = 1'-0"



2 East Elevation - Poolhouse Clear view
3/8" = 1'-0"

ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

| No. | Description | Date |
|---|---|---|
| | | |

Boutique Assisted Living Home

Elevation Clear View

| | |
|---|---|
| Project number | 2017-1508-C5B |
| Date | 5-10-2017 |
| Drawn by | A.Freemon |
| Checked by | D.J. |

A803

Scale 3/8" = 1'-0"

5/8/2017 7:09:27 PM

# Architectural Renderings

1 South Elevation - Poolhouse CLear View
3/8" = 1'-0"

2 North Elevation - Poolhouse Clear View
3/8" = 1'-0"

ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

| No. | Description | Date |
|---|---|---|
| | | |

Boutique Assisted Living Home

Elevation Clear View

| | |
|---|---|
| Project number | 2017-1508-C5B |
| Date | 5-10-2017 |
| Drawn by | A.Freemon |
| Checked by | D.J. |

A804

Scale 3/8" = 1'-0"

5/8/2017 7:25:16 PM

# Architectural Renderings

# Architectural Renderings

# Notification Map

CITY OF COLLEYVILLE TEXAS

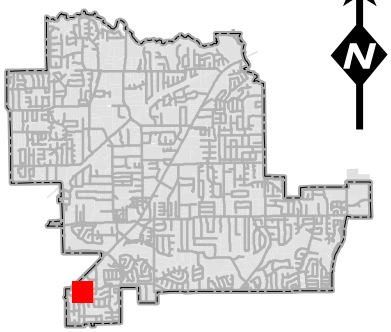
# ZC17-009

## 105 CHEEK SPARGER ROAD

Subject Property

200ft Buffer

Properties within 200ft



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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 |
|---|---|---|---|---|
| CHATSWORTH ENTERPRISES LLC | 4413 BOWMAN DR | COLLEYVILLE, TX | 76034 | 116 CHEEK SPARGER RD |
| STAR SELF STOR OF COLLEYVILLE | 5605 TYLER ST | PEARLAND, TX | 77581 | 101 CHEEK SPARGER RD # |
| ULERY, RICHARD G | 123 CHEEK SPARGER RD | COLLEYVILLE, TX | 76034 | 123 CHEEK SPARGER RD |
| SKINNER, EDNA | 110 W GREENBRIAR LN | COLLEYVILLE, TX | 76034 | 110 W GREENBRIAR LN |
| RHODES, GREGORY | 114 W GREENBRIAR LN | COLLEYVILLE, TX | 76034 | 114 W GREENBRIAR LN |
| BEVILL, JAMES H | 119 CHEEK SPARGER RD | COLLEYVILLE, TX | 76034 | 119 CHEEK SPARGER RD |
| CALLAWAY, CURTIS L | 124 FELPS CT | COLLEYVILLE, TX | 76034 | 124 FELPS CT |
| BRAND, NETA FAY | 121 CHEEK SPARGER RD | COLLEYVILLE, TX | 76034 | 121 CHEEK SPARGER RD |
| HARRIS, D KEITH | 108 CHEEK SPARGER RD | COLLEYVILLE, TX | 76034 | 108 CHEEK SPARGER RD |
| BURNS, EDWARD H | 7713 LEXUS DR | FORT WORTH, TX | 76137 | 120 CHEEK SPARGER RD |
| DOBSON, JAMES | 3725 SAN BAR LN | COLLEYVILLE, TX | 76034 | 3725 SAN BAR LN |
| HAHN, EDWARD | 7500 WINDSWEPT TR | COLLEYVILLE, TX | 76034 | 100 CHEEK SPARGER RD |
| MORRISON, PAMELA M | 710 WHISPERING WOOD CIR | SOUTHLAKE, TX | 76092 | 123 FELPS CT |
| DENNIE, PAUL D EST | 200 CHEEK SPARGER RD | COLLEYVILLE, TX | 76034 | 200 CHEEK SPARGER RD |
| CHATSWORTH ENTERPRISES LLC | 4413 BOWMAN DR | COLLEYVILLE, TX | 76034 | 112 CHEEK SPARGER RD |
| HOWELL, DEAN G | 104 CHEEK SPARGER RD | COLLEYVILLE, TX | 76034 | 104 CHEEK SPARGER RD |
| GUEST, ELIZABETH V | 106 GREENBRIAR LN | COLLEYVILLE, TX | 76034 | 106 GREENBRIAR LN |
| UHLENHAKER, RONNIE R | PO BOX 1705 | COLLEYVILLE, TX | 76034 | 99 CHEEK SPARGER RD # |
| DAVILA, MICHAEL | 100 GREENBRIAR LN | COLLEYVILLE, TX | 76034 | 100 GREENBRIAR LN |
| HIBERNIA NATIONAL BANK | 275 BROADHOLLOW RD | MELVILLE, NY | 11747 | 3907 COLLEYVILLE BLVD |
| NICHOLS, BRADY J | 3720 GREENBRIAR CT | COLLEYVILLE, TX | 76034 | 3720 GREENBRIAR CT |
| WALLACE, DAVID A | 104 GREENBRIAR LN | COLLEYVILLE, TX | 76034 | 104 GREENBRIAR LN |

| | | | | |
|---|---|---|---|---|
| WOODBRIAR ESTATES WEST ADDN | 3700 SWEETBRIAR | COLLEYVILLE, TX | 76034 | COURTESY NOTICE |
| WOODBRIAR ESTATES ADDITION | 3700 SWEETBRIAR | COLLEYVILLE, TX | 76034 | COURTESY NOTICE |
| WOODBRIAR NORTH ADDITION | 3700 SWEETBRIAR | COLLEYVILLE, TX | 76034 | COURTESY NOTICE |
| JONES, RUTH-ANN | 2404 ARBOR TRAIL | COLLEYVILLE, TX | 76034 | APPLICANT |
| HURST EULESS BEDFORD ISD | 1849 CENTRAL DR | BEDFORD, TX | 76022 | STATE LAW REQUIRED |
| GRAPEVINE-COLLEYVILLE ISD | 3051 IRA WOODS AVE E | GRAPEVINE, TX | 76051 | STATE LAW REQUIRED |

Public hearing notices were mailed Friday,
June 23, 2017 by Araceli Botello

# Property Owner Notification

## NOTICE OF PUBLIC HEARING

| | |
|---|---|
| **Zoning Case Number:** | **ZC17-009** |
| **Applicant:** | **Ruth-Ann Jones** |
| **Owner:** | **Ronnie L. Uhlenhaker** |
| **Location:** | **105 Cheek Sparger Road** |
| **Property Description:** | **Lot 1, Block 1, of the San Bar Square Addition** |
| **Present Zoning:** | **PUD-C Planned Unit Development Commercial zoning district** |
| **Request:** | **Consideration of a zoning change from the PUD-C Planned Unit Development Commercial zoning district to the PUD-C Planned Unit Development Commercial zoning district** |

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

**Planning and Zoning Commission Meeting: Monday, July 10, 2017 at 7:00 p.m.**
**City Council Meeting: Tuesday, August 1, 2017 & Tuesday, August 15, 2017 at 7:30 p.m.**
**3rd floor of City Hall, 100 Main Street, Colleyville, Texas**

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 200 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

**Community Development Department**
**City of Colleyville**
**100 Main Street**
**Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. For additional information, please contact the Community Development Department at 817.503.1052. Please reference the zoning case number when requesting information.

Ben Bryner
Community Development Director
bbryner@colleyville.com

# Legal Notice

June 23, 2017

**SENT VIA EMAIL on Friday, June 23, 2017**

Christine Lopez
Legal Notices
Fort Worth Star-Telegram
400 W. Seventh Street
Fort Worth, TX 76102

Dear Christine:

***Please publish and furnish an affidavit (N.E. Section):***
*Saturday, June 24, 2017*

The City of Colleyville Planning and Zoning Commission gives notice of a Public Hearing on Monday, 7/10/17 at 7:00 p.m. at City Hall, 100 Main Street, Colleyville, Texas:

Case ZC17-001 - Consideration of a zoning change from the R-40 Single Family Residential zoning district to the R-30 Single Family Residential zoning district on Tracts 1B1A and 2C2B, Abstracts 1674 and 1038, in the Hall Medlin Survey, located at 600 John McCain Road

Case ZC16-008 – Consideration of a Special Use Permit for an Accessory Building to exceed the total square footage permitted on Lot 1A, Block 1, of the K Bar G Estates Addition, located at 6401 Westcoat Road

Case ZC17-009 - Consideration of a zoning change from the PUD-C Planned Unit Development Commercial zoning district to the PUD-C Planned Unit Development Commercial zoning district on Lot 1, Block 1, of the San Bar Square Addition, located at 105 Cheek Sparger Road

The City Council will hold a Public Hearing on the above items on 8/1/17 and 8/15/17 at 7:30 p.m. at City Hall, 100 Main Street, Colleyville, Texas.

All interested citizens will be given the opportunity to speak and be heard.

**CITY OF COLLEYVILLE**

Araceli Botello
Planning Technician

**Jenkins Sandhills Ranch L.L.C.**
**404 Arbor Trail Colleyville, Texas 76034**

July 17, 2017

Araceli Botello
Community Development
100 Main Street
Colleyville, Texas 76034

**Re: Zoning Case Number ZC17-009**

Please accept this letter of notification that I desire to APPEAL directly to the City Council to reverse the decision of the Planning and Zoning Commission July 10, 2017, thereby approving my request for rezoning from PUD-C Planned Unit Development Commercial zoning district to the PUD_C Planned Unite Development Commercial zoning district. Specifically, to bring the zoning of this property current and to provide a specific detail of the permitted use as being a "Boutique" Small Type A Assisted living facility limited to 10 rooms and include an indoor pool for residents.

Respectfully,

Ruth-Ann Jones

Ruth-Ann Jones
Manager

# ORDINANCE O-17-2020

**AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 1.94 ACRES ON LOT 1, BLOCK 1, OF THE SAN BAR SQUARE ADDITION, LOCATED AT 105 CHEEK-SPARGER ROAD FROM THE PUD-C PLANNED UNIT DEVELOPMENT COMMERCIAL ZONING DISTRICT TO THE PUD-C PLANNED UNIT DEVELOPMENT COMMERCIAL 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 a rezoning under Case No. ZC17-009; and

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

**WHEREAS,** the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

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

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

**WHEREAS,** the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and

affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 1.94 acres on Lot 1, Block 1, of the San Bar Square Addition, located at 105 Cheek-Sparger Road from the PUD-C Planned Unit Development Commercial zoning district to the PUD-C Planned Unit Development Commercial zoning district, as depicted in the attached Exhibit "A" and Exhibit "C", and as described in Exhibit "B".

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 PUD-C is for a "boutique" assisted living facility home to include ten (10) rooms, constructed at a gross maximum density of 5.2 dwelling units per acre.

b. This development shall be generally consistent with the Statement of Planning Objectives, Exhibit "B".

c. The proposed development is subject to all the regulations contained in the Land Development Code, except as amended by this Ordinance.

**2. DEVELOPMENT PLAN**

a. The development shall be generally consistent with the conceptual site plan, Exhibit "C".

**3. PERMITTED USES**

a. Assisted Living Facility limited to ten (10) rooms.

**4. BUILDING DESIGN**

a. The facility shall be limited to one (1) story.

b. The facility shall be generally consistent with the building elevations, Exhibit "C".

**5. SCREENING**

a. The existing seven (7) foot wood screening fence shall be permitted along the south property line in place of the required eight (8) foot masonry wall.

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 1st day of August 2017.

The second reading and public hearing being conducted on the 15th day of August 2017.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 15th day of August 2017.

**ATTEST:** **CITY OF COLLEYVILLE**

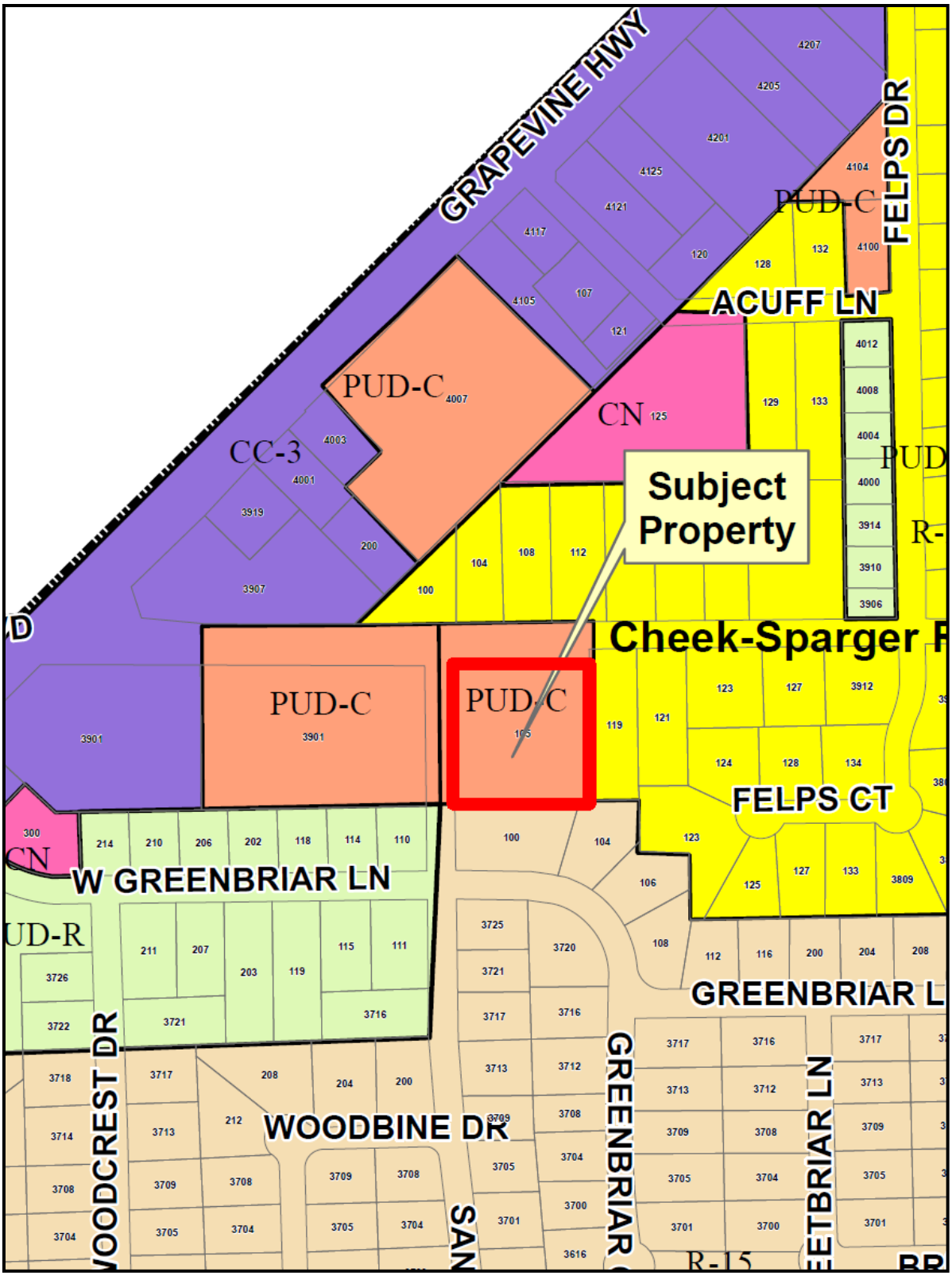
Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

**APPROVED AS TO FORM AND LEGALITY:**

Whitt Wyatt
City Attorney

# Exhibit "A" – Location and Zoning Map



# Exhibit "B" – Statement of Planning Objectives

Request for Zoning Change and Land Use

May 10, 2017

City of Colleyville Planning Department

100 Main Street, Colleyville, Texas 76034

Re: Zoning Change for 105 Cheek-Sparger Road

Block 1, Lot 1, San Bar Square Addition

South East Corner of Cheek-Sparger and San Bar Lane

Proposed Boutique Assisted Living

To Whom It May Concern:

Subject property is zoned PUD-C Planned Unit Development Commercial as approved by Ordinance 0-85-600, approved with no additional conditions by the City Council. Given the absence of any additional conditions, the permitted land uses allowed by Ordinance 0-85-600 correspond to the zoning ordinance requirements for PUD-C zoning districts that were in effect when Ordinance 0-85-600 was adopted in 1985.

Whereas, the Council is respectfully requested to grant this request to change the zoning for this property to PUD-C with provisions to permit the construction and operation of a Small Type A Licensed Assisted Living Facility.

The applicant desires to develop the property under PUD-C with special use as an Assisted Living Facility, affording the city close control over the initial development of the property and of any future uses of the property. The facility is designed as a luxury home and will not be able to be used for other purposes in the future. This property is zoned PUD-C under its current zoning and the City of Colleyville has recommended this property to continue under PUD-C zoning in the future Master Plan for the City of Colleyville.

Type A Assisted Living licenses restricts the facility to only those residents who have the ability to self-evacuate and follow directions during an emergency. The Small designation restricts the facility to 16 or

less residents. The facility is designed with 10 rooms providing an exclusive concierge type service for its discerning residents who need limited assistance with daily activities.

The median age for Colleyville residents increased from 40 years to 46.5 years during the 2000 to 2013 period and is continuing to see an increase in median age. Colleyville is becoming a favored place for affluent seniors to live, as many activities and services for this aging population are being expanded. Behind many gated communities in Colleyville live seniors in their seventies and eighties who would like to have a luxury home-like atmosphere providing assistance in their personal needs while maintaining a living standard to which they have been accustomed.

This facility is not in direct competition to any current or known future facility in Colleyville or surrounding municipalities because of its limited number of residents and unique amenities. The nature of the boutique Assisted Living will draw affluent seniors who desire relocation and shopping in Colleyville.

Under this proposal, the entire 1.92 acres of this property will be restricted to a one-story facility facing San Bar Lane. Every effort will be taken to preserve at least 72 (approximately 893 caliper inches) of the 82 mature trees currently on the property with minimal tree removal meeting Chapter 5 of the Tree Preservation requirements and tree replacement.

In order to shield the residences adjacent to the East and South from the proposed development the project will meet Chapter 4 Landscaping and Buffering requirements for the creation of a (20) foot green space. The screening between the development and the residential property owner to the East will also be enhanced with an eight (8) foot masonry fence and proper drainage design to prevent drainage onto that property. The property owner to the South has requested that instead of an eight (8) foot masonry fence that the project enter into a written agreement to maintain their seven (7) foot wooden stockade fence. With single story construction, both residents will be able to maintain their privacy from the development.

Landscaping is an integral part of creating the large lot "country" feel around the facility providing an area for seniors to enjoy the scenery and delights of nature. The project will meet Chapter 4 Landscape and Buffering requirements for the creation of a ten (10) foot green space with buffering shrubs and trees along both Cheek-Sparger and San Bar Lane. The project desires to create along Cheek-Sparger a design that is consistent with the city's stated goal to create a "country" feel with a look of openness using shrubs and trees.

Meeting sidewalk requirements five (5) foot wide sidewalks will be constructed along both Cheek-Sparger and San Bar Lane.

All life safety requirements that the State places on a licensed Assisted Living and all local Fire Marshall Life Safety requirements will be met in both the design and implementation of the development including a fire lane driveway in front of the facility.

It is the intent to meet the Comprehensive Plan recommendations for Colleyville as it relates to the Southern Corridor. The project design aesthetics emphasizes the preservation of neighborhood and quality contributing to the Colleyville Character and placement to make the Southern Corridor a unique destination. The building design incorporates a tower and multiple elevated portions. Both stone and brick are used on the outside of the building. The building faces San Bar Lane but will also be seen facing Colleyville Boulevard. The project seeks to satisfy the City of Colleyville Comprehensive Plan which emphasizes green space buffering between parking and local streets, single row parking, and an enhanced access (provided by the ornamental iron gates and supporting rock columns).

This project demonstrates Colleyville as an excellent and convenient place to locate a business. The project provides diversity to the local economy and strengthens Colleyville attractiveness as a high-quality place to live, work, retire, and play. Senior resident outreach to the community will connect individuals and groups with one another through health, the wellness, enrichment, technology, education, and special events for the Colleyville community.

If you require any additional information not shown on the accompanying plans, please do not hesitate to call.

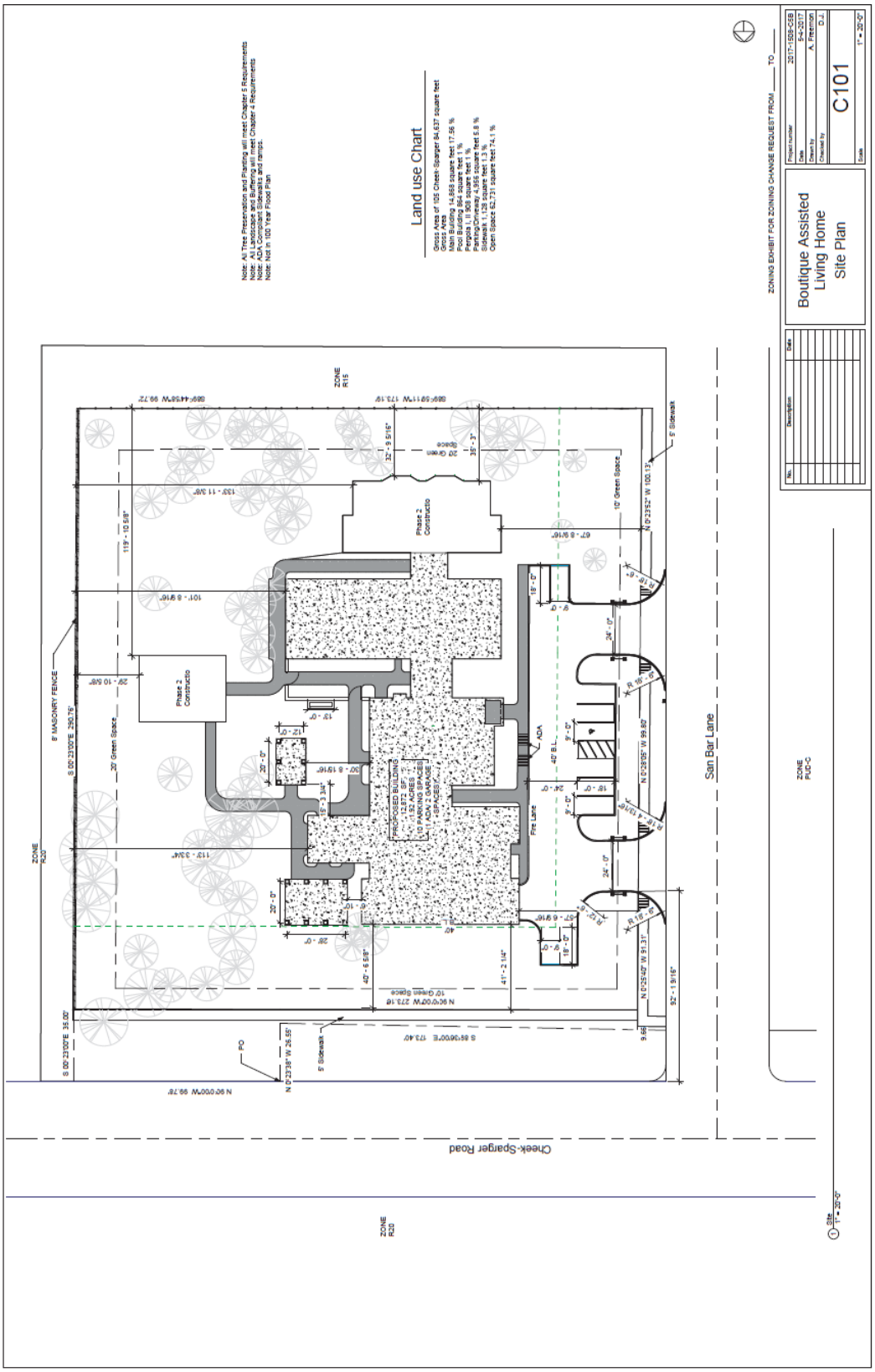
Sincerely,

Ruth-Ann Jones

Ruth-Ann Jones, Trustee and Manager

Jenkins Sandhills Ranch, LLC.

# Exhibit "C" – Conceptual Site Plan



1 WEST Elevation
1/8" = 1'-0"

2 EAST Elevation
1/8" = 1'-0"

ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

| No. | Description | Date |
|---|---|---|
| | | |

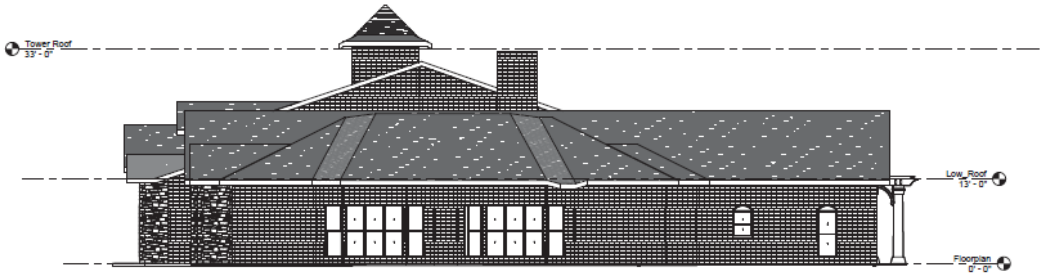
Boutique Assisted Living Home

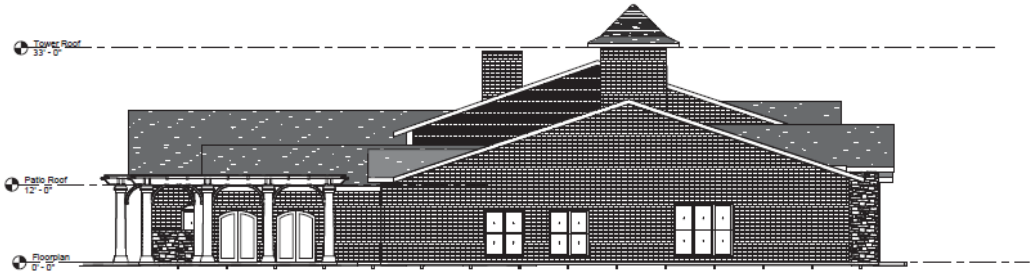
Building Elevations

| | |
|---|---|
| Project number | 2017-1508-CSB |
| Date | 5-4-2017 |
| Drawn by | A. Freeman |
| Checked by | D.J. |

A201

Scale 1/8" = 1'-0"




2 NORTH Elevation
1/8" = 1'-0"

ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

| No. | Description | Date |
|---|---|---|
| | | |
| | | |
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| | | |
| | | |

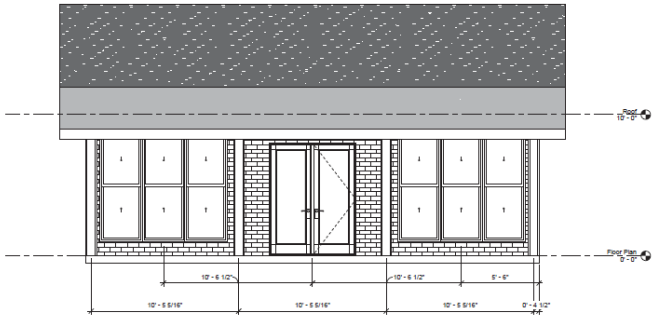
Boutique Assisted Living Home

Building Elevations

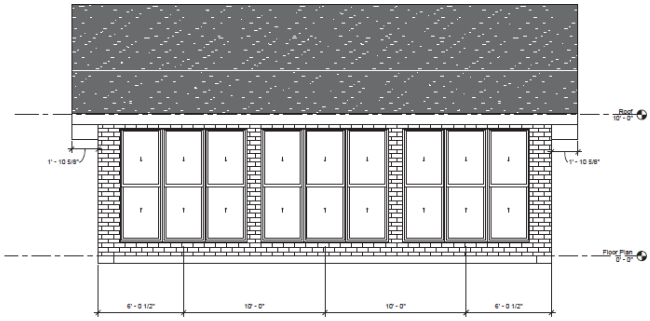
| | |
|---|---|
| Project number | 2017-1508-CSB |
| Date | 5-4-2017 |
| Drawn by | A. Freeman |
| Checked by | D.J. |

A202

Scale 1/8" = 1'-0"




1 West Elevation - Poolhouse
3/8" = 1'-0"




2 East Elevation - Poolhouse
3/8" = 1'-0"

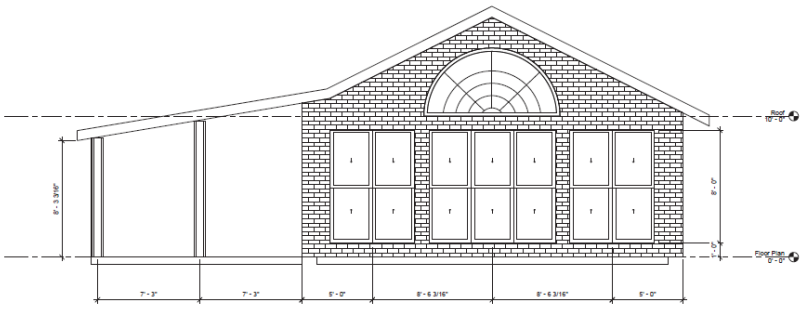
ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

| No. | Description | Date |
|---|---|---|
| | | |

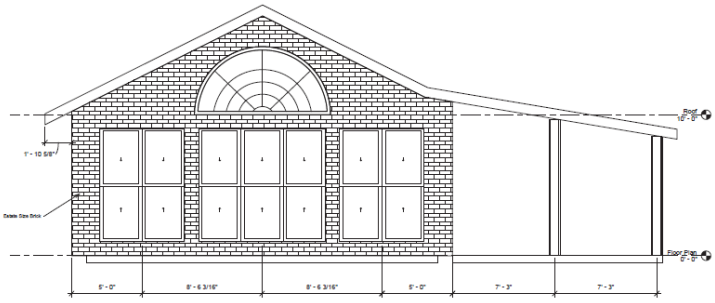
Boutique Assisted Living Home

Building Elevations - Poolhouse

| | |
|---|---|
| Project number | 2017-1928-CSB |
| Date | 5-10-2017 |
| Drawn by | Author |
| Checked by | Checker |
| | A203 |
| Scale | 3/8" = 1'-0" |




1 South Elevation - Poolhouse
3/8" = 1'-0"




3 North Elevation - Poolhouse
3/8" = 1'-0"

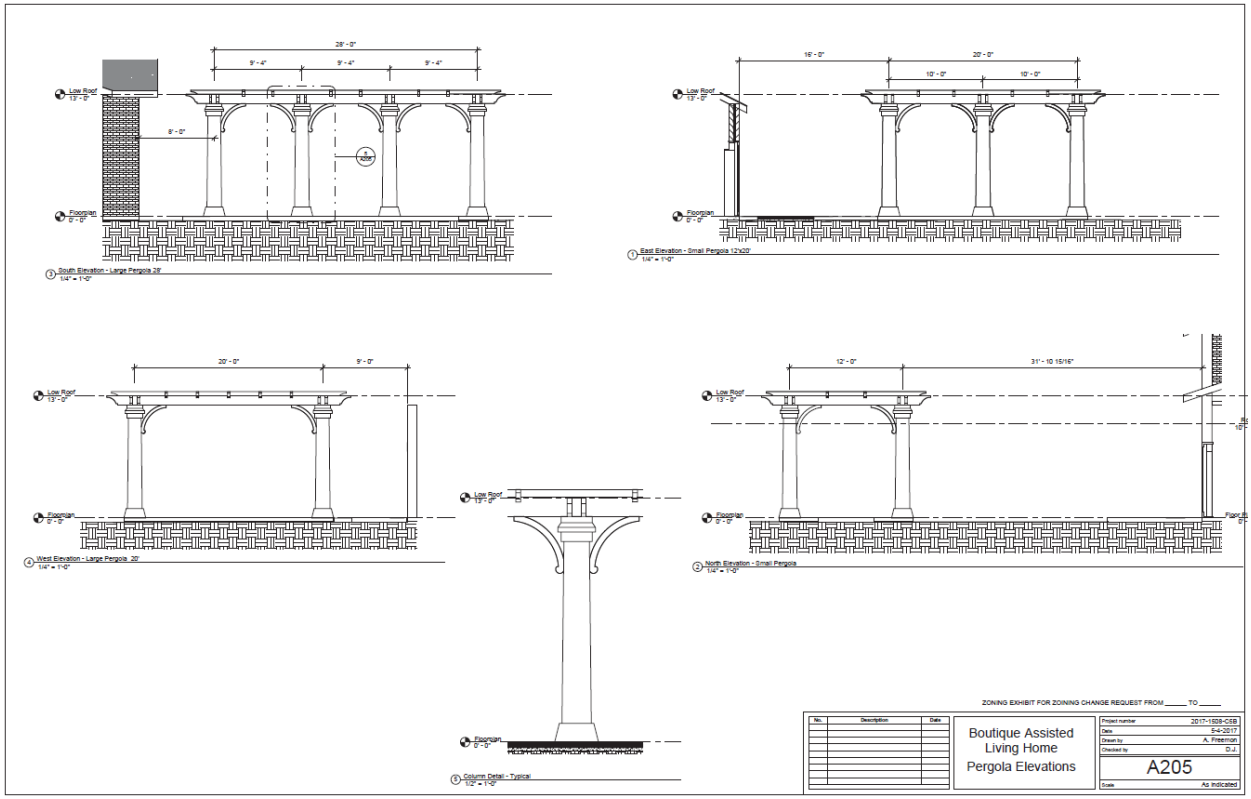
ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____

| No. | Description | Date |
|---|---|---|
| | | |

Boutique Assisted Living Home

Building Elevations - Poolhouse

| | |
|---|---|
| Project number | 2017-1928-CSB |
| Date | 5-10-2017 |
| Drawn by | Author |
| Checked by | Checker |
| | A204 |
| Scale | 3/8" = 1'-0" |


28' - 0"
9' - 4"
9' - 4"
9' - 4"
Low Roof
13' - 0"
8' - 0"
Floorplan
0' - 0"
3 South Elevation - Large Pergola 28'
1/4" = 1'-0"
16' - 0"
20' - 0"
10' - 0"
10' - 0"
Low Roof
13' - 0"
Floorplan
0' - 0"
1 East Elevation - Small Pergola 12'x20'
1/4" = 1'-0"
20' - 0"
9' - 0"
Low Roof
13' - 0"
Floorplan
0' - 0"
4 West Elevation - Large Pergola 20'
1/4" = 1'-0"
Low Roof
13' - 0"
Floorplan
0' - 0"
5 Column Detail - Typical
1/2" = 1'-0"
12' - 0"
31' - 10 15/16"
Low Roof
13' - 0"
Floorplan
0' - 0"
2 North Elevation - Small Pergola
1/4" = 1'-0"
ZONING EXHIBIT FOR ZOINING CHANGE REQUEST FROM _____ TO _____
No.
Description
Date
Boutique Assisted Living Home
Pergola Elevations
Project number 2017-1928-CSB
Date 5-4-2017
Drawn by A. Freemon
Checked by D.J.
A205
Scale As indicated

# City of Colleyville
## City Council
## Agenda Briefing

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

**Agenda Number** 6c **Agenda Date** 08/01/2017 **Number** Ordinance O-17-2021
**Type** Ordinance
**Department** Community Development

**Title**
Consideration of a request to appeal the decision by the Planning and Zoning Commission for a zoning change from the R-40 Single Family Residential zoning district to the R-30 Single Family Residential zoning district on Tracts 1B1A and 2C2B, Abstracts 1674 and 1038, in the Hall Medlin Survey, located at 600 John McCain Road, Case ZC17-001

**Strategic Plan**
4.1 Protect Colleyville's semi-rural residential character

**Explanation**
***First Reading and Public Hearing***

Edward Mitchell, the owner, has submitted a request to rezone approximately 1.39 acres, located at 600 John McCain Road, from the R-40 Single Family Residential district to the R-30 Single Family Residential district. The applicant is seeking a zoning change in order to subdivide one single family residential lot into two lots for future residential development.

**Existing Conditions/Background:** The subject property is currently unplatted. The applicant has indicated the intent to create a new lot for a new single family home on the western portion of the subject property. The applicant has submitted a zoning exhibit demonstrating the proposed subdivision as part of the rezoning request.

**Proposed Zoning Change:**
*Request* – The applicant is requesting a zoning change from the R-40 Single Family Residential district to the R-30 Single Family Residential district to create one additional single family residential lot.

*Ordinance* – Per Section 3.24 G, Schedule of District Regulations in the Land Development Code, the R-30 zoning regulations require the following standards:

Minimum Lot Area: 30,000 square feet
Minimum Lot Width: 125 feet
Minimum Lot Depth: 125 feet
Minimum Front Yard Setback: 35 feet
Minimum Side Yard Setbacks: 10 feet
Minimum Rear Yard Setback: 25 feet
Maximum Lot Coverage: 25 percent

The applicant has provided a zoning exhibit which is conceptual in nature and not up for consideration as part of the zoning request. However, the conceptual exhibit proposes two lots 30,298 square feet and 30,018 square feet, or 1.44 net acres. This conceptual plan appears to meet the R-30 zoning district's minimum lot area of 30,000 square feet and other standards as listed above. Chapter 3 (Land Use) of the Land Development Code identifies the purpose and intent of the R-30 zoning district as primarily oriented toward low-density residential purposes and open space uses. Additionally, it states the principal uses shall be moderately low-density detached single family homes. A plat will be required to be submitted and reviewed for compliance prior to approval and filing in the County Clerk's Office.

*Analysis* – The zoning designations for the majority of the adjacent properties are AG Agricultural and R-40 Single Family Residential. The subject property is closely aligned with the existing R-40 district. The proposed conceptual zoning exhibit does preliminarily meet the minimum standards for the R-30 district.

**Surrounding Development:** The properties to the north and west are zoned R-40 and developed with single family homes. The properties to the south and east are zoned AG-Agricultural district and also developed with single family homes. There are several properties to the northeast and southeast also zoned R-40 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 net acre. The proposed density is 1.44 dwelling units per net acre. The requested zoning change complies with the net density policy of 1.8 dwelling units per acre and is consistent with the general density policy stated in the Comprehensive Plan:

> *"...each residential project shall have a minimum lot size of 20,000 square feet and no more than 2 dwelling units per gross acre."*

**Fees:** Park Land Dedication fees are required in the amount of $1,802 per new residential lot. Park Land Dedication fees are due prior to filing the plat for record. Impact Fees are also required per Chapter 13 (Impact Fees) of the Land Development Code and are due prior to the issuance of a Building Permit.

**Tree Preservation:** Any future subdivision of the subject property must comply with Chapter 5 (Tree Preservation) of the Land Development Code. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a Tree Removal Permit has been issued that is associated with an approved Tree Preservation Plan.

In addition to the requirements for submittal of a Tree Removal Permit and Tree Preservation Plan, future development on the site must maintain the minimum existing protected tree canopy coverage as required in Chapter 5.

**Public Notification:** Staff mailed notices to all property owners within 200 feet as well as any Homeowners Associations within 500 feet of the subject property on Friday, June 23, 2017 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* on Saturday, June 24, 2017 as required by State law and the Land Development Code. To date, no correspondence has been received.

**Staff Recommendation:** Although the proposed zoning change is generally consistent with the City's comprehensive plan, the requested R-30 district is not the same as the surrounding AG-Agricultural and R-40 district designations. Staff recommends denial of the proposed rezoning request.

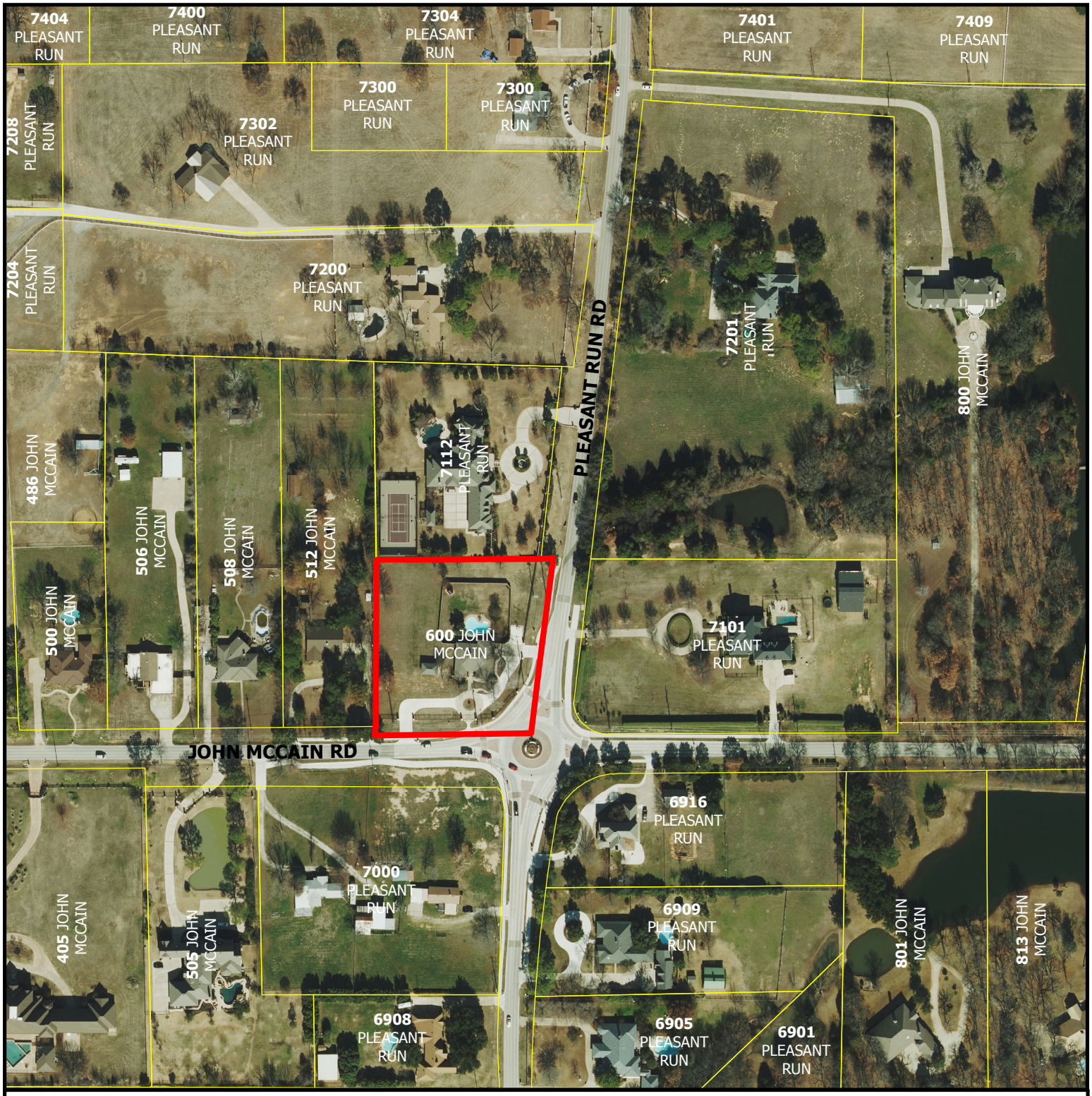
**Planning and Zoning Commission:** The Planning and Zoning Commission recommended denial of the request at their July 10th meeting by a vote of 7-0. When the Planning and Zoning Commission makes a recommendation of denial, a favorable vote of three-fourths (3/4) of all members of the City Council is required for approval of the request.

**Financial Impact**
There is no financial impact to the City.

**Recommendation**
Denial

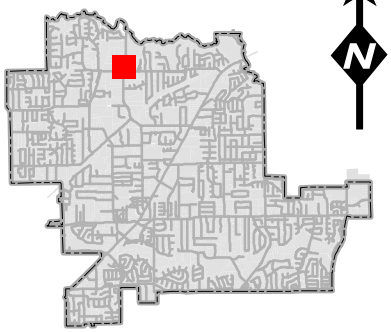
**Attachments**
1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Zoning Exhibit
5. Notification Map
6. Notification List
7. Property Owner Notification
8. Legal Notice
9. Request to Appeal
10. July 18, 2017 Speaker Cards
11. Ordinance O-17-2021

# Aerial Map




# ZC17-001

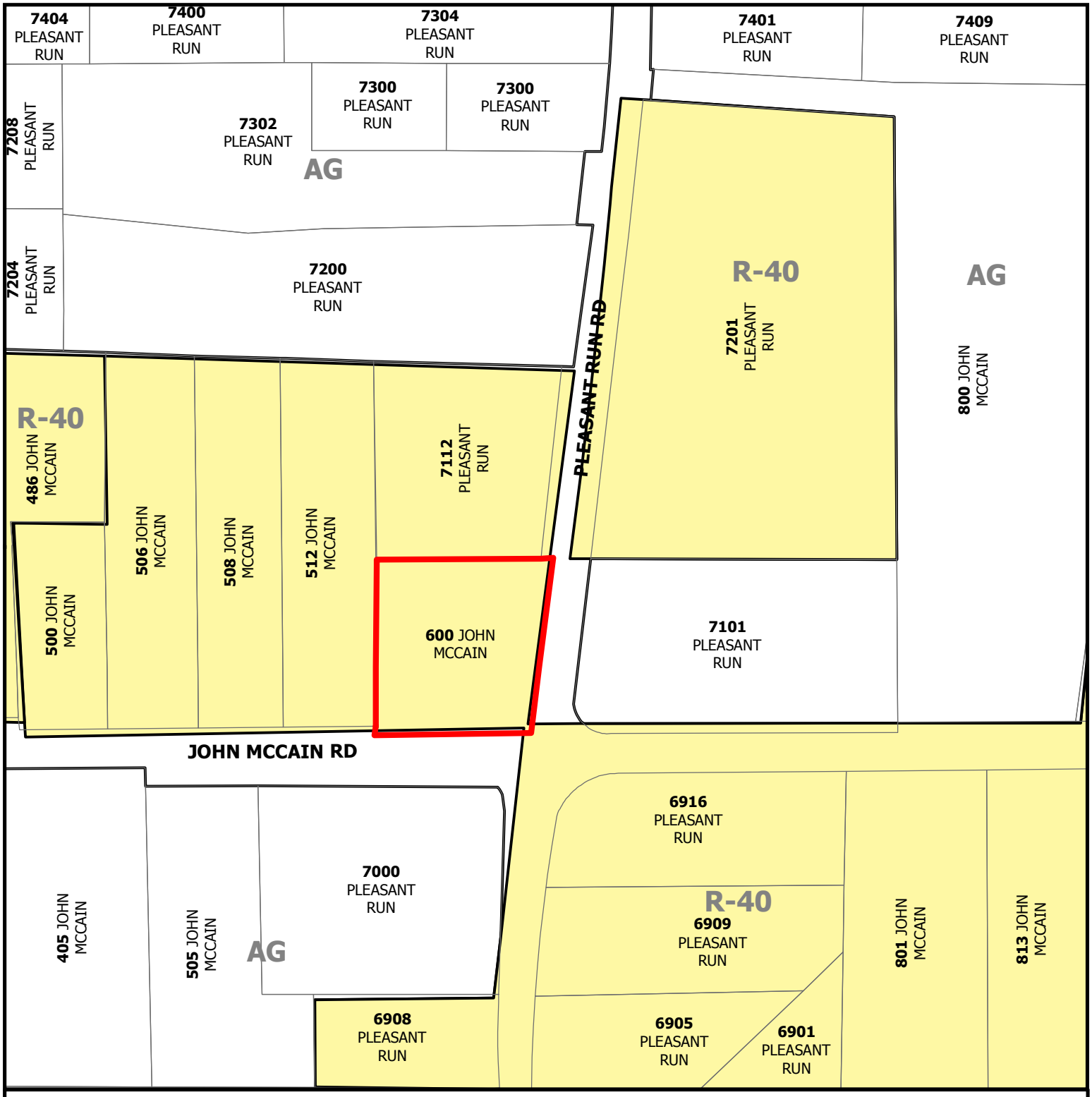
## 600 JOHN MCCAIN ROAD



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.

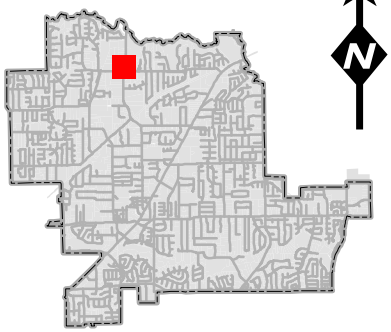
Subject Property

# Zoning Map




# ZC17-001

## 600 JOHN MCCAIN ROAD



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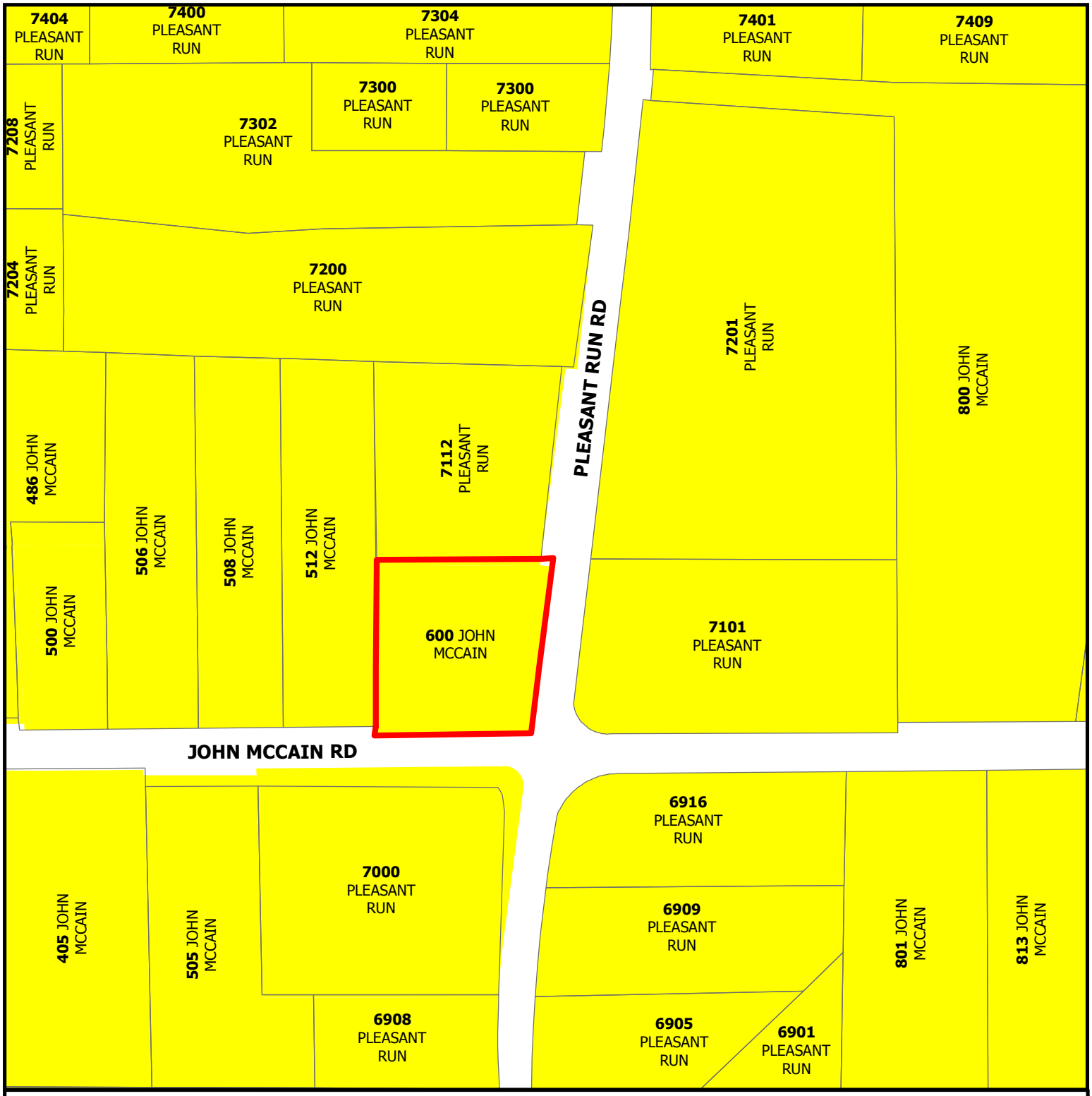
Subject Property

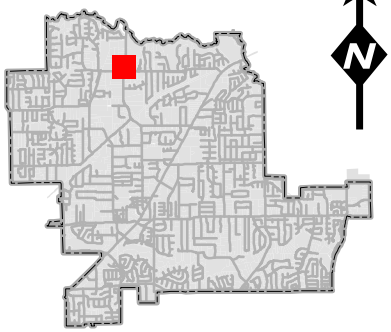
# Future Land Use Map




CITY OF COLLEYVILLE TEXAS

# ZC17-001

## 600 JOHN MCCAIN ROAD



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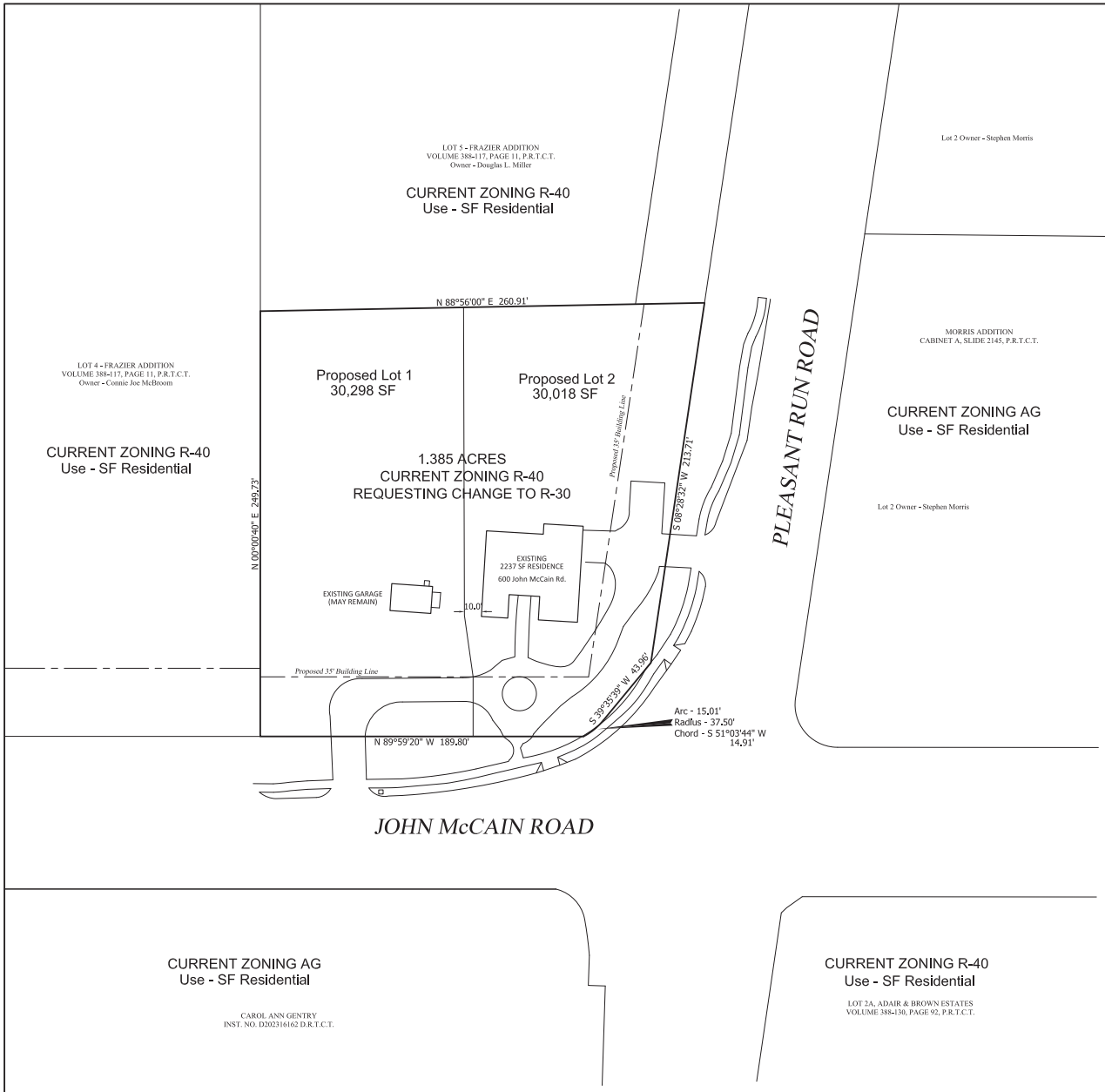
Subject Property

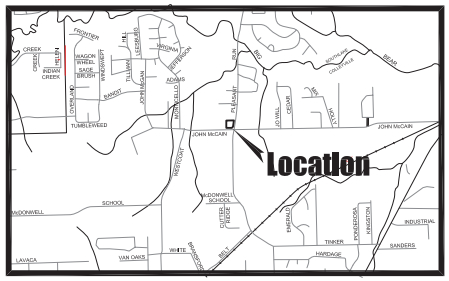
# Zoning Exhibit




NORTH

MILLER SURVEYING
EST. 1985

0 30 60 90
Graphic Scale In Feet 1" = 30'




**LEGAL DESCRIPTION:** Being a tract of land out of the Robert Williams, Abstract No. 1674 and situated in the City of Colleyville, Tarrant County, Texas, and surveyed by Miller Surveying, Inc. of Hurst, Texas in February 2017, said tract being the same tract of land described in the deed to Edward R. and Shearon A. Mitchell recorded as Instrument No. D211125622 in the Deed Records of Tarrant County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 1/2 inch "MILLER 5665" capped steel rod set in the northerly right-of-way line of John McCain Road, same being the southeast corner of Lot 4, Frazier Addition, an addition to the City of Colleyville, Tarrant County, Texas according to the plat thereof recorded in Volume 388-117, Page 11 of the Plat Records of Tarrant County, Texas;

Thence North 00 degrees 00 minutes 40 seconds East a distance of 249.73 feet to a 1/2 inch "MILLER 5665" capped steel rod set for the northwest corner of said Mitchell tract;

Thence North 88 degrees 56 minutes 00 seconds East a distance of 260.91 feet to a 1/2 inch "MILLER 5665" capped steel rod set in the westerly right-of-way line of Pleasant Run Road;

Thence South 08 degrees 28 minutes 32 seconds West with said westerly right-of-way line a distance of 213.71 feet to a 1/2 inch "MILLER 5665" capped steel rod set;

Thence South 39 degrees 35 minutes 39 seconds West continuing with said westerly right-of-way line a distance of 43.96 feet to a 1/2 inch "MILLER 5665" capped steel rod set for the beginning of a curve to the right with a radius of 37.50 feet and whose chord bears South 51 degrees 03 minutes 44 seconds West at 14.91 feet;

Thence with said curve along an arc length of 15.01 feet to a 1/2 inch "MILLER 5665" capped steel rod set in said northerly right-of-way line;

Thence North 89 degrees 59 minutes 20 seconds West with said northerly right-of-way line a distance of 189.80 feet to a 1/2 inch "MILLER 5665" capped steel rod set to the point of beginning and containing 1.385 acres of land, more or less;

OWNER/APPLICANT:
EDWARD MITCHELL
600 JOHN McCAIN ROAD
COLLEYVILLE, TEXAS 76034
817-514-0902

STATE OF TEXAS
REGISTERED
JASON B. RAWLINGS
5665
PROFESSIONAL
LAND SURVEYOR

MILLER
Surveying, Inc.
Commercial • Residential • Municipal
430 Mid Cities Blvd. 817-577-1052
Hurst, Texas 76054 TxLSF No. 10100400
MillerSurvey.net

ZONING EXHIBIT FOR

## 1.385 ACRES OF LAND OUT OF THE

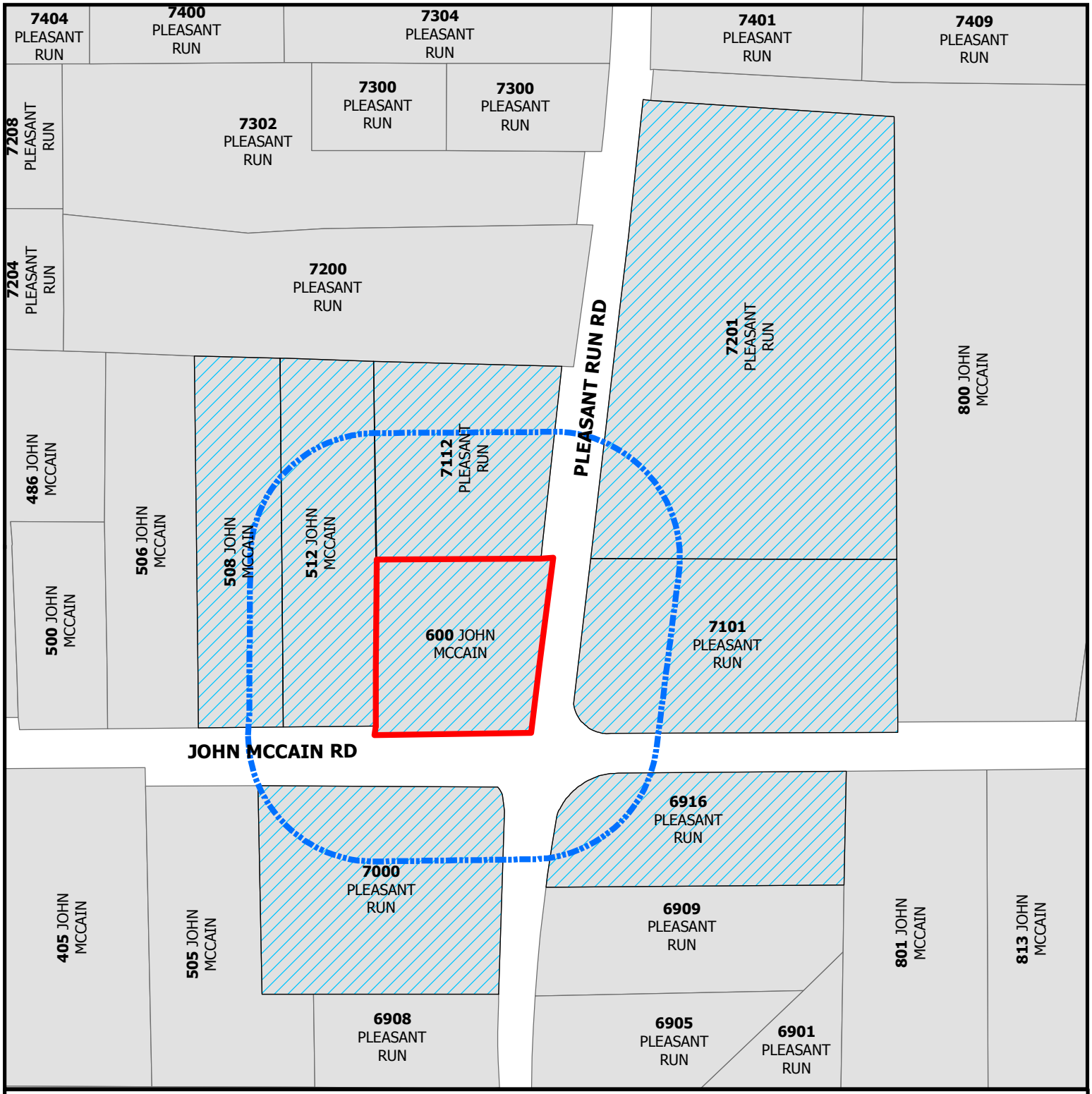
ROBERT WILLIAMS SURVEY, ABSTRACT NO. 1674
in the City of Colleyville, Tarrant County, Texas

REQUESTING A CHANGE IN ZONING FROM R-40 TO R-30

Prepared in February 2017

Job No. 16107 • Plot File 16107

# Notification Map




CITY OF COLLEYVILLE TEXAS

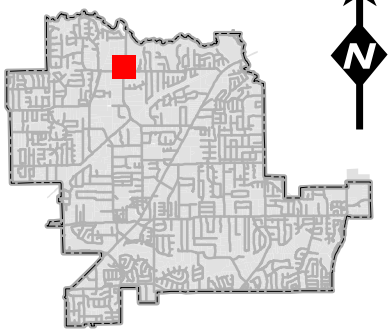
# ZC17-001

## 600 JOHN MCCAIN ROAD

Subject Property

200ft Buffer

Properties within 200ft



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# Notification List

| Owner Name | Owner Address | Owner City | Owner Zip | Situs Address |
|---|---|---|---|---|
| BROWN, CLIFFORD E | 508 JOHN MCCAIN RD | COLLEYVILLE, TX | 76034 | 508 JOHN MCCAIN RD |
| MORRIS, STEPHEN | 7201 PLEASANT RUN RD | COLLEYVILLE, TX | 76034 | 7201 PLEASANT RUN RD |
| MILLER, DOUGLAS L | 7112 PLEASANT RUN RD | COLLEYVILLE, TX | 76034 | 7112 PLEASANT RUN RD |
| MITCHELL, EDWARD | 600 JOHN MCCAIN RD | COLLEYVILLE, TX | 76034 | 600 JOHN MCCAIN RD |
| KIENTZ, ROBERT | 6916 PLEASANT RUN RD | COLLEYVILLE, TX | 76034 | 6916 PLEASANT RUN RD |
| GENTRY, CAROL ANN | 7000 PLEASANT RUN RD | COLLEYVILLE, TX | 76034 | 7000 PLEASANT RUN RD |
| MCBROOM, OPAL | PO BOX 184 | COLLEYVILLE, TX | 76034 | 512 JOHN MCCAIN RD |
| GOIN, DONALD | 7101 PLEASANT RUN RD | COLLEYVILLE, TX | 76034 | 7101 PLEASANT RUN RD |
| | | | | |
| MITCHELL, EDWARD | 600 JOHN MCCAIN RD | COLLEYVILLE, TX | 76034 | APPLICANT |
| GRAPEVINE-COLLEYVILLE ISD | 3051 IRA WOODS AVE E | GRAPEVINE, TX | 76051 | STATE LAW REQUIRED |

Public hearing notices were mailed
Friday, June 23, 2017 by Araceli Botello

# Property Owner Notification

## NOTICE OF PUBLIC HEARING

| | |
|---|---|
| **Zoning Case Number:** | **ZC17-001** |
| **Applicant:** | **Edward Mitchell** |
| **Owner:** | **Edward Mitchell** |
| **Location:** | **600 John McCain Road** |
| **Property Description:** | **Tracts 1B1A and 2C2B, Abstracts 1674 and 1038, in the Hall Medlin Survey** |
| **Present Zoning:** | **R-40 Single Family Residential zoning district** |
| **Request:** | **Consideration of a zoning change from the R-40 Single Family Residential zoning district to the R-30 Single Family Residential zoning district** |

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

**Planning and Zoning Commission Meeting: Monday, July 10, 2017 at 7:00 p.m.**
**City Council Meeting: Tuesday, August 1, 2017 & Tuesday, August 15, 2017 at 7:30 p.m.**
**3rd floor of City Hall, 100 Main Street, Colleyville, Texas**

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 200 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

**Community Development Department**
**City of Colleyville**
**100 Main Street**
**Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. For additional information, please contact the Community Development Department at 817.503.1052. Please reference the zoning case number when requesting information.

Ben Bryner
Community Development Director
bbryner@colleyville.com

# Legal Notice

June 23, 2017

**SENT VIA EMAIL on Friday, June 23, 2017**

Christine Lopez
Legal Notices
Fort Worth Star-Telegram
400 W. Seventh Street
Fort Worth, TX 76102

Dear Christine:

***Please publish and furnish an affidavit (N.E. Section):***
*Saturday, June 24, 2017*

The City of Colleyville Planning and Zoning Commission gives notice of a Public Hearing on Monday, 7/10/17 at 7:00 p.m. at City Hall, 100 Main Street, Colleyville, Texas:

Case ZC17-001 - Consideration of a zoning change from the R-40 Single Family Residential zoning district to the R-30 Single Family Residential zoning district on Tracts 1B1A and 2C2B, Abstracts 1674 and 1038, in the Hall Medlin Survey, located at 600 John McCain Road

Case ZC16-008 – Consideration of a Special Use Permit for an Accessory Building to exceed the total square footage permitted on Lot 1A, Block 1, of the K Bar G Estates Addition, located at 6401 Westcoat Road

Case ZC17-009 - Consideration of a zoning change from the PUD-C Planned Unit Development Commercial zoning district to the PUD-C Planned Unit Development Commercial zoning district on Lot 1, Block 1, of the San Bar Square Addition, located at 105 Cheek Sparger Road

The City Council will hold a Public Hearing on the above items on 8/1/17 and 8/15/17 at 7:30 p.m. at City Hall, 100 Main Street, Colleyville, Texas.

All interested citizens will be given the opportunity to speak and be heard.

**CITY OF COLLEYVILLE**

Araceli Botello
Planning Technician

July 20, 2017

**CORRECTED COPY**

City of Colleyville Planning and Zoning Commission
City Hall
100 Main Street
Colleyville, TX 76034

Re: Notice of Appeal for 600 John McCain Rd
Zoning Change/Case ZC17-001

To Whom It May Concern,

This will serve as a written appeal notice to the Planning and Zoning Commission regarding denial of a zoning change at 600 John McCain Rd from R-40 to R-30 single family residential zoning district.

R-30 is ideal for building a home when considering its width and depth respectively. The commission would offer that they denied my request due to Colleyville's Comprehensive Plan; Yet I am appealing this decision based on my request ultimately being considered subjectively rather than objectively, land patterns to the east and west of John McCain and multiple PUD's. Although there was a question regarding the nearest PUD's, staff was not prepared to relay this vital information to the commission, therefore, the commission felt it was not needed or of importance at moment of request and simply moved on. The proposed subdivide meets the R-30 zoning district's minimum lot area of 30,000 square feet and standards and given its approval will fit very nicely within the community that its adjacent to, surround by and part thereof.

It appears that this commission's decision was tainted, diluted, and persuaded to render a subjective vote due to information shared in the pre-commission meeting by a future member of the commission, Mr. Chris Putnam; who at the time of the pre-commission council had not yet taken the oath of commission/office. Mr. Putnam was in clear violation of tainting this committee before they had a chance to objectively consider my cause. (See Webcast July 10,2017)

Not only was the ultimate decision by this board premeditated, the information provided by Mr. Putnam was incorrect. As it should be dually noted, the litigation pertaining to the acquisition of right-of way of 600 John McCain, which was resolved in 2013 was brought against US, and not filed by US, is public record. Mr. Putnam's "false" statement not only brought defamation to me and my family's character in a public forum, it ultimately created dialogue on a subject matter that had nothing to do with the rezoning of 600 John McCain from R40 to R30, and clearly aided in the premeditated and biased decision of the Planning and Zoning Commission. For this alone Mr. Putnam should be reprimanded by the City of Colleyville and suspended from Planning and Zoning Commission.

I request that the Rezoning of 600 John McCain from R40 to R30 be reconsidered and that the ruling made on July 10, 2017 be reversed.

Respectfully Submitted
Edward R. Mitchell

RECEIVED
JUL 21 2017
CITY OF COLLLEYVILLE
BY COMMUNITY DEV. DEPT

# SPEAKER CARD

**Date:** 7/18/17

**Agenda Item Number:** 6b ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

_____ I will speak **In Support** of this item. ✓ I will speak **In Opposition** to this item.

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

Name: PAM WOZNIAK

Address: 7004 COLEMAN CT City: COLLEYVILLE

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

Signed: [signature]

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

# SPEAKER CARD

**Date:** July 18

**Agenda Item Number:** 6B ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

_____ I will speak **In Support** of this item. X I will speak **In Opposition** to this item.

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

Name: Matt Koch

Address: 6907 Upland Ln City: Colleyville

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

Signed: _____

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

# SPEAKER CARD

**Date:** 6-18-17

**Agenda Item Number:** 6a & 6b ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

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

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

Name: Keona Solorzano

Address: 2200 Danielle Dr City: Colleyville

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

Signed: Keona Solorzano

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

# SPEAKER CARD

**Date:** July 18 2017

**Agenda Item Number:** 6A/6B ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

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

✓ I do not wish to speak, but please record my: _____ **support** X **opposition**

Name: Robert Herwerton

Address: 0200 Danielle City: Colleyville

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

Signed: _____

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

# SPEAKER CARD

**Date:** 07-18-18

**Agenda Item Number:** 6A+6B ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

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

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

Name: Henry Mebhal

Address: 500 Bridlewood N. City: Colleyville

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

Signed: _____

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

# SPEAKER CARD

**Date:** 7/18/17

**Agenda Item Number:** 6A,6B ← Item must be completed!
For example: **5a *(this can be found on the far left side of the agenda copy)***

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

_____ I will speak **In Support** of this item. ___X___ I will speak **In Opposition** to this item.

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

Name: Craig Wozniak

Address: 7004 Coleman St City: Colleyville

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

Signed: Craig Wozniak

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

# ORDINANCE O-17-2021

**AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 1.39 ACRES, BEING TRACT 1B1A, ABSTRACT 1038, AND TRACT 2C2B, ABSTRACT 1674, BOTH IN THE HALL MEDLIN SURVEY, LOCATED AT 600 JOHN MCCAIN ROAD, FROM THE R-40 SINGLE FAMILY RESIDENTIAL DISTRICT TO THE R-30 SINGLE FAMILY RESIDENTIAL 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 ZC17-001; 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 1.39 acres, being Tract 1B1A, Abstract 1038, and Tract 2C2B, Abstract 1674, both in the Hall Medlin Survey, located at 600 John McCain Road, from the R-40 Single Family Residential district to the R-30 Single Family Residential 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 August 2017.

The second reading and public hearing being conducted on the 15th day of August 2017.

PASSED AND APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 15TH DAY OF AUGUST 2017.

| | | | |
|---|---|---|---|
| Mayor Richard Newton | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 5, Nancy Coplen | _____ |
| Place 3, Kathy Wheat | _____ | Place 6, Mike Taylor | _____ |
| Place 4, George Dodson | _____ | | |

**ATTEST:** **CITY OF COLLEYVILLE**

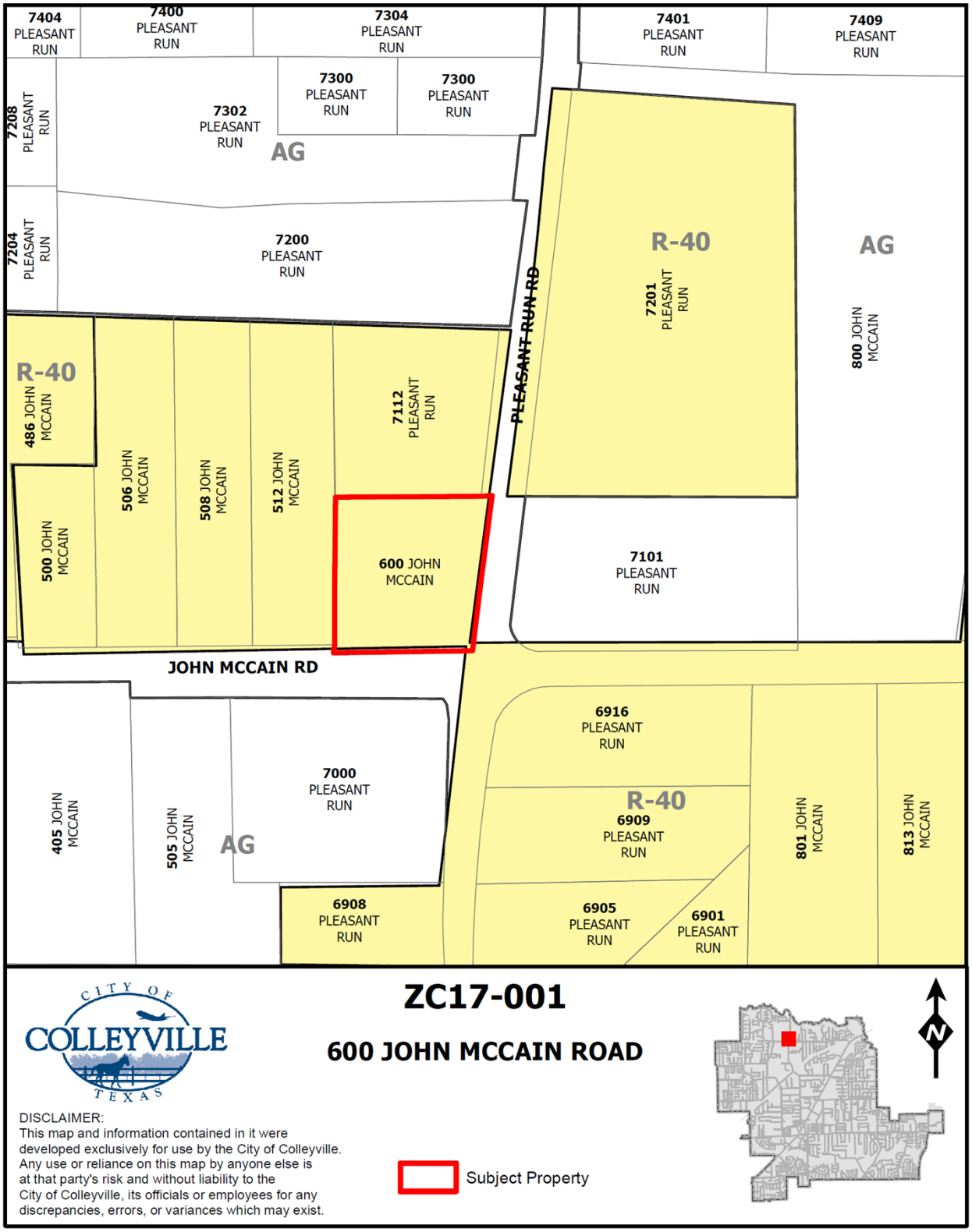
Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

**APPROVED AS TO FORM AND LEGALITY:**

Whitt L. Wyatt
City Attorney

# Exhibit "A"- Zoning Map



# Exhibit "B"- Metes & Bounds Description

Being a tract of land out of the Robert Williams, Abstract No. 1674 and situated in the City of Colleyville, Tarrant County, Texas, and surveyed by Miller Surveying, Inc. of Hurst, Texas in February 2017, said tract being the same tract of land described in the deed to Edward R. and Shearon A. Mitchell recorded as Instrument No. D211125622 in the Deed Records of Tarrant County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 1/2 inch "MILLER 5665" capped steel rod set in the northerly right-of-way line of John McCain Road, same being the southeast corner of Lot 4, Frazier Addition, an addition to the City of Colleyville, Tarrant County, Texas according to the plat thereof recorded in Volume 388-117, Page 11 of the Plat Records of Tarrant County, Texas;

Thence North 00 degrees 00 minutes 40 seconds East a distance of 249.73 feet to a 1/2 inch "MILLER 5665" capped steel rod set for the northwest corner of said Mitchell tract;

Thence North 88 degrees 56 minutes 00 seconds East a distance of 260.91 feet to a 1/2 inch "MILLER 5665" capped steel rod set in the westerly right-of-way line of Pleasant Run Road;

Thence South 08 degrees 28 minutes 32 seconds West with said westerly right-of-way line a distance of 213.71 feet to a 1/2 inch "MILLER 5665" capped steel rod set;

Thence South 39 degrees 35 minutes 39 seconds West continuing with said westerly right-of-way line a distance of 43.96 feet to a 1/2 inch "MILLER 5665" capped steel rod set for the beginning of a curve to the right with a radius of 37.50 feet and whose chord bears South 51 degrees 03 minutes 44 seconds West at 14.91 feet;

Thence with said curve along an arc length of 15.01 feet to a 1/2 inch "MILLER 5665" capped steel rod set in said northerly right-of-way line;

Thence North 89 degrees 59 minutes 20 seconds West with said northerly right-of-way line a distance of 189.80 feet to a 1/2 inch "MILLER 5665" capped steel rod set to the point of beginning and containing 1.385 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** 6d **Agenda Date** 08/01/2017 **Number** Ordinance O-17-2022
**Type** Ordinance
**Department** Community Development

**Title**
Consideration of amendments to the Colleyville Code of Ordinances, Chapters 86 and 91, related to telecommunications providers

**Strategic Plan**
4.3 Adopt best-practice planning and development processes

**Explanation**
***First Reading and Public Hearing***

**Background:** SB 1004 adopts a new Chapter 284 of the Local Government Code. Similar to Chapter 283, these provisions concern the installation of equipment, specifically wireless network equipment, in public right-of-way, providing a state-wide regulatory scheme and limiting individual cities' abilities to further regulate this equipment. These provisions are applicable to the installation of "network nodes" (equipment that enables wireless communications between the communications network and the user's equipment) and related equipment, and applies to both the "wireless service provider", who provides the service directly to the public, and to "network providers", which are entities who do not provide service to the end-user, but whom build the equipment on behalf of a wireless service provider.

Each city should take inventory of what provisions it has currently adopted which are applicable to the public right-of-way, including zoning ordinances. Amendments should be made, as necessary, to ensure this type of equipment is exempted from zoning provisions, and right-of-way ordinances should be amended to reflect the changes enacted in this bill.

**Analysis:** The bill goes into effect September 1, 2017. Staff is working with the City Attorney to finalize the amendments to the affected chapters in the City's Code of Ordinances.

Staff is making every attempt to adopt the appropriate changes to the City's ordinances prior to the September 1, 2017, effective date to best deal with the new regulations adopted with SB 1004. Due to the short time frame and several key staff being out of the office, no presentation will be made on the item during the first reading. Staff will have finalized documents and a full presentation for the second reading by City Council during the August 15, 2017 meeting.

**Financial Impact**
No substantial financial impact to the City.

**Recommendation**
Approve

**Attachments**
1. Attachment "A" - Summary of SB 1004
2. Ordinance O-17-2022

Nichols, Jackson, Dillard, Hager & Smith, LLP

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1800 Ross Tower
Dallas, Texas 75201

Alexis G. Allen
Direct: 214-665-3361
Email: aallen@njdhs.com
Web: www.njdhs.com

**Summary of SB 1004**

SB 1004 adopts a new Chapter 284 of the Local Government Code. Similar to Chapter 283, these provisions concern the installation of equipment, specifically wireless network equipment, in public right-of-way, providing a state-wide regulatory scheme and limiting individual cities' abilities to further regulate this equipment. These provisions are applicable to the installation of "network nodes" (equipment that enables wireless communications between the communications network and the user's equipment) and related equipment, and applies to both the "wireless service provider", who provides the service directly to the public, and to "network providers", which are entities who do not provide service to the end-user, but whom build the equipment on behalf of a wireless service provider.

A full outline of the bill is below, but generally, it is important to note that the fees we can charge these users are limited to an application or permit fee, calculated based on the equipment installed (See Sec. 284.156), and an annual fee calculated based on $250 X the number of network nodes installed in the city's ROW. Cities may require that providers apply for a permit, and require compliance with the city's right-of-way management ordinance and design manual, but cannot apply zoning regulations to the installation of such equipment, or require a license agreement. If providers desire to place equipment on city service poles (i.e. traffic lights, signage, light poles) the City can require a collocation agreement, a sample of which is provided. In the event the city owns and operates a city-run electric or telephone utility, the City-owned utility may negotiate with the provider on a pole-attachment agreement, subject to the provisions of this chapter.

Cities are prohibited from enacting any type of moratorium on these requests, and there are specific time limitations which apply to the processing of applications. (See Sec. 284.154). The bill goes into effect September 1, 2017, and provides that any current agreements or ordinances remain applicable to network nodes which are operational before that date; for all network nodes installed and operational on or after September 1st, any current ordinances or agreements must be amended to comply with the provisions of Chapter 284 no later than March 1, 2018.

Steps Forward:

There are a number of city-members of Texas Coalition of Cities for Utility Issues (TCCFUI) which are considering legal action to challenge this statute. Unless and until any such challenge is sustained, we recommend the following:

Each city should take inventory of what provisions it has currently adopted which are applicable to the public right-of-way, including zoning ordinances. Amendments should be made, as necessary, to ensure this type of equipment is exempted from zoning provisions, and right-of-way ordinances should be amended to reflect the changes enacted in this bill. We will assist cities in amending current right-of-way ordinances, or with drafting comprehensive right-of-way ordinance, for those cities which have not previously adopted such provisions. We also encourage city staff to ascertain whether any of this equipment is presently installed within the city's ROW, and specifically, if it is operational as of September 1, 2017. If so, then the ordinances/agreements applicable to such equipment will remain applicable until March 1, 2018.

City staff should work with the city attorney to finalize the adoption of a design manual, consistent with the provisions of Chapter 284. The City should also develop an application and permitting procedure applicable to this equipment, making sure that the applications are processed within the necessary time limits. In developing the permitting policy/procedure, it is imperative that staff is cognizant of important timing deadlines included in Ch. 284:

- **Time starts when an application is filed:** City must review and approve or deny by strict deadlines.
- **Determine if application is complete within:**
    - 10 days of an application for placement of a ***transport facility***
    - 30 days for a ***network node or node support pole***.
    - If a permit is deemed incomplete, must notify applicant of the incompleteness by the applicable deadline, with the specific missing information.
    - Applicant has 30 days to resubmit a cured completed application without fee (other than for actual costs incurred by city), and city must approve or deny a revised completed resubmittal within 90 days of receipt.
- **Time to Act:** Once determined complete, the **permit is deemed granted** by law if city does not approve/deny within:
    - 21 days - transport facility permit (fiber/coaxial cable connecting nodes).
    - 60 days - node network permit.
    - 150 days - node support pole permit.
- **If a permit is denied**:
    - city must provide applicant an email with the specific reasons for denial,
    - applicant has 30 days to resubmit cured application without fee (other than for actual costs incurred by city);
    - city's review is limited to emailed reasons for denial; and
    - city must approve or deny completed resubmittal within 90 days of receipt.

---

**Documents to Consider**:

In addition to this summary, I have prepared/provided the following documents to further implementation of these changes:

1. Proposed Right-of-Way Ordinance(s) (TM 87733, "Comprehensive", and TM 87732, "Amending"): There are two options to consider, (including changes provided by NCTCOG), a comprehensive Right-of-Way ordinance, for those cities which do not have any ROW management provisions currently, and an amending ordinance, which will apply to those cities which do have a current ROW ordinance, but have not amended it to reflect changes to the LGC, including Ch. 283 and Ch. 284.

Note that, in addition to adopting such an ordinance/amendment, the City will need to amend its Master Fee Schedule, to reflect the application fee and annual fee, and may need to revise its

zoning ordinance. The fees are included in the "amending ordinance", but this area is highlighted in Section 2 of the Comprehensive Ordinance, as such changes will include additional fees, depending on the preference of the individual cities. In regards to the wireless facilities, the fees should be as follows:

"Small cell application fee (This fee shall not exceed and is capped by statutory limits) $500.00 (1-5 network notes); $250.00 (each additional network node); $1,000.00 per pole

Small cell user fees (this fee shall not exceed and is capped by statutory limits) $250.00 annually for each network node; $20.00 per year for city pole attachment.

Transport Facility monthly user fee (This fee shall not exceed and is capped by statutory limits) $28 multiplied by the number of the network provider's network nodes located in the public right-of-way for which the installed transport facilities provide backhaul, until the time the network provider's payment to the City exceeds its monthly aggregate per month compensation to the City"

2. Design Manual (TM 87731): I have provided a copy of the proposed format for a design manual offered by TCCFUI. The form provided complies with the state law as enacted, but is very technical and will need to reflect each city's preferences.

3. Collocation Agreement (TM 87730): Several cities have already been approached by network providers seeking to install equipment on city poles. As noted in the memo, we cannot require a license agreement for this use, but are authorized to require the vendor to enter into a "collocation agreement". A sample of such an agreement has also been provided.

**Outline of Ch. 284**

**SB 1004** – Adoption of Chapter 284, Local Government Code, "Deployment of Network Nodes in Public Right-of-Way"

This provision affects the ability of cities to regulate "network nodes", which are defined as 'equipment at a fixed location that enables wireless communications.

Sec. 284.003, Limit on Size:

- Antennas attached to existing structure or pole w/o exposed elements:
    - Must be in enclosure not more than 6 cubic feet in volume
    - May not be more than 3' higher than existing pole/structure
    - May not exceed 2' from the circumference than existing pole/structure
- Antennas w/ exposed elements must fit within existing structure/pole, w/ elements
- Other wireless equipment attached to existing equipment
    - No more than 28' cubic volume
    - Protrude circumference of existing equipment by more than 2'
- Ground based enclosures:
    - No higher than 3'6", no wider than 3'6"
- Pole Mounted equipment:
    - No taller than 5'

Section 284.051, Applicable:

- Network provider collocating network nodes in public ROW

Section 284.052, Exclusivity: city may not enter into exclusive use agreement for ROW

Section 284.053, Rate:

- Annual Rate may not exceed $250 x # of network nodes installed by network provider in city's entire ROW
- City may charge lower amount if not give, related to use of ROW, discriminatory

Section 284.054, Adjustment: may adjust rate annually by rate not to exceed ½ annual change in CPI, must provide 60 days notice

Section 284.055, Use of ROW and Rate:

- (a) If wanting to connect a node to network: may install transport facilities, subject to (b), or use some service of others: fees not less than $28/month for occupying ROW
- (b) To install own transport facility:
    - Has permit to use ROW, and
    - Pays monthly ROW fee ($28 x # of network nodes in ROW for which installed facilities provide service, unless or until time network provider's payment exceeds its monthly aggregate per node compensation to the city)

Section 284.056, Collocation on Service Poles:

- Subject to agreement, City must allow on poles, at rate not greater than $20 per year, per service pole

Section 284.057, City may not require other fees/permits

Section 284.101, Right of Access to ROW: permitted, w/o need for special permit, zoning review, other land use regulations, to:

- Construct, maintain, relocate network node to support pole
- Modify, replace utility pole or node support
- Collocate on pole
- But must comply w/ applicable ROW ordinance(s)

Section 284.102, Construction & Maintenance Requirements:

- Nodes and poles may not:
    - Obstruct/hinder travel/safety on ROW
    - Obstruct ROW use by other utility providers
    - Violate non-discriminatory codes
    - Conflict with ROW design specifications
    - Violate Americans with Disabilities Act

Section 284.103, Limitation on Placement of Poles:

- No more than 10 feet higher than existing pole located w/in 500 linear feet of new pole, OR 55 feet above ground level

Section 284.104, Parks & Residential Areas:

- Must have city's consent if in park or adjacent to street that is no more than 50 feet wide and adjacent to single-family residential lots, multifamily properties, or undeveloped land designated for residential use by zoning or deed
- Must comply with private deed restrictions

Section 284.105, Historic/Design Districts:
- Must have approval from city before installing in historic or design district
- City may require reasonable design or concealment measures

Section 284.106, Equipment Cabinets: may not exceed size limitations in Sec 284.003

Section 284.107, Underground Requirement: installation of underground equipment must comply with underground requirements

Section 284.108, Design Manual:
- City may adopt manual including additional installation and construction details
- Design manual may include:
    - Requirement that industry standard pole load analysis is completed and submitted, indicating pole with safely support load
    - Requirement that network node equipment placed on new and existing poles be more than 8' above ground level

Section 284.109, Exceptions: may exceed height/distance requirements with city approval

<u>Subchapter D, Applications & Permits</u>

Section 284.151, Prohibitions of Municipal Actions: city may not impose other fees, approvals; no moratoriums

Section 284.152, Require Permits:
- City may require permit, if permit is of general applicability, does not exclusively apply to network nodes, and nondiscriminatory
- Provider seeking to locate multiple nodes is entitled to file consolidated permit for not more than 30 nodes

Section 284.153, Process relating to application:
- May not require more information than a non-service provider telecommunications utility is required to provide, unless the information is directly related to the requirements of this chapter
- City may require applicant to include:
    - construction and engineering drawings and information to confirm that the applicant will comply with city's publicly disclosed ROW specifications and applicable codes
    - Information reasonably related to provider's use of ROW to ensure compliance with this chapter
    - A certificate that the network node complies with FCC regs, and

    - A certificate that the proposed network node will be placed into active commercial service by or for a network provider not later than 60th day after the date the construction and final testing of network node is completed

Section 284.154, Municipal Review Process:

- City must determine and notify applicant if application is complete:
    - No later than 30 days after the date the city receives the application for permit for network node or node support pole, OR
    - No later than 10 days after date city receives application for permit for transport facility
    - If not complete, City must specifically identify what is missing
- City must approve application not subject to zoning or land use approval unless application does not comply with city's ROW ordinance, ROW design manual, or other applicable codes
- City must approve or deny application:
    - For node support pole, within 150 days after city receives complete application
    - For network node, within 60 days after city receives complete application
    - For transport facility, within 21 days after city receives complete application
    - Application not approved within these deadlines is deemed approved on the last respective approval date
- If City denies application:
    - Must document basis for denial, including specific ode provisions or other regs
    - Must send documentation, <u>by email</u>, to the applicant, on or before denial date
    - Applicant has 30 days from date of denial to cure deficiencies and resubmit application w/o paying another application fee, other than fee for actual costs incurred by city
    - City has 90 days to approve/deny revised application; review is limited to deficiencies cited in initial denial application

Section 284.155, Time of Installation:

- Installation must begin no later than 6 months after final approval; provider must "diligently pursue installation to completion"
- City may place longer time limit of completion, or grant reasonable extension of time

Section 284.156, Application Fees:

- City may charge an application fee for permit only if City requires payment of fee for similar types of commercial development, other than type for which application fees not authorized
- Application fee may not exceed the lesser of:
    - Actual, direct, and reasonable costs the city determines are incurred in granting or processing application that are reasonably related in time to the time the costs of granting or processing an application are incurred; or
    - $500 per application covering up to 5 network nodes, $250 for each additional network node per application, and $1,000 per application for each pole
    - In determining "actual, direct and reasonable costs", city may not include costs incurred in relation to 3rd party legal or engineering review, or direct payment or

reimbursement of 3rd party public ROW rates or fees charged on a contingency basis or under a result-based arrangement

Section 284.157, Work Exempted:

- City cannot require application, permit or fees for:
    - Routine maintenance that does not require excavation or closing of sidewalks or vehicular lanes in ROW
    - Replacing or upgrading network node or pole with a node or pole that is substantially similar in size or smaller that does not require excavation or closing of sidewalks or vehicular lanes in ROW
    - Installation, placement, maintenance, operation, or replacement of micro network nodes that are strung on cables between existing poles or node support poles, in compliance with Nat'l Electrical Safety Code
        - Network node or pole is "substantially similar" if:
            - New node, equipment will not be more than 10% larger than existing node, provided increase does not exceed Sec. 284.003 size limitations
            - New pole will not be more than 10% higher, and does exceed 284.103 height limitation
        - Replacement or upgrade doesn't include replacement of existing pole, and
        - Replacement or upgrade doesn't defeat existing concealment element of node support pole
- City can require:
    - Advance notice of work
    - Approval of pole's owner
    - Compliance with size limitations

<u>Subchapter E: Access to City-Owned Poles</u>

Section 284.201, Use of City-Owned Poles:

- City must allow collocation of network nodes on city-owned utility poles on nondiscriminatory terms and conditions, pursuant to pole attachment agreement, including applicable permitting requirements of city utility
- Annual Pole Attachment rate for collocation of network node on city-owned pole, shall be based on pole attachment rate consistent with Section 54.204 Utilities Code, on per-foot basis

<u>Subchapter F: Effect on Other Utilities and Providers</u>

Section 284.252, Effect on Investor-Owned Utilities, Cooperatives – not applicable to these utilities

Section 284.253, Effect on Providers of Cable Services or Video Services

- Approval of network node or transport facility may not confer authorization to provide:
    - Cable/video service w/o complying with Ch. 66 Utilities Code
    - Info/Telecommunication Service under 47 USC

- City cannot require wireless service provider that holds franchise to obtain additional authorization or pay additional fees based on provision of wireless service over nodes

Subchapter G: General Conditions of Access

Section 284.301, Local Police-Power Based Regulations

- Subject to this Chapter, city may continue to apply zoning, land use, permitting authority
- City may exercise authority to impose police-power-based regulations for management of ROW that apply to all persons subject to City
- City may impose police-power based regs in management of ROW that apply to everyone
- City may impose police-power based regs in management of activities of network provider in ROW only to extent regulations are reasonably necessary to protect the health, safety and welfare of public

Section 284.302, Indemnification: Section 283.057 indemnification provisions apply to network provider accessing a ROW

Section 284.303, Relocation: Relocating should be done in timely manner without cost to city

Section 284.304, Interference: Network provider shall insure no interference

Other Provisions:

- Rates, terms and conditions of agreements and ordinances entered into or enacted before September 1, 2017 shall apply to all network nodes installed and operational before September 1, 2017 until March 1, 2018
- For all nodes installed and operational on or after September 1, 2017:
    - If rate, term or condition of agreement or ordinance related to network nodes doesn't comply with these provisions, city must amend the agreement or ordinance to comply with requirements of this chapter; amended terms, rates, etc shall take effect for those network nodes on or before March 1, 2018

# ORDINANCE O-17-2022

**AN ORDINANCE AMENDING THE CITY OF COLLEYVILLE, TEXAS, CODE OF ORDINANCES BY AMENDING CHAPTER 86, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", 91, "TELECOMMUNICATIONS", ARTICLE III, "PUBLIC RIGHTS-OF-WAY", BY ADOPTING DIVISION IV, "NETWORK PROVIDERS", AND BY AMENDING CHAPTER 91, ARTICLE II, "PUBLIC RIGHTS OF WAY", DIVISION II, "TELECOMMUNICATIONS PROVIDER", TO PROVIDE REGULATIONS CONSISTENT WITH STATE LAW RELATED TO THE INSTALLATION OF NETWORK NODES IN PUBLIC RIGHTS-OF-WAY BY NETWORK PROVIDERS, PROVIDING A REPEALING CLAUSE, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council for the City of Colleyville finds that Chapter 284 of the Local Government Code, which goes into effect September 1st, 2017, provides regulations applicable to the installation of wireless network nodes and related equipment in the City's rights-of-way by Network Providers; and

**WHEREAS**, the City Council for the City of Colleyville finds that it is necessary to amend its code of ordinances to adopt provisions that are consistent with Chapter 284 of the Local Government Code.

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

Sec. 1. THAT the Code of Ordinances of the City of Colleyville, Texas is amended by amending Chapter 2, "Administration", amending Article II, "Finance", Division 1, "Generally", Section 2-26, "Fees and Charges for City Services", to read as follows:

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

**. . . .**

**(i) Development fees:**

Permanent sign permits .....75.00

. . . .

Network Provider Fees:

| | |
|---|---|
| Small cell application fee (This penalty shall not exceed and is capped by statutory limits) | $500.00 (1-5 network notes); $250.00 (each additional network node); $1,000.00 per pole |
| Small cell user fees (this penalty shall not exceed and is capped by statutory limits) | $250.00 annually for each network node; $20.00 per year for city pole attachment |
| Transport Facility monthly user fee (This fee shall not exceed and is capped by statutory limits) | $28 multiplied by the number of the network provider's network nodes located in the public right-of-way for which the installed transport facilities provide backhaul, until the time the network provider's payment to the City exceeds its monthly aggregate per month compensation to the City |

Sec. 2. THAT the Code of Ordinances of the City of Colleyville, Texas is amended by amending Chapter 86, "Streets, Sidewalks and Other Public Places", amending Article III, "Public Rights-of-Way", amending Section ___ and adopting a new Division 4. "Network Providers", to read as follows:

**ARTICLE III. PUBLIC RIGHTS-OF-WAY**

**. . .**

**Division 2. Telecommunications Provider**

**. . . .**

**Sec. 86-61. Definitions**.

In this chapter,

*Access line* means *. . . .*

*Network node* means equipment at a fixed location that enables wireless communications between user equipment and a communication network.

*Network Provider* means a wireless service provider, or a person that does not provide wireless services and that is not an electric utility but builds or installs, on behalf of a wireless service provider, network nodes or node support poles or any other structure that supports or is capable of supporting a network node.

*Person* means . . . .

*Provider* means a person, including any certificated telecommunications utility and excluding Network Providers, as defined herein, that delivers telecommunications service within the city to person(s) by way of a network and that places facilities in, on or over the public rights-of-way. A provider does not include persons who are authorized by the city to occupy the public rights-of-way in specifically approved routes within the city, unless they also have a municipal consent under this chapter. To the extent allowed by law, provider also means a person that does not deliver telecommunications service within the city, but who uses, constructs or maintains facilities or transmission media within the public rights-of-way.

*Public Rights of Way* means . . . .

*Transport Facility* means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

*Wireless service* means any service using licensed or unlicensed wireless spectrum, including the use of wi-fi, whether at a fixed location or mobile, provided to the public using a network node.

*Wireless service provider* means a person that provides wireless services to the public.

. . . .

**Sec. 86-64. - Authority; scope.**
(a) This division applies to all telecommunications providers, except certificated telecommunications providers and network providers, that place facilities in, on or over public rights-of-way, excluding services provided solely by means of a wireless transmission. **. . . .**

**Sec. 86-65. - Municipal consent required.**
(a) Any person, except a certificated telecommunications provider or network provider, prior to placing, reconstructing, or altering facilities in,

on or over the public rights-of-way, shall obtain a municipal consent from the city. . . .

## Division 3. Construction in Public Rights-of-Way

### Sec. 86-101. - Definitions.

In this division:

*Certificated telecommunications provider* means **. . . .**

*Network Provider* means a wireless service provider, or a person that does not provide wireless services and that is not an electric utility but builds or installs, on behalf of a wireless service provider, network nodes or node support poles or any other structure that supports or is capable of supporting a network node.

*Person* means **. . .**

### Sec. 86-104. - Municipal authorization required.

(a) Any person seeking to place facilities on, in or over the public rights-of-way, shall first file an application for a construction permit with the city and shall abide by the terms and provisions of this division pertaining to use of the public rights-of-way.

(b) Any person, except a certificated telecommunications provider or network provider, prior to placing, reconstructing, or altering facilities in, on or over the public rights-of-way, must obtain separate municipal authorization from the city.

(c) Any person . . . .

## DIVISION 4. NETWORK PROVIDERS

### Sec. 86-120 Authority required/nonexclusive use

A network provider must provide evidence that the network provider has acquired all required authorization pursuant to state law, including but not limited permission to use a utility pole or City service pole, prior to obtaining a permit from the City to use public right-of-way. The network provider's right to use and occupy the public right-of-way shall not be exclusive, and the city shall have the right to exercise its police powers and manage its

public right-of-way, based on the Texas Local Gov't Code Chapter 284 and all other state or federal laws.

**Sec. 86-121 Transfer and notice**

A network provider shall notify the right-of-way manager of any sale, transfer, merger or assignment of the ownership or control of Network Provider's business within 30 days of such sale, transfer, merger or assignment. A Network Provider shall also maintain and provide current point-of-contact information with the right-of-way manager at all times during which the Network Provider uses the right-of-way.

**Sec. 86-122 Fees**

(a) Exemptions. Network Providers are exempted from the following fees provided for in this article:

(1) Permit application fee, including expedited application fee and permit expiration fee;

(2) Additional permit fee;

(3) Saturday inspection fee;

(4) Registration fee.

(b) Network Provider Fees

*(1) Annual Network Node Rate.* Network Providers shall pay the City an annual Network Node Rate for each Location for which Network Provider has obtained Permit(s) for the installation of Network Nodes, regardless of whether or not a Network Provider installs Network Nodes in the Public Right-of-Way. The amount of the Annual Network Rate shall be set in Section 2-26 of the City's Code of Ordinances. The annual Network Node Public Right-of-Way Rate payment for the first year at any Location ("Initial Annual Network Node Payment") begins accruing when the permit is issued and is due 30 days after Network Provider obtains a Permit to install or collocate a Network Node at the Location. The Initial Annual Network Node Payment shall be pro-rated for the months remaining in the calendar year after the permit issuance date.

*(2) Subsequent Years Annual Network Node Rate Due Date.* The annual Network Node Public Right-of-Way Rate for every year after the Initial Annual Network Node Payment shall be paid in advance on or before December 31 of each calendar year for each Network Node in the Public Right-of-Way for the next calendar year period.

(3) *Annual Network Node Rate Adjustment*. The City may adjust the annual Network Node Public Right-of-Way Rate by an amount equal to one-half the annual change in the Consumer Price Index for All Urban Consumers for Texas, as published by the federal Bureau of Labor Statistics. The City shall provide written notice to each Network Provider of the new rate, and the rate shall apply to the first payment due to the municipality on or after the 60th day following that notice.

*(4) Annual Collocation on Service Pole Attachment fee.* Network Provider shall pay the City annually $20 for each Network Node Permitted to be Collocated on a City Service Pole for each Location for which Network Provider has entered into an agreement with the City to collocate a Network Node on a City Service Pole, regardless of whether or not a Network Provider collocates a Network Node on a Service Pole. This fee is due 30 days after Network Provider obtains a Permit to install a Network Node on the City Service Pole. The Initial Annual Collocation on Service Pole Attachment Fee Payment shall be pro-rated for the months remaining in the calendar year after the permit issuance date. The annual Collocation on Service Pole attachment fee for every year after the Initial Payment shall be paid in advance on or before December 31 of each calendar year for each Network Node in the Public Right-of-Way for the next calendar year period.

(*5) Monthly Transport Fee.* To the extent Network Provider has Transport Facilities Permitted from the Network Nodes in the Public Right-of-Way it shall pay the City a monthly Transport Facilities fee on a quarterly basis, in the amount set in Section 2-26 of the City's Code of Ordinances, which begins accruing when the permit is issued. This Transport Facility fee is in addition to any annual Network Node Public Right-of-Way Rate payment required by Ch. 284, Section 284.053

*(6) Application and Permit Fees.* Network provider shall pay the City the application and permit fees set forth in the City's Master Fee Schedule contemporaneously with the submittal of the application for the permits.

**Sec. 86-123 Indemnity**

A Network Provider shall indemnify the city as specified by V.T.C.A., Local Government Code sec. 283.057, as may be amended.

**Sec. 86-124 Compliance with Design Manual**

A network provider shall comply with the city's Design Manual for the Installation of Network Nodes and Node Support Poles, as amended. Any applications submitted for installation of Network Nodes, Node Support Poles and related equipment, the plans and specifications of which do not comply with the Design Manual, will not be approved.

**Sec. 86-125 Certificates of Operation**

As part of the application process for the installation of network nodes, the Network Provider must certify that the proposed network node will be placed into active commercial service by or for a network provider no later than the 60th day after the date the construction and final testing of the network node is completed.

An updated certification of active service must be submitted annually, by no later than December 31st, with or prior to payment of the applicable annual fee(s).

If the Network Provider is not in active commercial service for a period in excess of sixty (60) consecutive days, the equipment will be deemed abandoned and the permit will be revoked. The network provider will be required, within ninety (90) days from notification from the City, to remove the equipment at the network provider's sole expense.

Sec. 3. THAT the Code of Ordinances of the City of Colleyville, Texas is amended by amending Chapter 91, "Telecommunications", amending Article II, "Public Rights-of-Way,", to read as follows:

**"ARTICE II. PUBLIC RIGHTS-OF-WAY**

**Sec. 91-25 Municipal Consent Required . . . .**

Sec. 4. THAT all provisions of the ordinances of the City of Colleyville in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Colleyville not in conflict with the provisions of this ordinance shall remain in full force and effect.

Sec. 5. THAT should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

Sec. 6. THAT this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**AND IT IS SO ORDERED.**

The first reading and public hearing being conducted on the 1ST day of August 2017.

The second reading and public hearing being conducted on the 15TH day of August 2017.

PASSED AND APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 15TH DAY OF AUGUST 2017.

| | | | |
|---|---|---|---|
| Mayor Richard Newton | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 5, Nancy Coplen | _____ |
| Place 3, Kathy Wheat | _____ | Place 6, Mike Taylor | _____ |
| Place 4, George Dodson | _____ | | |

**ATTEST:**

Amy Shelley, TRMC
City Secretary

**CITY OF COLLEYVILLE**

Richard Newton
Mayor

**APPROVED AS TO FORM AND LEGALITY:**

Whitt L. Wyatt
City Attorney

# City of Colleyville
## City Council
## Agenda Briefing

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

**Agenda Number** 6e **Agenda Date** 08/01/2017 **Number** Ordinance O-17-2023
**Type** Ordinance
**Department** Community Development

**Title**
Consideration of approval to adopt a design manual relative to network nodes

**Strategic Plan**
4.3 Adopt best-practice planning and development processes

**Explanation**
***First Reading and Public Hearing***

This item specifically addresses adoption of a design manual relative to network nodes which was addressed under Agenda Item 6d - Ordinance O-17-2022. As summarized by the city attorney in Attachment "A", City staff should work with the city attorney to finalize the adoption of a design manual, consistent with the provisions of Chapter 284.

**Background:** SB 1004 adopts a new Chapter 284 of the Local Government Code. Similar to Chapter 283, these provisions concern the installation of equipment, specifically wireless network equipment, in public right-of-way, providing a state-wide regulatory scheme and limiting individual cities' abilities to further regulate this equipment. These provisions are applicable to the installation of "network nodes" (equipment that enables wireless communications between the communications network and the user's equipment) and related equipment, and applies to both the "wireless service provider", who provides the service directly to the public, and to "network providers", which are entities who do not provide service to the end-user, but whom build the equipment on behalf of a wireless service provider.

Each city should take inventory of what provisions it has currently adopted which are applicable to the public right-of-way, including zoning ordinances. Amendments should be made, as necessary, to ensure this type of equipment is exempted from zoning provisions, and right-of-way ordinances should be amended to reflect the changes enacted in this bill.

**Analysis**: The bill goes into effect September 1, 2017. Staff is working with the City Attorney to finalize the amendments to the Design Manual which will provided guidelines applicable to the installation of network nodes and node support poles.

Staff is making every attempt to adopt the appropriate changes to the City's ordinances prior to the September 1, 2017, effective date to best deal with the new regulations adopted with SB 1004. Due to the short time frame and several key

staff being out of the office, no presentation will be made on the item during the first reading. Staff will have finalized documents and a full presentation for the second reading by City Council during the August 15, 2017 meeting.

**Financial Impact**
Minimal financial impact to the City.

**Recommendation**
Approve

**Attachments**
1. Attachment "A" - Summary of SB 1004
2. Ordinance O-17-2023

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**Summary of SB 1004**

SB 1004 adopts a new Chapter 284 of the Local Government Code. Similar to Chapter 283, these provisions concern the installation of equipment, specifically wireless network equipment, in public right-of-way, providing a state-wide regulatory scheme and limiting individual cities' abilities to further regulate this equipment. These provisions are applicable to the installation of "network nodes" (equipment that enables wireless communications between the communications network and the user's equipment) and related equipment, and applies to both the "wireless service provider", who provides the service directly to the public, and to "network providers", which are entities who do not provide service to the end-user, but whom build the equipment on behalf of a wireless service provider.

A full outline of the bill is below, but generally, it is important to note that the fees we can charge these users are limited to an application or permit fee, calculated based on the equipment installed (See Sec. 284.156), and an annual fee calculated based on $250 X the number of network nodes installed in the city's ROW. Cities may require that providers apply for a permit, and require compliance with the city's right-of-way management ordinance and design manual, but cannot apply zoning regulations to the installation of such equipment, or require a license agreement. If providers desire to place equipment on city service poles (i.e. traffic lights, signage, light poles) the City can require a collocation agreement, a sample of which is provided. In the event the city owns and operates a city-run electric or telephone utility, the City-owned utility may negotiate with the provider on a pole-attachment agreement, subject to the provisions of this chapter.

Cities are prohibited from enacting any type of moratorium on these requests, and there are specific time limitations which apply to the processing of applications. (See Sec. 284.154). The bill goes into effect September 1, 2017, and provides that any current agreements or ordinances remain applicable to network nodes which are operational before that date; for all network nodes installed and operational on or after September 1st, any current ordinances or agreements must be amended to comply with the provisions of Chapter 284 no later than March 1, 2018.

Steps Forward:

There are a number of city-members of Texas Coalition of Cities for Utility Issues (TCCFUI) which are considering legal action to challenge this statute. Unless and until any such challenge is sustained, we recommend the following:

Each city should take inventory of what provisions it has currently adopted which are applicable to the public right-of-way, including zoning ordinances. Amendments should be made, as necessary, to ensure this type of equipment is exempted from zoning provisions, and right-of-way ordinances should be amended to reflect the changes enacted in this bill. We will assist cities in amending current right-of-way ordinances, or with drafting comprehensive right-of-way ordinance, for those cities which have not previously adopted such provisions. We also encourage city staff to ascertain whether any of this equipment is presently installed within the city's ROW, and specifically, if it is operational as of September 1, 2017. If so, then the ordinances/agreements applicable to such equipment will remain applicable until March 1, 2018.

City staff should work with the city attorney to finalize the adoption of a design manual, consistent with the provisions of Chapter 284. The City should also develop an application and permitting procedure applicable to this equipment, making sure that the applications are processed within the necessary time limits. In developing the permitting policy/procedure, it is imperative that staff is cognizant of important timing deadlines included in Ch. 284:

- **Time starts when an application is filed:** City must review and approve or deny by strict deadlines.
- **Determine if application is complete within:**
    - 10 days of an application for placement of a ***transport facility***
    - 30 days for a ***network node or node support pole***.
    - If a permit is deemed incomplete, must notify applicant of the incompleteness by the applicable deadline, with the specific missing information.
    - Applicant has 30 days to resubmit a cured completed application without fee (other than for actual costs incurred by city), and city must approve or deny a revised completed resubmittal within 90 days of receipt.
- **Time to Act:** Once determined complete, the **permit is deemed granted** by law if city does not approve/deny within:
    - 21 days - transport facility permit (fiber/coaxial cable connecting nodes).
    - 60 days - node network permit.
    - 150 days - node support pole permit.
- **If a permit is denied**:
    - city must provide applicant an email with the specific reasons for denial,
    - applicant has 30 days to resubmit cured application without fee (other than for actual costs incurred by city);
    - city's review is limited to emailed reasons for denial; and
    - city must approve or deny completed resubmittal within 90 days of receipt.

---

**Documents to Consider**:

In addition to this summary, I have prepared/provided the following documents to further implementation of these changes:

1. Proposed Right-of-Way Ordinance(s) (TM 87733, "Comprehensive", and TM 87732, "Amending"): There are two options to consider, (including changes provided by NCTCOG), a comprehensive Right-of-Way ordinance, for those cities which do not have any ROW management provisions currently, and an amending ordinance, which will apply to those cities which do have a current ROW ordinance, but have not amended it to reflect changes to the LGC, including Ch. 283 and Ch. 284.

Note that, in addition to adopting such an ordinance/amendment, the City will need to amend its Master Fee Schedule, to reflect the application fee and annual fee, and may need to revise its

zoning ordinance. The fees are included in the "amending ordinance", but this area is highlighted in Section 2 of the Comprehensive Ordinance, as such changes will include additional fees, depending on the preference of the individual cities. In regards to the wireless facilities, the fees should be as follows:

"Small cell application fee (This fee shall not exceed and is capped by statutory limits) $500.00 (1-5 network notes); $250.00 (each additional network node); $1,000.00 per pole

Small cell user fees (this fee shall not exceed and is capped by statutory limits) $250.00 annually for each network node; $20.00 per year for city pole attachment.

Transport Facility monthly user fee (This fee shall not exceed and is capped by statutory limits) $28 multiplied by the number of the network provider's network nodes located in the public right-of-way for which the installed transport facilities provide backhaul, until the time the network provider's payment to the City exceeds its monthly aggregate per month compensation to the City"

2. Design Manual (TM 87731): I have provided a copy of the proposed format for a design manual offered by TCCFUI. The form provided complies with the state law as enacted, but is very technical and will need to reflect each city's preferences.

3. Collocation Agreement (TM 87730): Several cities have already been approached by network providers seeking to install equipment on city poles. As noted in the memo, we cannot require a license agreement for this use, but are authorized to require the vendor to enter into a "collocation agreement". A sample of such an agreement has also been provided.

**Outline of Ch. 284**

**SB 1004** – Adoption of Chapter 284, Local Government Code, "Deployment of Network Nodes in Public Right-of-Way"

This provision affects the ability of cities to regulate "network nodes", which are defined as 'equipment at a fixed location that enables wireless communications.

Sec. 284.003, Limit on Size:

- Antennas attached to existing structure or pole w/o exposed elements:
    - Must be in enclosure not more than 6 cubic feet in volume
    - May not be more than 3' higher than existing pole/structure
    - May not exceed 2' from the circumference than existing pole/structure
- Antennas w/ exposed elements must fit within existing structure/pole, w/ elements
- Other wireless equipment attached to existing equipment
    - No more than 28' cubic volume
    - Protrude circumference of existing equipment by more than 2'
- Ground based enclosures:
    - No higher than 3'6", no wider than 3'6"
- Pole Mounted equipment:
    - No taller than 5'

Section 284.051, Applicable:

- Network provider collocating network nodes in public ROW

Section 284.052, Exclusivity: city may not enter into exclusive use agreement for ROW

Section 284.053, Rate:

- Annual Rate may not exceed $250 x # of network nodes installed by network provider in city's entire ROW
- City may charge lower amount if not give, related to use of ROW, discriminatory

Section 284.054, Adjustment: may adjust rate annually by rate not to exceed ½ annual change in CPI, must provide 60 days notice

Section 284.055, Use of ROW and Rate:

- (a) If wanting to connect a node to network: may install transport facilities, subject to (b), or use some service of others: fees not less than $28/month for occupying ROW
- (b) To install own transport facility:
    - Has permit to use ROW, and
    - Pays monthly ROW fee ($28 x # of network nodes in ROW for which installed facilities provide service, unless or until time network provider's payment exceeds its monthly aggregate per node compensation to the city)

Section 284.056, Collocation on Service Poles:

- Subject to agreement, City must allow on poles, at rate not greater than $20 per year, per service pole

Section 284.057, City may not require other fees/permits

Section 284.101, Right of Access to ROW: permitted, w/o need for special permit, zoning review, other land use regulations, to:

- Construct, maintain, relocate network node to support pole
- Modify, replace utility pole or node support
- Collocate on pole
- But must comply w/ applicable ROW ordinance(s)

Section 284.102, Construction & Maintenance Requirements:

- Nodes and poles may not:
    - Obstruct/hinder travel/safety on ROW
    - Obstruct ROW use by other utility providers
    - Violate non-discriminatory codes
    - Conflict with ROW design specifications
    - Violate Americans with Disabilities Act

Section 284.103, Limitation on Placement of Poles:

- No more than 10 feet higher than existing pole located w/in 500 linear feet of new pole, OR 55 feet above ground level

Section 284.104, Parks & Residential Areas:

- Must have city's consent if in park or adjacent to street that is no more than 50 feet wide and adjacent to single-family residential lots, multifamily properties, or undeveloped land designated for residential use by zoning or deed
- Must comply with private deed restrictions

Section 284.105, Historic/Design Districts:
- Must have approval from city before installing in historic or design district
- City may require reasonable design or concealment measures

Section 284.106, Equipment Cabinets: may not exceed size limitations in Sec 284.003

Section 284.107, Underground Requirement: installation of underground equipment must comply with underground requirements

Section 284.108, Design Manual:
- City may adopt manual including additional installation and construction details
- Design manual may include:
    - Requirement that industry standard pole load analysis is completed and submitted, indicating pole with safely support load
    - Requirement that network node equipment placed on new and existing poles be more than 8' above ground level

Section 284.109, Exceptions: may exceed height/distance requirements with city approval

<u>Subchapter D, Applications & Permits</u>

Section 284.151, Prohibitions of Municipal Actions: city may not impose other fees, approvals; no moratoriums

Section 284.152, Require Permits:
- City may require permit, if permit is of general applicability, does not exclusively apply to network nodes, and nondiscriminatory
- Provider seeking to locate multiple nodes is entitled to file consolidated permit for not more than 30 nodes

Section 284.153, Process relating to application:
- May not require more information than a non-service provider telecommunications utility is required to provide, unless the information is directly related to the requirements of this chapter
- City may require applicant to include:
    - construction and engineering drawings and information to confirm that the applicant will comply with city's publicly disclosed ROW specifications and applicable codes
    - Information reasonably related to provider's use of ROW to ensure compliance with this chapter
    - A certificate that the network node complies with FCC regs, and

    - A certificate that the proposed network node will be placed into active commercial service by or for a network provider not later than 60th day after the date the construction and final testing of network node is completed

Section 284.154, Municipal Review Process:

- City must determine and notify applicant if application is complete:
    - No later than 30 days after the date the city receives the application for permit for network node or node support pole, OR
    - No later than 10 days after date city receives application for permit for transport facility
    - If not complete, City must specifically identify what is missing
- City must approve application not subject to zoning or land use approval unless application does not comply with city's ROW ordinance, ROW design manual, or other applicable codes
- City must approve or deny application:
    - For node support pole, within 150 days after city receives complete application
    - For network node, within 60 days after city receives complete application
    - For transport facility, within 21 days after city receives complete application
    - Application not approved within these deadlines is deemed approved on the last respective approval date
- If City denies application:
    - Must document basis for denial, including specific ode provisions or other regs
    - Must send documentation, <u>by email</u>, to the applicant, on or before denial date
    - Applicant has 30 days from date of denial to cure deficiencies and resubmit application w/o paying another application fee, other than fee for actual costs incurred by city
    - City has 90 days to approve/deny revised application; review is limited to deficiencies cited in initial denial application

Section 284.155, Time of Installation:

- Installation must begin no later than 6 months after final approval; provider must "diligently pursue installation to completion"
- City may place longer time limit of completion, or grant reasonable extension of time

Section 284.156, Application Fees:

- City may charge an application fee for permit only if City requires payment of fee for similar types of commercial development, other than type for which application fees not authorized
- Application fee may not exceed the lesser of:
    - Actual, direct, and reasonable costs the city determines are incurred in granting or processing application that are reasonably related in time to the time the costs of granting or processing an application are incurred; or
    - $500 per application covering up to 5 network nodes, $250 for each additional network node per application, and $1,000 per application for each pole
    - In determining "actual, direct and reasonable costs", city may not include costs incurred in relation to 3rd party legal or engineering review, or direct payment or

reimbursement of 3rd party public ROW rates or fees charged on a contingency basis or under a result-based arrangement

Section 284.157, Work Exempted:

- City cannot require application, permit or fees for:
    - Routine maintenance that does not require excavation or closing of sidewalks or vehicular lanes in ROW
    - Replacing or upgrading network node or pole with a node or pole that is substantially similar in size or smaller that does not require excavation or closing of sidewalks or vehicular lanes in ROW
    - Installation, placement, maintenance, operation, or replacement of micro network nodes that are strung on cables between existing poles or node support poles, in compliance with Nat'l Electrical Safety Code
        - Network node or pole is "substantially similar" if:
            - New node, equipment will not be more than 10% larger than existing node, provided increase does not exceed Sec. 284.003 size limitations
            - New pole will not be more than 10% higher, and does exceed 284.103 height limitation
        - Replacement or upgrade doesn't include replacement of existing pole, and
        - Replacement or upgrade doesn't defeat existing concealment element of node support pole
- City can require:
    - Advance notice of work
    - Approval of pole's owner
    - Compliance with size limitations

<u>Subchapter E: Access to City-Owned Poles</u>

Section 284.201, Use of City-Owned Poles:

- City must allow collocation of network nodes on city-owned utility poles on nondiscriminatory terms and conditions, pursuant to pole attachment agreement, including applicable permitting requirements of city utility
- Annual Pole Attachment rate for collocation of network node on city-owned pole, shall be based on pole attachment rate consistent with Section 54.204 Utilities Code, on per-foot basis

<u>Subchapter F: Effect on Other Utilities and Providers</u>

Section 284.252, Effect on Investor-Owned Utilities, Cooperatives – not applicable to these utilities

Section 284.253, Effect on Providers of Cable Services or Video Services

- Approval of network node or transport facility may not confer authorization to provide:
    - Cable/video service w/o complying with Ch. 66 Utilities Code
    - Info/Telecommunication Service under 47 USC

- City cannot require wireless service provider that holds franchise to obtain additional authorization or pay additional fees based on provision of wireless service over nodes

Subchapter G: General Conditions of Access

Section 284.301, Local Police-Power Based Regulations

- Subject to this Chapter, city may continue to apply zoning, land use, permitting authority
- City may exercise authority to impose police-power-based regulations for management of ROW that apply to all persons subject to City
- City may impose police-power based regs in management of ROW that apply to everyone
- City may impose police-power based regs in management of activities of network provider in ROW only to extent regulations are reasonably necessary to protect the health, safety and welfare of public

Section 284.302, Indemnification: Section 283.057 indemnification provisions apply to network provider accessing a ROW

Section 284.303, Relocation: Relocating should be done in timely manner without cost to city

Section 284.304, Interference: Network provider shall insure no interference

Other Provisions:

- Rates, terms and conditions of agreements and ordinances entered into or enacted before September 1, 2017 shall apply to all network nodes installed and operational before September 1, 2017 until March 1, 2018
- For all nodes installed and operational on or after September 1, 2017:
    - If rate, term or condition of agreement or ordinance related to network nodes doesn't comply with these provisions, city must amend the agreement or ordinance to comply with requirements of this chapter; amended terms, rates, etc shall take effect for those network nodes on or before March 1, 2018

**ORDINANCE O-17-2023**

**AN ORDINANCE ADOPTING THE CITY OF COLLEYVILLE DESIGN MANUAL FOR THE INSTALLATION OF NODES AND NODE SUPPORT POLES IN THE CITY RIGHTS-OF-WAY, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CHAPTER 284; AND DESIGNATING DESIGN DISTRICTS FOR THE INSTALLATION OF NODES AND NODES SUPPORT POLES, TO BE DESIGNATED THEREIN; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILIITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS,** Chapter 284 of the Local Government Code, effective September 1, 2017, provides a regulatory framework governing the installation of Nodes and Node Support Poles in the City's Right-of-Way; and

**WHEREAS,** pursuant to Chapter 284, Network Providers installing wireless equipment in the City's Right-of-Way must comply with the Design Manual adopted by the City for that purpose; and

**WHEREAS,** Chapter 284 authorizes the City to designate Design Districts and Historic Districts, wherein heightened aesthetic requirements may be applied to such equipment; and

**WHEREAS,** the City of Colleyville has determined that certain areas of the city which should be designated as design districts, for purposes of Chapter 284, in order to preserve the character and aesthetic qualities of these areas;

**WHEREAS,** the City Council, in the exercise of its legislative discretion, has concluded that the attached Design Manual should be approved;

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

Sec. 1. THAT the following areas of the City of Colleyville hereby designated as Design Districts for the installation of network nodes and node support poles, pursuant to Chapter 284 of the Local Government Code:

_____

_____

Sec. 2. THAT the Colleyville Design Manual for the Installation of Network Nodes and Node Support Poles, attached hereto as Exhibit "A", is hereby adopted. All Network Providers seeking to install wireless equipment in the right-of-way of the City of Colleyville pursuant to Chapter 284 of the Local Government Code must comply with this Design Manual.

Sec. 3. THAT all provisions of the ordinances of the City of Colleyville in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Colleyville not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Sec. 4. THAT if any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be judged to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole or any portion thereof other than the portion so decided to be invalid or unconstitutional.

Sec. 5. THAT this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**AND IT IS SO ORDERED.**

The first reading and public hearing being conducted on the 1ST day of August 2017.

The second reading and public hearing being conducted on the 15th day of August 2017.

PASSED AND APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 15TH DAY OF AUGUST 2017.

| | | | |
|---|---|---|---|
| Mayor Richard Newton | _____ | Mayor Pro Tem Bobby Lindamood | ____ |
| Place 1, Tammy Nakamura | _____ | Place 5, Nancy Coplen | ____ |
| Place 3, Kelly Wheat | _____ | Place 6, Mike Taylor | ____ |
| Place 4, George Dodson | _____ | | |

**ATTEST:** **CITY OF COLLEYVILLE**

Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

**APPROVED AS TO FORM AND LEGALITY:**

Whitt L. Wyatt
City Attorney

**Exhibit "A"**

# Design Manual

*for the*

*Installation of Network Nodes and Node Support Poles*

*pursuant to Tex. Loc. Gov. Code, Chapter 284.*

---

**Design Manual Template only:**

***Drafter's Note****: This Design Manual template is a suggested draft. Each City must have it reviewed carefully by the City Attorney for conformity to existing City Ordinances, including but not limited to the City RoW Management Ord. to the extent that Ord. is not preempted by Chapter 284 for these wireless facilities being placed in the RoW. June 2017*

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## SECTION 1. PURPOSE AND APPLICABILITY.

The City of _____ ("City") recognizes that the State of Texas has delegated to the City the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public to Texas municipalities.

*Purpose:* Loc. Gov. Code, Chapter 284 allows certain wireless Network Providers to install in the public rights-of-way their wireless facilities, described and defined in Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002 as "Micro Network Nodes", "Network Nodes", and "Node Support Poles".

As expressly allowed by Tex. Loc. Gov. Code, Chapter 284, Section 284.108, and pursuant to its police power authority reserved in Sec. 284.301[1], the City enacts these Design Guidelines in order to meet its fiduciary duty to the citizens of the City, and to give assistance and guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of technologically competitive equipment.

*Applicability*: This Design Manual is for siting and criteria for the installation Wireless Facilities, including Micro Network Nodes, Network Nodes, Node Support Poles and related ground equipment being installed pursuant to Loc. Gov. Code, Chapter 284

This Design Manual shall apply to any sitings, installations, collocations in, on, over or under the public rights-of-way of Network nodes, Node support poles, Micro network nodes, Distributed Antenna Systems, microwave communications or other Wireless Facilities, by whatever nomenclature, whether they are installed pursuant to Chapter 284, or installed pursuant to an agreement as agreed to and consented to by the City in its discretion, or installed as may otherwise be allowed by state law.

*City Rights-of-Way Management Ordinance:* A Network Provider shall comply with the City's Rights-of-Way Management Ordinance except where in conflict with this Design Manual or Chapter 284, Subchapter C.

## SECTION 2. DEFINITIONS.

*[Drafter's note: These definitions, except where taken from Chapter 284, should conform to definitions in the City RoW management ord.]*

The definitions as used in Tx. Loc. Gov. Code, Chapter 284, Sec. 284.002 shall be used in this Design Manual, unless otherwise noted in this Section 2, below.[2]

*Abandon* and its derivatives means the facilities installed in the right-of-way (including by way of example but not limited to: poles, wires, conduit, manholes, handholes, cuts, network nodes and node support poles, or portion thereof) that have been left by Provider in an unused or non-functioning condition for more than 120 consecutive calendar days unless, after notice to

Provider, Provider has established to the reasonable satisfaction of the City that the applicable facilities, or portion thereof, is still in active use.

*Antenna* means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

*Applicable codes* means:

(A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and

(B) local amendments to those codes to the extent not inconsistent with Chapter 284.

*City* means the City of _____, Texas or its lawful successor.

*City Manager* shall mean City Manager or designee

*Chapter 284* means Tex. Loc. Gov. Code, Chapter 284.

*Collocate* and c*ollocation* mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

*Concealment or Camouflaged* means any Wireless Facility or Pole that is covered, blended, painted, disguised, camouflaged or otherwise concealed such that the Wireless Facility blends into the surrounding environment and is visually unobtrusive as allowed as a condition for City advance approval under Chapter 284, Sec. 284.105 in Historic or Design Districts. A Concealed or Camouflaged Wireless Facility or Pole also includes any Wireless Facility or Pole conforming to the surrounding area in which the Wireless Facility or Pole is located and may include, but is not limited to hidden beneath a façade, blended with surrounding area design, painted to match the supporting area, or disguised with artificial tree branches.

*Decorative pole* means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

*Design District* means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

*Disaster emergency* or *disaster* or *emergency* means an imminent, impending, or actual natural or humanly induced situation wherein the health, safety, or welfare of the residents of the city is threatened, and includes, but is not limited to any declaration of emergency by city state or federal governmental authorities.

*Distributed Antenna System or DAS* shall be included as a type of "Network Node."

*Easement* means and shall include any public easement or other compatible use created by dedication, or by other means, to the city for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.

*Federal Communications Commission or FCC* means the Federal Administrative Agency, or lawful successor, authorized to oversee cable television and other multi-channel regulation on a national level.

*Highway right-of-way* means right-of-way adjacent to a state or federal highway.

*Historic district* means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

*Law* means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

*Local* means within the geographical boundaries of the City.

*Location* means the City approved and lawfully permitted location for the Network Node.

*Macro tower* means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Chapter 284, Section 284.103 and that supports or is capable of supporting antennas.

*Mayor* means the Mayor for the City.

*Micro network node* means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

*Municipal park* means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.

*Municipally owned utility pole* means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a public right-of-way.

*MUTCD* means Manual of Uniform Traffic Control Devices.

*Network node* means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

(A) includes:

(i) equipment associated with wireless communications;

(ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and

(iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

(B) does not include:

(i) an electric generator;
(ii) a pole; or
(iii) a macro tower.

*Network provider* means:

(A) a wireless service provider; or
(B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:
(i) network nodes; or
(ii) node support poles or any other structure that supports or is capable of supporting a network node.

*Node support pole* means a pole installed by a network provider for the primary purpose of supporting a network node.

*Permit* means a written authorization for the use of the public right-of-way or collocation on a service pole required from a municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

*Pole* means a service pole, municipally owned utility pole, node support pole, or utility pole.

*Private easement* means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

*Provider* has the same meaning as "Network Provider."

*Public right-of-way* means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:

(A) a private easement; or
(B) the airwaves above a public right-of-way with regard to wireless telecommunications.

*Public right-of-way management ordinance* means an ordinance that complies with Chapter 284, Subchapter C.

*Service pole* means a pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:

(A) a pole that supports traffic control functions;
(B) a structure for signage;
(C) a pole that supports lighting, other than a decorative pole; and
(D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.

*Small cell* shall be included as a type of "Network Node."

*Street* means only the paved portion of the right-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A "Street" is generally part of, but smaller in width than the width of the entire right-of-way, while a right-of-way may include sidewalks and utility easements, a "Street" does not. A "street" does not include the curb or the sidewalk, if either are present at the time of a permit application or if added later.

*SWPPP* shall mean Storm Water Pollution Prevention Plan.

*TAS* means Texas Accessibility Standards.

*Traffic Signal* means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

*Transport facility* means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

*Underground Requirement Area* shall mean means an area where poles, overhead wires, and associated overhead or above ground structures have been removed and buried or have been approved for burial underground pursuant to municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way.

*User* means a person or organization which conducts a business over facilities occupying the whole or a part of a public street or right-of-way, depending on the context.

*Utility pole* means a pole that provides:

(A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
(B) services of a telecommunications provider, as defined by Chapter 284, Section 51.002, Utilities Code.

*Wireless service* means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

*Wireless service provider* means a person that provides wireless service to the public.

*Wireless facilities* mean "Micro Network Nodes," "Network Nodes," and "Node Support Poles" as defined in Texas Local Government Code Chapter 284.

## SECTION 3. PROHIBITED AND PREFERRED LOCATIONS OF MICRO NETWORK NODE, NETWORK NODE, NODE SUPPORT POLE AND RELATED GROUND EQUIPMENT.

**A. Prohibited or Restricted Areas for Certain Wireless facilities, except with Separate City Agreement or Subject to Concealment Conditions.**

1. ***Municipal Parks and Residential Areas***. In accordance with Chapter 284, Sec. 284.104 (a), a Network Provider may not install a Node Support Pole in a public right-of-way without the City's discretionary, nondiscriminatory, and written consent if the public right-of-way is in a Municipal park or is adjacent to a street or thoroughfare that is:

(1) not more than 50 feet wide of paved street surface, being the area measured as the shortest distance between the inside of the curb to the inside of the opposite curb, or the area measured as the shortest distance between the two parallel edges of the paved roadway for vehicular travel where there is no curb; and

(2) adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

1.1. In accordance with Chapter 284, Sec. 284.104 (b), a Network Provider installing a Network Node or Node Support Pole in a public right-of-way described above shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

Each permit application shall disclose if it is within a Municipal Park and Residential Areas as described above.

2. ***Historic District and Design Districts***. In accordance with Chapter 284, Sec. 284.105, a Network Provider must obtain advance written approval from the City before collocating Network Nodes or installing Node Support Poles in a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District.

2.1. As a condition for approval of Network Nodes or Node Support Poles in Design Districts with Decorative Poles or in a Historic District, the City shall require reasonable design or Concealment measures for the Network Nodes or Node Support Poles. Therefore, any request for installations in a Design District with Decorative Poles or in a Historic District, must be accompanied with proposed Concealment measures in the permit applications.

2.2. The City request that a Network Provider explore the feasibility of using Camouflage measures to improve the aesthetics of the Network Nodes, Node Support Poles, or related ground equipment, or any portion of the nodes, poles, or equipment, to minimize the impact to the aesthetics in Design Districts or in an Historic District.

2.3. Network Provider shall comply with and observe all applicable City, State, and federal historic preservation laws and requirements.

2.4. Each permit application shall disclose if it is within a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District.

3. ***Historic Landmarks.*** A Network Provider is discouraged from installing a Network Node or Node Support Pole within 300 feet of a historic site or structure or Historic Landmark recognized by the City, state or federal government (*see, for example, and not limited to* §442.001(3) of the Texas Government Code, and 16 U.S.C. §470), as of the date of the submission of the permit. It is recommended that each permit application disclose if it is with 300 feet of such a structure.

4***. Compliance with Undergrounding Requirements.*** In accordance with Chapter 284, Sec. 284.107, a Network Provider shall comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.

4.1 Areas may be designated from time to time by the City as Underground Requirement Areas in accordance with filed plats, and or conversions of overhead to underground areas, as may be allowed by law.

4.2 Each permit application shall disclose if it is within an area that has undergrounding requirements.

B. **Least preferable locations**.

1. **Residential Areas and Parks**. A Network Provider is discouraged from installing a Network Node on an existing pole in a public right-of-way without written consent from the City Council if the public right-of-way is located in or adjacent to a street or thoroughfare that is adjacent to a municipal park or single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

1.1 In accordance with Chapter 284, Sec. 284.104 (b) a Network Provider installing a Network Node or a Node Support Pole in a public right-of-way shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

2. **Historic Districts and Design Districts**. A Network Provider is discouraged from installing a Network Node or a Node Support Pole in the public right-of-way in any area designated by the City as a Design Districts or in an area of the City zoned or otherwise designated as a Historic District unless such a Network Node or a new Node Support Pole is camouflaged.

**C. Most preferable locations**

1. *Industrial areas* if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

2. *Highway Rights-of-Way* areas if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

3. *Retail and Commercial areas* if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

**D. Designated Areas.**

1. The City Council may designate an area as a Historic District or a Design District under Chapter 284.105 at any time.

2. Currently designated *Historic Districts* are:

(a) Historic District Number 1 is the area referred to as ____. Its boundaries are: _____.

(b) Historic District Number 2 is the area referred to as ____. Its boundaries are: _____.

(c) Historic District Number 3 is the area referred to as ____. Its boundaries are: _____.

(d) Historic District Number 4 is the area referred to as _____. Its boundaries are: _____.

3. Currently designated *Design District* areas are:

(a) Design District Number 1 is the area referred to as _____. Its boundaries are: _____.

(b) Design District Number 2 is the area referred to as _____. Its boundaries are: _____.

4. The failure to designate an area in this Chapter shall not mean that such an area is not within a defined district, if so designated by the City Council. Future areas may be designated as one of these Districts at any time. Such a designation does not require a zoning case.

5. While not required under Chapter 284 to designate Underground Compliance Areas to prohibit above ground Wireless facilities, the City may also, from time to time, also designate Underground Compliance Areas.

Currently designated *Underground Compliance Areas* are:

(a) Underground Compliance Area Number 1 is the area referred to as ____. Its boundaries are: _____.

(b) Underground Compliance Area Number 2 is the area referred to as ____. Its boundaries are: _____.

(c) or Underground Compliance Area Number 3 is the area referred to as ____. Its boundaries are: _____.

(d) Underground District Number 4 is the area referred to as _____. Its boundaries are: _____.

**E. Exceptions**

The City by its discretionary consent and agreement may grant exception to the above prohibited locations and sizes, but only in a non-exclusive, and non-discriminatory manner, as allowed or required by Chapter 284, Sec. 284.109 and Sec. 284.110.

**F. Order of Preference regarding Network Node attachment to existing facilities and New Node Support Poles.**

1. *Existing telephone or electrical lines between existing utility poles*. Micro Network Nodes shall only be lashed on existing telephone or electrical lines between existing utility poles (electric poles or telephones poles), with notice to the pole owner as required by the Federal Pole Attachment Act, and not placed on Utility Poles, Node Support Poles or Service Poles.

2. *Existing Utility Poles* (electric poles or telephones poles), shall be the preferred support facility for Network Nodes and related ground equipment.

3. *Municipal Service Poles*:

a. *Non-decorative street lights* with a height of more than 20 feet.

b. *Traffic signal structures* when such installation will not interfere with the integrity of the facility and will not interfere with the safety of public and in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b).

c. *Street signage* shall be a low priority use for attachment of a Network Node.

d. *Other municipal Service pole* use is discouraged.

4. *New node support poles* shall be the least preferred type of allowed facility for attachment of Network Nodes.

4. *Ground Equipment***.** Ground equipment should be minimal and the least intrusive.

## SECTION 4. GUIDELINES ON PLACEMENT.

**A. Generally.**

In accordance with Chapter 284.102, a Network Provider shall construct and maintain Network Nodes and Node Support Poles in a manner that does not:

1. obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;

2. obstruct the legal use of a public right-of-way by other utility providers;

3. violate nondiscriminatory applicable codes;

4. violate or conflict with the municipality's publicly disclosed public right-of-way management ordinance or this Design Manual.

5. violate the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

**B. General Requirements and Information**:

1. *Size Limits.* Network Providers shall provide detailed drawings, with calculations to show strict conformity to the size limitations as set forth in Chapter 284, in accordance with, but not limited to Chapter 284, Sec. 284.002, size of a Micro Network Node, Sec. 284.003, Size of Network Nodes, and Sec. 284.103, Max. pole height, with each application and with each request for a permit for each location.[3]

2. *State and Federal Rights-of-way permit*. If the project lies within a Highway Right-of-Way, the applicant must provide evidence of a permit from the State or Federal Government.

3. *Confirmation of non-interference with City Safety Communication Networks*.

a. The Network Provider needs to provide analysis that the proposed network node shall not cause any interference with City public safety radio system, traffic signal light system, or other city safety communications components in accordance with Chapter 284, Sec. 284.304.

b. It shall be the responsibility of the Network Provider to evaluate, prior to making application for permit, the compatibility between the existing City infrastructure and Provider's proposed Network Node. A Network Node shall not be installed in a location that causes any interference. Network Nodes shall not be allowed on City's public safety radio infrastructure.

4. *Improperly Located Network Node facilities, Node Support Poles and related ground equipment*:

a. Improperly Located Network Node facilities, Node Support Poles and related ground equipment shall not impede pedestrian or vehicular traffic in the Right-of-Way. If any Network Node facilities, Node Support Poles or ground equipment is installed in a location that is not in accordance with the plans approved by the City Manager and impedes pedestrian or vehicular traffic or does not comply or otherwise renders the Right-of-Way non-compliant with applicable Laws, including the American Disabilities Act, then Network Provider shall promptly remove the Network Node facilities, Node Support Poles or ground equipment.

b. Notice to Remove unauthorized facilities and relocate and penalty: After 30 days' notice to remove of Network Node facilities, Node Support Poles or ground equipment that is located in the incorrect permitted location, if not relocated the Network

Provider shall be subject to a penalty of $XXXX per day penalty until the Network Node facilities, Node Support Poles or ground equipment is relocated to the correct area within the permitted Location, regardless of whether or not the Network Provider's contractor, subcontractor, or vendor installed the Network Node facilities, Node Support Poles or ground equipment in strict conformity with the City Rights-of-way management ord., and other applicable ordnances concerning improperly located facilities in the rights-of-way.

**B. Underground Requirement Areas.**

1. In accordance with Chapter 284.107, a Network Provider shall, in relation to installation for which the City approved a permit application, comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.

2. If a location is designated by the City to transits to be an Underground Requirement Area, then a Network Provider's permit for the location of the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location will be revoked 90 days after the designation, with removal of said the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location within 90 days of such designation, or as otherwise reasonably allowed by the City for the transition of other overhead facilities.

**C. Network Node facilities placement***:*

1. *Right-of-Way:* Network Node facilities, Node Support Poles and related ground equipment shall be placed, as much as possible, within two feet of the outer edge of the Right-of-Way line to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way.

2. *Height above ground.* Network Node attachments to a pole shall be installed at least eight (8) feet above the ground in accordance with Chapter 284, Sec. 284.108, and if a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.

3. *Protrusions.* In accordance with Chapter 284, Sec. 284.003 (a) (1) (C), Sec. 284.003 (a) (2) (C) and Sec. 284.003 (a) (3) (B) no protrusion from the outer circumference of the existing structure or pole shall be more than two (2) feet.

4. *Limit on number of Network Nodes per Site*. There shall be no more than one Network Node on any one Pole.

**D. New Node Support Poles**.

1. *New Node Support Poles Spacing.* New node support poles shall be spaced apart from existing utility poles or Node Support poles at the same as the spacing between utility poles in the immediate proximity, but no less than at a minimum 300 feet from a utility pole or another Node Support Pole to minimize the hazard of poles adjacent to road ways and to minimize effect on property values and aesthetics on the area.

2. *Height of Node Support Poles or modified Utility Pole*. In accordance with Chapter 284, Sec. 284.103 a Node support pole or modified Utility Pole may not exceed the lesser of:

(1) 10 feet in height above the tallest existing utility pole located within 500 linear feet of the new pole in the same public right-of-way; or

(2) 55 feet above ground level.

**E. Ground Equipment.**

1. *Ground Equipment near street corners and intersections:* Ground equipment should be minimal and the least intrusive. In accordance with Chapter 284.102 (1), to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way the maximum line of sight required to add to safe travel of vehicular and pedestrian traffic and in order to maximize that line of sight at street corners and intersections and to minimize hazards at those locations, ground equipment may not be installed within 250 feet of a street corner or a street intersection.

2. *Ground Equipment near Municipal Parks.* For the safety of Municipal park patrons, particularly small children, and to allow full line of sights near Municipal park property, the Network Provider shall not install Ground Equipment in a Right-of-Way that is within a Park or within 250 feet of the boundary line of a Park, unless approved by the City Manager and Parks Director in writing.

3. *Minimize Ground equipment density*:

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following arguably may be included in the Design Manual as safety issue regulations are specifically allowed by Chapter 284, Sec. 284.102 (1) to enhance the safety requirements]*

In accordance with Chapter 284, Sec. 284.102 (1) to enhance the safety requirements of line of sight of pedestrians, particularly small children, the City's designee may deny a request for a proposed Location if the Network Provider installs Network Node ground equipment where existing ground equipment within 300 feet already occupies a footprint of xxx [25?] sq. ft. or more.

**F. Municipal Service Poles**:

1. *In accordance with Agreement*: Installations on all Service Poles shall be in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b).

2. *Required industry standard pole load analysis*: Installations on all Service Poles shall have an industry standard pole load analysis completed and submitted to the municipality with each permit application indicating that the Service Pole to which the Network Node is to be attached will safely support the load, in accordance with Chapter 284.108.

3. *Height of attachments*: All attachments on all Service Poles shall be at least 8 feet above grade, in accordance with Chapter 284, Sec. 285.108 (a) (1) - (2) and if a Network Node attachment is projecting toward the street, for the safety and protection

of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.

3. *Installations on Traffic Signals*: Installations on all Traffic signal structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public and must be in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b). Installation of Network Node facilities on any traffic signal structures shall:

i. Be encased in a separate conduit than the traffic light electronics;

ii. Have a separate electric power connection than the traffic signal structure; and

iii. Have a separate access point than the traffic signal structure; and

4. *Installations on Street signage*: Installations on all street signage structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public. Installation of Network Node facilities on any street signage structures that has electrics shall:

i. Be encased in a separate conduit than any City signage electronics;

ii. Have a separate electric power connection than the signage structure;

iii. Have a separate access point than the signage structure; and

## SECTION 5. GENERAL AESTHETIC REQUIREMENTS

**A. Concealment**.

1. Concealment of Network Nodes and Node support poles shall be required by the City in Design Districts with Decorative Poles and in Historic Districts pursuant to Chapter 284.105.

2. It is also the City's preference that all new node support poles be camouflaged, except those located in an area zoned or predominantly industrial area. Companies shall submit their proposal for camouflage with the permit application.

3. The Network Node facilities shall be concealed or enclosed as much as reasonably possible in an equipment box, cabinet, or other unit that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

*[Drafter's Note: The above type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..]*

The Network Node facilities shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected

and not visible or visually minimized to the extent possible, except to the extent not consistent with Chapter 284.

**B. New Node Support Pole Spacing.**

New node support poles shall be at a minimum 300 feet from a utility pole or another Node Support Pole to minimize the hazard of poles adjacent to road ways and to minimize effect on property values and aesthetics on the area.

**C. Minimize Ground Equipment Concentration**.

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual as it is specifically allowed by Chapter 284, Sec. 284.102 (1) to enhance the safety requirements]*

In order to minimize negative visual impact to the surrounding area, and in accordance with Chapter 284, Sec. 284.102 (1) to enhance the safety requirements of line of sight of pedestrians, partculaly small children, the City's designee may deny a request for a proposed Location if the Network Provider installs Network Node ground equipment where existing ground equipment within 300 feet already occupies a footprint of 25 sq. ft. or more to minimize effect on property values and aesthetics on the area.

**C. Allowed Colors**.

Colors in Historic Districts and Design Districts must be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual as arguably this is specifically allowed by Chapter 284, Sec. 284.105, as a "condition" of concealment required for city "advance approval".]*

Colors in Historic Districts and Design Districts must be approved by the City Manager from a palette of approved colors. Unless otherwise provided, all colors shall be earth tones or shall match the background of any structure the facilities are located upon and all efforts shall be made for the colors to be inconspicuous. Colors in areas other than in Historic Districts and Design Districts shall conform to colors of other installations of telecommunication providers in the immediately adjacent areas.

## SECTION 6. ELECTRICAL SUPPLY

A. Network Provider shall be responsible for obtaining any required electrical power service to the Micro Network Node, Network Node facilities, Node Support Poles and ground equipment. The City shall not be liable to the Network Provider for any stoppages or shortages of electrical power furnished to the Micro Network Node, Network Node facilities, Node Support Poles or ground equipment, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the structure or the act or omission of any other tenant or Network Provider of the structure, or for any other cause beyond the control of the City.

B. Network Provider shall not allow or install generators or back-up generators in the Right-of-Way in accordance with Chapter 284, Sec. 284.002 (12) (B) (1).

## SECTION 7. INSURANCE, INDEMNITY, BONDING AND SECURITY DEPOSITS.

1. Insurance, bonding and security deposits shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

2. Indemnity shall be in accordance with Chapter 284, Sec. 284.302, as provided for in Chapter 283, Sec. 283.057 (a) and (b) of the Texas Loc. Gov't Code.

***[DRAFTER'S NOTE: EXCEPT FOR CHAP. 284, SEC. 284.303 ON RELOCATION [IN SECTION 8, BELOW], AND SEC. 284.304 ON INTERFERENCE WITH RADIO TRANSMISSIONS, [IN SECTION 8, ABOVE] THE BELOW SECTIONS 7-12 HAVE THE TYPE OF PROVISION THAT SHOULD AND LIKELY ARE ALREADY IN THE CITY ROW MANAGEMENT ORD., WHICH IS PREFERRED TO AVOID DISCRIMINATION CLAIMS, HOWEVER THE FOLLOWING MAY BE INCLUDED IN THE DESIGN MANUAL IF IT IS CONSISTENT AND NOT MORE BURDENSOME THAN PROVISIONS IN THE ROW MANAGEMENT ORD. THEY ARE INCLUDED HERE AS MUCH AS A CHECK LIST THAT THEY ARE IN THE CITY ROW MANAGEMENT ORD, AS ANYTHING ELSE.]***

## SECTION 8. REQUIREMENTS IN REGARD TO REMOVAL, REPLACEMENT, REPLACEMENT, MAINTENANCE AND REPAIR

### A. REMOVAL OR RELOCATION BY NETWORK PROVIDER.

1. Removal and relocation by the Network provider of its Micro Network Node, Network Node facilities, Node Support Pole or related ground equipment at its own discretion, shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..]*

1. If the Network Provider removes or relocates a Micro Network Node, Network Node facilities, Node Support Pole or related ground equipment at its own discretion, it shall notify the City Manager in writing not less than 10 business days prior to removal or relocation. Network Provider shall obtain all Permits required for relocation or removal of its Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment prior to relocation or removal.

2. The City shall not issue any refunds for any amounts paid by Network Provider for Micro Network Node, Network Node facilities, Node Support Poles or related ground equipment that have been removed.

### B. REMOVAL OR RELOCATION REQUIRED FOR CITY PROJECT.

1. Removal and Relocation of Network Provider's Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof required for a City project shall be in strict accordance with the City's rights-of-way management ordinance, and other

applicable ordinances, except to the extent not consistent with Chapter 284, Sec. 284.107, except as provided in existing state and federal law.

*[Drafter's Caveat Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..]*

1. In accordance with Chapter 284, Sec. 284.107, except as provided in existing state and federal law, a Network Provider shall relocate or adjust Micro Network Node, Network Node, Node Support Pole and related ground equipment in a public right-of-way in a timely manner and without cost to the municipality managing the public right-of-way

2. Network Provider understands and acknowledges that the City may require Network Provider to remove or relocate its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or any portion thereof from the Right-of-Way for City construction projects as allowed by state and feral law, including the common-law.

3. Network Provider shall, at the City Manager's direction, remove or relocate the same at Network Provider's sole cost and expense, except as otherwise provided in existing state and federal law, whenever the City Manager reasonably determines that the relocation or removal is needed for any of the following purposes: Required for the construction, completion, repair, widening, relocation, or maintenance of, or use in connection with, any City construction or maintenance project of a street ort public rights-of-way to enhance the traveling publics use for travel and transportation.

3. If Network Provider fails to remove or relocate the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof as requested by the City Manager within 90 days of Network Provider 's receipt of the request, then the City shall be entitled to remove the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof at Network Provider's sole cost and expense, without further notice to Network Provider.

4. Network Provider shall, within 30 days following issuance of invoice for the same, reimburse the City for its reasonable expenses incurred in the removal (including, without limitation, overhead and storage expenses) of the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof.

**C. REMOVAL REQUIRED BY CITY FOR SAFETY AND IMMINENT DANGER REASONS**.

1. Network Provider shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment within the time frame and in the manner required by the City Manager if the City Manager reasonably determines that the disconnection, removal, or relocation of any part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment (a) is necessary to protect the public health, safety, welfare, or City property, (b) the Micro Network Node, Network Node, Node Support Pole and related ground equipment, or portion thereof, is adversely affecting proper operation of streetlights or City property, or (c) Network Provider fails to obtain all applicable licenses, Permits, and certifications required by Law for its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or use of any

Location under applicable law in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

2. If the City Manager reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment at the Network Provider's sole cost and expense in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..]*

1. Network Provider shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment within the time frame and in the manner required by the City Manager if the City Manager reasonably determines that the disconnection, removal, or relocation of any part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment (a) is necessary to protect the public health, safety, welfare, or City property, (b) the Micro Network Node, Network Node, Node Support Pole and related ground equipment, or portion thereof, is adversely affecting proper operation of streetlights or City property, or (c) Network Provider fails to obtain all applicable licenses, Permits, and certifications required by Law for its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or use of any Location under applicable law. If the City Manager reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment at the Network Provider's sole cost and expense.

2. The City Manager shall provide 90 days written notice to the Network Provider before removing a Micro Network Node, Network Node, Node Support Pole and related ground equipment under this Section, unless there is imminent danger to the public health, safety, and welfare.

3. Network Provider shall reimburse City for the City's actual cost of removal of Micro Network Node, Network Node, Node Support Pole and related ground equipment within 30 days of receiving the invoice from the City.

## SECTION 9. INSTALLATION AND INSPECTIONS

### A. INSTALLATION.

Network Provider shall, at its own cost and expense, install the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment in a good and workmanlike manner in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..]*

Network Provider shall, at its own cost and expense, install the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment in a good and

workmanlike manner and in accordance with the requirements promulgated by the City Manager, as such may be amended from time to time. Network Provider's work shall be subject to the regulation, control and direction of the City Manager. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment shall be in compliance with all applicable laws, ordinances, codes, rules and regulations of the City, applicable county, the state, and the United States ("Laws").

**B. INSPECTIONS**.

The City Manager, or designee, may perform visual inspections of any Micro Network Node, Network Node, Node Support Pole or related ground equipment located in the Right-of-Way shall be allowed in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..]*

The City Manager, or designee, may perform visual inspections of any Micro Network Node, Network Node, Node Support Pole or related ground equipment located in the Right-of-Way as the City Manager deems appropriate without notice. If the inspection requires physical contact with the Micro Network Node, Network Node, Node Support Poles or related ground equipment, the City Manager shall provide written notice to the Network Provider within five business days of the planned inspection. Network Provider may have a representative present during such inspection.

## SECTION 10. REQUIREMENTS UPON ABANDONMENT OF OBSOLETE MICRO NETWORK NODE, NETWORK NODE, NODE SUPPORT POLE AND RELATED GROUND EQUIPMENT.

Abandoned or obsolete Micro Network Node, Network Node, Node Support Pole and related ground equipment shall be removed in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..]*

Network Provider shall remove Micro Network Node, Network Node, Node Support Pole and related ground equipment when such facilities are Abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of 90 days of the Micro Network Node, Network Node, Node Support Pole and related ground equipment being Abandoned or within 90 days of receipt of written notice from the City. When Network Provider removes, or Abandons permanent structures in the Right-of-Way, the Network Provider shall notify the City Manager and City Manager in writing of such removal or Abandonment and shall file with the City Manager and City Manager the location and description of each Micro Network Node, Network Node, Node Support Pole and related

ground equipment removed or Abandoned. The City Manager may require the Network Provider to complete additional remedial measures necessary for public safety and the integrity of the Right-of-Way.

## SECTION 11. GENERAL PROVISIONS.

**1. As Built Maps and Records.** Network Provider's as built maps and records shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..]*

Network Provider shall maintain accurate maps and other appropriate records of its Network Node facilities, Node Support Poles and related ground equipment as they are actually constructed in the Rights-of-Way, including, upon request, the use of Auto CAD/GIS digital format. Network Provider will provide additional maps to the City upon request.

**2. Courtesy and Proper Performance.** Courtesy and Proper Performance of Network provider's personnel, and contractors shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..]*

Network Provider shall make citizen satisfaction a priority in using the Right-of-Way. Network Provider shall train its employees to be customer service-oriented and to positively and politely interact with citizens when dealing with issues pertaining to its Micro Network Node, Network Node, Node Support Pole and related ground equipment in the Right-of-Way. Network Provider's employees shall be clean, courteous, efficient, and neat in appearance and committed to offering the highest quality of interaction with the public. If, in the opinion of the City Manager or designee, Network Provider is not interacting in a positive and polite manner with citizens, he or she shall request Network Provider to take all remedial steps to conform to these standards.

**3. DRUG POLICY.** Drug policy of Network provider's personnel, and contractors in the rights-of-way shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..]*

It is the policy of the City to achieve a drug-free workforce and workplace. The manufacture, distribution, dispensation, possession, sale, or use of illegal drugs or alcohol by Network Provider's employees, contractors, subcontractors, sub-Network Provider's, or vendors while on City rights-of-way is prohibited.

4. **ALLOCATION OF FUNDS FOR REMOVAL AND STORAGE**. The City has appropriated $0 to pay for the cost of any removal or storage of Micro Network Node, Network

Node, Node Support Pole and related ground equipment, as authorized under this Article, and no other funds are allocated.

5. **OWNERSHIP**. Ownership of Network Node and related equipment shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..]*

No part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment erected or placed on the Right-of-Way by Network Provider will become, or be considered by the City as being affixed to or a part of, the Right-of-Way. All portions of the Micro Network Node, Network Node, Node Support Pole and related ground equipment constructed, modified, erected, or placed by Network Provider on the Right-of-Way will be and remain the property of Network Provider and may be removed by Network Provider at any time, provided the Network Provider shall notify the City Manager prior to any work in the Right-of-Way.

**6. Tree Maintenance**. Tree maintenance shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..]*

Network Provider, its contractors, and agents shall obtain written permission from the City Manager before trimming trees hanging over its Micro Network Node, Network Node, or Node Support Pole, to prevent branches of such trees from contacting attached Micro Network Node, Network Node, or Node Support Pole. When directed by the City Manager, Network Provider shall trim under the supervision and direction of the Parks Director. The City shall not be liable for any damages, injuries, or claims arising from Network Provider's actions under this section.

**7. Signage.** Signage shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..]*

Network Provider shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the Network Node facility that is visible to the public. Signage required under this section shall not exceed 4" x 6", unless otherwise required by law (e.g. RF ground notification signs) or the City Manager.

Except as required by Laws or by the Utility Pole owner, Network Provider shall not post any other signage or advertising on the Micro Network Node, Network Node, Node Support Pole, Service pole or Utility Pole.

**8. Graffiti Abatement**. Graffiti abatement shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..]*

As soon as practical, but not later than fourteen (14) calendar days from the date Network Provider receives notice thereof, Network Provider shall remove all graffiti on any of its Micro Network Node, Network Node, Node Support Pole, and related ground equipment located in the Right of Way. The foregoing shall not relieve the Network Provider from complying with any City graffiti or visual blight ordinance or regulation.

**9. Restoration.**

Network Provider shall restore and repair of the rights-of-way from any damage to the Right-of-Way, or any facilities located within the Right-of-Way, and the property of any third party resulting from Network Provider's removal or relocation activities (or any other of Network Provider's activities hereunder) in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..]*

Network Provider shall repair any damage to the Right-of-Way, or any facilities located within the Right-of-Way, and the property of any third party resulting from Network Provider's removal or relocation activities (or any other of Network Provider's activities hereunder) within 10 calendar days following the date of such removal or relocation, at Network Provider's sole cost and expense, including restoration of the Right-of-Way and such property to substantially the same condition as it was immediately before the date Network Provider was granted a Permit for the applicable Location or did the work at such Location (even if Network Provider did not first obtain a Permit), including restoration or replacement of any damaged trees, shrubs or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the City Manager.

**10. Network provider's responsibility.**

Network Provider shall be responsible and liable for the acts and omissions of Network Provider's employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, sub-Network Provider's and subcontractors in connection with the installations of any Micro Network Node, Network Node, Node Support Pole and related ground equipment, as if such acts or omissions were Network Provider's acts or omissions in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

*[Drafter's Note: This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..]*

Network Provider shall be responsible and liable for the acts and omissions of Network Provider's employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, sub-Network Provider's and subcontractors in connection with the installations of any Micro Network Node, Network Node, Node Support Pole and related ground equipment, as if such acts or omissions were Network Provider's acts or omissions.

## SECTION 12. ADMINISTRATIVE HEARING – REQUEST FOR EXEMPTION

[*Drafter's Caveat Note:* ***A variance process is NOT recommended****-as it lays a predicate for discriminatory treatment—but if the City wants to allow one, the following language is provided. This type of provision should be in RoW Management Ord., which is preferred to avoid discrimination claims, however the following may be included in the Design Manual if it is consistent and not more burdensome than provisions in the RoW Management Ord..*]

Should the Network Provider desire to deviate from any of the standards set forth in the Design Manual, the Network Provider may request an Administrative Hearing before a Board of Appeals. The Zoning Board of Adjustment shall act as the Board of Appeals for a Request for Exemption.

The process for an application, hearing and vote shall follow the process set out for a variance.

## SECTION 13-19 RESERVED

## SECTION 20. DESIGN MANUAL - UPDATES

Placement or Modification of Micro Network Node, Network Node, Node Support Pole and related ground equipment shall comply with the City's Design Manual at the time the Permit for installation or Modification is approved and as amended from time to time.

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[1] Sec. 284.301. LOCAL POLICE-POWER-BASED REGULATIONS. (a) Subject to this chapter and applicable federal and state law, a municipality may continue to exercise zoning, land use, planning, and permitting authority in the municipality's boundaries, including with respect to utility poles.

(b) A municipality may exercise that authority to impose police-power-based regulations for the management of the public right-of-way that apply to all persons subject to the municipality.

(c) A municipality may impose police-power-based regulations in the management of the activities of network providers in the public right-of-way only to the extent that the regulations are reasonably necessary to protect the health, safety, and welfare of the public.

[2] The definitions as used in Tx. Loc. Gov. Code, Chapter 284, Sec. 284.002 shall be used in this Design Manual.
Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002. DEFINITIONS. In this chapter:

(1) "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

(2) "Applicable codes" means:

(A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and

(B) local amendments to those codes to the extent not inconsistent with this chapter.

(3) "Collocate" and "collocation" mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

(4) "Decorative pole" means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

(5) "Design district" means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

(6) "Historic district" means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

(7) "Law" means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

(8) "Macro tower" means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Section 284.103 and that supports or is capable of supporting antennas.

(9) "Micro network node" means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

(10) "Municipally owned utility pole" means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a public right-of-way.

(11) "Municipal park" means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.

(12) "Network node" means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

(A) includes:

(i) equipment associated with wireless communications;

(ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and

(iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

(B) does not include:

(i) an electric generator;

(ii) a pole; or

(iii) a macro tower.

(13) "Network provider" means:

(A) a wireless service provider; or

(B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:

(i) network nodes; or

(ii) node support poles or any other structure that supports or is capable of supporting a network node.

(14) "Node support pole" means a pole installed by a network provider for the primary purpose of supporting a network node.

(15) "Permit" means a written authorization for the use of the public right-of-way or collocation on a service pole required from a municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

(16) "Pole" means a service pole, municipally owned utility pole, node support pole, or utility pole.

(17) "Private easement" means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

(18) "Public right-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:

(A) a private easement; or

(B) the airwaves above a public right-of-way with regard to wireless telecommunications.

(19) "Public right-of-way management ordinance" means an ordinance that complies with Subchapter C.

(20) "Public right-of-way rate" means an annual rental charge paid by a network provider to a municipality related to the construction, maintenance, or operation of network nodes within a public right-of-way in the municipality.

(21) "Service pole" means a pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:

(A) a pole that supports traffic control functions;

(B) a structure for signage;

(C) a pole that supports lighting, other than a decorative pole; and

(D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.

(22) "Transport facility" means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

(23) "Utility pole" means a pole that provides:

(A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or

(B) services of a telecommunications provider, as defined by Section 51.002, Utilities Code.

(24) "Wireless service" means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

(25) "Wireless service provider" means a person that provides wireless service to the public.

[3] Sec. 284.002. DEFINITIONS (8) “Micro network node" means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

Sec. 284.003. LIMITATION ON SIZE OF NETWORK NODES. (a) Except as provided by Section 284.109, a network node to which this chapter applies must conform to the following conditions:

(1) each antenna that does not have exposed elements and is attached to an existing structure or pole:

(A) must be located inside an enclosure of not more than six cubic feet in volume;

(B) may not exceed a height of three feet above the existing structure or pole; and

(C) may not protrude from the outer circumference of the existing structure or pole by more than two feet;

(2) if an antenna has exposed elements and is attached to an existing structure or pole, the antenna and all of the antenna's exposed elements:

(A) must fit within an imaginary enclosure of not more than six cubic feet;

(B) may not exceed a height of three feet above the existing structure or pole; and

(C) may not protrude from the outer circumference of the existing structure or pole by more than two feet;

(3) the cumulative size of other wireless equipment associated with the network node attached to an existing structure or pole may not:

(A) be more than 28 cubic feet in volume; or

(B) protrude from the outer circumference of the existing structure or a node support pole by more than two feet;

(4) ground-based enclosures, separate from the pole, may not be higher than three feet six inches from grade, wider than three feet six inches, or deeper than three feet six inches; and

(5) pole-mounted enclosures may not be taller than five feet.

(b) The following types of associated ancillary equipment are not included in the calculation of equipment volume under Subsection (a):

(1) electric meters;

(2) concealment elements;

(3) telecommunications demarcation boxes;

(4) grounding equipment;

(5) power transfer switches;

(6) cut-off switches; and

(7) vertical cable runs for the connection of power and other services.

(c) Equipment attached to node support poles may not protrude from the outer edge of the node support pole by more than two feet.

(d) Equipment attached to a utility pole must be installed in accordance with the National Electrical Safety Code, subject to applicable codes, and the utility pole owner's construction standards.

# City of Colleyville
## City Council
## Agenda Briefing

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

**Agenda Number** 7a **Agenda Date** 08/01/2017 **Number** Resolution R-17-4161
**Type** Resolution
**Department** Parks and Recreation

**Title**
A resolution approving the terms of a license agreement with the Colleyville Community Gardens for the use of McPherson Park for the purpose of establishing a community garden program, and authorizing the city manager to execute the agreement

**Strategic Plan**

**Explanation**
***Reading and Public Hearing***

At the June 20, 2017 City Council worksession, Natalie Genco and Anne Dyson, representing the Colleyville Community Garden (CCG), provided a presentation regarding the creation and planned structure and projects of the organization.

CCG proposed the City allow the CCG to utilize land at McPherson Park for the development of a community garden. Further, it was the request of CCG, the City provide for installation of water lines and purchase the water needed to grow the garden.

Approval of the proposed resolution and license agreement would provide for the CCG to utilize land at McPherson Park, during park hours of operation, for the creation of a community garden, for an initial period of ten (10) years, with the opportunity to renew up to three (3) consecutive five (5) year renewal terms. Additionally, each renewal term under the Agreement shall be effective automatically unless either Party provides notice of its intent not to renew at least thirty (30) days prior to the expiration of the initial term or current renewal term as the case may be.

**Financial Impact**
The Community Garden improvements will be paid for with monetary and in-kind donations raised by the Community Garden Board. The financial impacts to the City of Colleyville are the cost to install an irrigation system for the garden and the annual cost of water used by the gardeners. The irrigation system will cost approximately $4,000.00 - $6,000.00, depending on the system configuration to support the plot needs and if additional valves are set in place for future growth options. The annual water usage is estimated at 200,000 to 300,000 gallons depending on gardener's consumption, for a cost between $1,000.00 - $1,500.00 annually. The irrigation

system installation is anticipated to come from the Parks Department budget line item 001-3210-6226. The annual water payments are anticipated to be charged from the general fund budget for City water usage.

**Recommendation**
Approve

**Attachments**
1. Colleyville Community Garden Presentation - June 20, 2017
2. Community Garden Program License Agreement
3. Resolution R-17-4161

Community Garden

Colleyville

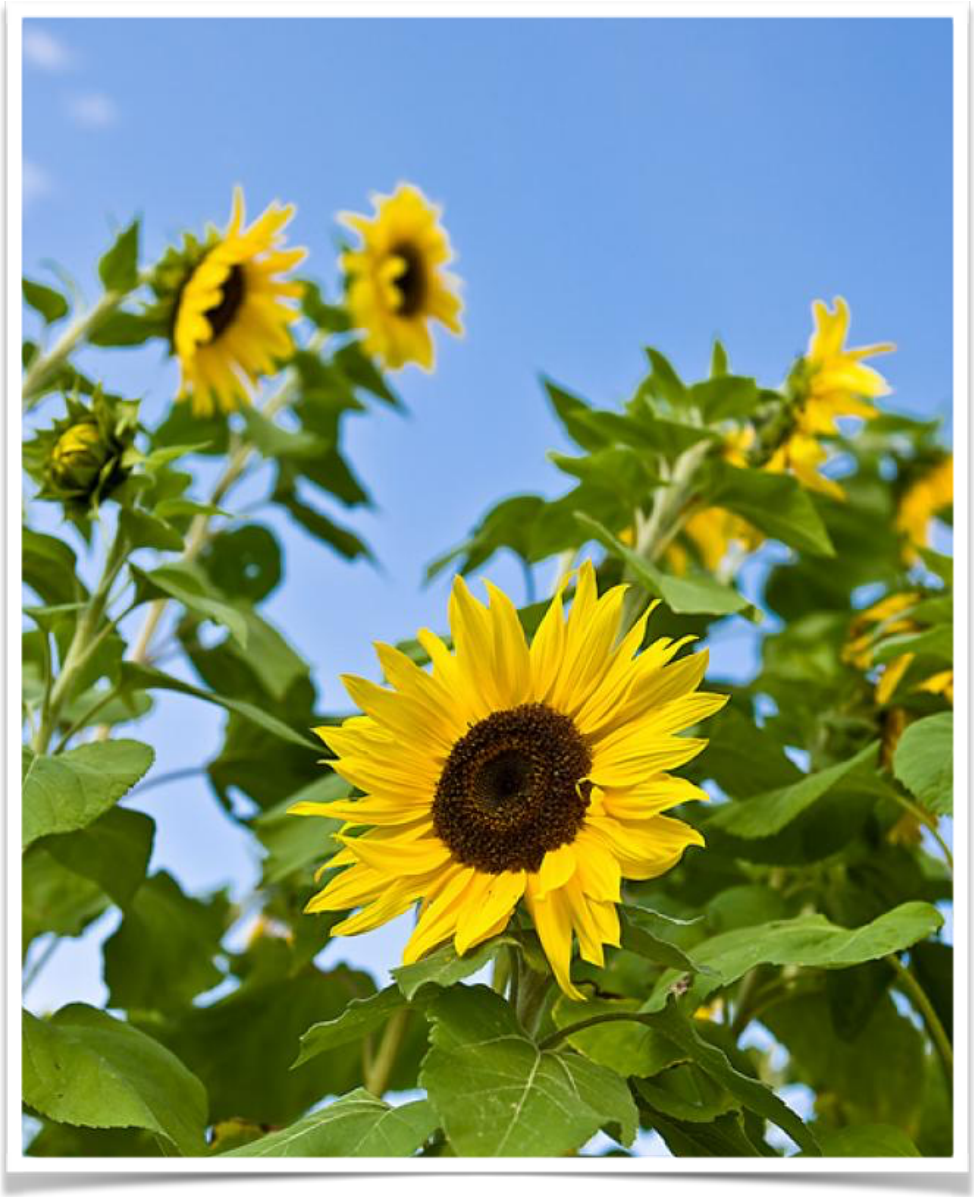
# CCG Mission

The Colleyville Community Garden will be a place for education, inspiration, relaxation, and conversation.

Our goal is to provide a place for members of our community to grow organic foods successfully because of the gardening environment we will create and classes we will present.

We will provide opportunities for individuals and groups from all over the area to learn about gardening and volunteer their time.

There is a movement to be closer to your food and know where it came from.



Community Garden Colleyville

People have forgotten or never learned how to grow their own food.

Community Garden Colleyville

Our members will be encouraged to donate the excess fruits of their labor. to Grace or other food pantries.

Community Garden Colleyville

# Who would want to rent a plot?

<u>Someone who:</u>

-does not have the space for a garden
-travels and can't keep up on watering
-doesn't want to mess up their beautiful grass.
-is a fireman and works nearby.
-is elderly or handicapped and needs raised beds.
-wants to produce healthy food to donate to those in need
-wants to learn from others.
-wants to show off their gardening skills
-wants to help teach others
-wants to garden in a community environment with friends all around who share the passion

Community Garden Colleyville

# What our neighbors say about <u>their</u> community gardens:

"Community gardening is the best way to garden!"

"What can be better than meeting up with your friends at the garden, learning to grow organic vegetables and fruits, getting some fresh air and outdoors exercise, and most of all helping to meet the need of families at the food pantry with fresh, just picked produce."

-Coppell Community Gardens

# Community partners that are already interested in helping with the garden:

- Whole Foods
- Marshall Grain
- Alta Vista Nursery
- Ace Hardware
- Alpine Materials

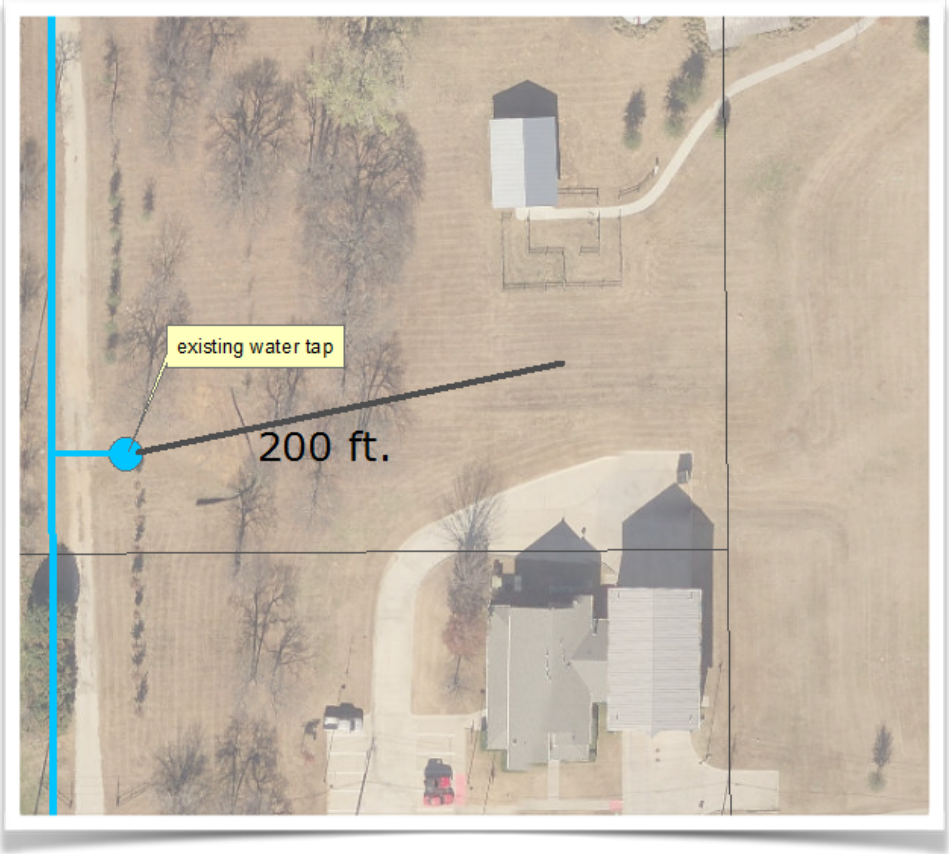
PROPOSED SITE PLAN
THE COLLEYVILLE COMMUNITY GARDEN

# McPherson Park is an ideal location!

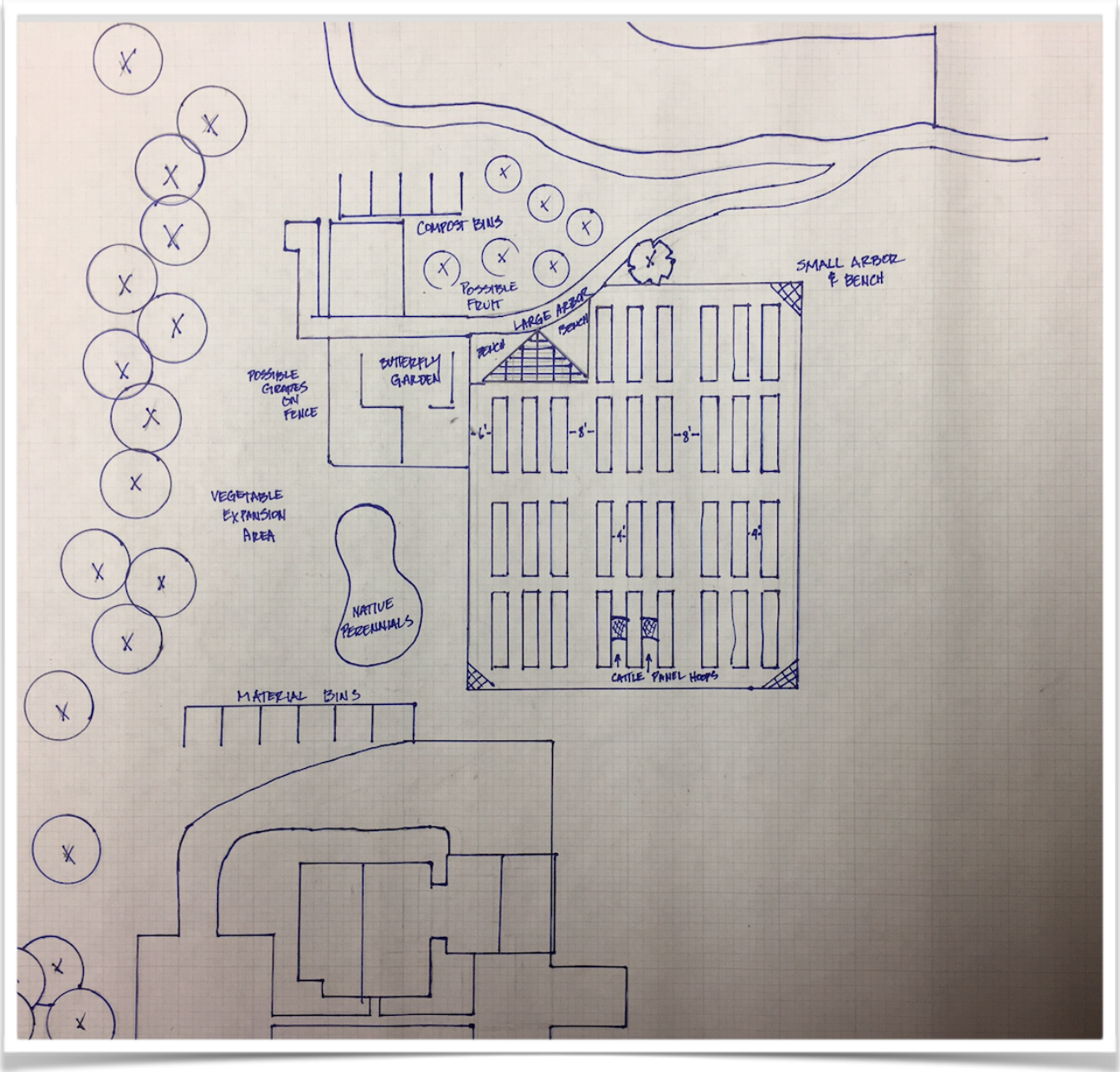
- Ample parking
- Bathrooms
- Shaded areas
- Picnic tables—to leave donations or to meet.
- Sidewalks
- Storage shed for tools (the back of the dairy barn)
- Place for kids to play
- Beautiful atmosphere
- Highly visible
- Plenty of room to grow the garden larger
- Drinking fountain
- Rock House for future classes
- Fire Station nearby to keep an eye out for vandals

# Watering the Garden

- City to pay for water and treat the community garden like a park
- Spicket with hose at end of each row for plot renters.
- Use existing cistern at McPherson Park for rainwater collection



# Garden Plans




Community Garden Colleyville

# CCG Materials List

This is our materials list as determined by
Head Master Gardener, Steve Chaney.

**For Big Dig Day**

Stones – 2810
Soil – 132 cubic yards (Prefer Organic Dairy Mix)
Mulch for rows within the fence – 593 cubic yards
Cattle Panels – 20 minimum
Benches – 4 minimum
Arbors – 1 big and 2 small
Fence – 360 linear feet
Crushed Granite

**Later**

7 Fruit Trees - (Would like at least one fig and one apple).
33 short hoses for watering individual plots.
Gardening Tools

Community Garden Colleyville

# Garden Costs

- Per Dotty Woodson:
  - $1,500-$4,000 to get started
  - $400/year for expenses
- We will have a better idea of needed funding when we see how much material will be donated.
- We will charge plot renters $40/plot/year x 33 plots = $1,320 per year for maintenance expenses including organic fertilizer, organic weed control products, etc.
- Our membership will vote on whether to raise or lower the adopt a plot fee amount each year.
- North Richland Hills started at $25/plot and now they charge $40

Community Garden Colleyville

# Garden Plots

- $40/year for Colleyville residents
- $50 for non residents
- Colleyville residents will be given priority
- Adopt a Plot renters will vote each year on adopt a plot rental amount.
- Plots will be raised to accommodate the elderly

Community Garden Colleyville

# Garden Details

Members will be able to rent one of 33 plots for a nominal annual fee.

A single plot can be purchased by groups in case you would like to come together with friends and family to share the experience with a minimal obligation.

Here the gardener can grow whatever they choose in an organic environment.
(Illegal plants will not be permitted)

Community Garden Colleyville

# Organic Gardening

**Fire Ant Control**: Add 1/4 t. orange oil, 1 1/2 t. Blackstrap molasses. Fill spray bottle with water. Drench mound.

**Weed Killer**: Vinegar (10%) full strength. Kills everything. Use cautiously.

**Spray for Pests** (Aphids): Add 3-4 t. Joy dish soap. Fill spray bottle with water. Spray on pests on underside of leaves. Do not spray on day of harvest.

Community Garden Colleyville

# Garden Classes we will Offer

- Growing grapes
- Raised gardens
- Composting
- Worm composting
- Compost gardening
- Wine making
- Gardening with children
- Wildflower gardening
- Butterfly gardens
- Container gardening
- Keyhole gardening
- Canning
- Dehydrating
- Raising Chickens
- Bee Keeping
- Flower Arranging

Community Garden Colleyville

Our “Big Dig” target date
is Late October
or early November.

Community Garden
Colleyville

# Big Dig Date Support

-The Dirt Doctor, Howard Garrett has been invited
-The Tarrant County Master Gardeners
-Whole Foods
-Texas A and M to consider a tree giveaway

*We plan to invite:*
-Members of each non profit organization in Colleyville.
-HOA presidents and homeowners with extra focus on neighborhoods with zero lot lines.
-School to put the word out to students who may need community service hours.
-Local boy scout and girl scout troops.
-Local churches.

# Future Plans

- Expand to more garden plots as the need arises
- Greenhouse
- Demonstration gardens on conservation
- Butterfly Garden
- Beehive Farm

Community Garden Colleyville

**Our executive board** consists of an amazing group of community organizers with a great deal of experience, energy and creativity.

*President:* **Natalie Genco**
*First Vice President-Special Events:* **Anne Dyson**
*Second Vice President-Fundraising/Volunteers:* **Nancy Cook**
*Third Vice President-Garden Coordinator:* **Pam Buie**
*Treasurer:* **Christina Stojakovich**
*Parliamentarian:* **Mary Ramatowski**

(Typically, Community Garden Projects are initiated by city council members.The biggest obstacle is finding citizens who want to take on management and organization. We are fortunate to have a strong citizen leadership team in place.)

Community Garden Colleyville

# Thank you to our Advisors

- Diane Spradling, founder of the N. Richland Hills Community Garden
- Steve Chaney, Tarrant County Master Gardeners
- Harold Annis, Tarrant County Master Gardener and has established multiple school gardens in GCISD
- Dotty Woodson, Texas Agrilife Specialist. Dotty has helped established hundreds of community gardens throughout Texas.
- Howard Garrett, The Dirt Doctor
- Heather Dowell, City of Colleyville Parks Manager. (Heather established the Community Garden for the City of Arlington at UT Arlington and has a wealth of knowledge.)

Community Garden Colleyville

We need approval from Colleyville City Council to move forward and begin securing donations

Colleyville Community Garden

Thank you for your support of this worthy project that will bring great good to our city!

Community Garden
Colleyville

Community Garden

Colleyville

Community Garden

Colleyville

| | | |
|---|---|---|
| **STATE OF TEXAS** | **§** | **COMMUNITY GARDEN PROGRAM** |
| | **§** | **LICENSE AGREEMENT** |
| **COUNTY OF TARRANT** | **§** | |

THIS license agreement ("Agreement") is made by and between City of Colleyville, Texas (hereinafter referred to as "City") and Colleyville Community Garden (hereinafter referred to as "Licensee" and/or "CCG") acting by and through their authorized representatives.

**RECITALS:**

**WHEREAS,** City owns the real property located at McPherson Park on W. McDonwell School Rd, Colleyville, Tarrant County, Texas and being more particularly described in Exhibit A (the "Property"); and

**WHEREAS,** CCG shall cause to be constructed an approximately .92-acre community garden consisting of thirty three (33) plots (hereinafter referred to as the "Community Garden ") on the Property; and

**WHEREAS,** CCG is a non-profit entity organized to administer public community garden activities at the Property to promote education, inspiration, relaxation, and conversation within the community; and

**WHEREAS,** City desires to allow CCG to construct, administer and maintain the Community Garden on the Property in accordance with the terms and conditions set forth below.

**NOW THEREFORE,** in consideration of the covenants contained herein and other valuable consideration the receipt and sufficiency of which are hereby acknowledged , the Parties agree as follows:

## Article I
## Purpose

The City hereby grants to CCG a revocable non-exclusive license to use the Property for Community Garden purposes and for no other purpose subject to the terms and conditions set forth in this Agreement.

## Article II
## Term & Termination

1.1 Term. The initial term of this Agreement shall be for a ten (10) year period beginning on the last date of execution of this Agreement ("Effective Date"), unless sooner terminated as provided herein.

1.2 Termination Generally. At any time during the term of this agreement, either Party may terminate this Agreement by giving thirty (30) days prior written notice to the other Party. In the event either Party elects to terminate this Agreement in accordance with this section, CCG

shall ensure the Property is restored to its original condition in conformance with Section 3.3 of this Agreement.

1.3 Termination by City. During the first five-years of the term, the City shall further be entitled to immediately terminate this Agreement for either of the following:

a) Upon notification that CCG has filed a voluntary petition in bankruptcy or is seeking similar relief in another forum, that CCG is the debtor identified in an involuntary petition in bankruptcy, or if the City has reasonable grounds to believe that CCG is insolvent and has committed an act of bankruptcy;

b) Should any actions by the CCG or the CCG's personnel disrupt, in any manner, the City's use and/or enjoyment of the Property, including its ability to conduct normal park operations; or

c) Should CCG breach and/or violate any City rule or policy governing CCG's use of the Property, expressly including violation of any term or condition contained in Article III of this Agreement.

d) After the first five-years of the term, the City may terminate this Agreement for any reason after adoption of a resolution by the City Council requiring removal of the Community Gardens.

1.4 Survival of Covenants. The Parties agree that the covenants set forth in Article IV ("Indemnification") of this Agreement shall remain in full force and effect and shall survive the termination of this Agreement for any reason.

## Article III
## Property Access and Usage

3.1 Grant of License. City grants CCG the temporary non-exclusive license, during the term of this Agreement, to occupy and use the Property for the Community Garden. CCG shall use and occupy the Property only as permitted under the terms and conditions set forth herein. CCG shall only be allowed access to the areas of the Property approved for CCG's use under this Agreement. CCG shall be responsible for ensuring that its use of the Property by participants is wholly contained within the approved areas of access.

3.2 Hours of Access to the Property. Access to the Community Garden by CCG, its agents, employees, invitees, and Community Garden participants and attendees shall be limited to the park hours established by the City for McPherson Park, unless otherwise agreed in writing by the Parties.

3.3 CCG's Use of the Property.

A. CCG shall use and occupy and cause its agents, employees, invitees, and Community Garden participants and attendees to use the Property in compliance with all applicable City, State, and Federal codes, regulations, statutes and laws.

B. The City shall provide (and CCG accepts) the Property "AS IS" with all defaults and conditions.

C. CCG shall not mar, deface, damage or injure any part of the Property. At the conclusion of the Community Garden program, or earlier termination of this Agreement, CCG shall return the Property in as good condition and repair as the Property was in prior to commencement of CCG's use.

D. Upon the termination of this Agreement, CCG shall immediately remove all goods, wares, merchandise, property and debris owned or leased by CCG or which CCG has placed or permitted to be placed in or at the Property. Any such property not so removed shall be considered abandoned and shall be disposed of by City as City deems necessary and at CCG's sole expense. City shall have the sole right to collect and have custody of any articles left at the Property by CCG's invitees and guests and to provide for the disposition thereof. City shall in no way be responsible for payment, damage or claims for loss or abandoned property removed or stored pursuant to this Agreement.

E. In the event that CCG fails to remove all debris, including any temporary structures erected for the Community Garden, and repair any damage to any portion of the Property destroyed or damaged in connection with CCG's use of the Property for the Community Garden activities, or earlier termination of this Agreement, and restore the Property to the same condition as of the Effective Date, the City shall be entitled to conduct such repairs and restoration, and CCG shall be responsible for the costs thereof which shall be due upon written demand thereof.

F. CCG shall have no right to occupy and use the Property at any time or day other than the times and days specified in this Agreement or after termination of this Agreement.

G. CCG shall be responsible for the operation and supervision of the Community Garden and its participants.

H. CCG shall not be authorized to sell, display or offer for sale any merchandise, materials, equipment, food, beverages and/or other items at the Property.

I. The Community Garden shall at all times be conducted in a clean, orderly, and legitimate manner in accordance with any and all existing City policies, ordinances and any laws requiring operation of the nature of CCG. All rubbish, glass, bottles, or cans of any kind shall be placed in trash receptacles. CCG shall be responsible for ensuring the Property is maintained in clean and orderly manner in accordance with this Agreement.

J. CCG shall, prior to initial use of the Property, designate in writing an authorized CCG representative for the Community Garden, who shall be deemed to be the CCG's authorized representative person unless written notice of designating a different person to serve as the CCG representative is delivered by CCG to the City.

K. The Parties understand and agree that the City may adopt and enforce additional polices and/or rules at any time during the term of this Agreement, without prior

notice to CCG, governing the use of the Property as a Community Garden. CCG expressly agrees to comply with and be bound by all such City rules and polices.

3.4 Water Fees and Facilities. The City will provide access to the City's water supply to provide a reasonable amount of water to provide irrigation for the Community Garden at the City's sole discretion. The Parties understand and agree that the City may, in its sole discretion, charge CCG a market rate for water service to the Property should the City determine that the CCG and/or the Community Garden participants are using an unreasonable amount of water. Furthermore, the City may, in its sole discretion, provide for the installation and maintenance of irrigation facilities on the Property (e.g., water lines, sprinklers, etc..) at no cost to CCG or its participants.

3.5 Books and Records. CCG shall maintain a complete set of books and records in connection with all aspects of and relating to the operations of the Community Garden including any expenses and costs related thereto, which books and records shall be kept and maintained in accordance with generally accepted accounting practices and procedures. Said books and records shall be available for inspection, copying, audit and examination by the City upon ten (10) days prior written request.

## Article IV
## Miscellaneous

4.1 Relationship of Parties. The City shall exercise no supervision over the CCG's mode and manner of performance and CCG's employees or agents shall not be deemed to be employees or agents of the City. CCG shall be solely responsible for any and all wages, benefits, taxes, and any other similar obligation, in connection with its employees, agents, contractors or servants. It is understood and agreed by and between the Parties that CCG in satisfying the conditions of this Agreement, is acting independently, and that the City assumes no responsibility or liabilities to any third Party in connection with these actions. All services to be performed by CCG pursuant to this Agreement shall be in the capacity of an independent contractor and Licensee of the Property, and not as an agent or employee of the City. CCG 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.

4.2 Insurance. CCG shall provide and maintain for the duration of this Agreement, and for the benefit of the City (naming the City and its officers, agents and employees as additional insureds), insurance coverage that is acceptable with the City's insurance requirements. CCG shall provide signed Certificates of Insurance verifying that CCG has obtained the required insurance coverage for the City prior to the commencement of the Community Garden project.

A. All policies of insurance shall be endorsed to provide the following provisions: (1) name the City, its officers, and employees as additional insureds as to all applicable coverage, and the additional insured endorsement shall provide the most comprehensive coverage to the City; (2) provide for at least thirty (30) days prior written notice to the City for cancellation, non-renewal, or material change of the insurance; and (3) provide for a waiver of all rights of subrogation against the City.

B. All insurance companies providing the required insurance shall be authorized to transact business in Texas and be rated at least "A" by AM Best or other equivalent rating service.

C. All Certificates of Insurance and policy endorsements required herein in a form satisfactory to City shall be delivered to City upon execution of this Agreement.

4.3 Default. In the event that CCG fails to perform any obligation under this Agreement, then CCG shall be in default, and the City shall have the right to immediately terminate this Agreement and CCG shall vacate the Permitted Locations upon receipt of such notice.

4.4 Environmental Protection. CCG shall not use or permit the use of the Property for any purpose that may be in violation of any laws pertaining to the health of the environment, including without limitation, the comprehensive environmental response, compensation and liability act of 1980 ("CERCLA") . The Resource Conservation and Recovery Act of 1976 ("RCRA"), the Texas Water Code and the Texas Solid Waste Disposal Act. CCG warrants that the permitted use of the Property will not result in the disposal or other release of any hazardous substance or solid waste on or to the Property, and that it will take all steps necessary to ensure that no such hazardous substance or solid waste will ever be discharged onto the Property or adjoining property by CCG. The terms "hazardous substance and solid waste" shall have the meaning specified in CERCLA and the term "solid waste and disposal" (or dispose) shall have the meaning specified in the RCRA; provided, however, that in the event either CERCLA or RCRA is amended so as to broaden the meaning of any term defined thereby, such broader meaning shall apply subsequent to the effective date of such amendment; and provided further, at the extent that the laws of the State of Texas establish a meaning for hazardous substance, release, solid waste, or disposal which is broader then that specified in the CERCLA or RCRA, such broader meaning shall apply. CCG shall indemnify and hold the City harmless against all costs, environmental clean-up to the Property and surrounding City property resulting from CCG's use of the Property under this Agreement.

4.5 **Indemnification. CCG SHALL DEFEND, PROTECT AND KEEP CITY FOREVER HARMLESS AND INDEMNIFIED AGAINST AND FROM ANY PENALTY, OR ANY DAMAGE, OR CHARGE, IMPOSED FOR ANY VIOLATION OF ANY LAW, ORDINANCE, RULE OR REGULATION ARISING OUT OF THE USE OF THE PROPERTY BY THE CCG, WHETHER OCCASIONED BY THE NEGLECT OF CCG, ITS EMPLOYEES, OFFICERS, AGENTS, CONTRACTORS OR ASSIGNS OR THOSE HOLDING UNDER CCG. CCG SHALL AT ALL TIMES DEFEND, PROTECT AND INDEMNIFY AND IT IS THE INTENTION OF THE PARTIES HERETO THAT CCG HOLD CITY HARMLESS AGAINST AND FROM ANY AND ALL LOSS, COST, DAMAGE, OR EXPENSE, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM ANY ACCIDENT OR OTHER OCCURRENCE ON OR ABOUT THE PROPERTY CAUSING PERSONAL INJURY, DEATH OR PROPERTY DAMAGE RESULTING FROM USE OF PROPERTY BY CCG, ITS AGENTS, EMPLOYEES, CUSTOMERS AND INVITEES. CCG SHALL AT ALL TIMES**

**DEFEND, PROTECT, INDEMNIFY AND HOLD CITY HARMLESS AGAINST AND FROM ANY AND ALL LOSS, COST, DAMAGE, OR EXPENSE, INCLUDING REASONABLE ATTORNEY'S FEES ARISING OUT OF OR FROM ANY AND ALL CLAIMS OR CAUSES OF ACTION RESULTING FROM ANY FAILURE OF CCG, ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS OR ASSIGNS IN ANY RESPECT TO COMPLY WITH AND PERFORM ALL THE REQUIREMENTS AND PROVISIONS HEREOF. IN NO EVENT SHALL THIS INDEMNITY BE CONSTRUED TO CAUSE CCG TO INDEMNIFY CITY FOR ACTIONS TAKEN BY THE CITY IN CONNECTION WITH ITS RIGHTS PURSUANT TO THE PROPERTY.**

4.6 Assignment. CCG may not assign this Agreement without prior written consent of the City.

4.7 Notices. Any notice required or permitted to be delivered hereunder may be sent by first class mail, overnight courier or by confirmed telefax or facsimile to the address specified below, or to such other Party or address as either Party may designate in writing, and shall be deemed received three (3) days after delivery set forth herein:

If to the City:
City of Colleyville, Texas
Attn: Jerry Ducay
City Manager
100 Main Street
Colleyville, Texas 76034
817-503-1116-telephone

With a copy to:
Whitt L. Wyatt
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
1800 Ross Tower
500 N. Akard Street
Dallas, Texas 75201
214.965.9900 – telephone
214.965.0010 – facsimile

If to CCG:
_____
_____
_____

4.8 Severability. In the event that any one or more of the provisions contained herein shall for any reason be held unenforceable in any respect by any court of law, such unenforceability shall not affect any other provision of this Agreement, but this Agreement shall then be construed as if such unenforceable provision or provisions had never been contained herein.

4.9 Entire Agreement. This Agreement is the entire agreement between the Parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or

written agreement between the Parties that in any manner relates to the subject matter of this Agreement.

4.10 Recitals. The recitals to this Agreement are incorporated herein.

4.11 Exhibits. The exhibits to this Agreement are incorporated herein.

4.12 Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Texas. Venue for any action under this Agreement shall be in the state district court of Tarrant County, Texas. The Parties agree to submit to the subject matter and personal jurisdiction of said court.

4.13 Amendment. This Agreement may be amended by the mutual agreement of the Parties to it, in writing and attached to and incorporated in this Agreement.

4.14 Legal Construction. 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.

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

4.16 Survival of Covenants. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the Parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

***[Signature Page to Follow]***

**EXECUTED** on this _____ day of _____, 2017.

**CITY OF COLLEYVILLE, TEXAS**

By:_____
Jerry Ducay, City Manager

**EXECUTED** on this _____ day of _____, 2017.

**COLLEYVILLE COMMUNITY GARDEN**

By: _____
Name: _____
Title: _____

(wlw:7.11.17.87945)

**CITY'S ACKNOWLEDGMENT**

**STATE OF TEXAS §**
**§**
**COUNTY OF TARRANT §**

Acknowledged before me, the undersigned authority, this ____ day of _____, 2017, by Jerry Ducay, City Manager for the City of Colleyville, Texas, a Texas home rule municipality, on behalf of such municipality.

_____
Notary Public, State of Texas

My Commission expires: _____

**LICENSEE'S ACKNOWLEDGMENT**

**STATE OF_____ §**
**§**
**COUNTY OF _____ §**

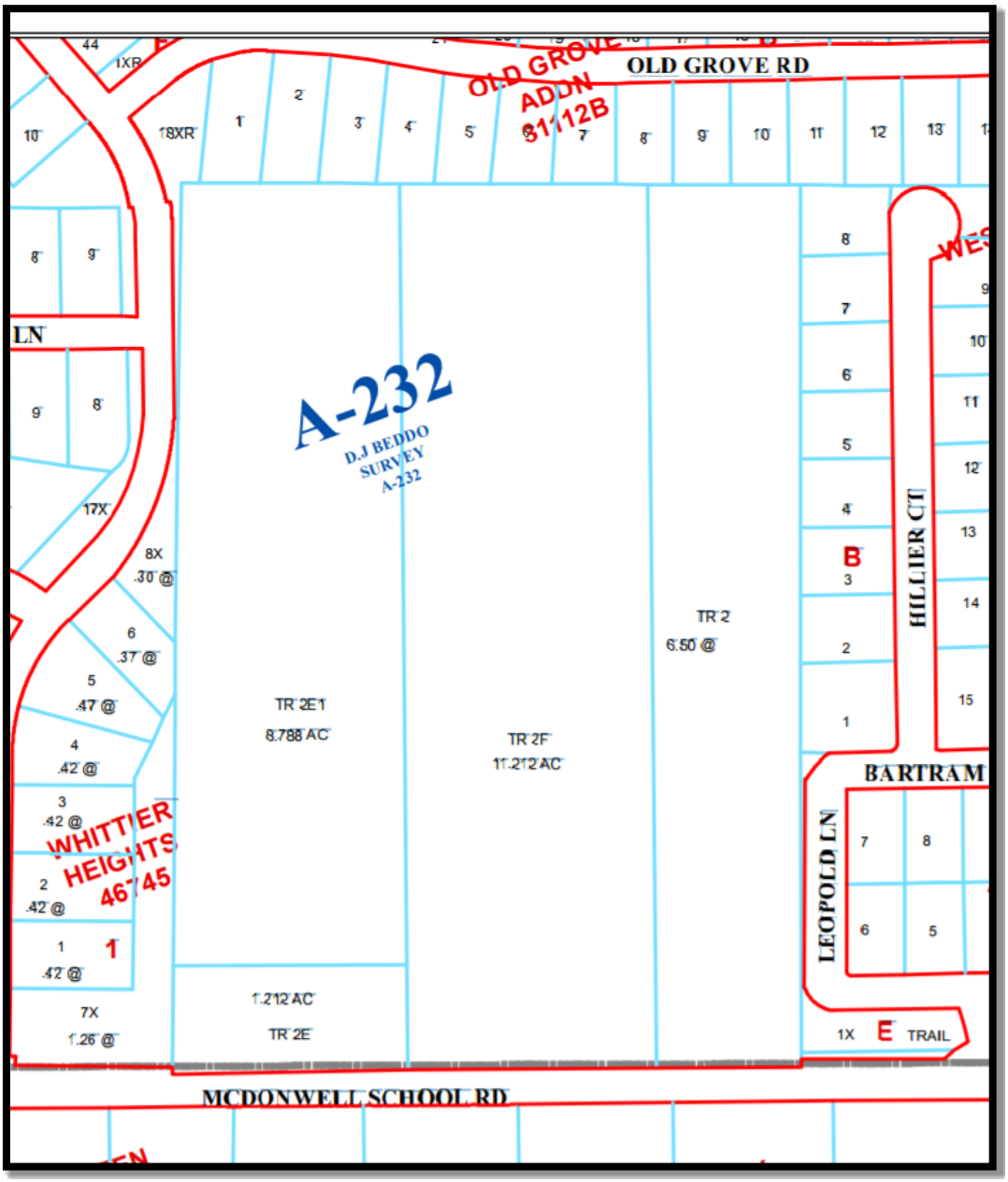
Acknowledged before me, the undersigned authority, on the ____ day of _____, 2017, by _____ and _____ for and on behalf of said individuals.

_____
Notary Public, State of Texas

My Commission expires:_____

**EXHIBIT "A"**

The property includes Tracts 2, 2E1, and 2F, Abstract 232, of the DJ Beddo Survey, as shown in the lined area below, located at 240 McDonwell School Road West.



# RESOLUTION R-17-4161

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A LICENSE AGREEMENT BETWEEN THE CITY OF COLLEYVILLE AND THE COLLEYVILLE COMMUNITY GARDEN FOR A NON-EXCLUSIVE LICENSE FOR THE USE AND ACCESS OF THE PROPERTY DESCRIBED THEREIN FOR THE OPERATION OF A PUBLIC COMMUNITY GARDEN AT MCPHERSON PARK; AND PROVIDING AN EFFECTIVE DATE

**WHEREAS,** the City of Colleyville, Texas ("City") desires to grant a license to Colleyville Community Garden ("CCG") to allow CCG non-exclusive access to, and the right to construct and maintain a public community garden on certain City property located within McPherson Park; and

**WHEREAS,** upon full review and consideration of the Agreement and all matters related thereto, the City Council is of the opinion and finds that the terms and conditions thereof should be approved, and that the city manager should be authorized to execute the Agreement on behalf of the City; and

**WHEREAS,** all legal prerequisites for the approval of this Resolution have been met, including but not limited to the Open Meetings Act.

**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 a non-exclusive license agreement ("Agreement") with the Colleyville Community Garden ("CCG") to construct and maintain a public community garden within McPherson Park; and

Sec. 2. THAT the city manager, or designee, is hereby authorized to execute the Agreement attached hereto as Exhibit "A".

Sec. 3. THAT this Resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

**AND IT IS SO RESOLVED**.

PASSED BY A VOTE OF __ AYES, __ NAYS, AND __ ABSTENTIONS ON THIS THE 1ST DAY OF AUGUST 2017.

| | | | |
|---|---|---|---|
| Mayor Richard Newton | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 3, Kathy Wheat | _____ |
| Place 4, George Dodson | _____ | Place 5, Nancy Coplen | _____ |
| Place 6, Mike Taylor | _____ | | |

**ATTEST:**

Amy Shelley, TMRC
City Secretary

**CITY OF COLLEYVILLE**

Richard Newton
Mayor

**Exhibit "A"**

| | | |
|---|---|---|
| **STATE OF TEXAS** | **§** | **COMMUNITY GARDEN PROGRAM** |
| | **§** | **LICENSE AGREEMENT** |
| **COUNTY OF TARRANT** | **§** | |

THIS license agreement ("Agreement") is made by and between City of Colleyville, Texas (hereinafter referred to as "City") and Colleyville Community Garden (hereinafter referred to as "Licensee" and/or "CCG") acting by and through their authorized representatives.

**RECITALS:**

**WHEREAS,** City owns the real property located at McPherson Park on W. McDonwell School Rd, Colleyville, Tarrant County, Texas and being more particularly described in Exhibit A (the "Property"); and

**WHEREAS,** CCG shall cause to be constructed an approximately .92-acre community garden consisting of thirty three (33) plots (hereinafter referred to as the "Community Garden ") on the Property; and

**WHEREAS,** CCG is a non-profit entity organized to administer public community garden activities at the Property to promote education, inspiration, relaxation, and conversation within the community; and

**WHEREAS,** City desires to allow CCG to construct, administer and maintain the Community Garden on the Property in accordance with the terms and conditions set forth below.

**NOW THEREFORE,** in consideration of the covenants contained herein and other valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

## Article I
## Purpose

The City hereby grants to CCG a revocable non-exclusive license to use the Property for Community Garden purposes and for no other purpose subject to the terms and conditions set forth in this Agreement.

## Article II
## Term & Termination

1.1 Term. The initial term of this Agreement shall be for a ten (10) year period beginning on the last date of execution of this Agreement ("Effective Date"), unless sooner terminated as provided herein.

1.2 Termination Generally. At any time during the term of this agreement, either Party may terminate this Agreement by giving thirty (30) days prior written notice to the other Party. In

the event either Party elects to terminate this Agreement in accordance with this section, CCG shall ensure the Property is restored to its original condition in conformance with Section 3.3 of this Agreement.

1.3 Termination by City. During the first five-years of the term, the City shall further be entitled to immediately terminate this Agreement for either of the following:

a) Upon notification that CCG has filed a voluntary petition in bankruptcy or is seeking similar relief in another forum, that CCG is the debtor identified in an involuntary petition in bankruptcy, or if the City has reasonable grounds to believe that CCG is insolvent and has committed an act of bankruptcy;

b) Should any actions by the CCG or the CCG's personnel disrupt, in any manner, the City's use and/or enjoyment of the Property, including its ability to conduct normal park operations; or

c) Should CCG breach and/or violate any City rule or policy governing CCG's use of the Property, expressly including violation of any term or condition contained in Article III of this Agreement.

d) After the first five-years of the term, the City may terminate this Agreement for any reason after adoption of a resolution by the City Council requiring removal of the Community Gardens.

1.4 Survival of Covenants. The Parties agree that the covenants set forth in Article IV ("Indemnification") of this Agreement shall remain in full force and effect and shall survive the termination of this Agreement for any reason.

## Article III
## Property Access and Usage

3.1 Grant of License. City grants CCG the temporary non-exclusive license, during the term of this Agreement, to occupy and use the Property for the Community Garden. CCG shall use and occupy the Property only as permitted under the terms and conditions set forth herein. CCG shall only be allowed access to the areas of the Property approved for CCG's use under this Agreement. CCG shall be responsible for ensuring that its use of the Property by participants is wholly contained within the approved areas of access.

3.2 Hours of Access to the Property. Access to the Community Garden by CCG, its agents, employees, invitees, and Community Garden participants and attendees shall be limited to the park hours established by the City for McPherson Park, unless otherwise agreed in writing by the Parties.

3.3 CCG's Use of the Property.

A. CCG shall use and occupy and cause its agents, employees, invitees, and Community Garden participants and attendees to use the Property in compliance with all applicable City, State, and Federal codes, regulations, statutes and laws.

B. The City shall provide (and CCG accepts) the Property "AS IS" with all defaults and conditions.

C. CCG shall not mar, deface, damage or injure any part of the Property. At the conclusion of the Community Garden program, or earlier termination of this Agreement, CCG shall return the Property in as good condition and repair as the Property was in prior to commencement of CCG's use.

D. Upon the termination of this Agreement, CCG shall immediately remove all goods, wares, merchandise, property and debris owned or leased by CCG or which CCG has placed or permitted to be placed in or at the Property. Any such property not so removed shall be considered abandoned and shall be disposed of by City as City deems necessary and at CCG's sole expense. City shall have the sole right to collect and have custody of any articles left at the Property by CCG's invitees and guests and to provide for the disposition thereof. City shall in no way be responsible for payment, damage or claims for loss or abandoned property removed or stored pursuant to this Agreement.

E. In the event that CCG fails to remove all debris, including any temporary structures erected for the Community Garden, and repair any damage to any portion of the Property destroyed or damaged in connection with CCG's use of the Property for the Community Garden activities, or earlier termination of this Agreement, and restore the Property to the same condition as of the Effective Date, the City shall be entitled to conduct such repairs and restoration, and CCG shall be responsible for the costs thereof which shall be due upon written demand thereof.

F. CCG shall have no right to occupy and use the Property at any time or day other than the times and days specified in this Agreement or after termination of this Agreement.

G. CCG shall be responsible for the operation and supervision of the Community Garden and its participants.

H. CCG shall not be authorized to sell, display or offer for sale any merchandise, materials, equipment, food, beverages and/or other items at the Property.

I. The Community Garden shall at all times be conducted in a clean, orderly, and legitimate manner in accordance with any and all existing City policies, ordinances and any laws requiring operation of the nature of CCG. All rubbish, glass, bottles, or cans of any kind shall be placed in trash receptacles. CCG shall be responsible for ensuring the Property is maintained in clean and orderly manner in accordance with this Agreement.

J. CCG shall, prior to initial use of the Property, designate in writing an authorized CCG representative for the Community Garden, who shall be deemed to be the CCG's authorized representative person unless written notice of designating a different person to serve as the CCG representative is delivered by CCG to the City.

K. The Parties understand and agree that the City may adopt and enforce additional polices and/or rules at any time during the term of this Agreement, without prior

notice to CCG, governing the use of the Property as a Community Garden. CCG expressly agrees to comply with and be bound by all such City rules and polices.

3.4 Water Fees and Facilities. The City will provide access to the City's water supply to provide a reasonable amount of water to provide irrigation for the Community Garden at the City's sole discretion. The Parties understand and agree that the City may, in its sole discretion, charge CCG a market rate for water service to the Property should the City determine that the CCG and/or the Community Garden participants are using an unreasonable amount of water. Furthermore, the City may, in its sole discretion, provide for the installation and maintenance of irrigation facilities on the Property (e.g., water lines, sprinklers, etc..) at no cost to CCG or its participants.

3.5 Books and Records. CCG shall maintain a complete set of books and records in connection with all aspects of and relating to the operations of the Community Garden including any expenses and costs related thereto, which books and records shall be kept and maintained in accordance with generally accepted accounting practices and procedures. Said books and records shall be available for inspection, copying, audit and examination by the City upon ten (10) days prior written request.

## Article IV
## Miscellaneous

4.1 Relationship of Parties. The City shall exercise no supervision over the CCG's mode and manner of performance and CCG's employees or agents shall not be deemed to be employees or agents of the City. CCG shall be solely responsible for any and all wages, benefits, taxes, and any other similar obligation, in connection with its employees, agents, contractors or servants. It is understood and agreed by and between the Parties that CCG in satisfying the conditions of this Agreement, is acting independently, and that the City assumes no responsibility or liabilities to any third Party in connection with these actions. All services to be performed by CCG pursuant to this Agreement shall be in the capacity of an independent contractor and Licensee of the Property, and not as an agent or employee of the City. CCG 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.

4.2 Insurance. CCG shall provide and maintain for the duration of this Agreement, and for the benefit of the City (naming the City and its officers, agents and employees as additional insureds), insurance coverage that is acceptable with the City's insurance requirements. CCG shall provide signed Certificates of Insurance verifying that CCG has obtained the required insurance coverage for the City prior to the commencement of the Community Garden project.

A. All policies of insurance shall be endorsed to provide the following provisions: (1) name the City, its officers, and employees as additional insureds as to all applicable coverage, and the additional insured endorsement shall provide the most comprehensive coverage to the City; (2) provide for at least thirty (30) days prior written notice to the City for cancellation, non-renewal, or material change of the insurance; and (3) provide for a waiver of all rights of subrogation against the City.

B. All insurance companies providing the required insurance shall be authorized to transact business in Texas and be rated at least "A" by AM Best or other equivalent rating service.

C. All Certificates of Insurance and policy endorsements required herein in a form satisfactory to City shall be delivered to City upon execution of this Agreement.

4.3 Default. In the event that CCG fails to perform any obligation under this Agreement, then CCG shall be in default, and the City shall have the right to immediately terminate this Agreement and CCG shall vacate the Permitted Locations upon receipt of such notice.

4.4 Environmental Protection. CCG shall not use or permit the use of the Property for any purpose that may be in violation of any laws pertaining to the health of the environment, including without limitation, the comprehensive environmental response, compensation and liability act of 1980 ("CERCLA"). The Resource Conservation and Recovery Act of 1976 ("RCRA"), the Texas Water Code and the Texas Solid Waste Disposal Act. CCG warrants that the permitted use of the Property will not result in the disposal or other release of any hazardous substance or solid waste on or to the Property, and that it will take all steps necessary to ensure that no such hazardous substance or solid waste will ever be discharged onto the Property or adjoining property by CCG. The terms "hazardous substance and solid waste" shall have the meaning specified in CERCLA and the term "solid waste and disposal" (or dispose) shall have the meaning specified in the RCRA; provided, however, that in the event either CERCLA or RCRA is amended so as to broaden the meaning of any term defined thereby, such broader meaning shall apply subsequent to the effective date of such amendment; and provided further, at the extent that the laws of the State of Texas establish a meaning for hazardous substance, release, solid waste, or disposal which is broader then that specified in the CERCLA or RCRA, such broader meaning shall apply. CCG shall indemnify and hold the City harmless against all costs, environmental clean-up to the Property and surrounding City property resulting from CCG's use of the Property under this Agreement.

4.5 **Indemnification. CCG SHALL DEFEND, PROTECT AND KEEP CITY FOREVER HARMLESS AND INDEMNIFIED AGAINST AND FROM ANY PENALTY, OR ANY DAMAGE, OR CHARGE, IMPOSED FOR ANY VIOLATION OF ANY LAW, ORDINANCE, RULE OR REGULATION ARISING OUT OF THE USE OF THE PROPERTY BY THE CCG, WHETHER OCCASIONED BY THE NEGLECT OF CCG, ITS EMPLOYEES, OFFICERS, AGENTS, CONTRACTORS OR ASSIGNS OR THOSE HOLDING UNDER CCG. CCG SHALL AT ALL TIMES DEFEND, PROTECT AND INDEMNIFY AND IT IS THE INTENTION OF THE PARTIES HERETO THAT CCG HOLD CITY HARMLESS AGAINST AND FROM ANY AND ALL LOSS, COST, DAMAGE, OR EXPENSE, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM ANY ACCIDENT OR OTHER OCCURRENCE ON OR ABOUT THE PROPERTY CAUSING PERSONAL INJURY, DEATH OR PROPERTY DAMAGE RESULTING FROM USE OF PROPERTY BY CCG, ITS AGENTS, EMPLOYEES, CUSTOMERS AND INVITEES. CCG SHALL AT ALL TIMES DEFEND, PROTECT, INDEMNIFY AND HOLD CITY HARMLESS AGAINST AND FROM ANY AND ALL LOSS, COST, DAMAGE, OR EXPENSE, INCLUDING**

**REASONABLE ATTORNEY'S FEES ARISING OUT OF OR FROM ANY AND ALL CLAIMS OR CAUSES OF ACTION RESULTING FROM ANY FAILURE OF CCG, ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS OR ASSIGNS IN ANY RESPECT TO COMPLY WITH AND PERFORM ALL THE REQUIREMENTS AND PROVISIONS HEREOF. IN NO EVENT SHALL THIS INDEMNITY BE CONSTRUED TO CAUSE CCG TO INDEMNIFY CITY FOR ACTIONS TAKEN BY THE CITY IN CONNECTION WITH ITS RIGHTS PURSUANT TO THE PROPERTY.**

4.6 Assignment. CCG may not assign this Agreement without prior written consent of the City.

4.7 Notices. Any notice required or permitted to be delivered hereunder may be sent by first class mail, overnight courier or by confirmed telefax or facsimile to the address specified below, or to such other Party or address as either Party may designate in writing, and shall be deemed received three (3) days after delivery set forth herein:

If to the City: City of Colleyville, Texas
Attn: Jerry Ducay
City Manager
100 Main Street
Colleyville, Texas 76034
817-503-1116-telephone

With a copy to: Whitt L. Wyatt
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
1800 Ross Tower
500 N. Akard Street
Dallas, Texas 75201
214.965.9900 – telephone
214.965.0010 – facsimile

If to CCG: _____
_____
_____

4.8 Severability. In the event that any one or more of the provisions contained herein shall for any reason be held unenforceable in any respect by any court of law, such unenforceability shall not affect any other provision of this Agreement, but this Agreement shall then be construed as if such unenforceable provision or provisions had never been contained herein.

4.9 Entire Agreement. This Agreement is the entire agreement between the Parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written agreement between the Parties that in any manner relates to the subject matter of this Agreement.

4.10 Recitals. The recitals to this Agreement are incorporated herein.

4.11 Exhibits. The exhibits to this Agreement are incorporated herein.

4.12 Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Texas. Venue for any action under this Agreement shall be in the state district court of Tarrant County, Texas. The Parties agree to submit to the subject matter and personal jurisdiction of said court.

4.13 Amendment. This Agreement may be amended by the mutual agreement of the Parties to it, in writing and attached to and incorporated in this Agreement.

4.14 Legal Construction. 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.

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

4.16 Survival of Covenants. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the Parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

***[Signature Page to Follow]***

**EXECUTED** on this _____ day of _____, 2017.

**CITY OF COLLEYVILLE, TEXAS**

By:_____
Jerry Ducay, City Manager

**EXECUTED** on this _____ day of _____, 2017.

**COLLEYVILLE COMMUNITY GARDEN**

By: _____
Name: _____
Title: _____

(wlw:7.11.17.87945)

**CITY'S ACKNOWLEDGMENT**

**STATE OF TEXAS §**
**§**
**COUNTY OF TARRANT §**

Acknowledged before me, the undersigned authority, this ____ day of _____, 2017, by Jerry Ducay, City Manager for the City of Colleyville, Texas, a Texas home rule municipality, on behalf of such municipality.

_____
Notary Public, State of Texas

My Commission expires: _____

**LICENSEE'S ACKNOWLEDGMENT**

**STATE OF_____ §**
**§**
**COUNTY OF _____ §**

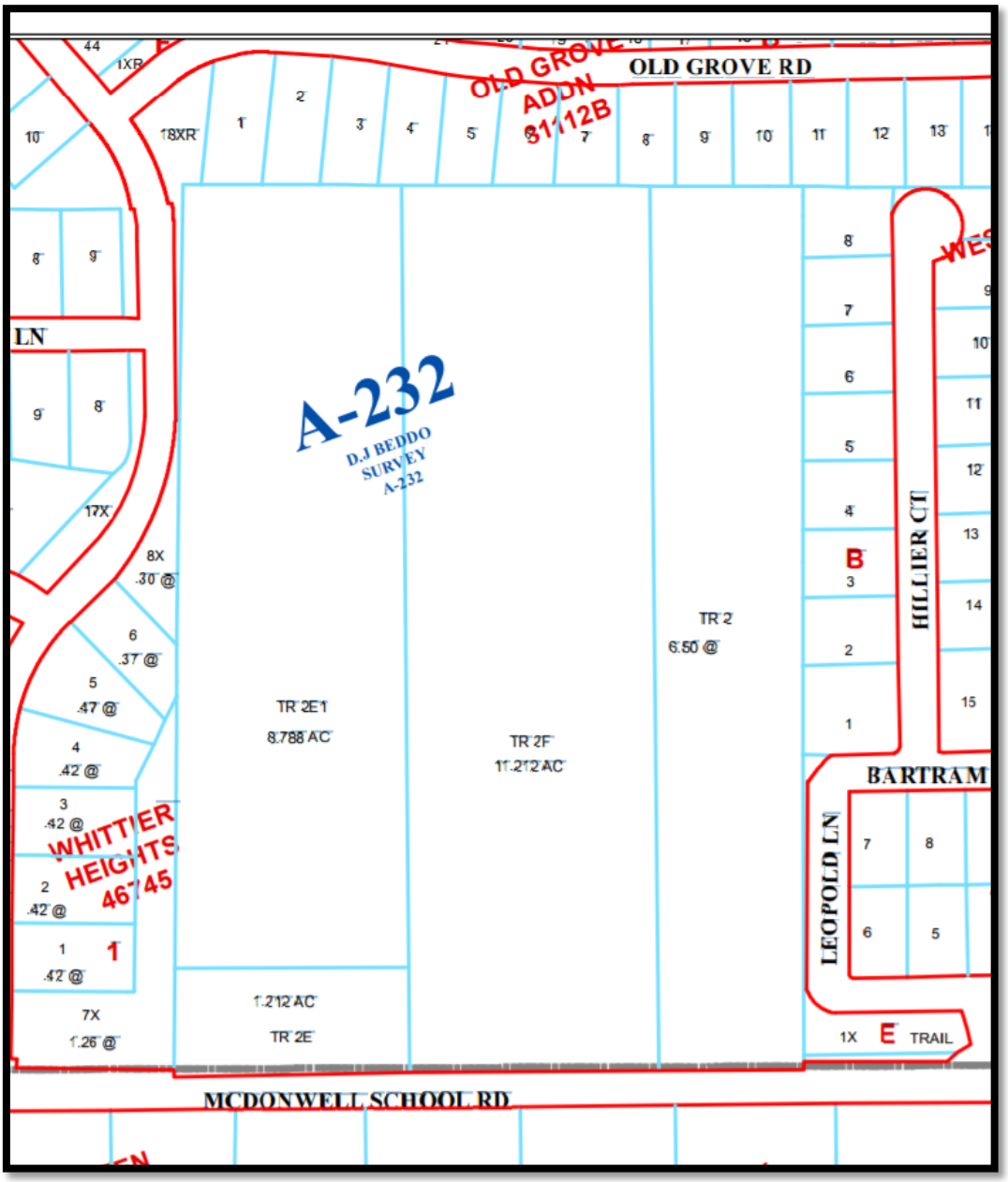
Acknowledged before me, the undersigned authority, on the ____ day of _____, 2017, by _____ and _____ for and on behalf of said individuals.

_____
Notary Public, State of Texas

My Commission expires:_____

**EXHIBIT "A"**

The property includes Tracts 2, 2E1, and 2F, Abstract 232, of the DJ Beddo Survey, as shown in the lined area below, located at 240 McDonwell School Road West.



# City of Colleyville
## City Council
## Agenda Briefing

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

**Agenda Number** 7b **Agenda Date** 08/01/2017 **Number** Resolution R-17-4162
**Type** Resolution
**Department** City Secretary

**Title**
Approval of a resolution to replace Resolution R-16-4023 adopting the City Council Rules of Procedure and meeting brochure and establishing an effective date

**Strategic Plan**
6.2 Establish a culture of mutual trust and respect
6.3 Ensure clarity of City Council and staff roles and responsibilities

**Explanation**
***Reading and Public Hearing***

Section 3.09 of the City Charter states the City Council "shall determine its own rules and order of business." During the July 18, 2017, worksession, the City Council reviewed and discussed the City Council Rules of Procedure and meeting brochure, and determined an item would be placed on a future City Council agenda to consider the recommended revisions. Staff has included the changes, as listed below.

The meeting brochure updates include revisions to the "Pre Council Meeting" paragraph, and it currently reads:

"Pre Council Meeting

The City Council conducts a Pre Council meeting to discuss and receive information regarding the agenda. Items that are not ready for a City Council vote, but which City Council desires to discuss, may also be placed on the Pre Council agenda. The Pre Council meeting begins at 5:30 p.m., on the first and third Tuesday of each month, prior to the Regular Meeting, in the Executive Conference Room on the third floor of City Hall."

The revision reads as follows:

"Pre Council Worksession

The City Council generally conducts a worksession prior to City Council meetings, as a matter of convenience. These worksessions are to discuss and receive information regarding items that are not ready for a City Council vote, but which City Council desires to discuss. These worksessions are held on the first and third Tuesday of each month, prior to the regular meeting, in the Executive Conference Room, on the third

floor, of City Hall."

The date of this revision will be included on the back page of the meeting brochure, as attached.

The City Council Rules of Procedure amendment includes adding a subsection to Section 7.1(B), to include the following:

a. "Each applicant shall have provided an application and financial disclosure forms, where applicable, to the City Secretary's Office for City Council consideration."

The proposed resolution replaces attached Resolution R-16-4023, by adopting the proposed amendments to the City Council Rules of Procedure and meeting brochure.

**Financial Impact**
There is no financial impact to the City.

**Recommendation**
Approve

**Attachments**
1. City Charter Excerpt
2. Meeting brochure
3. City Council Rules of Procedure - Current
4. City Council Rules of Procedure - Proposed
5. Resolution R-17-4162

# City Charter Excerpt

## Section 3.09 Meetings and Rules of Procedure:

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

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

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

## Addressing City Council

Citizens may address the City Council during any public hearing agenda item by completing a speaker card and presenting it to the City Secretary. There is time for the public to address the City Council on any subject. However, in accordance with the Texas Open Meetings Act, the City Council cannot discuss issues raised or make any decisions at this time since the topic is not a posted agenda item. Issues raised may be referred to City staff for research and possible future action.

Each citizen presentation will be limited to five minutes. Delegations or groups are asked to select one spokesperson for the group to speak for five minutes. When addressing City Council, the presentation should be thorough, concise, and complete. No additional information may be given following your presentation, unless specific questions are asked by Council-members.

The Mayor will recognize each citizen appearing before the City Council. After recognition, speakers should move to the podium, state their name and address for the public record. If the speaker is representing an organization or group, the group should be identified before the presentation. Presentations and discussions should be directed to the City Council and all questions to the Mayor.

During staff presentations and City Council deliberation, there will be no citizen participation, except to answer questions by City Council. These procedures shall remain flexible and in compliance with the City Charter.

### Tips for making successful presentations to the City Council

- Short and to the point presentations are most effective.
- All public comments should be addressed through the Mayor.
- If your point has been expressed by previous speakers, you may wish to inform the Mayor that you choose not to speak as your position has already been articulated.
- Persons wishing to address the City Council on a specific public hearing item or an item not on the agenda under "Citizen Comments" must complete a "Speaker Card."
- Be courteous. Profanity, abusive language or general disruption will not be tolerated.

### WEBCASTS AND BROADCAST SCHEDULE

Meeting webcasts are available at: www.colleyville.com/webcasts. Meetings are televised live on Verizon Cable Channel 16 and Time Warner Cable Channel 15 and rebroadcast at 6:00 p.m. Thursday and Sunday of the same week.

**Date of Revision: August 1, 2017**

# WELCOME TO THE CITY OF COLLEYVILLE CITY COUNCIL MEETING

The Colleyville City Council welcomes all citizens to attend public meetings. Citizens wishing to address the City Council should become familiar with the procedures listed in this brochure. The City Council is interested in ideas and constructive comments provided by citizens.

The City of Colleyville operates under the laws of the State of Texas and within the framework of a Home Rule Charter adopted by the citizens in 1977 and amended twice. The City Council prepared this brochure to assist in understanding how local government functions, including conduct of the City Council meetings.

**Please silence all communication devices during the City Council Meeting**

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**For more information, please contact the**
Office of the City Secretary
100 Main Street
Colleyville, Texas 76034
817.503.1130
ashelley@colleyville.com or
cloven@colleyville.com

## City Government

The Colleyville City Council is composed of seven members; six City Councilmembers elected by place number and a Mayor. All members are elected from the City at-large. Under the provisions of the City Charter, and subject only to the limitations imposed by State law, the City Council enacts local legislation, adopts the annual operating budget, and sets policy in the Council-Manager form of government. The City Manager carries out policy and administers the day-to-day operation of the City, while the Mayor is recognized as the head of the City government for all ceremonial purposes, and has the responsibility of presiding over all meetings of the City Council.

### Guidelines for City Council Meetings

All City Council meetings are open to the public. Public notices of City Council meetings are posted 72 hours in advance of the meeting at City Hall, and on the City's web site. A meeting agenda is available at all meetings. The City Council, on occasion, will call a special meeting or a worksession, as necessary, and reserves the right to change the meeting place and date.

### The Meeting Agenda

When an item on the posted agenda is considered by the City Council, staff presentations will be heard first followed by citizen presentations. The item will then go to the City Council for deliberation and action.

During staff presentations and City Council deliberation, there will be no citizen participation except to answer questions by Councilmembers. These procedures shall remain flexible and in compliance with the City Charter.

### Pre Council Worksession

The City Council generally conducts a worksession prior to the Council meetings as a matter of convenience. These worksessions are to discuss and receive information regarding items that are not ready for a City Council vote, but which City Council desires to discuss. These worksessions are held on the first and third Tuesday of each month, prior to the regular meeting, in the Executive Conference Room, on the 3rd floor of City Hall.

### Executive Session

Executive Sessions may be conducted immediately following the Pre Council worksession and prior to, or following, the Regular Meeting. Executive Sessions are closed meetings and are permitted for the discussion of the following items that legitimately fall within the exceptions as stated in the Texas Open Meetings Act. No action is taken during Executive Session.

- Consultation with the City Attorney to seek advice about pending or contemplated litigation, settlement offer, or other matter as permitted
- Deliberations regarding the purchase, lease, exchange or value of real property
- Deliberations regarding personnel matters
- Deliberations regarding economic development negotiations

### Regular City Council Meeting

Regular City Council meetings are scheduled in the City Council Chamber at City Hall, 100 Main Street, at 7:30 p.m., on the first and third Tuesday of each month.

### Consent Agenda Items

Consent Agenda items are routine in nature and deemed to require little or no deliberation by the City Council. To save time, these items are considered collectively.

### Ordinances

All ordinances exclusive of emergency ordinances as defined by the City Charter, shall be read in an open meeting at two (2) consecutive regular City Council meetings. No final vote of approval or disapproval shall be taken by City Council until after the second reading and public hearing on each ordinance.

### Resolutions

Any official action of the City Council not authorized by ordinance shall be authorized by resolution. All resolutions shall be read in an open meeting of the City Council and shall be followed by public hearing.

### CITY COUNCIL MEETING PROTOCOL

While City Council is in session, we request the following protocol be followed:

- All persons shall remove hats and refrain from private conversations in the City Council Chambers. No handguns or other weapons are allowed to be carried openly.
- Citizens attending City Council meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members of the City Council. Any person making personal, impertinent, and slanderous remarks, or who becomes boisterous while addressing the City Council or attending the City Council meeting, will be asked to leave City Hall by the Mayor.
- No placards, banners, or signs of any kind will be permitted in the City Council Chambers. However, exhibits, displays, and visual aids used in connection with the presentations to the City Council are permitted.

# CITY COUNCIL

# RULES OF PROCEDURE

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## SECTION I. AUTHORITY

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

1.2 Annual Review. Following the municipal elections each year, City Council may review these rules in accordance with the Charter. In the event no annual review occurs, the standing rules will continue in effect. This does not limit the City Council's right and ability to amend these rules at any other time during the year, in accordance with the Charter.

1.3 Amendments. These rules may be amended or new rules adopted by a majority vote of the members of the City Council present.

## SECTION II. GENERAL RULES

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

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

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

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

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

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

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

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

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

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

2.11 Executive Session. All matters discussed in Executive Session, as authorized by the Texas Open Meetings Act, may be deemed confidential and by law, participants authorized to attend Executive Sessions are not required to make public disclosure concerning the matters discussed in Executive Session. It shall be the policy of the City Council, that the Mayor, individual Councilmembers, the City Manager, City Attorney, City Secretary and others who are authorized to attend Executive Sessions shall not make selective disclosure of confidential matters, where the disclosure of the information has not been released to the general public and/or where such disclosure provides an unfair advantage to the recipient or would be detrimental to the City and its citizens. For the opening and closing of an Executive Session, the Mayor shall do such at the location as noted on the official agenda notice posted in compliance with the Texas Open Meetings Act, and all of this information must be included in the certified agenda. (Tex. Gov't Code §551.103) For purposes of regular agenda meeting postings, the opening and closing of an Executive Session shall be done in the Executive Conference Room of City Hall.

## SECTION III. TYPES OF MEETINGS

3.1 Regular Meetings. The City Council shall meet in the City Hall on the first and third Tuesday of each month at 6:30 p.m. unless otherwise officially established by the City Council. The City Council shall take a vote at 12:00 a.m. on whether or not to continue a meeting for additional time if further items are on the agenda and have not been considered. The call for and conduct of all meetings of the City Council, both regular and special as provided in Section 3.2 hereof, shall be in accordance with State law.

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

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

3.4 Worksession Meetings. Worksession meetings may be called by the Mayor, any three (3) Councilmembers or the City Manager for the purpose of discussing in depth, investigating or exploring matters of interest to the City,

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

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

## SECTION IV. CONDUCT OF MEETINGS

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

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

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

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

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

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

4.7 Amendment to the Minutes. Amendments to the Minutes are made by a motion during the item to consider approval of the minutes. The Minutes are action minutes and provide the action taken by City Council and a summary of subjects discussed. If a Councilmember desires that certain information be included in the minutes, the Councilmember shall state prior to the information, "For the record". If it is a lengthy statement, a written copy shall be provided to the City Secretary.

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## SECTION V. AGENDA

5.1 Preparation of Agenda.

A. The order of business of each meeting shall be as contained in the City Council agenda prepared by the City Manager. The agenda shall be a listing by topic of subjects to be considered by the City Council, and, in the case of regular meetings, shall be delivered to the City Council not less than 72 hours proceeding the Tuesday evening meeting to which it pertains.

B. Any member of the City Council desiring to present a subject for City Council consideration shall advise in writing to the City Manager of the fact not later than 4:30 p.m. on Wednesday preceding regular City Council meetings. Subject matter will be accompanied by a summary regarding the purpose for the inclusion of this subject on the agenda.

C. Items Omitted from Agenda. Any item not appearing on the agenda shall not be taken up for discussion as a matter of City Council business during a regular meeting unless it is of an emergency nature and comes to the City's attention too late to appear on the agenda. Such special, urgent or emergency issues shall be posted in compliance with the Texas

Open Meetings Act and the City Charter and may be added as a supplemental item to the regular agenda.

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

a. Executive Session – 6:30 p.m. - Executive Conference Room
b. Call to Order - 7:30 p.m. - Council Chambers
c. Invocation
d. Pledge of Allegiance
e. Resolution or Ordinance taking action on Executive Session items
f. Announcements, Proclamations and Presentations
g. Consent Items
h. Public Hearings
i. Discussion of items not for action
j. Citizen Comments/Presentations regarding items not on the agenda
k. Reports of Boards, Commissions, and Committees
l. Resolution approving City Council action not otherwise approved
m. Adjournment

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

a. Staff presentation
b. Applicant introductory presentation – five minutes
c. City Council discussion
d. Open Public Hearing
e. Citizen comments - five minutes each (Large groups supporting the same position may be asked to select a representative to speak for the group)
f. Close public hearing
g. City Council discussion and vote
h. In the alternative, the item may be tabled or continued to a future meeting of the City Council.

1. If the City Council wishes to consider additional public testimony, the public hearing shall be reopened and the public hearing and item shall be continued to a date certain.

2. If the Public Hearing is not reopened and continued to a date certain, the City Council may only conduct an additional public hearing upon publication of notice in accordance with Chapter 211 of the Local Government Code.

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

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

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

5.3 Citizen Participation at Meetings.

a. Presentations by citizens must be confined to the agenda item being considered and any questions will be directed to the Mayor. Citizens wishing to speak shall be allowed to speak, provided prior to the consideration of the item; said person completes and delivers to the City Secretary a Speaker's Card providing name, address and topic. A person who has not completed the Speaker's Card prior to the close of the public hearing of the item on the agenda shall not be allowed to speak. Presentation by citizens shall be limited to a time period of not more than five (5) minutes with two (2) additional minutes to conclude, at the option of the Mayor or the consent of the City Council, for each speaker. Any time spent by the City Council will not be counted against the citizen's time allotment. No person shall speak more than the time limits provided herein on any subject. That privilege shall not be accorded unless there is an exception supported by a majority of those

eligible to vote. The Mayor shall not be obligated to recognize a speaker for a second comment on a subject until all others have spoken and there is unused time available.

b. Following a request by a Councilmember, the Mayor may request that the City Council suspend the rules to allow citizens to speak after the public hearing has been closed.

c. To maintain decorum, the Mayor shall recognize persons who have completed a Speaker Card indicating a desire to address the City Council.

d. As a general rule, citizens may not participate in discussions of the City Council except when recognized by the Mayor and during citizen presentations, public hearings and as otherwise provided for in these Rules.

e. Citizens may speak on items not on the agenda under the item "Citizen Comments/Presentations Regarding Items Not on the Agenda". The presentation time period is as listed herein Section 5.4 A.

## SECTION VI. DECORUM AND DEBATE

### 6.1 Decorum and Debate

a. These rules are intended to serve as a statement of intent as to how this City Council endeavors to conduct itself during City Council meetings. It is the intent of the City Council that all members shall act based on a consistent level of information, with the goal being to act fully informed on all matters. Accordingly, if and when a Councilmember obtains material relevant to a matter before the City Council which has not otherwise been disclosed to the City Council, such Councilmember shall promptly provide such material to the city manager for dissemination to the City Council. All such information will be disseminated and disclosed to the full City Council, prior to the case being presented.

b. When a measure is presented for consideration to the City Council, the Mayor shall recognize the appropriate Councilmember to present the case, as needed. When two or more Councilmembers wish to speak, the presiding officer shall name the Councilmember who is to speak

first. No member of the City Council shall interrupt another while speaking except to make a point of order or to make a point of personal privilege.

c. The Mayor shall not be obligated to recognize any Councilmember for a second comment on the subject or amendment until every Councilmember wishing to speak has been allowed a first comment.

d. Questions from speakers to the City Council with request for an immediate answer, except the applicants and persons representing applicants on platting or zoning cases, shall be prohibited. A Councilmember's questions to speakers should be to specific individuals and the Mayor should explain to those individuals beforehand that they may come to the podium and answer if they choose to.

e. Any Councilmember desiring to speak shall be recognized by the Mayor, and shall confine remarks to the subject under discussion or to be discussed. No Councilmember shall be allowed to speak more than once on any one subject until every Councilmember wishing to speak shall have spoken.

f. No Councilmember shall be permitted to indulge in personalities, use language personally offensive, impugn motives of Councilmembers, charge deliberate misrepresentation, or use language tending to hold a member of the City Council, the public or City staff up to contempt.

g. The Mayor shall not permit unrecognized speaker's comments or allow a member of the audience to indulge in personalities, use language tending to hold the City Council, the public or City staff up to contempt.

h. If a Councilmember is transgressing the rules of the City Council, through speech or otherwise, the Mayor shall or any Councilmember may call him/her to order in which case he/she shall immediately be quiet unless permitted to explain. The City Council shall, if appealed to, decide the case without debate. If the decision is in favor of the Councilmember called to order, he/she shall be at liberty to proceed, but not otherwise, and if the case occurs, he/she shall be liable to censure or such punishment as the City Council deems proper, consistent with City Ordinances, Resolutions and Charter.

i. Any individual of the public who shall disrupt the City Council proceedings or disregard the Mayor shall first be warned of such offense and be requested that they refrain from disrupting the proceedings and/or disregarding the instructions of the Mayor. Any individual of the public failing to honor the first warning of the Mayor for order, shall receive a second and final warning prior to expulsion and/or citation for disturbing a public meeting pursuant to State law. When the Mayor fails to maintain order and decorum, the Councilmembers may compel the Mayor to enforce this provision following due parliamentary procedure, which affirms such compulsion by a majority vote of the City Council.

## SECTION VII. PROCEDURES FOR CITY COUNCIL APPOINTMENTS

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

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

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

B. The candidates will be selected to fill the open positions no later than the second City Council meeting after the deadline for application submission, in the following manner:

a. If more than one position is to be filled, consider the appointment for each position individually in the order selected by the Mayor, as follows:

b. The Mayor shall open the floor for nominations and if there are no nominations, the Mayor will call on each Councilmember for a nomination.

c. Councilmembers or the Mayor may decline to make a nomination if previous nominations are acceptable.

d. After each Councilmember has had an opportunity to make a nomination or defer to make a nomination, the Mayor will take a vote on the slate of nominees by asking each Councilmember to state the name of the nominee that the Councilmember votes to appoint to the position under consideration.

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

## SECTION VIII. MEMORIALS

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

A. Recognition of the death of a current or former City elected official. When the City is notified of the death of a current or former elected official, flowers or a plant will be sent to the memorial service, or a donation to an organization specified by the family (in an amount not to exceed $150.00), and a sympathy card will be sent to the family. A Memorial Proclamation, honoring the official, will be sent to the memorial service or to the family. The City Manager's Office will coordinate the donation of a book, in which the official's name is inscribed on a bookplate inside of the book, to the Colleyville Public Library, in an amount not to exceed $50.00. A letter from the Library Director will notify the family of the book donation.

B. At the family's request and with City Manager approval, members of the Colleyville Police and Fire Department Honor Guard may attend the funeral of a current or former City elected official as representatives of the City.

C. Recognition of the death of a sitting board, commission or committee member. When the City is notified of the death of a sitting board, commission or committee member, the City Manager's Office will forward a sympathy card to the family.

D. Recognition of the death of community volunteers. Due to the significant number of community volunteers assisting a multitude of organizations across the City of Colleyville, it will not be the practice of the City to recognize these individuals in a formal capacity. During a City Council meeting, elected officials may, at their discretion, verbally recognize the efforts of these individuals and their service to Colleyville during the agenda item for Announcements, Proclamations and Presentations.

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

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

## History of Adoption and Amendments

| Resolution Number | Adoption / Amendment Date | Subject |
|---|---|---|
| R-88-387 | 8/18/88 | Adopted Rules of Procedure |
| R-90-610 | 7/3/90 | Amended to adopt the procedure for appointing committees as established by ordinance |
| R-90-612 | 7/17/90 | None noted |
| R-91-654 | 1/22/91 | Amended regular meeting language; subjects for City Council consideration; preparation of agenda |
| R-94-999 | 4/19/94 | Provided suspension of rules by ¾ majority |
| R-95-1122 | 6/6/95 | Amended Councilmembers presenting subjects for City Council consideration |
| R-03-2268 | 6/5/03 | Members presenting subjects for City Council consideration |
| R-05-2599 | 9/20/05 | Citizen comments |
| R-06-2721 | 7/5/06 | Regular agenda items; Pre Council and Executive Session posted meeting times; public hearing order; process for continuing public hearings; memorials |
| R-07-2859 | 7/17/07 | Robert's Rules of Order removed |
| R-08-2980 | 6/17/08 | Resolutions |
| R-09-3183 | 12/15/09 | Types of meetings; agenda sections; preparation of agendas; memorials |
| R-11-3308 | 1/4/11 | Memorials |
| R-12-3520 | 8/7/12 | Types of meetings & special meetings |
| R-13-3645 | 6/18/13 | Grammatical updates |
| R-16-4023 | 8/16/16 | Executive session (certified agendas) and start time; removal of paragraphs relative to the establishment of worksessions; order of the regular agenda items; general order of public hearings; removal of oral presentations by city manager; addition of speaker card submittal prior to the close of the public hearing; removal of the offering of unsolicited input; addition of language to City Councilmembers transgressing the rules of procedure; & addition of $100 for memorial donations |

**Proposed – August 2017**

# CITY COUNCIL

# RULES OF PROCEDURE

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## SECTION I. AUTHORITY

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

1.2 Annual Review. Following the municipal elections each year, City Council may review these rules in accordance with the Charter. In the event no annual review occurs, the standing rules will continue in effect. This does not limit the City Council's right and ability to amend these rules at any other time during the year, in accordance with the Charter.

1.3 Amendments. These rules may be amended or new rules adopted by a majority vote of the members of the City Council present.

## SECTION II. GENERAL RULES

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

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

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

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

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

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

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

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

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

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2.11 Executive Session. All matters discussed in Executive Session, as authorized by the Texas Open Meetings Act, may be deemed confidential and by law, participants authorized to attend Executive Sessions are not required to make public disclosure concerning the matters discussed in Executive Session. It shall be the policy of the City Council, that the Mayor, individual Councilmembers, the City Manager, City Attorney, City Secretary and others who are authorized to attend Executive Sessions shall not make selective disclosure of confidential matters, where the disclosure of the information has not been released to the general public and/or where such disclosure provides an unfair advantage to the recipient or would be detrimental to the City and its citizens. For the opening and closing of an Executive Session, the Mayor shall do such at the location as noted on the official agenda notice posted in compliance with the Texas Open Meetings Act, and all of this information must be included in the certified agenda. (Tex. Gov't Code §551.103) For purposes of regular agenda meeting postings, the opening and closing of an Executive Session shall be done in the Executive Conference Room of City Hall.

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3.1 Regular Meetings. The City Council shall meet in the City Hall on the first and third Tuesday of each month at 6:30 p.m. unless otherwise officially established by the City Council. The City Council shall take a vote at 12:00 a.m. on whether or not to continue a meeting for additional time if further items are on the agenda and have not been considered. The call for and conduct of all meetings of the City Council, both regular and special as provided in Section 3.2 hereof, shall be in accordance with State law.

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A. The order of business of each meeting shall be as contained in the City Council agenda prepared by the City Manager. The agenda shall be a listing by topic of subjects to be considered by the City Council, and, in the case of regular meetings, shall be delivered to the City Council not less than 72 hours proceeding the Tuesday evening meeting to which it pertains.

B. Any member of the City Council desiring to present a subject for City Council consideration shall advise in writing to the City Manager of the fact not later than 4:30 p.m. on Wednesday preceding regular City Council meetings. Subject matter will be accompanied by a summary regarding the purpose for the inclusion of this subject on the agenda.

C. Items Omitted from Agenda. Any item not appearing on the agenda shall not be taken up for discussion as a matter of City Council business during a regular meeting unless it is of an emergency nature and comes to the City's attention too late to appear on the agenda. Such special, urgent or emergency issues shall be posted in compliance with the Texas

Open Meetings Act and the City Charter and may be added as a supplemental item to the regular agenda.

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

a. Executive Session – 6:30 p.m. - Executive Conference Room
b. Call to Order - 7:30 p.m. - Council Chambers
c. Invocation
d. Pledge of Allegiance
e. Resolution or Ordinance taking action on Executive Session items
f. Announcements, Proclamations and Presentations
g. Consent Items
h. Public Hearings
i. Discussion of items not for action
j. Citizen Comments/Presentations regarding items not on the agenda
k. Reports of Boards, Commissions, and Committees
l. Resolution approving City Council action not otherwise approved
m. Adjournment

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

a. Staff presentation
b. Applicant introductory presentation – five minutes
c. City Council discussion
d. Open Public Hearing
e. Citizen comments - five minutes each (Large groups supporting the same position may be asked to select a representative to speak for the group)
f. Close public hearing
g. City Council discussion and vote
h. In the alternative, the item may be tabled or continued to a future meeting of the City Council.

1. If the City Council wishes to consider additional public testimony, the public hearing shall be reopened and the public hearing and item shall be continued to a date certain.

2. If the Public Hearing is not reopened and continued to a date certain, the City Council may only conduct an additional public hearing upon publication of notice in accordance with Chapter 211 of the Local Government Code.

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

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

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

5.3 Citizen Participation at Meetings.

a. Presentations by citizens must be confined to the agenda item being considered and any questions will be directed to the Mayor. Citizens wishing to speak shall be allowed to speak, provided prior to the consideration of the item; said person completes and delivers to the City Secretary a Speaker's Card providing name, address and topic. A person who has not completed the Speaker's Card prior to the close of the public hearing of the item on the agenda shall not be allowed to speak. Presentation by citizens shall be limited to a time period of not more than five (5) minutes with two (2) additional minutes to conclude, at the option of the Mayor or the consent of the City Council, for each speaker. Any time spent by the City Council will not be counted against the citizen's time allotment. No person shall speak more than the time limits provided herein on any subject. That privilege shall not be accorded unless there is an exception supported by a majority of those

eligible to vote. The Mayor shall not be obligated to recognize a speaker for a second comment on a subject until all others have spoken and there is unused time available.

b. Following a request by a Councilmember, the Mayor may request that the City Council suspend the rules to allow citizens to speak after the public hearing has been closed.

c. To maintain decorum, the Mayor shall recognize persons who have completed a Speaker Card indicating a desire to address the City Council.

d. As a general rule, citizens may not participate in discussions of the City Council except when recognized by the Mayor and during citizen presentations, public hearings and as otherwise provided for in these Rules.

e. Citizens may speak on items not on the agenda under the item "Citizen Comments/Presentations Regarding Items Not on the Agenda". The presentation time period is as listed herein Section 5.4 A.

## SECTION VI. DECORUM AND DEBATE

### 6.1 Decorum and Debate

a. These rules are intended to serve as a statement of intent as to how this City Council endeavors to conduct itself during City Council meetings. It is the intent of the City Council that all members shall act based on a consistent level of information, with the goal being to act fully informed on all matters. Accordingly, if and when a Councilmember obtains material relevant to a matter before the City Council which has not otherwise been disclosed to the City Council, such Councilmember shall promptly provide such material to the city manager for dissemination to the City Council. All such information will be disseminated and disclosed to the full City Council, prior to the case being presented.

b. When a measure is presented for consideration to the City Council, the Mayor shall recognize the appropriate Councilmember to present the case, as needed. When two or more Councilmembers wish to speak, the presiding officer shall name the Councilmember who is to speak

first. No member of the City Council shall interrupt another while speaking except to make a point of order or to make a point of personal privilege.

c. The Mayor shall not be obligated to recognize any Councilmember for a second comment on the subject or amendment until every Councilmember wishing to speak has been allowed a first comment.

d. Questions from speakers to the City Council with request for an immediate answer, except the applicants and persons representing applicants on platting or zoning cases, shall be prohibited. A Councilmember's questions to speakers should be to specific individuals and the Mayor should explain to those individuals beforehand that they may come to the podium and answer if they choose to.

e. Any Councilmember desiring to speak shall be recognized by the Mayor, and shall confine remarks to the subject under discussion or to be discussed. No Councilmember shall be allowed to speak more than once on any one subject until every Councilmember wishing to speak shall have spoken.

f. No Councilmember shall be permitted to indulge in personalities, use language personally offensive, impugn motives of Councilmembers, charge deliberate misrepresentation, or use language tending to hold a member of the City Council, the public or City staff up to contempt.

g. The Mayor shall not permit unrecognized speaker's comments or allow a member of the audience to indulge in personalities, use language tending to hold the City Council, the public or City staff up to contempt.

h. If a Councilmember is transgressing the rules of the City Council, through speech or otherwise, the Mayor shall or any Councilmember may call him/her to order in which case he/she shall immediately be quiet unless permitted to explain. The City Council shall, if appealed to, decide the case without debate. If the decision is in favor of the Councilmember called to order, he/she shall be at liberty to proceed, but not otherwise, and if the case occurs, he/she shall be liable to censure or such punishment as the City Council deems proper, consistent with City Ordinances, Resolutions and Charter.

i. Any individual of the public who shall disrupt the City Council proceedings or disregard the Mayor shall first be warned of such offense and be requested that they refrain from disrupting the proceedings and/or disregarding the instructions of the Mayor. Any individual of the public failing to honor the first warning of the Mayor for order, shall receive a second and final warning prior to expulsion and/or citation for disturbing a public meeting pursuant to State law. When the Mayor fails to maintain order and decorum, the Councilmembers may compel the Mayor to enforce this provision following due parliamentary procedure, which affirms such compulsion by a majority vote of the City Council.

## SECTION VII. PROCEDURES FOR CITY COUNCIL APPOINTMENTS

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

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

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

B. The candidates will be selected to fill the open positions no later than the second City Council meeting after the deadline for application submission, in the following manner:

i. If more than one position is to be filled, consider the appointment for each position individually in the order selected by the Mayor, as follows:

1. The Mayor shall open the floor for nominations and if there are no nominations, the Mayor will call on each Councilmember for a nomination.

a. Each applicant shall have provided an application and financial disclosure forms, where applicable, to the City Secretary's office for City Council consideration.

2. Councilmembers or the Mayor may decline to make a nomination if previous nominations are acceptable.

3. After each Councilmember has had an opportunity to make a nomination or defer to make a nomination, the Mayor will take a vote on the slate of nominees by asking each Councilmember to state the name of the nominee that the Councilmember votes to appoint to the position under consideration.

4. Return to Step 1 and repeat the process for the next position to be filled until all positions are filled.

## SECTION VIII. MEMORIALS

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

A. Recognition of the death of a current or former City elected official. When the City is notified of the death of a current or former elected official, flowers or a plant will be sent to the memorial service, or a donation to an organization specified by the family (in an amount not to exceed $150.00), and a sympathy card will be sent to the family. A Memorial Proclamation, honoring the official, will be sent to the memorial service or to the family. The City Manager's Office will

coordinate the donation of a book, in which the official's name is inscribed on a bookplate inside of the book, to the Colleyville Public Library, in an amount not to exceed $50.00. A letter from the Library Director will notify the family of the book donation.

B. At the family's request and with City Manager approval, members of the Colleyville Police and Fire Department Honor Guard may attend the funeral of a current or former City elected official as representatives of the City.

C. Recognition of the death of a sitting board, commission or committee member. When the City is notified of the death of a sitting board, commission or committee member, the City Manager's Office will forward a sympathy card to the family.

D. Recognition of the death of community volunteers. Due to the significant number of community volunteers assisting a multitude of organizations across the City of Colleyville, it will not be the practice of the City to recognize these individuals in a formal capacity. During a City Council meeting, elected officials may, at their discretion, verbally recognize the efforts of these individuals and their service to Colleyville during the agenda item for Announcements, Proclamations and Presentations.

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

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

# History of Adoption and Amendments

| Resolution Number | Adoption/Amendment Date | Subject |
|---|---|---|
| R-88-387 | 8/18/88 | Adopted Rules of Procedure |
| R-90-610 | 7/3/90 | Amended to adopt the procedure for appointing committees as established by ordinance |
| R-90-612 | 7/17/90 | None noted |
| R-91-654 | 1/22/91 | Amended regular meeting language; subjects for City Council consideration; preparation of agenda |
| R-94-999 | 4/19/94 | Provided suspension of rules by ¾ majority |
| R-95-1122 | 6/6/95 | Amended Councilmembers presenting subjects for City Council consideration |
| R-03-2268 | 6/5/03 | Members presenting subjects for City Council consideration |
| R-05-2599 | 9/20/05 | Citizen comments |
| R-06-2721 | 7/5/06 | Regular agenda items; Pre Council and Executive Session posted meeting times; public hearing order; process for continuing public hearings; memorials |
| R-07-2859 | 7/17/07 | Robert's Rules of Order removed |
| R-08-2980 | 6/17/08 | Resolutions |
| R-09-3183 | 12/15/09 | Types of meetings; agenda sections; preparation of agendas; memorials |
| R-11-3308 | 1/4/11 | Memorials |
| R-12-3520 | 8/7/12 | Types of meetings & special meetings |
| R-13-3645 | 6/18/13 | Grammatical updates |
| R-16-4023 | 8/16/16 | Executive session (certified agendas) and start time; removal of paragraphs relative to the establishment of worksessions; order of the regular agenda items; general order of public hearings; removal of oral presentations by city manager; addition of speaker card submittal prior to the close of the public hearing; removal of the offering of unsolicited input; addition of language to City Councilmembers transgressing the rules of procedure; & addition of $100 for memorial donations |
| R-17-4162 | 8/1/17 | Updated Section 7.1(B) lettering, and included an application and financial disclosure forms be provided by applicants filling a vacancy. |

# RESOLUTION R-17-4162

## A RESOLUTION REPLACING RESOLUTION R-16-4023 ADOPTING RULES OF PROCEDURE AND ESTABLISHING AN EFFECTIVE DATE

**WHEREAS**, the City Charter of the City of Colleyville authorizes the City Council to determine its own rules and order of business; and

**WHEREAS**, the City Council has been elected by the Public to represent all the citizens on their behalf; and

**WHEREAS**, orderly City Council meetings providing reasonable City Council and citizen input; foster good government and honor the democratic process; and

**WHEREAS**, unlimited discussion and input can project a perspective inconsistent with the majority will and beyond the right of the minority regarding matters of public policy.

**NOW, THEREFORE, BE IT RESOLVED 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 incorporated herein by reference as if copied in their entirety.

Sec. 2. THAT by the passage of this Resolution, Resolution R-16-4023, is hereby replaced in its entirety and as provided for herein.

Sec. 3. THAT Section 3.09B of the Charter of the City of Colleyville provides that "the Council shall determine its own rules and order of business…". Further, Section 2.01 of such Charter provides that the "City Council shall have the powers, functions, rights, privileges and immunities of every name and nature, that are now or hereafter may be granted to a Home Rule City by the Constitution and State law, together with all implied powers necessary to carry into execution all such powers granted".

Sec. 4 THAT in order to provide the framework for the execution of these powers and authority, the Rules of Procedure set forth in the attached Exhibit "A" are hereby adopted.

Sec. 5 THAT the adoption of these Rules of Procedure shall be in effect upon their approval by the City Council, and until such times as they are amended, or new rules adopted in the manner provided for by these rules.

**AND IT IS SO RESOLVED.**

APPROVED BY A VOTE OF __ AYES, __ NAYS, AND __ ABSTENTIONS ON THIS THE 1ST DAY OF AUGUST 2017.

| | | | |
|---|---|---|---|
| Mayor Richard Newton | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 3, Kathy Wheat | _____ |
| Place 4, George Dodson | _____ | Place 5, Nancy Coplen | _____ |
| Place 6, Mike Taylor | _____ | | |

**ATTEST:** **CITY OF COLLEYVILLE**

Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

**Exhibit A**

# CITY COUNCIL

# RULES OF PROCEDURE

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## SECTION I. AUTHORITY

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

1.2 Annual Review. Following the municipal elections each year, City Council may review these rules in accordance with the Charter. In the event no annual review occurs, the standing rules will continue in effect. This does not limit the City Council's right and ability to amend these rules at any other time during the year, in accordance with the Charter.

1.3 Amendments. These rules may be amended or new rules adopted by a majority vote of the members of the City Council present.

## SECTION II. GENERAL RULES

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

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

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

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

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

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

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

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

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

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

2.11 Executive Session. All matters discussed in Executive Session, as authorized by the Texas Open Meetings Act, may be deemed confidential and by law, participants authorized to attend Executive Sessions are not required to make public disclosure concerning the matters discussed in Executive Session. It shall be the policy of the City Council, that the Mayor, individual Councilmembers, the City Manager, City Attorney, City Secretary and others who are authorized to attend Executive Sessions shall not make selective disclosure of confidential matters, where the disclosure of the information has not been released to the general public and/or where such disclosure provides an unfair advantage to the recipient or would be detrimental to the City and its citizens. For the opening and closing of an Executive Session, the Mayor shall do such at the location as noted on the official agenda notice posted in compliance with the Texas Open Meetings Act, and all of this information must be included in the certified agenda. (Tex. Gov't Code §551.103) For purposes of regular agenda meeting postings, the opening and closing of an Executive Session shall be done in the Executive Conference Room of City Hall.

## SECTION III. TYPES OF MEETINGS

3.1 Regular Meetings. The City Council shall meet in the City Hall on the first and third Tuesday of each month at 7:30 p.m. unless otherwise officially established by the City Council. The City Council shall take a vote at 12:00 a.m. on whether or not to continue a meeting for additional time if further items are on the agenda and have not been considered. The call for and conduct of all meetings of the City Council, both regular and special as provided in Section 3.2 hereof, shall be in accordance with State law.

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

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

3.4 Worksession Meetings. Worksession meetings may be called by the Mayor, any three (3) Councilmembers or the City Manager for the purpose of discussing in depth, investigating or exploring matters of interest to the City,

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

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

## SECTION IV. CONDUCT OF MEETINGS

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

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

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

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

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

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

4.7 Amendment to the Minutes. Amendments to the Minutes are made by a motion during the item to consider approval of the minutes. The Minutes are action minutes and provide the action taken by City Council and a summary of subjects discussed. If a Councilmember desires that certain information be included in the minutes, the Councilmember shall state prior to the information, "For the record". If it is a lengthy statement, a written copy shall be provided to the City Secretary.

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

## SECTION V. AGENDA

5.1 Preparation of Agenda.

A. The order of business of each meeting shall be as contained in the City Council agenda prepared by the City Manager. The agenda shall be a listing by topic of subjects to be considered by the City Council, and, in the case of regular meetings, shall be delivered to the City Council not less than 72 hours proceeding the Tuesday evening meeting to which it pertains.

B. Any member of the City Council desiring to present a subject for City Council consideration shall advise in writing to the City Manager of the fact not later than 4:30 p.m. on Wednesday preceding regular City Council meetings. Subject matter will be accompanied by a summary regarding the purpose for the inclusion of this subject on the agenda.

C. Items Omitted from Agenda. Any item not appearing on the agenda shall not be taken up for discussion as a matter of City Council business during a regular meeting unless it is of an emergency nature and comes to the City's attention too late to appear on the agenda. Such special, urgent or emergency issues shall be posted in compliance with the Texas

Open Meetings Act and the City Charter and may be added as a supplemental item to the regular agenda.

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

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i. Discussion of items not for action
j. Citizen Comments/Presentations regarding items not on the agenda
k. Reports of Boards, Commissions, and Committees
l. Resolution approving City Council action not otherwise approved
m. Adjournment

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

a. Staff presentation
b. Applicant introductory presentation – five minutes
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d. Open Public Hearing
e. Citizen comments - five minutes each (Large groups supporting the same position may be asked to select a representative to speak for the group)
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g. City Council discussion and vote
h. In the alternative, the item may be tabled or continued to a future meeting of the City Council.

1. If the City Council wishes to consider additional public testimony, the public hearing shall be reopened and the public hearing and item shall be continued to a date certain.

2. If the Public Hearing is not reopened and continued to a date certain, the City Council may only conduct an additional public hearing upon publication of notice in accordance with Chapter 211 of the Local Government Code.

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

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

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

5.3 Citizen Participation at Meetings.

a. Presentations by citizens must be confined to the agenda item being considered and any questions will be directed to the Mayor. Citizens wishing to speak shall be allowed to speak, provided prior to the consideration of the item; said person completes and delivers to the City Secretary a Speaker's Card providing name, address and topic. A person who has not completed the Speaker's Card prior to the close of the public hearing of the item on the agenda shall not be allowed to speak. Presentation by citizens shall be limited to a time period of not more than five (5) minutes with two (2) additional minutes to conclude, at the option of the Mayor or the consent of the City Council, for each speaker. Any time spent by the City Council will not be counted against the citizen's time allotment. No person shall speak more than the time limits provided herein on any subject. That privilege shall not be accorded unless there is an exception supported by a majority of those

eligible to vote. The Mayor shall not be obligated to recognize a speaker for a second comment on a subject until all others have spoken and there is unused time available.

b. Following a request by a Councilmember, the Mayor may request that the City Council suspend the rules to allow citizens to speak after the public hearing has been closed.

c. To maintain decorum, the Mayor shall recognize persons who have completed a Speaker Card indicating a desire to address the City Council.

d. As a general rule, citizens may not participate in discussions of the City Council except when recognized by the Mayor and during citizen presentations, public hearings and as otherwise provided for in these Rules.

e. Citizens may speak on items not on the agenda under the item "Citizen Comments/Presentations Regarding Items Not on the Agenda". The presentation time period is as listed herein Section 5.4 A.

## SECTION VI. DECORUM AND DEBATE

### 6.1 Decorum and Debate

a. These rules are intended to serve as a statement of intent as to how this City Council endeavors to conduct itself during City Council meetings. It is the intent of the City Council that all members shall act based on a consistent level of information, with the goal being to act fully informed on all matters. Accordingly, if and when a Councilmember obtains material relevant to a matter before the City Council which has not otherwise been disclosed to the City Council, such Councilmember shall promptly provide such material to the city manager for dissemination to the City Council. All such information will be disseminated and disclosed to the full City Council, prior to the case being presented.

b. When a measure is presented for consideration to the City Council, the Mayor shall recognize the appropriate Councilmember to present the case, as needed. When two or more Councilmembers wish to speak, the presiding officer shall name the Councilmember who is to speak

first. No member of the City Council shall interrupt another while speaking except to make a point of order or to make a point of personal privilege.

c. The Mayor shall not be obligated to recognize any Councilmember for a second comment on the subject or amendment until every Councilmember wishing to speak has been allowed a first comment.

d. Questions from speakers to the City Council with request for an immediate answer, except the applicants and persons representing applicants on platting or zoning cases, shall be prohibited. A Councilmember's questions to speakers should be to specific individuals and the Mayor should explain to those individuals beforehand that they may come to the podium and answer if they choose to.

e. Any Councilmember desiring to speak shall be recognized by the Mayor, and shall confine remarks to the subject under discussion or to be discussed. No Councilmember shall be allowed to speak more than once on any one subject until every Councilmember wishing to speak shall have spoken.

f. No Councilmember shall be permitted to indulge in personalities, use language personally offensive, impugn motives of Councilmembers, charge deliberate misrepresentation, or use language tending to hold a member of the City Council, the public or City staff up to contempt.

g. The Mayor shall not permit unrecognized speaker's comments or allow a member of the audience to indulge in personalities, use language tending to hold the City Council, the public or City staff up to contempt.

h. If a Councilmember is transgressing the rules of the City Council, through speech or otherwise, the Mayor shall or any Councilmember may call him/her to order in which case he/she shall immediately be quiet unless permitted to explain. The City Council shall, if appealed to, decide the case without debate. If the decision is in favor of the Councilmember called to order, he/she shall be at liberty to proceed, but not otherwise, and if the case occurs, he/she shall be liable to censure or such punishment as the City Council deems proper, consistent with City Ordinances, Resolutions and Charter.

i. Any individual of the public who shall disrupt the City Council proceedings or disregard the Mayor shall first be warned of such offense and be requested that they refrain from disrupting the proceedings and/or disregarding the instructions of the Mayor. Any individual of the public failing to honor the first warning of the Mayor for order, shall receive a second and final warning prior to expulsion and/or citation for disturbing a public meeting pursuant to State law. When the Mayor fails to maintain order and decorum, the Councilmembers may compel the Mayor to enforce this provision following due parliamentary procedure, which affirms such compulsion by a majority vote of the City Council.

## SECTION VII. PROCEDURES FOR CITY COUNCIL APPOINTMENTS

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

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

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

B. The candidates will be selected to fill the open positions no later than the second City Council meeting after the deadline for application submission, in the following manner:

i. If more than one position is to be filled, consider the appointment for each position individually in the order selected by the Mayor, as follows:

1. The Mayor shall open the floor for nominations and if there are no nominations, the Mayor will call on each Councilmember for a nomination.

a. Each applicant shall have provided an application and financial disclosure forms, where applicable, to the City Secretary's office for City Council consideration.

2. Councilmembers or the Mayor may decline to make a nomination if previous nominations are acceptable.

3. After each Councilmember has had an opportunity to make a nomination or defer to make a nomination, the Mayor will take a vote on the slate of nominees by asking each Councilmember to state the name of the nominee that the Councilmember votes to appoint to the position under consideration.

4. Return to Step 1 and repeat the process for the next position to be filled until all positions are filled.

## SECTION VIII. MEMORIALS

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

A. Recognition of the death of a current or former City elected official. When the City is notified of the death of a current or former elected official, flowers or a plant will be sent to the memorial service, or a donation to an organization specified by the family (in an amount not to exceed $150.00), and a sympathy card will be sent to the family. A Memorial Proclamation, honoring the official, will be sent to the memorial service or to the family. The City Manager's Office will

coordinate the donation of a book, in which the official's name is inscribed on a bookplate inside of the book, to the Colleyville Public Library, in an amount not to exceed $50.00. A letter from the Library Director will notify the family of the book donation.

B. At the family's request and with City Manager approval, members of the Colleyville Police and Fire Department Honor Guard may attend the funeral of a current or former City elected official as representatives of the City.

C. Recognition of the death of a sitting board, commission or committee member. When the City is notified of the death of a sitting board, commission or committee member, the City Manager's Office will forward a sympathy card to the family.

D. Recognition of the death of community volunteers. Due to the significant number of community volunteers assisting a multitude of organizations across the City of Colleyville, it will not be the practice of the City to recognize these individuals in a formal capacity. During a City Council meeting, elected officials may, at their discretion, verbally recognize the efforts of these individuals and their service to Colleyville during the agenda item for Announcements, Proclamations and Presentations.

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

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

# History of Adoption and Amendments

| Resolution Number | Adoption / Amendment Date | Subject |
|---|---|---|
| R-88-387 | 8/18/88 | Adopted Rules of Procedure |
| R-90-610 | 7/3/90 | Amended to adopt the procedure for appointing committees as established by ordinance |
| R-90-612 | 7/17/90 | None noted |
| R-91-654 | 1/22/91 | Amended regular meeting language; subjects for City Council consideration; preparation of agenda |
| R-94-999 | 4/19/94 | Provided suspension of rules by ¾ majority |
| R-95-1122 | 6/6/95 | Amended Councilmembers presenting subjects for City Council consideration |
| R-03-2268 | 6/5/03 | Members presenting subjects for City Council consideration |
| R-05-2599 | 9/20/05 | Citizen comments |
| R-06-2721 | 7/5/06 | Regular agenda items; Pre Council and Executive Session posted meeting times; public hearing order; process for continuing public hearings; memorials |
| R-07-2859 | 7/17/07 | Robert's Rules of Order removed |
| R-08-2980 | 6/17/08 | Resolutions |
| R-09-3183 | 12/15/09 | Types of meetings; agenda sections; preparation of agendas; memorials |
| R-11-3308 | 1/4/11 | Memorials |
| R-12-3520 | 8/7/12 | Types of meetings & special meetings |
| R-13-3645 | 6/18/13 | Grammatical updates |
| R-16-4023 | 8/16/16 | Executive session (certified agendas) and start time; removal of paragraphs relative to the establishment of worksessions; order of the regular agenda items; general order of public hearings; removal of oral presentations by city manager; addition of speaker card submittal prior to the close of the public hearing; removal of the offering of unsolicited input; addition of language to City Councilmembers transgressing the rules of procedure; & addition of $100 for memorial donations |
| R-17-4162 | 8/1/17 | Updated Section 7.1(B) lettering, and included an application and financial disclosure forms be provided by applicants filling a vacancy. |

# City of Colleyville
# City Council
# Agenda Briefing

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

**Agenda Number** 7c **Agenda Date** 08/01/2017 **Number** Resolution R-17-4163
**Type** Resolution
**Department** City Secretary

## Title
Approval of a resolution to fill two vacancies on the Water and Wastewater Rate Advisory Committee

## Strategic Plan
1.1 Actively involve and engage stakeholders
1.4 Communicate thoroughly and strategically
2.4 Demonstrate stewardship of public resources

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

The City Council approved attached Resolution R-17-4156, on July 18, 2017, re-establishing and providing a scope for the Water and Wastewater Rate Advisory Committee.

The committee currently has two vacancies on their 11 member roster, attached.

The proposed resolution provides for the City Council to consider appointments to fill the two vacancies.

## Financial Impact
There is no financial impact to the City.

## Recommendation
Approve

## Attachments
1. Water and Wastewater Rate Advisory Committee Roster
2. Water and Wastewater Rate Advisory Committee Applications for Appointment
3. Resolution R-17-4156
4. Resolution R-17-4163

**WATER AND WASTEWATER RATE ADVISORY COMMITTEE**
**RE-ESTABLISHED JULY 18, 2017 – RESOLUTION R-17-4156**

**CHAIR**
**Susan Mathisen**
317 Chestnut Bend
Colleyville, TX 76034
W: 817-983-1620
smathisencpa@gmail.com

**Raymond Allee**
5907 Highland Hills Lane
Colleyville, TX 76034
H: 817-329-0186
rayallee@aol.com

**James Dove**
800 Colleyville Terrace
Colleyville, TX 76034
H: 817-498-4949
Jamesldove1@gmail.com

**Jeff Pistor**
7200 Holly Lane
Colleyville, TX 76034
H: 817-424-0056
W: 817-800-0004
jgpistor@verizon.net

**Samuel van Bever**
4105 Crest Court
Colleyville, TX 76034
H: 817-427-4105
W: 214-403-1445
slviii@yahoo.com

**Vacant**

**VICE CHAIR**
**Gerald Gibson**
6100 Brazos Court
Colleyville, TX 76034
H: 817-821-1602
jergibson@aol.com

**Thomas Bauch**
4201 Shadow Ridge Drive
Colleyville, TX 76034
H: 817-577-1471
W: 817-312-2288
Tomb4201@gmail.com

**Jeff Gilstrap**
1708 Avalon Drive
Colleyville, TX 76034
H: 214-870-2691
W: 817-429-6262
jeffg@harrispackaging.com

**Tim Raine**
3508 Fox Meadows Drive
Colleyville, TX 76034
H: 817-360-6119
W: 817-421-8100
Timraine25@gmail.com

**Vacant**

# 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 Tree Board

3. Historical Preservation Committee

Name: ☐ Ms. ☑ Mrs. ☐ Mr. Claudia Bevill

Address: 119 Cheek Sparger Rd

Home phone: 817-849-1360 Work phone:

E-mail Adress: ckbevill@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:**

Employed by municipality for seven yeas, office of City Secretary, Mayor's Assistant. Familiar with municipal government codes and procedures. Also formerly employed by venture capital executives following development projects from inception to completion. Locally active in Colleyville, familiar with procedures, codes and staff as well as elected officials. Strong communication skills, even temperament, as well as strong technology and research skills. (My email address may be released ONLY in conjunction with committee assignment and shall not be released for any other purpose.

☑ **Check if additional materials are attached. Other information (City/civic service, interests):**

I AM WILLING TO ACCEPT APPOINTMENT TO ANY COMMITTEE OR COMMISSION WHERE THE COUNCIL FEELS MY EFFORTS WOULD BE POSITIVE AND HELPFUL.

Signature: *Claudia Bevill* Date: 7/28/17

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

*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 Preference: (only those with current openings)**

1. ~~CLICK TO VIEW AND CHOOSE~~ - WATER RATE COMMITTEE
2. ~~CLICK TO VIEW AND CHOOSE~~
3. ~~CLICK TO VIEW AND CHOOSE~~

Name: Ms. Mrs. (Mr.) ANTHONY F. SERIS, SR.

Address: 5000 MONTCLAIR DRIVE, COLLEYVILLE, TX

Home Phone: 817-571-3132 Work Phone: 817-915-6428

E-mail Address: ASERIS@HOTMAIL.COM Fax:

✓ **I understand attendance and active support is required for each appointee.**
✓ **I understand I am required to comply with the Texas Open Meetings Act training.**
✓ **I understand I must bring my own device to meetings to view packet information.**
✓ **By checking this line, I consent to the City's use and release of all information provided in this application, to include the address, telephone, and email address provided.**
___ **Additional materials attached.**

1. **City service and experience, civic organizations, knowledge, experience, or education applicable to Board, Commission, or Committee function:**
PROFESSIONAL ENGINEERING LICENSE IN CIVIL ENGINEERING. BOYSCOUT TROOP COMMITTEE CHAIRMAN, CHURCH COUNCIL MEMBER

2. **What do you perceive your role will be in serving on a board, commission, or committee?**
PROVIDING INPUT ON POLICY REGARDING FINANCING OF CAPITAL IMPROVEMENTS FOR OUR WATER SYSTEM.

3. **In your opinion, what policies/programs/assets of Colleyville are working well?**
- CITY COUNCIL IS WORKING WELL TOGETHER. - THERE IS A GREAT DEAL OF CIVIC PRIDE EVEN WHEN CITIZENS DISAGREE.
- WE APPEAR TO HAVE WONDERFUL BUILDING FACILITIES SUCH AS CITY HALL, LIBRARY & JUSTICE CENTER.

4. **What are some issues in Colleyville that may require change?**
THERE APPEARS TO BE A DESIRE FOR MORE EVENTS SIMILAR TO 4TH OF JULY CELEBRATION.

5. **If you could influence the City in just one way, what would that be?**
ATTEMPT TO FIND COMMON GROUND SO THAT CITY ELECTIONS ARE NOT SO HEATED. CONTINUE TO SUPPORT IMPROVEMENT AND REPLACEMENT OF ROADS & WATER INFRASTRUCTURE.

6. **Please share with us your vision for the City of Colleyville.**
A GEM IN THE MIDST OF THE METROPLEX. WE NEED TO DO ALL WE CAN TO MAINTAIN THE SEMI-RURAL FEEL OF COLLEYVILLE.

Signature: [signature] Date: 7/28/2017

**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***

# RESOLUTION R-17-4156

## A RESOLUTION RE-ESTABLISHING THE WATER AND WASTEWATER RATE ADVISORY COMMITTEE, AND ESTABLISHING A DATE FOR THE FINAL REPORT SUBMITTAL

**WHEREAS**, the City Council approved Resolution R-16-4038 on September 20, 2016, and established the Water and Wastewater Rate Advisory Committee to review water and wastewater rates as provided in an analysis performed by NewGen Strategies & Solutions; and

**WHEREAS**, the City Council approved the committee's final report that recommended providing an immediate water rate relief by adopting a temporary flat volumetric rate of $4.36 per 1,000 gallons; and

**WHEREAS**, by approving the final report, the committee's charge was complete.

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

Sec. 1. THAT the City Council approves the re-establishment of the Water and Wastewater Rate Advisory Committee.

Sec. 2. THAT the following citizens are appointed to the Water and Wastewater Rate Advisory Committee:

- Susan Mathisen
- Gerald Gibson
- Raymond Allee
- Tom Bauch
- James Dove
- Jeff Gilstrap
- Jeff Pistor
- Tim Raine
- Samuel van Bever

Sec. 3. THAT Susan Mathisen is appointed as Chair, and Gerald Gibson is appointed as Vice Chair.

Sec. 4. THAT the city manager shall provide administrative support services to the Water and Wastewater Rate Advisory Committee.

Sec. 5. THAT the Committee shall use its best efforts to issue a final report to the City Council by December 31, 2017.

Sec. 6. Upon issuance of the final report, the work of the Committee will be completed, and the terms of the Committee members will be concluded.

Sec. 7. THAT the Water and Wastewater Rate Advisory Committee's responsibilities may include:

a. Review capital funding needs for the utility.

b. Identify capital funding options per the funding plan.

c. Develop a Five Year Capital funding mechanism for the implementation of the capital funding plan.

Sec. 8. THAT this resolution shall take effect immediately upon passage.

**AND IT IS SO RESOLVED.**

APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 18TH DAY OF JULY 2017.

| | | | |
|---|---|---|---|
| Mayor Richard Newton | Aye | Mayor Pro Tem Bobby Lindamood | Aye |
| Place 1, Tammy Nakamura | Aye | Place 3, Kathy Wheat | Aye |
| Place 4, George Dodson | Aye | Place 5, Nancy Coplen | Aye |
| Place 6, Mike Taylor | Aye | | |

**ATTEST:**

Amy Shelley, TRMC
City Secretary

**CITY OF COLLEYVILLE**

Richard Newton
Mayor

**RESOLUTION R-17-4163**

**A RESOLUTION APPOINTING MEMBERS TO FILL TWO VACANCIES ON THE WATER AND WASTEWATER RATE ADVISORY COMMITTEE**

**WHEREAS**, the City Council approved Resolution R-17-4156 on July 18, 2017, re-establishing the Water and Wastewater Rate Advisory Committee; and

**WHEREAS,** two vacancies exist on the Water and Wastewater Rate Advisory Committee.

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

Sec. 1. THAT the following citizens are appointed to the Water and Wastewater Rate Advisory Committee:

- _____
- _____

Sec. 2. THAT this resolution shall take effect immediately upon passage.

**AND IT IS SO RESOLVED.**

APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 1ST DAY OF AUGUST 2017.

| | | | |
|---|---|---|---|
| Mayor Richard Newton | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 3, Kathy Wheat | _____ |
| Place 4, George Dodson | _____ | Place 5, Nancy Coplen | _____ |
| Place 6, Mike Taylor | _____ | | |

**ATTEST:** **CITY OF COLLEYVILLE**

Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

# City of Colleyville
# City Council
# Agenda Briefing

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

**Agenda Number** **Agenda Date** 08/01/2017
**Type** Presentation and Discussion
**Department** Engineering

## Title
Presentation of Road Project Updates

## Strategic Plan
1.4 Communicate thoroughly and strategically
3.4 Thoroughly plan for future capital investments and associated costs

## Explanation
Staff will provide an update on the status of the road construction projects currently underway in the City of Colleyville.

## Attachments
1. Construction Status Update

# Staff Update on Current Road Construction Activity

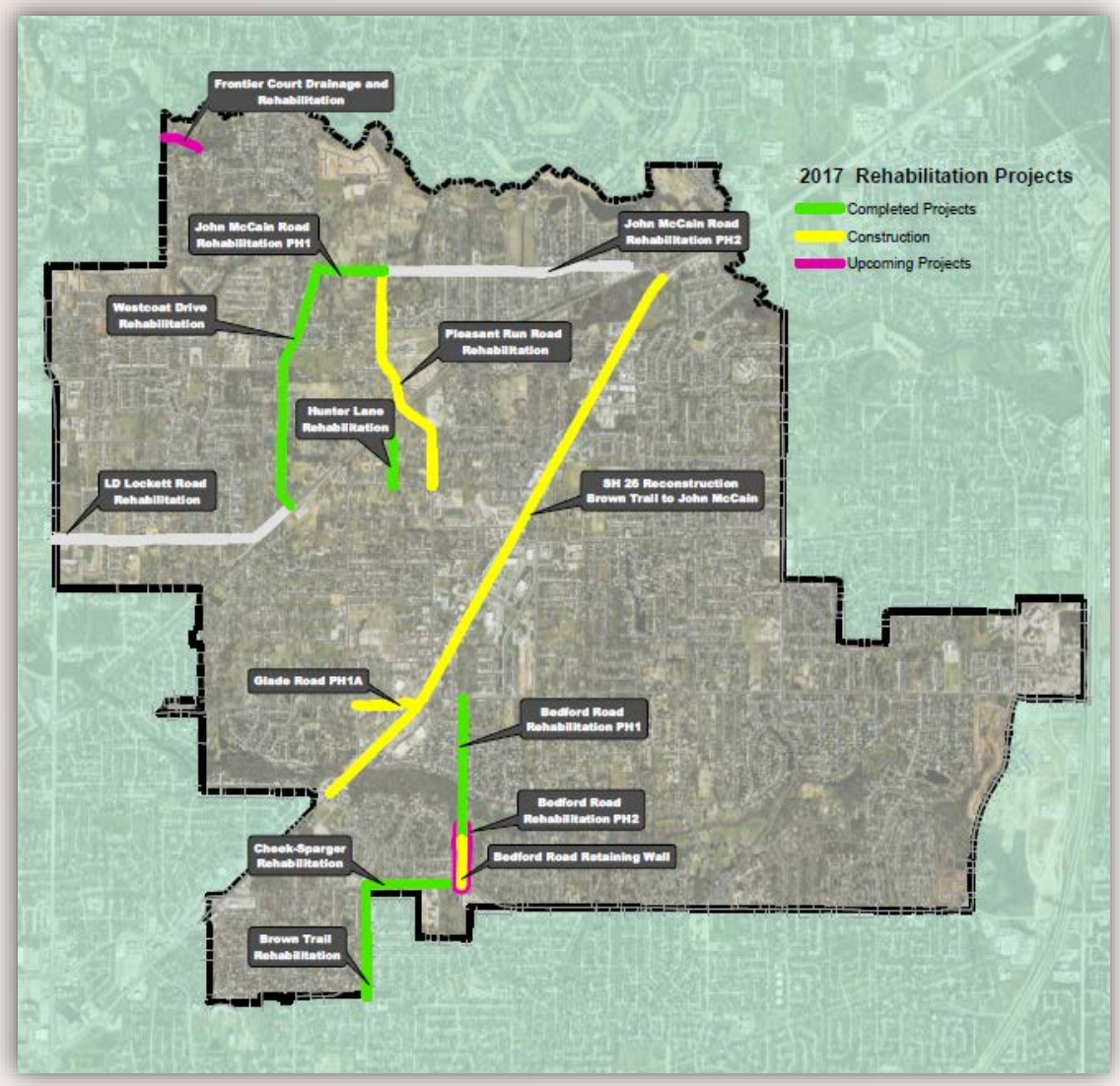
**City Council**

**August 1, 2017**

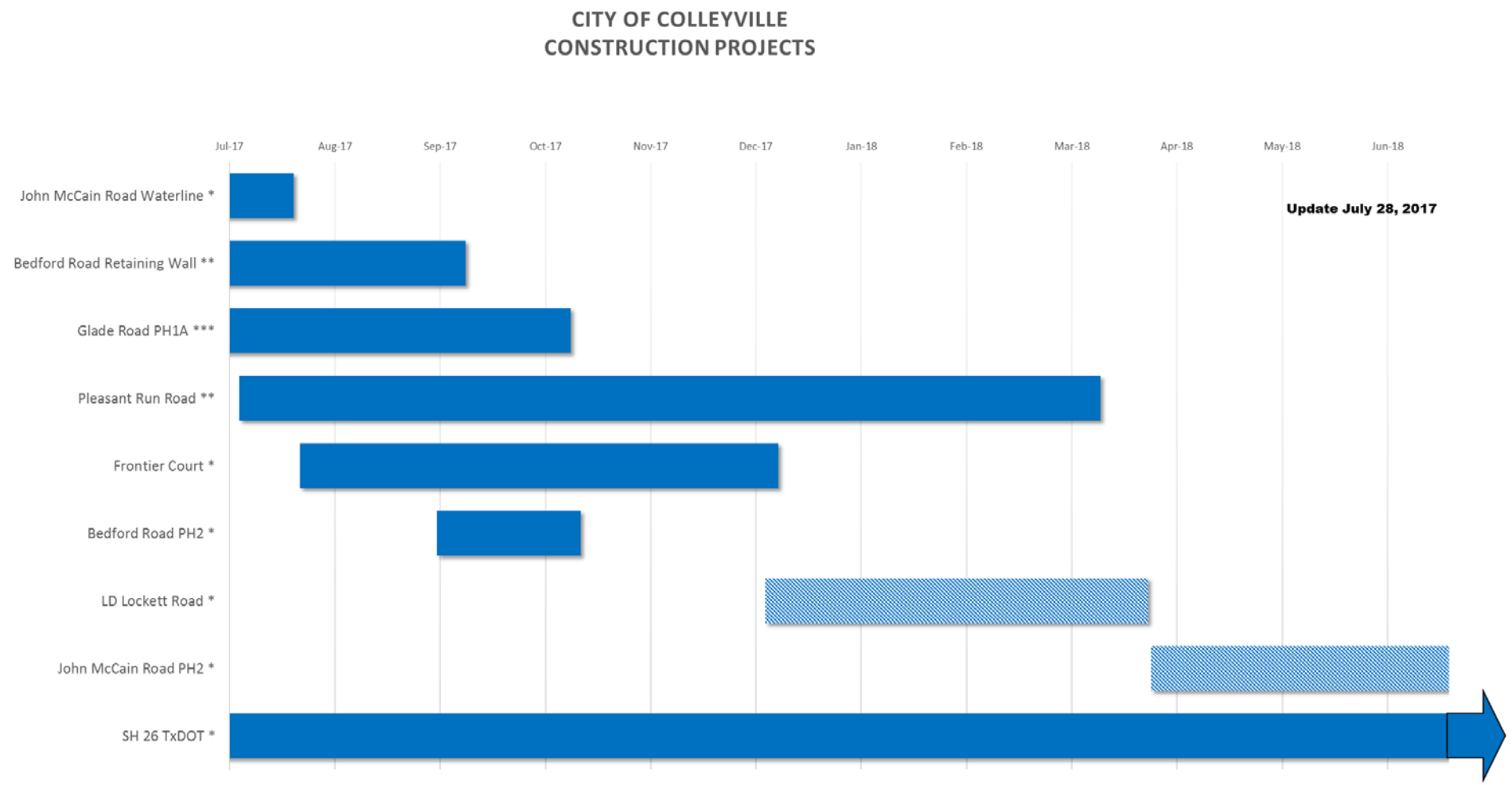
# Street Projects Overview

## 2017 Projects Include

- **Bedford Road PH 1**
  - *(Glade Road to Little Bear Creek Bridge)*
- ***Bedford Road PH 2***
  - *(Cheek-Sparger Road to Little Bear Creek Bridge)*
- **Bedford Road Retaining Wall**
- **Brown Trail**
  - (Cheek-Sparger Road to Harwood Road)
- **Cheek-Sparger Road**
  - *(Brown Trail to Bedford Road)*
- **Frontier Court**
- **Glade Road PH 1A**
  - *(SH 26 to 900' west of Bransford Road)*
- **Hunter Lane**
- **John McCain Road PH 1**
  - *(Westcoat Drive to Pleasant Run Road)*
- **John McCain Road PH2**
  - *(Pleasant Run Road to Maranatha Court)* ***FY2018***
- **LD Lockett Road**
  - *(Precinct Line Road to Westcoat Drive)* ***FY2018***
- **Pleasant Run Road**
  - *(Shelton Drive to John McCain Road)*
- ***SH26***
  - *(John McCain to Brown Trail)*
- **Westcoat Drive**
  - *(L.D. Lockett Road to John McCain Road)*



# Street Projects



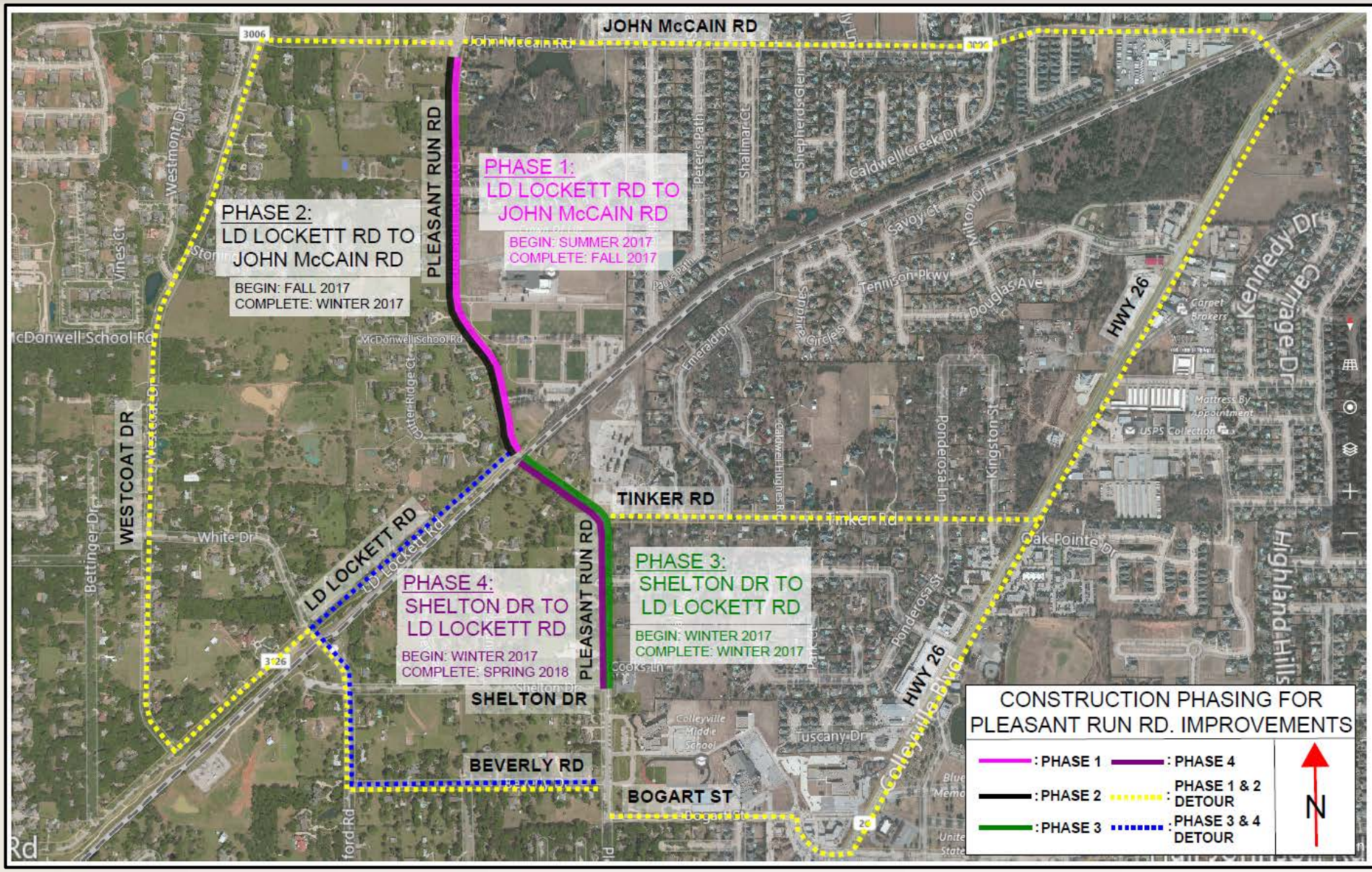

* Daily Lane Closure
** One Way Traffic
*** Expected Road Closure
Stripe pattern = projects TBD

**This exhibit provides a general overview of construction projects that are either currently underway or scheduled. The projected start of each respective project is shown based upon best available data. Project construction timelines are subject to change due to unforeseen circumstances including but not limited to weather delays.**

# Pleasant Run Road

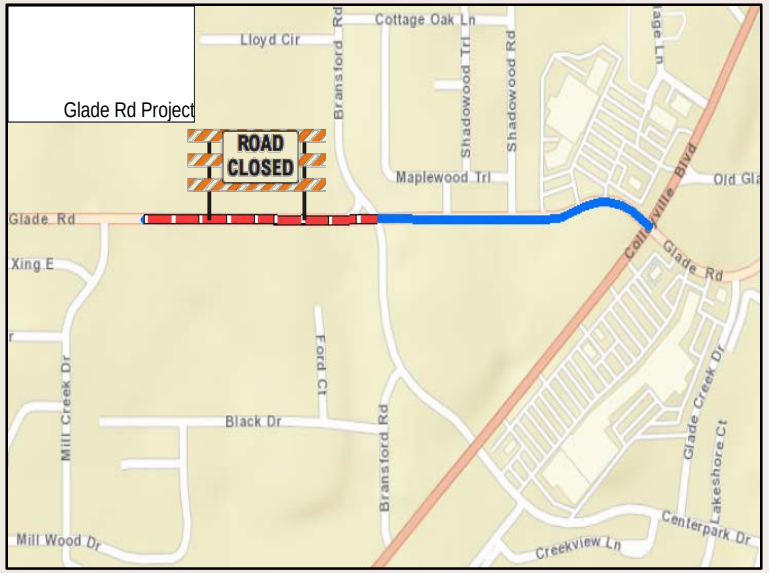
**Phase 1 Detour - north of L.D. Lockett**

**Anticipated to begin the week of August 7, 2017**



# Glade Road Phase 1A

- **Notice to Proceed – June 7, 2017**
- **Closed to through traffic – June 19, 2017**
- **Anticipated Open – August 18, 2017**
- **School begins – August 21, 2017**



# State Highway 26

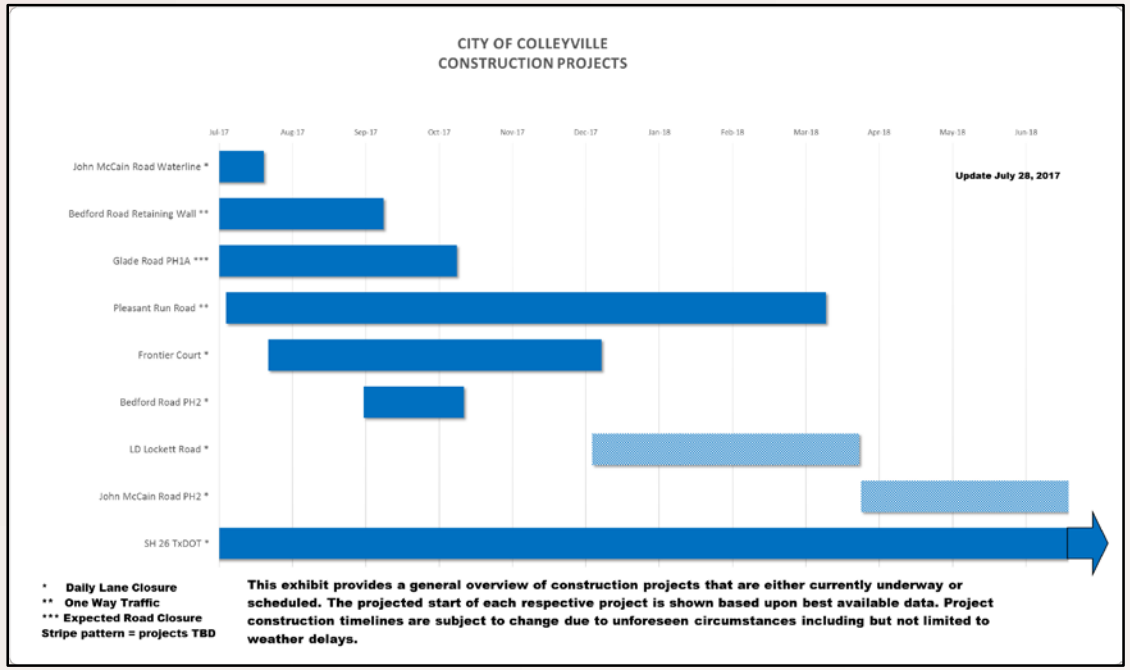
Realigned Intersection of SH26 with Tinker Road/Oak Pointe Drive
*(looking southwest)*

State Highway 26 Project
Tinker Road Closure - Detour Route

Road Closure — Posted Detour Route

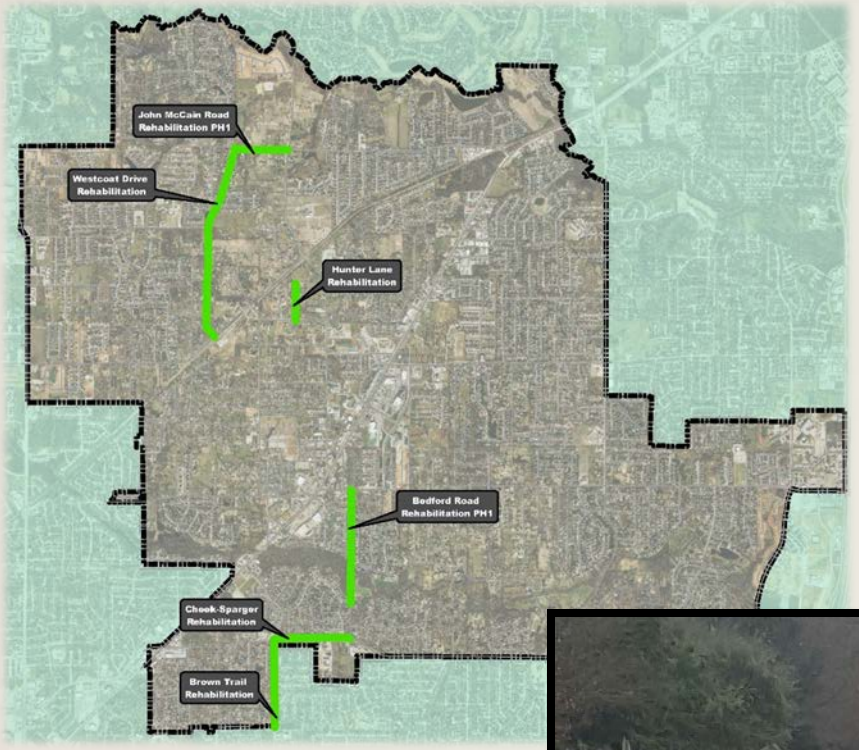
**Tinker Road closure – originally anticipated to last 5 days for storm drain installation will be extended (1-2 weeks) for safety reasons. Installation is slow to prevent damage to existing overhead utilities, as well as potential conflicts with existing underground utilities.**

# Street Projects Overview



# Street Projects Overview

# Street Projects Completed




- **Bedford Road PH 1**
  - (Glade Road to Little Bear Creek Bridge)
- **Brown Trail**
  - Cheek-Sparger Road to Harwood Road
- **Cheek-Sparger Road**
  - Brown Trail to Bedford Road
- **Hunter Lane**
- **John McCain Road PH 1**
  - Westcoat Drive to Pleasant Run Road
- **Westcoat Drive**
  - L.D. Lockett Road to John McCain Road

# Questions and Discussion

**RESOLUTION R-17-4163**

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF AUGUST 1, 2017**

**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 AUGUST 2017.

| | | | |
|---|---|---|---|
| Mayor Richard Newton | ____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | ____ | Place 3, Kathy Wheat | _____ |
| Place 4, George Dodson | ____ | Place 5, Nancy Coplen | _____ |
| Place 6, Mike Taylor | ____ | | |

**ATTEST:** **CITY OF COLLEYVILLE**

Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor