



City of Colleyville City Council Agenda

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

Tuesday, August 15, 2017

WORKSESSION 5:00 PM EXECUTIVE CONFERENCE ROOM THIRD FLOOR

CALL TO ORDER

- WS-1** Overview of CWD transition communication plan
- WS-2** Discussion and update on Colleyville's website design
- WS-3** Discussion of naming the ponds at the Nature Center
- WS-4** Discussion of the Trinity Railway Express Funding Program
- WS-5** Discussion of the Colleyville Community Gardens
- WS-6** Discussion of the August 15, 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 and Village at Colleyville Condos

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: Pastor Kyle Bauman, Bear Valley Church**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-17-4165****3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS****Announcements of civic and charitable events****Presentation of calendar events and updates****Announcements of awards and recognition**

In recognition of Colleyville's Featured Business of the Month - Walmart Neighborhood Market, 4904 Colleyville Boulevard, Store Manager Mena Zaki - Mayor Richard Newton and Interim Assistant City Manager/Executive Director of Economic Development and Communications Mark Wood

Presentation of the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting - Mayor Richard Newton and Chief Financial Officer Shereen Gendy, Accounting Manager Karen Hines, and Strategic Services Manager Adrienne Lothery

4. CONSENT: READING AND PUBLIC HEARING - RESOLUTION R-17-4166

- 4a** Approval of the minutes of the regular City Council meeting of August 1, 2017
- 4b** Approval to replace the front three, overhead doors at Fire Station #1, located at 5209 Colleyville Boulevard, with four fold doors, in an amount not to exceed \$129,755, and authorizing the city manager to execute the agreement
- 4c** Approval of renewal contracts with Spectrum for internet service to City facilities in an amount not to exceed \$90,876 a year, and authorizing the city manager to execute the contracts

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

5b 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

5c 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

5d Ordinance O-17-2022

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

5e Ordinance O-17-2023

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

6. TABLED ORDINANCE(S): READING AND PUBLIC HEARING**6a 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

7. RESOLUTION(S): READING AND PUBLIC HEARING**7a Resolution R-17-4167**

Approval of a proposal to set the ad valorem tax rate for Fiscal Year 2018 at \$0.333834 per hundred dollars of valuation and schedule the two required public hearings on the tax rate for August 24, 2017 and September 5, 2017

8. TABLED: RESOLUTION(S): READING AND PUBLIC HEARING**8a 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

9. DISCUSSION OF ITEMS NOT FOR ACTION

9a Quarterly Performance Management Report

9b Monthly Financial Report - July 2017

10. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA**11. REPORTS**

Zoning Board of Adjustment Minutes - July 12, 2017

12. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR AUGUST 15, 2017 - READING AND PUBLIC HEARING - RESOLUTION R-17-4168**13. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards Friday, August 11, 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
www.colleyville.com

Agenda Number WS-1

Agenda Date 08/15/2017

Type Pre Council

Department City Manager

Title

Overview of CWD transition communication plan

Strategic Plan

1.4 Communicate thoroughly and strategically

Explanation

At the June 20, 2017 City Council meeting, an exclusive franchise and contract with Community Waste Disposal (CWD) was awarded for the collection of solid waste and recycling materials within the City of Colleyville. This contract begins November 1, 2017 and is effective for a five year term. City staff has been working with both CWD and Waste Connections, the current franchise holder, to develop a transition plan. This agenda item provides for discussion of transition details, as well as the proposed plan for communicating this information to citizens and commercial customers.

Attachments

1. CWD brochure
2. Presentation - Transition & Communication Plan
3. City Communication Plan

Questions/Concerns

Community Waste Disposal
Customer Service Representatives
are ready to assist you with the
following:

Questions
Complaints
Accolades
Cart Repair
Damages/Spills
Household Hazardous & Electronic
Waste (HH&EW) Door Side Collection

Customer Service Hours
Weekdays 7:30 a.m. - 5:30 p.m.
Saturdays 8:00 a.m. - 2:00 p.m.

972.392.9300

customerservice@cwd.to
www.cwd.to

Holiday Service Schedule

CWD observes three holidays a year:
New Year's Day, Thanksgiving Day
and Christmas Day.

See website for specific Holiday
Collection Schedule.



CommunityWasteDisposal.com
Since 1984

2010 California Crossing Dallas TX 75220-2310
phone 972.392.9300 fax 972.392.9301
www.CWD.to

Bulky Waste & Brush

Bulky waste and brush will be collected on your regular trash pickup days. You are limited to four (4) cubic yards of bulky waste & loose brush per collection. Tied and bundled brush may be set out in unlimited quantities.

1 cubic yard is equivalent to
1 washing machine



Place all bulky waste and
brush items next to your trash
receptacle no later than 7:00 a.m. on your
designated trash pickup days.



Have a load that exceeds the acceptable limit?
Want it all picked up at once?
Please contact CWD for a price quote.

Brush



Tree limbs must be placed with trunks parallel to the street without obstructing the sidewalk. Individual items or bundles must weigh less than 50 lbs., and be no longer than 10 feet.

Bulky Waste - Acceptable

Toys and Yard Tools Tagged
as "Bulk Item"

Furniture

Bundled Carpet in 4-foot Lengths

Fence Panels No Larger than 4'x6'

Washing Machines, Dryers, Water Heaters and Kitchen
Appliances

Refrigerators/Freezers
(Must be tagged certifying removal of refrigerants)

Additional Trash Bags

Bulky Waste - Prohibited

Commercial Construction and Remodeling Debris

Household Hazardous Waste

Tires, Batteries, and Propane Tanks

Loose Debris

(Debris must be placed in a box or other container no larger
than 2'x2'x4' and weighing no more than 50 pounds.)

Seasonal Leaf Recycling

Seasonal Leaf Recycling
will occur four (4) times a
year, with specific dates to
be determined annually.

Leaves and grass clippings
must be placed in Kraft bags
in order to be recycled.
Plastic bags, food waste,
and any unnatural or foreign
debris are prohibited.



HH&EW

Household Hazardous & Electronic Waste
Door Side Collection



CWD's Door Side Collection program
encourages safe, easy, and responsible
disposal of approved hazardous waste and
electronics.

Items accepted via the HH&EW Door Side
Collection program include poison,
solvent, oil-based and latex paint,
aerosols, used motor oil, auto batteries,
fluorescent tubes, and televisions.

How to Prepare for Your HH&EW Collection

1. Call CWD at 972.392.9300.
2. CWD will mail you a collection kit.
3. Assemble your HH&EW according to the instructions provided.
4. Place your HH&EW at your doorstep, where CWD will pick it up.

This service is provided up to once a month, and
is included in your regular monthly trash and
recycling charge.

go **GREEN** from home

Colleyville Residential Services



Trash & Recycling Bulk & Brush Household Hazardous & Electronic Waste



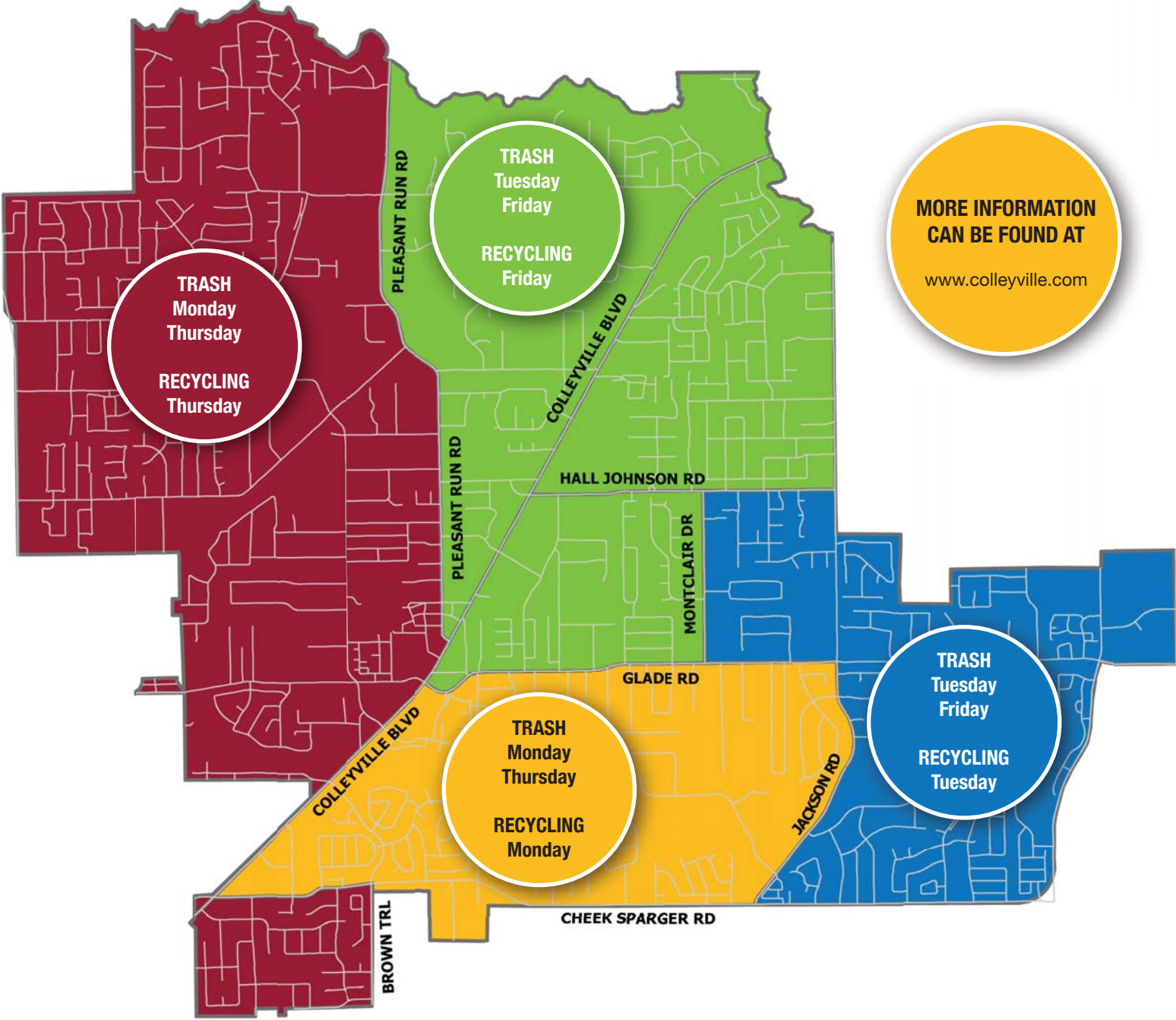
CommunityWasteDisposal.com
Since 1984

Place all trash and recyclable items out no later than 7:00 a.m. for pickup between 7:00 a.m. and 7:00 p.m. on your service days. Please ensure the trash receptables and the recycle cart are separated by at least three (3) feet, and three (3) feet away from obstacles such as mailboxes, cars, fences, gas meters, and drainage ditches.

Trash Services

Trash will be collected twice a week. **Please see the map below** to determine the pickup days for your area.

Household TRASH may be placed in customer-owned cans or disposable bags or boxes. When filled, containers may not weigh more than 50 pounds.



Recycling Services

Recycling will be picked up weekly. **Please see the map at left** to determine the pickup days for your area.

All **RECYCLABLES** must be placed inside the **BLUE** 65-gallon* recycle cart.



* Do you require a recycle cart with more capacity? CWD has a 95-gallon model available at no additional charge.

Is your cart damaged and in need of repair or replacement?

Please contact CWD at 972.392.9300 for assistance.



Please Recycle



Plastic Containers #1 - 5 & #7 (No Styrofoam)



Aluminum, Steel & Tin Containers



Glass Bottles & Containers



Newspaper



Wax-Coated Paper Drink Containers



Corrugated Cardboard & Boxboard



Mixed Paper

Do NOT Recycle



Paper, Plastic & Styrofoam Serving Items



Grass Clippings



Shredded Paper



Paper Towels, Facial & Toilet Tissue



Plastic Bags & Packaging

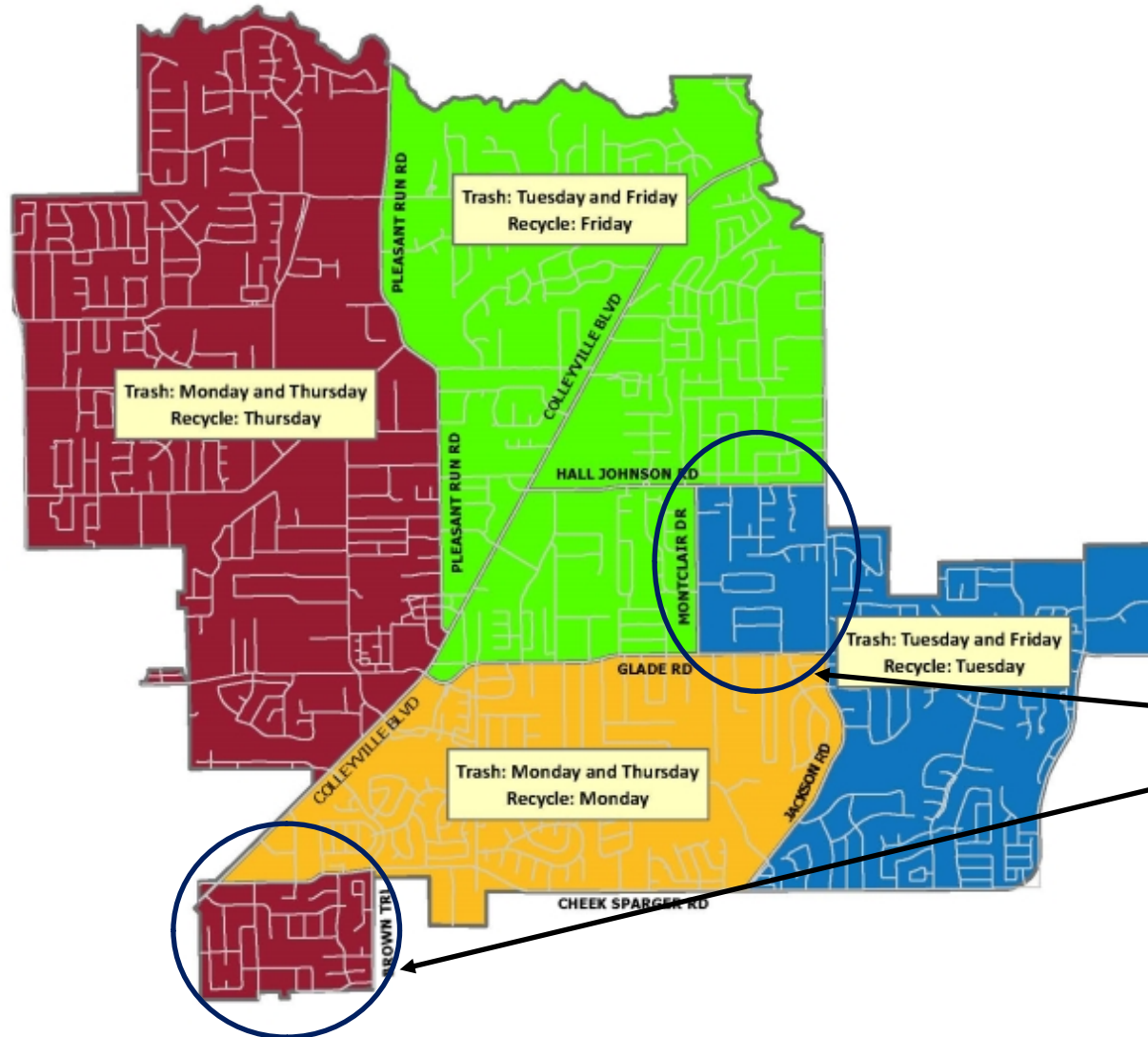


Food & Wet Waste

Transition from Progressive to CWD: Communication Plan

City Council Worksession
August 15, 2017

Collection Routes



- Route changes are for **Recycling** day only
- Impacted residents will be notified individually via door-hangers

Communication Tools



- Brochure
- Website
- E-News
- Social Media
- Communicator (utility billing newsletter)
 - Round 1: mid September / early October
 - Round 2: mid October / early November
- Local Media

Transition Logistics & Schedule



Date	Action
Mid August - October	• CWD staff meets individually with each commercial customer to confirm container size and service frequency • CWD delivers new dumpsters in October & takes old dumpsters to Progressive (Progressive will dump CWD dumpsters for a few weeks)
October 26 – 31 (on customer's last Progressive recycling service day)	• CWD delivers new recycling carts with brochure attached; assembly location in parking lot south of City Hall • Door hangers for homes with recycling day changes • Progressive collects their recycling carts
November 1	CWD contract begins
November 2	CWD's first day of residential collection service (b/c no routes on Wednesdays)
November 2 - 7	Progressive collects recycling carts (2 nd Round);
November 8+	If customer still has Progressive recycling cart, leave it out on recycling day and it will be recycled by CWD

Questions & Discussion

CWD Transition Communication Plan

The City will use its various communication channels to inform residents about the recycling cart transition process, new service pick-up schedules, and new services, as part of the trash/recycling service provider transition to Community Waste Disposal (CWD).

Pamphlet

Informational pamphlet will be attached to all newly delivered CWD recycling carts from October 26-31.

Communicator

A comprehensive article in the September Communicator outlining the transition period, new services, and updated service pick-up schedule. Residents receive newsletter in mid- and late September.

A follow-up article in the October Communicator with info about the transition with an emphasis on how to reach CWD for customer service and new services. Residents will receive the newsletter in mid- and late October.

Website

A webpage on Colleyville.com that includes all information about the transition, including recycling cart switch, new pick-up schedule, new services, and customer support.

A **Trash and Recycling** button on the homepage.

E-News

A section in the weekly E-News about transition and new information i starting September 22 through mid-November. This portion will begin by emphasizing the transition and after the transition days highlight the new services and customer service information.

Social Media

Weekly posts highlighting the transition, new pick-up schedule, customer service information, and services beginning the week of September 25.

Posts three times a week starting October 12 through November 7.

Two posts a week starting November 8 including additional pick-up details, and highlighting new services.

Media

Work with local media to share information about the transition and what residents need to know.



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
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Agenda Number WS-2
Type Worksession
Department City Manager

Agenda Date 08/15/2017

Title

Discussion and update on Colleyville's website design

Strategic Plan

- 1.3 Assure convenient access to public information
- 2.3 Effectively leverage information technology

Explanation

In mid-June, City staff sent the draft wireframe of the City's website redesign to City Council for feedback. In evaluating the redesign, City Council expressed an interest in the design, features, functions, and components (anchored scrolling and sticky navigation) featured on the City of Pflugerville website. Mayor Newton, Councilmember Dodson, and staff, contacted a representative of the City of Pflugerville to discuss the features of their website and the process they went through with their redesign. Through this research, the City of Pflugerville also demonstrated how the Library and Parks/Recreation have separately branded department pages which mirror the city's homepage.

Since that time, staff has worked with the City's contractor, Vision Internet, to price some of the components the City Council preferred. The anchored scrolling and sticky navigation components will require an additional \$12,500, as the elements are considered custom and outside of the normal redesign process. Two branded department pages which look and function like the main homepage has been quoted at an additional \$24,000.

A recap of what the City has contracted for the website is listed below:

\$50,000 – cost of initial website contract (approved)
\$14,000 – cost of redesign contract amendment (approved)
\$64,000

Additional costs for consideration:

\$12,500 – cost of additional custom elements
\$24,000 – cost of two custom department pages
\$36,500

Cost of new website if additional costs are incurred:

\$64,000

\$36,500

\$100,500

Staff is seeking City Council direction regarding how to proceed with the website redesign.

Attachments



City of Colleyville City Council Agenda Briefing

City Hall
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Agenda Number WS-3

Agenda Date 08/15/2017

Type Worksession

Department Parks and Recreation

Title

Discussion of naming the ponds at the Nature Center

Strategic Plan

1.1 Actively involve and engage stakeholders

5.3 Provide attractive facilities for leisure and recreation

Explanation

The Parks and Recreation Advisory Board was approached by the group Facebook Friends/Colleyville Nature Center, requesting to name the nine ponds located within the Colleyville Nature Center in March of 2017. The request was made to help facilitate where certain activities would take place, bird sightings, or in the case of an emergency, to help guide first responders to their location. The Facebook Friends/Colleyville Nature Center decided upon names for the nine ponds that encompassed the natural surroundings and essence of each individual pond. The group presented their request at the April 10, 2017 Parks and Recreation Advisory Board meeting.

The Parks and Recreation Advisory Board voted to form the Colleyville Nature Center Pond Naming Ad Hoc Committee to further review the request. Parks and Recreation Advisory Board members Rich Hendler, Cliff LeBlanc, John Hillebrand, Natalie Genco, and Ajit Purandare were named to the Colleyville Nature Center Pond Naming Ad Hoc Committee. The Colleyville Nature Center Pond Naming Ad Hoc Committee met on May 1, 2017, and unanimously approved the nine pond names presented by the Facebook Friends/Colleyville Nature Center. All nine pond names identified with the area and met the standards set out in the City's Facility Naming Policy approved by Resolution R-14-3744 (attached).

The Colleyville Nature Center Pond Naming Ad Hoc Committee brought their recommendation back to the Parks and Recreation Advisory Board at the July 10, 2017 meeting. The Parks and Recreation Advisory Board unanimously voted to recommend the nine pond names to City Council.

The attached map shows the location of the nine ponds and the proposed names; Long Pond, Duck Haven Pond, Anglers Pond, Pecan Pond, Peaceful Pond, Mill Pond, Herman's Pond, Hidden Pond, and Dry Pond. The attached pond naming descriptions provide the reasoning the Facebook Friends/Colleyville Nature Center used to select the pond names.

Upon City Council direction, a resolution will be brought forward for City Council consideration.

Attachments

1. Pond Naming Presentation
2. Nature Center Pond map and proposed pond names
3. Resolution R-14-3744 - Facility Naming Policy

Nature Center Naming of the Ponds

City Council Worksession
August 15, 2017

Nature Center Pond Map



Pond Names



- Long Pond
- Duck Haven Pond
- Angler's Pond
- Pecan Pond
- Peaceful Pond
- Mill Pond
- Herman's Pond
- Hidden Pond
- Dry Pond



Questions and Discussion

COLLEYVILLE NATURE CENTER PROPOSED POND NAMES



*Brown dotted lines indicate trails within the Nature Center



The ponds with numbers and proposed names are:

Long Pond (pond #1) is the 'longest' pond and is a popular pond for catching Wide-mouth Bass. In the winter, the Double-crested Cormorants perch in the trees here. In the summer, Yellow-crowned Night Herons encircle the pond searching for a crawfish meal. Great Blue Herons and Great Egrets are seen here year-round. See Guideines, C5

Duck Haven pond (#2) is the evening gathering place for many of the ducks and geese who call the Colleyville Nature Center their home. They can be seen taking flight each morning to other areas after resting here overnight. Commonly found here are Mallards, American Wigeons, woodpeckers and Mississippi Kites. A Belted Kingfisher pair live on the west side. See Guidelines, C5

Anglers Pond (#3) is downstream from Long Pond. It was the site of the Junior Fishing Rodeo in 2016 and is stocked annually by the City of Colleyville. Anglers of all ages visit and catch sizable catfish in this pond! A nesting pair of Red-shouldered hawks can be found here right now! See Guidelines, C2

Pecan Pond (#4) located on the corner of Mill View and Mill Wood was named due to the significant number of Pecan trees surrounding this small pond. Turtles sun on the banks of Pecan Pond and last year a Green Heron nest was spotted on the south side. A local photographer won a contest with her image of an immature Little Blue Heron on Pecan Pond. See Guidelines, C5

See map below for the 4 east side ponds (right side).

Mill Pond (#6) is located near the CNC playground and parking lot on Mill Wood Drive. This is one of the most visited ponds and was named for it's location adjacent to the Mill Creek neighborhood. Beautiful sunrise landscapes have been captured here! See Guidelines, C6 and C7.

Hidden Pond (#8) is truly hidden behind a stand of trees and many of the more skiddish varieties of birds will visit this pond including the beautiful Wood Ducks. A bobcat family has been seen here too! See Guidelines, C5.

Dry Pond (#9), the smallest pond, is named appropriately as many times during the year this pond is dry and without water during times of low rainfall. Many a dragonfly has been photographed on this pond! See Guidelines, C5.

We hope you agree this is a worthwhile pond-naming project!

Judy Keown, FB page founder

John Ferris, admin

Janet Hix, admin

Richard Hix, admin

RESOLUTION R-14-3744

A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF MAY 6, 2014

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

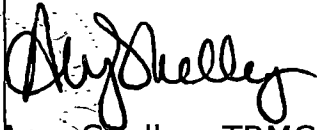
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- 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 April 15, 2014
 - b. Approval of the minutes of the City Council Worksession of April 16, 2014
 - c. Approval of a Facility Naming Policy
 - d. Approval of a change order to the engineering services agreement with CTC, Inc., for the design of railroad quiet zones at Bransford Road, Pleasant Run Road, and John McCain Road, and authorize the city manager to execute the agreement
 - e. Approval of a construction contract with Saber Development, for Colleyville Boulevard (SH26) Water and Sanitary Sewer Relocations – Phase 3, in an amount not to exceed \$3,269,859.75, and authorize the city manager to execute the contract
 - f. Approval of an agreement between CTC, Inc. and the City of Colleyville to provide maintenance services on the active warning and advance pre-emption equipment installed at the Fort Worth and Western Railroad crossings at Bransford Road, Pleasant Run Road, and John McCain Road, and authorize the city manager to execute the agreement
 - g. Approval of the use of Park Land Dedication Fund monies for the Pleasant Run Soccer Field improvements

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 6 AYES, 0 NAYS, AND 0 ABSTENTIONS
ON THIS THE 6TH DAY OF MAY 2014.

ATTEST:



Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

CITY OF COLLEYVILLE
FACILITY NAMING POLICY

I. PROCEDURE FOR NAMING AND RENAMING

A. FACILITIES

1. All requests for naming and renaming City facilities shall be made in writing to the Colleyville City Council, with a stated justification for the particular recommendation.
2. Following a review of recommendations, suggestions, and public comments, the City Council shall determine the name for City facilities.

B. PARK LANDS AND FACILITIES

Note: Facilities that are a part of or lie within the boundaries of a park will normally bear the name of that park, unless otherwise determined by the Parks and Recreation Advisory Board and/or City Council.

1. All requests for naming and renaming park lands and facilities shall be made in writing to the Colleyville Parks and Recreation Advisory Board.
2. The chairman of the Colleyville Parks and Recreation Advisory Board shall name a committee that will be responsible for recommending a name for all park lands and facilities to the Advisory Board.
3. The committee shall be responsible for research, study, and recommendation of a proposed name to the Advisory Board. Rationale for the selection of the recommended name shall be given in writing.
4. The Parks and Recreation Advisory Board shall approve or disapprove of the name recommended by the committee.
5. If the committee's recommendation is disapproved by the Advisory Board, then the matter may be referred back to the committee for further action.
6. Upon approval, the recommended name will be forwarded to the City Council for their final consideration and action.

C. STREET NAMES

1. Proposed street names shall be submitted by the developer to the Community Development Director for approval.
2. Proposed changes to existing street names shall be submitted to the Community Development Director, but must be approved by the City Council.

D. OTHER RECOGNITION

1. The City of Colleyville Facility Naming Policy does not preclude additional opportunities for recognition. For example, the City Council may honor an individual or event with a memorial or permanent marker at a City facility or park. Donations made by individuals or businesses may also be recognized on a donor wall or other appropriate manner.

II. GUIDELINES FOR NAMING OR RENAMING

A. Facilities should be named within sixty days after acquisition, construction completion, or at the earliest possible time.

B. Once adopted, name changes should occur on an exceptional basis only and must follow the same criteria for naming new facilities.

C. Facilities shall be named in the following manner:

1. In honor of individuals who donate land or funds for park space;
2. In honor of historical events;
3. In honor of deceased national or state heroes;
4. In honor of deceased community leaders, but not prior to five years after the date of their death;
5. In relation to predominant characteristics or physical features (lake, trees, stream, river) of the land;
6. In relation to sub-divisions within the City;
7. In relation to streets adjacent to the park;
8. In recognition of an individual due to special circumstances or events.

D. Streets shall be named in the following manner:

1. Based on the recommendation of the developer and approval by the Community Development Director.
2. In general, every effort should be made to avoid using the same name on more than one street, even if the name would vary by designation as a Street, Lane, Circle, Drive, etc.



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
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Agenda Number WS-4

Agenda Date 08/15/2017

Type Worksession

Department City Manager

Title

Discussion of the Trinity Railway Express Funding Program

Strategic Plan

1.4 Communicate thoroughly and strategically

Explanation

The capital costs of the Trinity Railway Express (TRE), which provides commuter rail service between the downtowns of Dallas and Fort Worth, were provided by federal funds and the operating costs have been shared by the Dallas Area Rapid Transit (DART), the Fort Worth Transportation Authority (The T), as well as nine area cities through interlocal agreements. The North Central Texas Council of Governments (NCTCOG) negotiated the cost sharing interlocal agreement with nine cities that do not participate in DART or The T, including Arlington, Bedford, Colleyville, Euless, Grand Prairie, Grapevine, Haltom City, Hurst, and North Richland Hills.

In March 2000, the Colleyville City Council approved attached Resolution R-00-1615, authorizing the Mayor to sign an interlocal agreement for participation in the Trinity Railway Express for a portion of fiscal year 2001 and all of fiscal years 2002, 2003 and 2004, at an initial cost of \$25,000 annually. In March 2005, the Colleyville City Council approved attached Resolution R-05-2604 authorizing the city manager to sign an interlocal agreement for participation in the Trinity Railway Express for fiscal years 2005, 2006 and 2007 at an annual cost of \$11,759. In October 2007, the Colleyville City Council approved attached Resolution R-07-2896 authorizing the city manager to sign an interlocal agreement for participation in the Trinity Railway Express for fiscal years 2008, 2009 and 2010 (attached) at an annual cost of \$12,935.

In August 2010, NCTCOG recommended that each participating city maintain the same financial contribution for an additional three year period through an amendment to the existing interlocal agreement. In October 2010, staff requested updated ridership counts for the TRE for the purposes of determining city contribution levels. However, the City's request for another license plate survey was not approved given the cost (estimated at \$100,000), the fact that the other participating cities had already agreed to maintain contribution funding levels, and the shortfalls in transportation funding in general.

In August 2012, the agreement was amended by attached resolution R-12-3525 to extend through years 2011, 2012 and 2013, as an interlocal agreement to participate in the TRE for fiscal years 2011, 2012 and 2013 had not been approved or presented to City Council for approval. The annual cost remained at \$12,935.

Between FY 2002 and FY 2013 the City of Colleyville provided support to the TRE in a total amount of \$183,559. Since FY 2013 the City has not entered an interlocal agreement and has not made payments in support of TRE operations.

In July 2017, NCTCOG held a meeting to discuss establishing city contributions to TRE for FY 2018 through FY 2020. NCTCOG intends to conduct an updated license plate survey this summer to calculate annual contributions for this three-year period.

Staff is seeking City Council direction regarding future participation in the FY 2018 through FY 2020 TRE funding program.

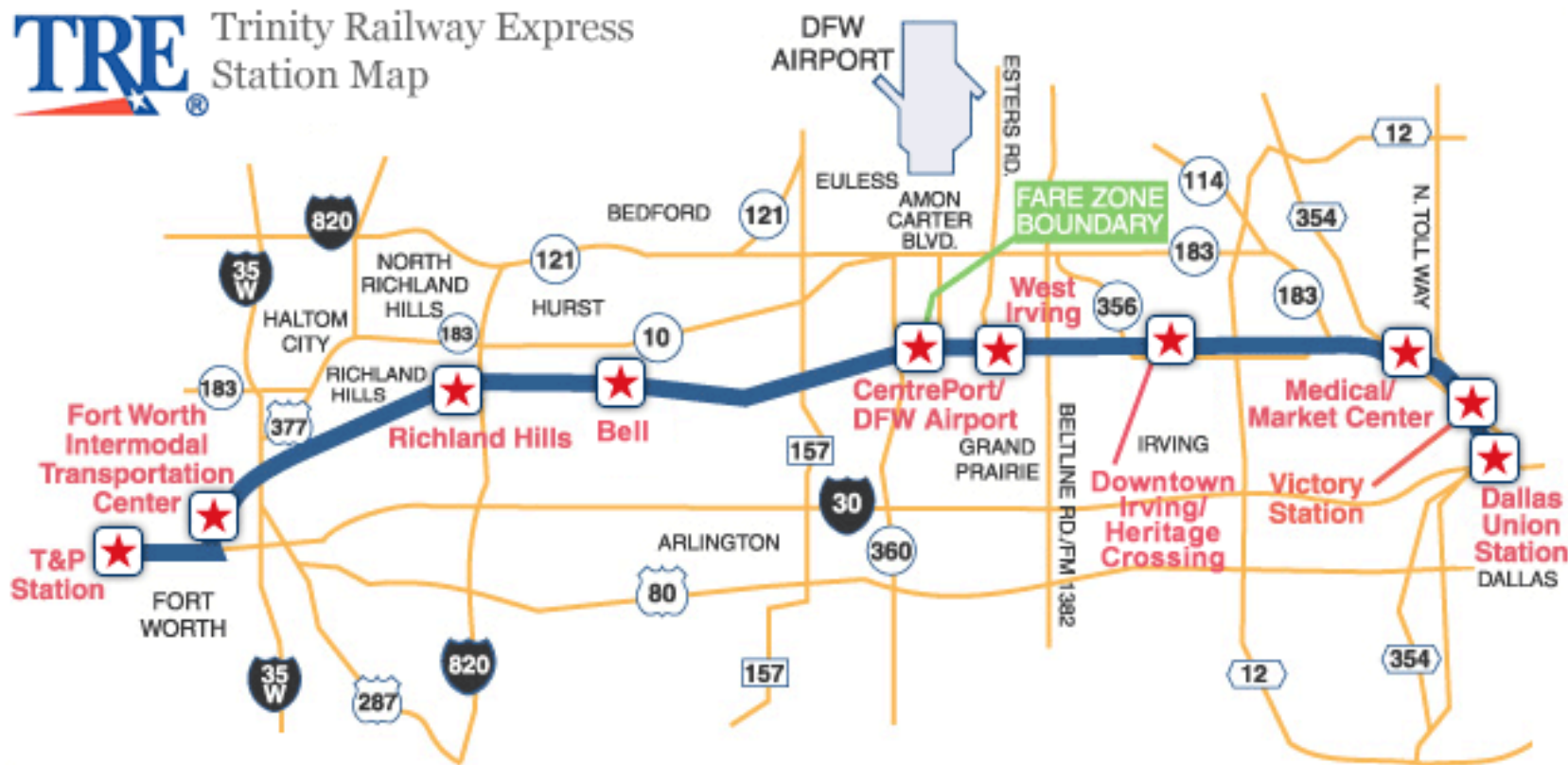
Attachments

1. Trinity Railway Express Funding Program Presentation
2. Resolution R-00-1615
3. Resolution R-05-2604
4. Resolution R-07-2896
5. Resolution R-12-3525

Trinity Railway Express Funding Program

**City Council Worksession
August 15, 2017**

TRE[®] Trinity Railway Express Station Map



Funding History



- Between FY 2002-FY 2013 Colleyville contributed a total of \$183,559 to the TRE

City	2002-2004 Annual Contribution	2005-2007 Annual Contribution	2008-2010 Annual Contribution	2011-2013 Annual Contribution
Arlington	\$ 140,000	\$ 215,496	\$ 237,046	\$ 237,046
Bedford	95,000	94,898	104,488	104,488
Colleyville	25,000	11,759	12,935	12,935
Eules	120,000	96,977	106,675	106,675
Grand Prairie	160,000	63,422	69,764	69,764
Grapevine	25,000	45,970	50,567	50,567
Haltom City	10,000	35,186	38,705	38,705
Hurst	145,000	89,244	98,168	98,168
NRH	55,000	67,946	74,741	74,741
Total TRE Funding	775,000	720,898	793,089	793,089

Questions and Discussion

RESOLUTION R-00-1615

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT FOR PARTICIPATION IN THE TRINITY RAILWAY EXPRESS

WHEREAS, the Trinity Railway Express will provide commuter rail service between the cities of Dallas and Fort Worth; and

WHEREAS, the citizens of Colleyville will benefit both from the availability of this alternative transportation service and the reduced congestion on highways as citizens of other communities avail themselves of this alternative,

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

- Sec. 1 THAT the City of Colleyville agrees to participate in the financial support of the Trinity Railway Express.
- Sec. 2 THAT the Mayor is authorized to sign the Trinity Railway Express Interlocal Agreement.

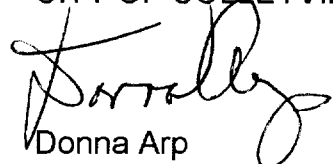
AND IT IS SO RESOLVED.

APPROVED THIS 4th DAY OF March, 2000, BY A VOTE OF 4 AYES, 0 NAYS, AND 0 ABSTENTIONS.

ATTEST:


Jean Harris, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE


Donna Arp
Mayor

RESOLUTION R-05-2604

**A RESOLUTION APPROVING COUNCIL ACTION
UNDER CONSENT ITEMS AT THE REGULAR
COUNCIL MEETING OCTOBER 4, 2005**

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

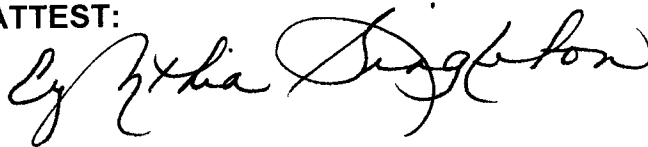
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT the agenda decisions approved by Council action under Consent Items as follows are hereby adopted:
- a. Approval of minutes of the regular City Council meeting of September 20, 2005
 - b. Approval of a contract for design services with Newman, Jackson, Bieberstein, Inc. for McPherson Park, in an amount not to exceed \$141,705
 - c. Approval of the FY2006 Agency Agreements including the Arts Council of Northeast Tarrant County, Alliance for Children, Women's Haven Colleyville Heritage High School (CHHS) Project Graduation, Grapevine High School (GHS) Project Graduation, Keller High School (KHS) Project Graduation, Metroport Meals on Wheels (MMOW), Mental Health, Mental Retardation of Tarrant County, Grapevine Relief and Community Exchange (GRACE), The Women's Shelter, Special Needs Assistance Partners (SNAPS) and Trinity Railway Express (TRE) Regional Mobility Interlocal Cooperation Agreement and authorize the City Manager to sign the agreements
 - d. Approval of the use of the Voluntary Library Fund for the purchase of library collection materials, collection processing supplies and library programs, in the amount of \$102,370
 - e. Approval to purchase five Ford Crown Victoria police vehicles from Philpott Motor Company through the Houston-Galveston Area Council of Governments (HGAC), in the amount of \$103,683.85
 - f. Approval of the Colleyville Garden Club project for the Webb House

AND IT IS SO RESOLVED.

APPROVED ON THIS 4th DAY OF October 2005, BY A VOTE
OF 6 AYES, 0 NAYS AND 0 ABSTENTIONS.

ATTEST:



Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

RESOLUTION R-07-2896

**A RESOLUTION APPROVING COUNCIL ACTION
UNDER CONSENT ITEMS AT THE REGULAR
COUNCIL MEETING OF OCTOBER 16, 2007**

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

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

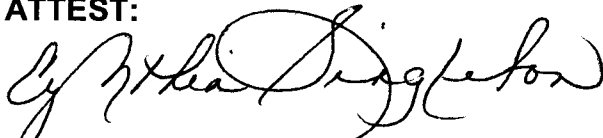
Sec. 1. THAT the agenda decisions approved by Council action under Consent Items as follows are hereby adopted:

- a. Approval of the minutes of the regular City Council meeting held on October 2, 2007
- b. Approval to enter into a janitorial services agreement with ABM Janitorial Services, through the Tarrant County Cooperative Purchasing Program, in an amount not to exceed \$125,605.00, and authorize the City Manager to execute the contract
- c. Approval of a contract with High Sierra Electronics for advance flood warning system lights for low water crossing sites, in an amount not to exceed \$206,112.20, and authorize the City Manager to execute the contract
- d. Approval of the renewal of the Interlocal Cooperation Agreement with the North Central Texas Council of Governments (NCTCOG) for operation of commuter rail services, and authorize the City Manager to execute the agreement

AND IT IS SO RESOLVED.

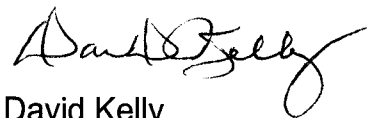
APPROVED BY A VOTE OF 6 AYES, 0 NAYS AND 0 ABSTENTIONS
ON THIS THE 16th DAY OF October 2007.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

RESOLUTION R-12-3525

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN
INTERLOCAL AGREEMENT FOR PARTICIPATION IN THE
TRINITY RAILWAY EXPRESS**

WHEREAS, the Trinity Railway Express provides commuter rail service between the cities of Dallas and Fort Worth; and

WHEREAS, the City of Colleyville has financially supported the Trinity Railway Express since 2000; and

WHEREAS, although the City of Colleyville is not a Trinity Railway Express Station, the citizens of Colleyville benefit from the availability of this alternative transportation service, and the reduced congestion on highways as citizens of other communities avail themselves of public transportation.

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

Sec. 1. THAT the City of Colleyville agrees to participate in the financial support of the Trinity Railway Express.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 5 AYES, 2 NAYS AND 0
ABSTENTIONS ON THIS THE 21st DAY OF AUGUST 2012.

ATTEST:


Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE


David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-5

Agenda Date 08/15/2017

Type Worksession

Department City Manager

Title

Discussion of the Colleyville Community Gardens

Strategic Plan

1.1 Actively involve and engage stakeholders

Explanation

This item is provided at the request of Mayor Newton to allow discussion regarding the Colleyville Community Gardens.

Attachments



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-6

Agenda Date 08/15/2017

Type Worksession

Department City Secretary

Title

Discussion of the August 15, 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 08/15/2017

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 and Village at Colleyville Condos

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-17-4165

**A RESOLUTION APPROVING COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF
AUGUST 15, 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 15TH 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 08/15/2017

Type Announcements, Proclamations, and Presentations

Department City Manager

Title

In recognition of Colleyville's Featured Business of the Month - Walmart Neighborhood Market, 4904 Colleyville Boulevard, Store Manager Mena Zaki - Mayor Richard Newton and Interim Assistant City Manager/Executive Director of Economic Development and Communications Mark Wood

Presentation of the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting - Mayor Richard Newton and Chief Financial Officer Shereen Gendy, Accounting Manager Karen Hines, and Strategic Services Manager Adrienne Lothery

Attachments

RESOLUTION R-17-4166

A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF AUGUST 15, 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 August 1, 2017
 - b. Approval to replace the front three, overhead doors at Fire Station #1, located at 5209 Colleyville Boulevard, with four fold doors, in an amount not to exceed \$129,755, and authorizing the city manager to execute the agreement
 - c. Approval of renewal contracts with Spectrum, for internet service to City facilities, in an amount not to exceed \$90,876 a year, and authorizing the city manager to execute the contracts

AND IT IS SO RESOLVED.

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 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, August 1, 2017

City Council Chambers

Mayor Richard Newton called the Colleyville City Council Worksession to order on Tuesday, August 1, 2017, at 5:00 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, 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, City Attorney Whitt Wyatt, and City Secretary Amy Shelley

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

Strategic Services Manager Adrienne Lothery presented this item and briefed the City Council.

Councilmember Wheat asked staff why 0.33383 was chosen. Manager Lothery replied it was a number in the middle of the previous and recommended rate.

Mayor Newton asked staff if the surplus includes the new construction. Manager Lothery replied yes.

Mayor Newton asked staff if the draft budget is computed from the current draft budget. Manager Lothery replied yes, including the \$200,000 for compensation.

Councilmember Taylor asked staff to explain what new construction means. City Manager Jerry Ducay replied, assuming you take occupancy before January 1, is considered new construction.

Councilmember Taylor asked staff who determines the occupancy. City Manager Jerry Ducay replied TAD. Councilmember Taylor asked staff if they report the information to TAD. City Manager Jerry Ducay replied yes. Manager Lothery agreed.

Councilmember Wheat asked staff why the TIF percentage increased so much. Manager Lothery replied because there are no limits on commercial zones.

Councilmember Wheat asked staff if this is affecting all TIFs in the area. Manager Lothery replied yes.

Mayor Newton asked staff what is being assumed for sales tax. Manager Lothery replied flat from current year end projections.

Mayor Newton asked the City Council about their thoughts. City Council concurred with staff's recommendation.

WS-2 Discussion of Classification and Compensation Study Implementation Plan

Human Resources Director Rachel Huitt presented this item and briefed the City Council. Lenona Nichols and Bo Bottger, Classification and Compensation Committee members were present to answer questions.

Mayor Newton stated being in favor of bringing all staff to their new proposed compensation range, including "feathering them in" to their appropriate point in each of their new compensation ranges. Mayor Newton stated he had previously discussed with City Manager Jerry Ducay how to accomplish this within the proposed budget.

Mayor Newton asked staff when merit occurs. Director Huitt replied merits are distributed in April.

Mayor Newton stated if everyone is brought to the new compensation level, those who receive a hefty raise, should not get additional raises on top of that in April.

Councilmember Coplen asked Mayor Newton about the compression caused in the rest of the organization. Mayor Newton replied his proposal would eliminate compression at this point. However, we need a methodology to avoid future compression. This can be done by giving raises that are dependent upon where an employee's pay is relative to their compensation range mid-point.

Councilmember Taylor asked staff if this is the same consultant from the previous study. Director Huitt replied no, it is a different consultant.

Mayor Newton stated he wants to take a look at some of the new ranges, and compare them to the old ranges and the market survey.

Councilmember Taylor asked staff if the left column is existing staff. Director Huitt replied those are the positions that were surveyed.

Councilmember Taylor suggested getting with a consultant and staying with them. Mayor Newton added we have the software provided by the present consultant, that Colleyville HR will use moving forward. He also said as we move forward, we need to consider a process for comparing to the market more often. He added, he will insist on an ongoing process to avoid salary compression.

Councilmember Coplen asked Mayor Newton if the final number to get everyone to their proposed pay, as he recommended, is \$657,000. Mayor Newton replied yes, about \$657,000.

Mayor Newton asked staff what is the plan for using the merit pool. Manager Lothery replied staff will need time to review this and will get back with the City Council to provide preliminary numbers.

Mayor Newton stated this is a huge decision to move forward with the funding. Mayor Pro Tem Lindamood expressed his appreciation to the committee, especially the citizens and their help.

WS-3 Discussion of Land Development Code amendment priorities

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

Councilmember Coplen asked staff about the policy on sidewalks. Director Bryner replied it will have to be included in the timeline, at some time. City Manager Jerry Ducay stated staff is proposing the policy be ready by the end of the year.

Councilmember Dodson stated the tree preservation issue will be hitting the house for legislation, and our ordinance may need to be updated.

Councilmember Dodson asked staff if there is any land for Colleyville to annex. Director Bryner replied yes, at the end of Reagan and Lowry Road.

Councilmember Coplen asked staff about the proposed timeline and how it was drafted. Director Bryner replied with limited resources and small staff, the items were prioritized and ranked based on issues evaluated regularly.

Councilmember Coplen asked staff if there are any requests coming from the County. Director Bryner replied we would receive our notifications from the state not the county.

Councilmember Taylor asked about the fencing update for corner lots and side yard setbacks. Director Bryner replied there are currently a lot of complaints about corner lots, since the front and side yard setbacks are the same, such as not being able to fence the corner side yards.

Mayor and City Council all agreed to get started with the ones most important as outlined in the Comprehensive Master Plan.

Councilmember Taylor stated he would like standards for drainage evaluations to be included with straight zoning requests. Director Bryner replied staff will tighten up the regulations and review.

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

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

Councilmember Dodson stated his reaction to this sidewalk is the same as the homeowners, there is a trail across the street which would make it seem that a sidewalk on this side is not needed. Councilmember Wheat concurred, but special crosswalk areas could benefit the neighbors to get across the street.

Councilmember Coplen stated there are sidewalks down Pleasant Run Road to the west, which would now connect to nothing. Councilmember Nakamura stated the new Sidewalk Committee could review to see if this sidewalk is needed.

Councilmember Taylor asked staff why the other side of Pleasant Run Road was not considered. Director Hutt replied when the project was originally discussed, this sidewalk was added at the last minute. Mayor Newton stated it does not bother him to take out the sidewalk on the west side since there is a trail on the east side. He added there is a sidewalk policy discussion to be had, after we receive the recommendations of the Sidewalk Ad Hoc Committee.

Mayor Newton stated the majority of the City Council agrees to remove it.

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

Councilmember Coplen asked Mayor Newton about names for the committee on agenda item 7c. Mayor Newton replied Claudia Bevill and Tony Seris.

Mayor Newton stated he has talked with the Community Garden folks, and he will be recommending to table agenda item 7a.

Mayor Newton adjourned the worksession at 6:30 p.m.

Mayor Newton called the Executive Session to order at 6:30 p.m. and called the roll.

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

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 6:55 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Newton at 7:30 p.m.

INVOCATION: Jackie Stratton, Colleyville Baha'i Community

PLEDGE OF ALLEGIANCE: City Attorney Whitt Wyatt

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, Chief Financial Officer Shereen Gendy, Public Works Director Jeremy Hutt, City Engineer Cheryl Taylor, Community Development Director Ben Bryner, Parks Manager Heather Dowell, SH26 Coordinator James Hubbard, Strategic Services Manager Adrienne Lothery, Information Systems Manager Chris Pena, City Attorney Whitt Wyatt, and City Secretary Amy Shelley

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

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

Mayor Newton announced the Colleyville Chamber of Commerce is now accepting applications for Leadership Colleyville.

Mayor Pro Tem Lindamood encouraged everyone to lock up their belongings, lock their shed, and be aware of your surroundings as the Police Department relies on citizens and their help in watching our community.

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

Mayor Richard Newton and Councilmember Tammy Nakamura presented Miss Colleyville 2017 Rachel Renee Hornbuckle, with a proclamation of recognition. Miss Colleyville 2017 Rachel Renee Hornbuckle thanked the Mayor and City Council for the recognition and said she is honored to represent Colleyville.

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

Mayor Newton read Resolution R-17-4160 in its entirety.

Mayor Newton presented and briefed the City Council regarding item 4b.

Councilmember Taylor provided amendments to the July 18, 2017, City Council meeting on pages 1, 4, and 14 to read as follows:

Page 1: Councilmember Taylor asked staff if the removal of existing asphalt was completed during the milling of *Glade Road*. Director Hutt replied yes.

Page 4: Councilmember Taylor asked staff if we have thought about putting landscaping or screening along Hall-Johnson Road *Service Center area*. Director Hutt replied yes, staff is currently adding landscaping and screening to the service center property.

Page 14: Councilmember Taylor stated he appreciates the enthusiasm of RaceTrac and has heard the concerns of the citizens and stated not being against the use. *He added the access to the properties from the intersections is a concern and needs to be adjusted to allow a good cross through.*

Mayor Newton opened the public hearing at 7:42 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 7:42 p.m.

Councilmember Taylor made a motion to approve Resolution R-17-4160 with the amendments to the July 18, 2017, City Council meeting minutes. 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

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

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, RaceTrac representative, presented this item and briefed the City Council.

Mayor Newton stated being fundamentally opposed to this use at this location.

Mayor Newton opened the public hearing at 8:00 p.m.

Mike Sexton, 3612 Greenbriar Court, spoke in support of this request.

Pam Wozniak, 7004 Coleman Court, spoke in opposition to this request with concerns about the lack of addressing concerns in the master plan; lack of reporting on sales tax revenue; environmental concerns; and their traffic study does not match with the streets in Colleyville.

Patty Wozniak, 7004 Coleman Court, spoke in opposition to this request with concerns for increased traffic and construction in this section of Colleyville.

Craig Wozniak, 7004 Coleman Court, spoke in opposition to this request with concerns about the smaller businesses; and the location being so close to residential; the Wachovia location seems to work better.

Kathy Hadley, 204 Timberline Drive North, spoke in support to this request.

Dave Aistrup, 2201 Danielle Drive, spoke in support to this request.

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

Pat Aistrup, 2201 Danielle Drive, spoke in support to this request.

Jay Steinkamp, 1313 Ashford Court, spoke in support to this request.

Chuck Mogged, 1217 Tuscany Drive, spoke in support to this request.

The following persons did not wish to speak, but did wish to register their opposition: Rachel Koch, 6907 Upland Lane; Jenny Haas, 1500 Douglas; and Catherine Coley Canter, 6905 Upland Lane.

There were no others wishing to speak and Mayor Newton closed the public hearing at 8:33 p.m.

Councilmember Nakamura stated being supportive of RaceTrac in Colleyville, but not in favor of this location, and would love for them to be somewhere in Colleyville.

Councilmember Taylor stated he believes this is a prime location for this type of business, especially since this location is across the street from the trail head, which is a great location for bikers and walkers to buy things.

Mayor Pro Tem Lindamood stated not being in favor of this request at this location. This property is our gateway into Colleyville, and he has encouraged Mr. Cunningham to find another location in Colleyville.

Councilmember Nakamura stated she is pro economic development, and convinced economic growth will happen once SH26 is finished.

Mayor Pro Tem Lindamood stated the businesses that have closed on SH26 are not because of the construction on SH26.

Councilmember Wheat stated being pleased with RaceTrac and their plans which would be a great fit for Colleyville, but not in this location.

Councilmember Dodson stated being pleased with RaceTrac as well, and being educated with what they can do; however, this location is a prime location for development and this request does not fit in the Master Plan.

Councilmember Coplen stated the core of Colleyville needs to show the surrounding cities what Colleyville is all about, and make the core the pinnacle of our town. She stated there is really nothing wrong with RaceTrac in this location, but her main concern is to do what is necessary for the core of the City.

Mayor Newton stated he is not sure about the mentioned water feature being in the Master Plan nor about the previous development mentioned. He stated there was a gas station located to the north of this property, but it did not succeed. Sales tax, year-over-year, has increased at least by three percent. Property values have also increased year-over-year and are holding, even in down times. Colleyville is unique and funded by ad valorem, which most thought would not work.

Mayor Pro Tem Lindamood made a motion to deny Ordinance O-17-2016. Councilmember Nakamura seconded the motion.

The motion to deny carried with the following vote:

Aye: 5 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, and George Dodson

Nay: 2 – Councilmembers Nancy Coplen and Mike Taylor

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

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 stated it does not make sense to pass this item when the previous companion item was denied.

Mayor Newton opened the public hearing at 9:02 p.m.

The following persons did not wish to speak, but did wish to register their opposition: Craig and Pam Wozniak, 7004 Coleman Court.

There were no others wishing to speak and Mayor Newton closed the public hearing at 9:03 p.m.

Councilmember Taylor made a motion to deny Ordinance O-17-2017. Councilmember Wheat seconded the motion.

The motion to deny 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

5c 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.

Mayor Newton opened the public hearing at 9:06 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 9:06 p.m.

Mayor Newton made a motion to approve Ordinance O-17-2018. 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

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

Mayor Newton read the caption of Ordinance O-17-2019.

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

Councilmember Coplen asked staff when this item was heard by the Planning and Zoning Commission. Director Bryner replied July 12.

Councilmember Taylor stated this property has twice as much land as what a three acre property can have in accessory buildings, 2,500 square feet. Director Bryner concurred, as written today.

Mayor Newton stated being in favor of this request, as this property is used as agricultural, and it has employees who live on site.

Jeff Polk, contractor representing the property owner, presented this item and briefed the City Council.

Mayor Newton opened the public hearing at 9:16 p.m.

There was no one wishing to speak and Mayor Newton closed the public hearing at 9:16 p.m.

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

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

Mayor Newton read the caption of Ordinance O-17-2020.

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

Councilmember Taylor asked staff about the application for homes previously denied, and the exhibit provided with the original ordinance. Director Bryner replied he did not have the original exhibit referenced in the 1985 ordinance, but he would look again to see if he can find the exhibit.

Don Jones, 2404 Arbor Trail, and applicant, presented this item and briefed the City Council.

Mayor Newton asked Mr. Jones if he currently owns the property. Mr. Jones replied it is under contract with a contingency.

Mayor Newton opened the public hearing at 9:33 p.m.

Mike Sexton, 3612 Greenbriar Court, spoke in support of this request.

Mike Davila, 100 Greenbriar Lane, spoke in support of this request, but stated he does not want a masonry wall.

Kay Whlenhaker, 4803 Cranbrook East, spoke in support of this request.

Doris Clark, 3708 Sweetbriar Lane, spoke in support of this request.

James Bevill, 119 Cheek-Sparger Lane, spoke in opposition of this request with concerns about the use not being an asset to the community, as a whole, since there is an assisted living facility approved at Wayne Drive and Cheek-Sparger Road, with another assisted living facility being proposed with the Planning and Zoning Commission; and drainage issues.

Claudia Bevill, 119 Cheek-Sparger Road, spoke in opposition of this request with concerns about the facility not being large enough to really make a difference with aging community, especially since there is an assisted living facility down the street; congregate residence like a boarding house for family and friends; and what would the use of building be if the business fails.

Dean Howell, 104 Cheek-Sparger Road, spoke in support of this request.

Jo Lynn Golden 3700 Sweetbriar Lane, spoke in support of this request.

Edward Haan, 7500 Wind Swept Trail, spoke in support of this request.

The following persons did not wish to speak, but did wish to register their support of this request: David Wallace, 104 Greenbriar Lane; Cynthia Wallace, 104 Greenbriar Lane; and Elizabeth Guest, 106 Greenbriar Lane.

There were no others wishing to speak and Mayor Newton closed the public hearing at 10:06 p.m.

Councilmember Wheat asked Mr. Jones about the target audience for the use. Mr. Jones replied for many years, friends very close to him, had always dreamed of living together in a duplex. Another set of friends are now having to take care of their disabled son, and he would like for them to live there. He plans to live there as a resident, and never thought about this as a business, but he does have a partner who can speak to the business. He stated some have owner/operators and have the license to operate facility. He plans to have staff on site to handle the residents, including him and his wife. He expects this to be owned by his family.

Councilmember Wheat asked Mr. Jones if there would be other residents who were not family and friends of his that would live there. Mr. Jones replied there are no multi-families to live there. He plans to live there rather than another community, to retire there because he is not impressed with the large facilities. The friends would not be related to them.

Councilmember Wheat asked Mr. Jones if he would be actively seeking other persons to be residents of the facility. Mr. Jones replied yes.

Councilmember Nakamura asked Mr. Jones if he currently lives in Colleyville. Mr. Jones replied yes.

Councilmember Dodson asked Mr. Jones how he will compete with the facility already approved down the street. Mr. Jones replied he has talked with those owners, and has looked at other facilities on a smaller scale, such as Beehive and Greenhouse.

Mayor Newton asked staff about drainage issues. Director Bryner replied he does not know of any drainage issues.

Mayor Newton asked staff if they have looked at the drainage flow from this property to the existing properties. Director Bryner replied not at this time.

City Manager Jerry Ducay asked staff if the site will have onsite detention. Director Bryner replied the applicant is required to detain any drainage or discharge appropriately, and will have to have those issues taken care of during the site plan review. Mayor Newton stated there could not be a favorable vote, from him, until the drainage issues are addressed.

Mayor Newton asked Mr. Jones if two people will be able to occupy one room. Mr. Jones replied the state will not allow more than 16 occupants, and one or two rooms may be a couple; most will be a widow or widower. There will be ten living quarters.

Mayor Newton asked Mr. Jones about the cost of the facility, will it be a Medicare or Medicaid facility. Mr. Jones replied it will be privately funded, with the ability to use insurance. He stated the fees will be substantial.

Mayor Newton asked Mr. Jones how much it will cost to live there. Mr. Jones replied they have ran the numbers, and with only six residents, the cash flow would be enough to be operable.

Mayor Newton asked Mr. Jones, again, how much will it cost to live there. Mr. Jones replied he can state what places like Watermere and Park Place charge, typically \$4,500 to \$5,000 a month, with a spouse, another \$1,000 a month. There are facilities that are much higher. He stated it will not be a \$2,300 a month facility.

Mayor Newton asked Mr. Jones about his return on his investment. Mr. Jones replied he and his son have considered the return on his investment to be about seven percent. He said there would be no debt, with reserves to operate the facility.

Mayor Newton asked Mr. Jones if he has ever done a business like this. Mr. Jones replied no.

Mayor Newton recessed the meeting at 10:24 p.m.

Mayor Newton reconvened the meeting at 10:33 p.m.

Fred Hermus, 2401 North 224 Street West, Andale, Kansas, Physicians Development Group, Axiom Healthcare Services, presented the business side of the facility on behalf of Mr. Jones.

Mayor Newton asked Mr. Hermus about his role in this development. Mr. Hermus replied he is a consultant for Mr. Jones.

Councilmember Wheat asked Mr. Hermus if he is associated with the Greenhouse. Mr. Hermus replied no, he is very familiar with the facility.

Councilmember Coplen asked Mr. Hermus if the Beehive House is one of his facilities. Mr. Hermus replied yes, in Lewisville.

Mayor Newton asked Mr. Hermus if he currently operates facilities such as these. Mr. Hermus replied yes, and listed a few in the state of Kansas, all with about 12 rooms.

Mayor Newton asked Mr. Hermus how many facilities he is operating. Mr. Hermus replied five facilities; The Reflection Living (3), The Hutcheson Facility; The Cottages.

Councilmember Coplen asked Mr. Hermus about the cost of his facilities in Kansas. Mr. Hermus replied \$240 per day, about \$7,200 per month.

Councilmember Dodson asked Mr. Hermus about the number of staff members in the facilities. Mr. Hermus replied the number of staff members depends on the level of care, some are staffed higher. Some range between three and six staff members, depending on the number of residents; nurses are included in the staffing. He stated Mr. Jones is not proposing a medical type facility.

Councilmember Dodson asked Mr. Hermus if dementia patients require more staff. Mr. Hermus replied not necessarily, it depends on the level of dementia.

Councilmember Coplen asked staff about the reasons why the Planning and Zoning Commission were not in favor of the request. Director Bryner replied there was no discussion as to the reason to deny the request. He stated the motion was to approve, but failed by a 2-5 vote.

Mayor Pro Tem Lindamood asked Mr. Jones about the plan if the business fails or the economy goes bad. Mr. Jones replied he would decrease what is being charged, and he would decrease his overhead. He stated this is an investment to him, and he does not want to lose it.

Mayor Pro Tem Lindamood asked Mr. Jones if the residents have to be able to walk in on their own. Mr. Jones replied yes, the residents have to be able to exit on their own in the event of an emergency; it is not a medical facility.

Mayor Pro Tem Lindamood asked Mr. Jones what happens to residents who become bed ridden. Mr. Jones replied those residents would not be able to stay, based on state regulations.

Mayor Pro Tem Lindamood asked Mr. Jones if he has a concept grading plan. Mr. Jones replied since it is not required for the zoning request, he does not have plans. He stated he will have to have it before the building permit is issued. He stated he does not want to invest in plans if the zoning is not approved. He stated he knows where the water flows based on the contour maps. With a building in place, the flow will change.

Councilmember Nakamura asked Mr. Jones if he is in business with his son. Mr. Jones replied no, his son is over the trust, but not in this venture. He stated there are different family trusts.

Councilmember Taylor asked staff if under the existing Land Development Code, the applicants are required to drain the water to the street. Director Bryner replied the street is the ideal location, but it is not required, otherwise they have to detain the water on the property or discharge it at the existing rate.

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

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

Mayor Newton read the caption of Ordinance O-17-2021.

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

Councilmember Wheat asked staff about the Planning and Zoning Commission's discussion about why they denied the request. Director Bryner replied a lot of the discussion was about the existing zoning surrounding the property and not wanting to go away from the R40 zoning.

Edward Mitchell, 600 John McCain Road, presented this item and briefed the City Council.

Mayor Newton opened the public hearing at 11:29 p.m.

Doug Miller, 7112 Pleasant Run Road, spoke in opposition to this request with concerns about density and the possible decrease in property values.

Waguih Guirguis, 7204 Waldon Court, spoke in opposition to this request with concerns about density.

The following persons did not wish to speak, but did wish to register their support: Sydree Mitchell, 600 John McCain Road and Shearon Mitchell, 600 John McCain Road.

There were no others wishing to speak and Mayor Newton closed the public hearing at 11:36 p.m.

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

6d Ordinance O-17-2022

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

Mayor Newton read the caption of Ordinance O-17-2019.

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

Mayor Newton asked staff about the sense of urgency with this ordinance. Director Bryner replied without the approval of this ordinance, there are some things Colleyville would not be able to regulate, and would have to comply with the senate bill, if it is approved.

Mayor Newton asked staff if this ordinance approval, prior to September 1, will allow Colleyville to regulate certain things. Director Bryner replied yes, if we do not have the regulations in place, we will have to comply with state legislation.

Mayor Newton asked staff about the deadline of March 2018. Director Bryner replied March 18 is the last deadline, but before September 1, Colleyville has more latitude.

Councilmember Taylor asked staff if this ordinance designates certain areas to be more aesthetically pleasing with the placement of the nodes within residential restrictions. Director Bryner replied yes, there are residential and historic restrictions.

Mayor Newton asked if we have fancy light poles, we would then be able to apply restrictions to the placement of nodes on the light poles. Director Bryner replied yes.

City Attorney Whitt Wyatt explained the state is clamping down on cities' actions, and the lobbyists are asking for more uniform regulations. Before September 1, we get to preserve our regulations, until March 18, and all current contracts and amendments, otherwise those would revert to state law.

Councilmember Taylor asked staff what happens after March 18. City Attorney Whitt Wyatt replied all regulations would revert to state compliance. City Manager Jerry Ducay added one of the things that might happen, is regulation of our use of right-of-way for public utilities, some by franchise utilities, an attempt to deal with wireless technology that was not previously in existence. This ordinance attempts to delay the process of implementation for us while some of the new legislation matures and the regulations that follow are clarified.

Councilmember Dodson asked staff if this should be passed so we can move on, since there are no penalties. City Attorney Whitt Wyatt replied he has a package of documents, with those specializing with this bill in his office, and he is of the opinion to recommend amendments as necessary as state legislation flushes out the bill within the next few months.

Mayor Newton opened the public hearing at 11:51 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 11:51 p.m.

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

6e Ordinance O-17-2023

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

Mayor Newton read the caption of Ordinance O-17-2019.

There was no presentation needed on this item.

Mayor Newton opened the public hearing at 11:51 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 11:52 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-17-4161

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

Mayor Newton read Resolution R-17-4161 in its entirety.

Mayor Newton explained he has talked with the Colleyville Community Gardens representatives, and he has spoken with the City of North Richland Hills, who currently has a community garden. He stated the garden group is not ready to move forward, pending some questions to be answered.

Mayor Newton opened the public hearing at 11:55 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 11:55 p.m.

Mayor Newton made a motion to table Resolution R-17-4161. Councilmember Dodson seconded the motion.

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

Mayor Newton asked the City Council if they would like to continue the City Council meeting passed midnight. All approved by acclamation.

7b Resolution R-17-4162

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

Mayor Newton read Resolution R-17-4162 in its entirety.

Mayor Newton presented this item and briefed the City Council.

Mayor Newton opened the public hearing at 12:00 a.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 12:00 a.m.

Councilmember Coplen made a motion to approve Resolution R-17-4162. Mayor Pro Tem Lindamood 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-17-4163

Resolution R-17-4163 - Approval of a resolution to fill two vacancies on the Water and Wastewater Rate Advisory Committee

Mayor Newton read Resolution R-17-4163 in its entirety.

Mayor Newton opened the public hearing at 12:01 a.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 12:01 a.m.

Councilmember Dodson made a motion to approve Resolution R-17-4163 appointing Claudia Bevill and Anthony Seris to the Water and Wastewater Rate Advisory Committee. Councilmember Nakamura 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 Presentation of Road Project Updates**

Public Works Director Jeremy Hutt presented this item and gave an update on the status of current and planned road projects.

Councilmember Wheat asked staff about the length of time the Phase 1 Detour, north of LD Lockett Road is anticipated. Director Hutt replied two to three months.

Councilmember Taylor asked staff if they are sure Glade Road, at the intersection of Bransford Road, will be open before the start of school. Director Hutt replied yes.

Councilmember Taylor asked staff about the clearing of debris at the house on the corner of Tinker Road and SH26. City Manager Jerry Ducay replied the contractor has been working to clear only the appropriate debris and the neighbors complained because of the clearing of the trees.

Mayor Newton asked staff about the status of the Bedford Road retaining wall. Director Hutt replied the contractor is pouring the wall, section by section, and some have been poured and exposed. The expected time for completion is September.

Councilmember Taylor asked staff if the wall sections will be connected. Director Hutt replied yes.

Councilmember Taylor asked staff if there is any way for the wall to break or give way. Director Hutt replied no, staff does not anticipate any issues with this wall, structurally.

Councilmember Taylor asked staff if Taco Casa is looking for another location in Colleyville. Interim Assistant City Manager/Executive Director of Economic Development and Communications replied yes.

Councilmember Dodson asked staff about the SH26 project milestones, and if there is a way to post those. SH26 Project Coordinator James Hubbard replied the contractor has not been forthcoming with the calendar.

Mayor Newton asked staff why the contractor has not provided the information. Coordinator Hubbard replied he did not know why, but, staff will work with them to get this information. Mayor Newton stated he expects this information.

Councilmember Dodson asked about the frequency of the meetings held about the project. Coordinator Hubbard explained the meetings are posted on the web page and through E-News and the monthly economic development report.

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

Edward Mitchell, 600 John McCain Road, expressed an apology to the City Council during his public hearing in the event he offended anyone.

Kathy Hadley, 204 Timberline Drive North, filled out a speaker card to speak, but left before this item came forward.

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

This resolution was not needed.

11. ADJOURNMENT

There being no further business before the City Council, Mayor Newton adjourned the City Council meeting at 12:30 a.m.

APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE 15TH 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 08/15/2017

Number Resolution R-17-4166

Type Resolution

Department Fire

Title

Approval to replace the front three, overhead doors at Fire Station #1, located at 5209 Colleyville Boulevard, with four fold doors, in an amount not to exceed \$129,755, and authorizing the city manager to execute the agreement

Strategic Plan

2.1 Provide responsive, efficient city services

2.4 Demonstrate stewardship of public resources

Explanation

Reading and Public Hearing

Following an update and discussion at the June 20, 2017, City Council Worksession, staff was directed to move forward with replacing the front three overhead doors at Fire Station #1 with four-fold apparatus bay doors. A Request For Proposal process was conducted and advertised in the Fort Worth Star-Telegram on July 23 and July 30, 2017. The sealed bids were opened on August 7, 2017.

Approval of this item will allow for the replacement of the front three overhead doors at Fire Station #1 with four-fold apparatus bay doors, in an amount not to exceed \$129,755 and authorizes the city manager to execute the agreement.

Financial Impact

Funds in the amount of \$129,755.00 are available in line item 003-22-30-6625.

Recommendation

Approve

Attachments

1. Fire Station #1 Update
2. Fire Station #1 Bid Summary Form
3. Fire Station #1 Contractor Bid Packet Requests
4. Fire Station #1 Specifications And Contract Documents

Fire Station #1

(Folding Doors)



Project Information

- Installation of four-fold doors at Fire Station # 1
- High quality; low maintenance; dependable
- Heavy duty durable construction
- Full visibility of door opening & closing operations

Funding

- Project Budget: \$129,755
- Funding Source: Capital Projects Fund Account 00322230-6625

Key Dates

- Following an update and discussion at the June 20, 2017, City Council Worksession, staff was directed to move forward with replacing the front three overhead doors at Fire Station #1 with four-fold apparatus bay doors.

Project Status

- A Request For Proposal process was conducted and advertised in the Fort Worth Star-Telegram on July 23 and July 30, 2017. The sealed bids were opened on August 7, 2017.

FS #1 OVERHEAD GARAGE DOOR REPLACEMENT

August 7, 2017

2:00 pm

Bid Summary

[illegible]

FS #1 OVERHEAD GARAGE DOOR REPLACEMENT

[illegible]

**SPECIFICATIONS AND
CONTRACT DOCUMENTS FOR**

**FIRE STATION # 1 OVERHEAD GARAGE DOOR
REPLACEMENT AT 5209 COLLEYVILLE BOULEVARD,
COLLEYVILLE, TEXAS 76034**



**FOR
City of Colleyville
100 Main Street
Colleyville, Texas 76034
817-503-1090**

Date: July 20, 2017

CITY OF COLLEYVILLE
FIRE STATION # 1
OVERHEAD GARAGE DOOR REPLACEMENT
5209 COLLEYVILLE BOULEVARD, COLLEYVILLE, TX 76034

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I.
NOTICE TO BIDDERS

NOTICE TO BIDDERS

1.1 Sealed Bids addressed to CITY OF COLLEYVILLE, will be received at the office of the City Engineer, City of Colleyville, located at 100 Main Street, 2nd floor, Colleyville, Texas 76034, until **2:00 p.m. on Monday, August 7, 2017**, for the furnishing of all plant, labor, materials, and equipment and the performing of all work required in the construction of the following project:

**FIRE STATION # 1
5209 Colleyville Boulevard
Colleyville, TX 76034
OVERHEAD GARAGE DOOR REPLACEMENT**

and other improvements incidental thereto, at which time and place the bids will be publicly opened and read aloud. ***(NO LATE BIDS WILL BE ACCEPTED)*** Bids shall be submitted in sealed envelopes upon the blank form furnished herewith. Sealed envelopes shall be marked "**A BID FOR FIRE STATION # 1 OVERHEAD GARAGE DOOR REPLACEMENT. DO NOT OPEN UNTIL 2:00 P.M., Monday August 7, 2017.**"

1.2 Bidders must submit, with their bids, a cashier's or certified check in the amount of five percent (5%) of the maximum amount bid, payable without recourse to CITY OF COLLEYVILLE, TEXAS, or a Bid Bond in the same amount from an approved Surety Company (according to the latest list of companies holding certificates of approval by the State Board of Insurance under 7.19-1 of the Texas Insurance Code) as guarantee that the Bidder will enter into a contract and execute bond and guarantee forms provided within (10) days after award of contract to their company.

1.3 The successful Bidder must furnish Performance, Payment and Maintenance Bonds each in the amount of one hundred percent (100%) of the contract price from an approved Surety Company. (An approved Surety Company being a company holding a permit from the State of Texas, to act as Surety, and being acceptable according to the latest list of companies holding certificates of approval from the State Board of Insurance under 7.19-1 of the Texas Insurance Code.) The successful Bidder must also be able to show evidence that it is authorized to do business in the State of Texas prior to executing the contract.

1.4 All unit prices must be stated in both script and figures. The City reserves the right to reject any and all bids and to waive formalities. In case of ambiguity or lack of clearness in stating prices in the bid, the City reserves the right to consider and adopt the most advantageous construction thereof, or to reject any or all bids. Unreasonable or unbalanced unit prices will be considered sufficient cause for rejection of any bid or bids. In case of a discrepancy between the product number and description, the description takes precedence. No bid may be withdrawn within forty-five (45) days after date on which bids are opened. Oral, written, emailed or telecopied modifications to bids will not be considered. Modifying or qualifying statements of any kind shall be on a separate sheet and submitted in the same envelope with the bid. Only original signatures will be accepted. Electronic signatures will not be accepted.

1.5 In case of a difference in written words and figures on the proposal form, the amount in written words shall govern. Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over construction of the project shall apply to the contract throughout, and such rules and regulations will be deemed to be included in the contract as though said rules and regulations were written out in full in said contract.

1.6 Bidders are expected to inspect the site(s) of the work and to inform themselves regarding local conditions under which the work is to be performed. The successful bidder must provide proof that he has performed work of similar nature and dollar amount within the past three (3) years. Attention is called to the provisions of the Act of the 43rd Legislature of the State of Texas and subsequent amendments concerning the wage scale and payment of prevailing wages specified.

1.7 Prevailing wage rates will be established by City of Colleyville for this project. All Bidders must comply with the rules and regulations for the Americans with Disabilities Act of 1990, as amended.

1.8 Plans, Specifications and Contract Documents may be examined without charge at the office of the City Engineer, City of Colleyville, located at 100 Main Street, 2nd floor, Colleyville, Texas 76034,. Copies of such instruments may be obtained from the Office of the City Engineer, City of Colleyville.

1.9 Chapter 176 of the Texas Local Government Code requires that any Bidder or person considering doing business with a Local Government entity, disclose in the questionnaire form CIQ, the Bidder or person's affiliation or business relationship that might cause a Conflict of Interest. The CIQ with a completed 1295 form shall be submitted with the Bidder's completed Bid Packet. Failure to submit any form under this Section shall result in the Bid being considering non-responsive.

1.10 There will be **no pre-bid conference** and bidders should submit all inquiries and/or questions concerning this project to the person named below. Questions that result in changes to the specifications will be answered in writing and copies distributed to bidders of record in the form of an addendum.

Name:	BRIAN J. RILEY, FIRE CHIEF
Firm:	CITY OF COLLEYVILLE FIRE DEPARTMENT
Address:	5209 COLLEYVILLE BLVD.
City, State, ZIP	COLLEYVILLE, TX 76034
Telephone:	817.503.1410
Email:	briley@colleyville.com

1.11 Any addenda issued during the time allowed for the preparation of bids shall be covered in the bid and, in executing the contract, they shall become a part thereof. Failure of a Bidder to receive any addendum shall not release the Bidder from any obligations under the bid that appear in said addenda, provided said addendum was sent by either U. S. Mail to the address furnished by the Bidder for transmittal of U. S. Mail or by telephone facsimile transmission.

1.12 The City reserves the right to reject or accept any or all bids or to enter into negotiations with any bidder. The City reserves the right to waive any alleged breach of technicality.

1.13 **Project Schedule:** The City desires that the Project be completed on or before September 30, 2017. Any Bidder who believes they will be unable to meet this Project Schedule may continue to submit a bid provided that the Bidder provides a detailed project timeline and a firm completion date. The City reserves the right to reject any bid as unresponsive that does not meet the City's desired project schedule.

GENERAL CONDITIONS OF THE CONTRACT

2.1 These general terms and conditions apply to all quotations or bid submittals and become a part of terms and conditions of any bid packet submitted.

2.2 The City shall have the authority to disapprove or reject unsatisfactory work, services or equipment. If required by the City, the Bidder shall promptly, as directed, correct all unsatisfactory work and replace all defective equipment, and shall bear all direct, indirect and consequential costs of such correction.

2.3 The City reserves the right to waive any minor defect, irregularity, or informality in any bid, quotation, or proposal. The City may also reject any or all bids, quotations, or proposals without cause prior to award.

2.4 The City reserves the right to enforce the performance of any portion of this contract in any manner prescribed by law and deemed to be in the best interest of the City in the event of breach or default of the same contract. The City reserves the right to terminate the contract immediately in the event the Bidder fails to meet schedules or otherwise perform in accordance with these specifications. Breaches of contract or default authorize the City to purchase the services from the next low bidder or re-bid and charge the difference in cost to the defaulting Bidder.

2.5 In its sole discretion, the City shall have the right to select or to approve defense counsel to be retained by Bidder in fulfilling its obligation under the Construction Agreement to defend and indemnify City, unless such right is expressly waived by City in writing. City reserves the right to provide a portion of its own entire defense; however, City is under no obligation to do so, any such action by City is not to be construed as a waiver of Bidder's obligation to defend City or as a waiver of Bidder's obligation to indemnify City pursuant to this contract. Bidder shall retain City approved defense counsel within seven (7) business days of City's written notice that City is invoking its right to indemnification under this contract. If Bidder fails to retain

counsel within such time period, City shall have the right to retain defense counsel on its own behalf, and Bidder shall be liable for all costs incurred by City.

2.6 The successful bidder and the City of Colleyville agree that each party have rights, duties, and remedies available as stated in the Uniform Commercial Code and any other available remedy, whether in law or equity.

2.7 Bidder acknowledges and represents that they are aware of laws, City Charter and City Code of Conduct regarding Conflicts of Interest. The Bidder hereby affirms that no such conflict presently exists and that it has completed and submitted the required Conflicts of Interest disclosure forms.

2.8 All equipment, supplies and work furnished under this contract shall comply with applicable laws, ordinances and regulations. The Bidder shall obtain and pay for such permits and inspections as are required for the legal performance of this work.

2.9 The City reserves the right to audit the records and performance of Bidder during the term of the contract and for three years thereafter.

2.10 Payment will be made in accordance with Texas statutes. Term of Payment is net 30 days after the date the City receives and accepts the goods and/or services in accordance with the contract.

2.11 Funds for payment have been approved. The State of Texas statutes prohibit the obligation and expenditure of public funds beyond the fiscal year for which a budget has been approved; therefore, anticipated obligations that may arise past the end of the current City fiscal year shall be subject to budget approval. The City of Colleyville is a Home-Rule Municipal Corporation operated and funded October 1 to September 30.

2.12 The City of Colleyville is by statute tax-exempt therefore pricing shall not include taxes. Tax exemption certificates will be executed by the City and furnished upon request.

2.13 Bidders shall state a firm completion time. The City reserves the right to cancel orders and/or assess financial penalties if the Bidder fails to complete project as promised. Work shall be scheduled between 7:00 a.m. and 6:00 p.m., Monday through Friday, excluding holidays, unless otherwise approved by the City.

2.14 When offering products other than those bid, the City reserves the right to request a sample/demo of the product for evaluation. In such cases, the bidder must provide a sample/demo of the product at no charge to the City within three days of the request, and must pick up the product after the evaluation. Failure to provide an evaluation product within the three day period will disqualify the bidder from further consideration. If the bidder offers a product other than that specified, specifications must be included in the bid package. Bid responses not listing manufacturer or part numbers in the Mfg/Pt No. section of the bid form will be considered as bidding according to specification, and if awarded, will be required to provide exactly what was specified. Samples should not be enclosed with bid unless requested.

2.15 When manufacturers are named in the specification, they are not meant to limit competition, but to define the minimum standard, quality, and performance of the item specified. All materials supplied will be new, first quality industrial-grade products.

2.16 Response to specification is primary in determining the lowest responsible bid.

2.17 The City of Colleyville reserves the right to award a Bidder's bid as an "alternate award". The alternate Bidder's bid shall remain in effect for the term of the awarded contract, should the primary Bidder become unable or unwilling to complete the contract term. The alternate Bidder will be notified in writing of their official contract and start date. All terms and conditions of the original bid will remain in effect.

2.18 The City of Colleyville reserves the right to award a separate contract to separate Bidders for each item/group or to award one contract for the entire bid.

2.19 Bid prices cannot be altered or amended after submission deadline. Any interlineations, alteration, or erasure made before opening time must be initialed by the signer of the bid, guaranteeing authenticity.

2.20 A bid price may not be withdrawn or canceled by the bidder for a period of 90 days following the date designated for the receipt of bids without written approval of the Purchasing Manager, and bidder so agrees upon submittal of bid.

2.21 No oral statement of any person shall modify or otherwise change or affect the terms, conditions or specifications stated in the resulting contract. All change orders must be made in writing.

2.22 All work, materials, equipment, and supplies, furnished under this contract shall comply with applicable laws, ordinances and regulations.

2.23 Unless otherwise indicated, items will be new, unused, and in first rate condition in containers suitable for damage-free shipment and storage.

2.24 The City shall have the right to do other work, or to let other contracts for work to be done, on the same sites as specified for the work to be done under this contract, and the City's arrangements as to precedence of work and the relationship between the Bidder and the City shall be decisive.

2.25 Texas Government Code, Chapter 2252, non-resident bidders; Texas Law prohibits Cities and Governmental units from awarding contracts to a non-resident unless the amount of such bid is lower than the lowest bid by a Texas resident by the amount a Texas resident would be required to underbid in the non-resident bidder's state.

2.26 The Bidder shall purchase and maintain in force the following kinds of insurance for operations under the Construction Agreement as specified. Insurance certificates in the amounts shown and under the conditions noted shall be provided to the City before the commencement of any work.

2.27 Workers' Compensation Coverage – The Bidder shall purchase and maintain in force the following kinds of insurance for operations under the contract as specified.

2.28 Nothing in this bid shall release the Bidder from compliance with any State Wage Law that may be applicable. The Bidder shall abide by the Wage and Hour Laws of the State and must not pay less than the wages legally prescribed as set forth herein.

2.28.1 Except for work on legal holidays, the “general prevailing rate of per diem wage” for the various crafts or types of workmen or mechanics is the product of (a) the number of hours worked per day, except for overtime hours, times (b) the respective Rate Per Hour.

2.28.2 For legal holidays, the “general prevailing rate of per diem wage” for the various crafts or type of workmen or mechanics is the product of (a) one and one-half times the respective Rate per Hour, times (b) the number of hours worked on a legal holiday.

2.28.3 The “general prevailing rate for overtime work” for the crafts or type of workmen or mechanics is one and one-half times the above respective Rate per Hour.

2.29 The Davis-Bacon Act, 40 U.S.C. §§ 276-A276A-7, provides that locally prevailing wages and fringe benefits must be paid to laborers and the mechanics employed on Federally Funded contracts exceeding \$2,000 that may involve construction, alteration, maintenance or repair. The new interim rule clarifies that all Programs or Activities funded by ARRA and meeting the Davis-Bacon criteria will be subject to the requirements under Davis-Bacon. The awarding agency must include the following provision in issuing grant announcements or requesting applications.

2.29.1 “Section 1606 of the Recovery Act requires that all laborers and mechanics employed by Bidders and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Recovery Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of Chapter 31 of Title 40, United States Code.

2.29.2 Pursuant to reorganization Plan No. 14 and the Copeland Act. 40 U.S.C. 3145, The Department of Labor has issued regulation at 29 CFR Parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. Federal agencies providing grants, cooperative agreements, and loans under the Recovery Act shall ensure that the standard Davis-Bacon contract clauses found in 29 C.F.R. 5.5(A) are incorporated in any resultant covered contracts that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating)”

2.30 Buy American Act See <http://www.whitehouse.gov/> for revisions, amendments, and more information. Sec 1605. Use of American iron, steel, and manufactured goods.

- A. None of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair

of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

- B. Subsection (A) shall not apply in any case or category of cases in which the head of the Federal Department or agency involved finds that:
- a. Applying Subsection (A) would be inconsistent with the public interest;
 - b. Iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quantity; or
 - c. Inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.
- C. If the head of a Federal Department or agency determines that it is necessary to waive the application of subsection (A) based on a finding under subsection (B), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.
- D. This section shall be applied in a manner consistent with United States Obligations under International Agreements.

2.31 EVALUATION CRITERIA: PLEASE NOTE THAT THIS BID WILL BE AWARDED ON THE BASIS OF "BEST VALUE". The award to the successful bidder will be determined by best value to the City of Colleyville as allowed by Chapter 252 of the Local Government Code.

The following criteria will be considered when selecting a Bidder:

- the purchase price
- the reputation of the bidder and the bidder's services;
- the quality of the bidder's service;
- the extent to which the bidder's services meet the City's needs;
- the bidder's past business relationship with the City.

-End General Conditions of the Contract-

BIDDER PROPOSAL & ACKNOWLEDGMENT

The undersigned Bidder hereby declares that he has visited the site(s) of work and has carefully examined the Contract Documents pertaining to the work covered by this bid. The Bidder further agrees to execute and file with the City a contract and bonds on the forms provided within ten (10) days after receipt of written notification of award of the contract.

Enclosed with this proposal is a Certified Check for _____ dollars (\$ _____) or a Proposal Bond in the amount of five (5%) percent of the total bid, which it is agreed shall be collected and retained by the City as liquidated damages (for delay and additional work caused thereby) in the event that this Proposal is accepted by the City within ninety (90) days after the bids are received and the undersigned fails to execute the contract and required bonds for the City within ten (10) days after the Proposal is accepted and the Contract awarded by the City. Otherwise, said check or bond shall be returned to the undersigned upon request.

COOPERATIVE PURCHASING: As permitted under Interlocal Cooperation Act C Texas Government Code, Chapter 791, other governmental entities may wish to also participate under the same terms and conditions contained in this contract. If this bid is not specifically for the Tarrant County Governmental Purchaser's Forum, each entity wishing to participate must have prior authorization from the City of Colleyville and the Bidder. If such participation is authorized, all purchase orders will be issued directly from and shipped directly to the entity requiring supplies/services. The City of Colleyville shall not be held responsible for any orders placed, deliveries made or payment for supplies/services ordered by the entities. Bidder is to state their willingness to allow other governmental entities to participate in this contract, if awarded. Bidders bidding products other than those specified should submit technical specification literature with bids.

IS YOUR FIRM WILLING TO ALLOW OTHER GOVERNMENTAL ENTITIES TO PARTICIPATE IN THIS CONTRACT, IF AWARDED, UNDER THE SAME TERMS AND CONDITIONS? _____ **YES** _____ **NO**

Signed: _____

Company: _____

Address: _____

SEAL
If Corporation)

Telephone: _____

Fax: _____

Federal ID Number: _____

The undersigned bidder acknowledges receipt of the following Addenda: (If none is received, then write NONE across the blanks.)

Addendum No. 1 Date Received: _____

By: _____

Addendum No. 2 Date Received: _____

By: _____

Addendum No. 3 Date Received: _____

By: _____

II.
PROPOSAL AND UNIT PRICE BID FORM

UNIT PRICE BID FORM

TO: CITY OF COLLEYVILLE
Fire Administration-Central Station
5209 Colleyville Blvd
Colleyville, Texas 76034

FOR: FIRE STATION #1 OVERHEAD GARAGE DOOR REPLACEMENT

Pursuant to the foregoing "Notice to Bidders" and "General Conditions of the Contract", the undersigned bidder, having thoroughly examined the Contract Documents, the site(s) of the project and understanding the amount of work to be done and the prevailing conditions, hereby proposes to fully complete all of the work and requirements (including furnishing all necessary superintendence, labor, machinery, equipment, tools and materials), as provided in the Specifications and Contract Documents and binds itself, upon acceptance of this proposal, to execute a contract and bonds, and to furnish all required guarantees (according to the accompanying forms) and to complete the work within the required time and for the prices contained in the following Schedule of Values:

Item No.	Quantity & Unit	Description & Price In Words	Prices in Figures	
			Unit Price	TOTAL
			\$	\$
			\$	\$
			\$	\$

			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

			\$	\$
OPTIONAL ITEMS/SERVICES				
			\$	\$
MISCELLANEOUS				
				\$
Project Total				\$ _____

ADDITIONAL NOTES/PRICING INFORMATION (Optional):

By signing below the undersigned Bidder hereby certifies that the foregoing quantities, prices and/or values are accurate and based upon Bidder's careful review and consideration of all work to be performed for the project.

Acknowledged and Submitted by:

Signature

Name

Bidder/Company Name

Date: _____

III. CONTRACTOR AGREEMENT

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

CONTRACTOR AGREEMENT

This Agreement ("Agreement") is made and entered into as of the Effective Date by and between the City of Colleyville, Texas ("City"), and _____, ("Contractor"), (each a "Party" and collectively the "Parties"), acting by and through their authorized representatives.

RECITALS:

WHEREAS, City desires to engage the services of Contractor as an independent contractor and not as an employee in accordance with the terms and conditions set forth in this Agreement; and

WHEREAS, Contractor desires to render services for the replacement and installation of the Colleyville Fire Station No. 1 overhead garage doors ("Project"), as more particularly described herein; and

WHEREAS, City desires to enter into this Agreement with Contractor for the purpose of conducting the work necessary to complete the Project, as set forth in the scope of work as described in the Contract Documents, ("Work");

NOW, THEREFORE, in consideration of the terms and conditions contained herein and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

Article I Term

This Agreement shall commence on the last date of execution hereof ("Effective Date") and continue until completion of the Project, unless sooner terminated as provided herein.

Article II Contract Documents

2.1 This Agreement is a part of the Contract Documents, which include:

- A. This Agreement, including all exhibits attached hereto;
- B. the City's Specifications and Contract Documents for the Fire Station No. 1 Overhead Garage Door Replacement Project ("Bid Packet");
- C. any changes orders executed for the Project;
- D. the Contractor's Bid Proposal ("Proposal" and/or "Response"); and
- E. any other bid materials distributed by the City that relate to the Project.

2.2 The documents listed in Section 2.1 above shall be referred to collectively as "Contract Documents". In the event there exists a conflict between any term, provision and/or interpretation of the Contract Documents, the documents shall take precedent and control in the order listed in Section 2.1

above. If discrepancies are found that may impact construction of the Project, it shall be the Contractor's obligation to seek clarification as to which requirements or provisions control before undertaking any work on that component of the project. Should the Contractor fail or refuse to seek a clarification of such conflicting or inconsistent requirements or provisions prior to any work on that component of the Project, the Contractor shall be solely responsible for the costs and expenses - including additional time - necessary to cure, repair and/or correct that component of the project.

III. Scope of Work

3.1 Contractor shall perform the Work for the Project in the manner set forth in the Contract Documents as described in Article II above, and; pursuant to the Scope of Work ("SOW") as provided by the City.

3.2 Contractor must maintain a Performance Bond, Payment Bond, and Maintenance Bond, in the forms provided in the documents attached hereto and incorporated herein as Exhibit "A", Exhibit "B", and Exhibit "C," respectively, meeting the requirements of this Agreement in effect for the duration required by this Agreement.

Article IV Devotion of Time; Personnel; and Equipment

4.1 Contractor shall devote such time as reasonably necessary for the satisfactory performance of the Work under this Agreement. Should City require additional services not included under this Agreement, Contractor shall make reasonable efforts to provide such additional services within the time schedule without decreasing the effectiveness of the performance of Work required under this Agreement, and shall be compensated for such additional services on a time and materials basis at a cost agreed between the Parties prior to the commencement of such additional work.

4.2 To the extent reasonably necessary for Contractor to perform the Work under this Agreement, Contractor shall be authorized to engage the services of any agents, assistants, persons, or corporations that Contractor may deem proper to aid or assist in the performance of the services under this Agreement. Contractor shall provide written notice to and approval from City prior to engaging services not referenced in the Agreement Documents. The cost of such personnel and assistance shall be included as part of the total compensation to be paid Contractor hereunder, and shall not otherwise be reimbursed by City unless provided differently herein.

4.3 Contractor shall furnish the equipment and personnel necessary to perform the Work required under this Agreement unless otherwise provided herein.

4.4 Contractor shall submit monthly progress reports and attend progress meetings as may be required by City from time to time based upon Project demands. Each progress report shall detail the work accomplished and special problems or delays experienced on the Work during the previous report period, and the planned work activities and special problems or delays anticipated for the next report period.

Article V Schedule of Work

5.1 At the pre-construction meeting, the Contractor shall submit to the City and the Fire Chief for their information, the Contractor's schedule for completing the Work (also referred to herein as the construction schedule). The Contractor's schedule shall be revised no less frequently than monthly (unless the parties otherwise agree in writing) and shall be revised to reflect conditions encountered from time to time and shall be related to the entire Project. Each such revision shall be furnished to the City and the Fire Chief.

5.2 The Contractor's schedule for completing the Work and any revised schedules, shall demonstrate achievement of substantial completion by the scheduled completion date. Failure by the Contractor to strictly comply with the provisions the Construction Schedule shall constitute a default and a material breach of this Agreement.

Article VI Compensation and Method of Payment

6.1 City shall compensate Contractor in a total amount not to exceed _____Dollars (\$_____), as set forth in the acceptance of the City's bid.

6.2 City shall pay Contractor within thirty (30) days of the receipt of a proper invoice provided there are no errors or discrepancies and that all work noted on the invoice has been completed. Any errors, discrepancies or the invoicing of work not completed may result in a delay in payment.

6.3 Contractor shall be responsible for all expenses related to the services provided pursuant to this Agreement including, but not limited to, travel, copying and facsimile charges, reproduction charges, and telephone, internet and e-mail charges.

Article VII Notice to Proceed

Contractor shall not proceed with any Work required under this Agreement without a written Notice to Proceed from City.

Article VIII Warranties

8.1 Contractor warrants that all materials and services provided under this Agreement are subject to all warranties arising by operation of law and additionally conform to the specifications imposed by City; all parts and materials are of a good marketable quality, of latest model and current date, exclude surplus remanufactured and used products unless so specified by City and are fit for the known purpose for which they are sold. Said warranty being in addition to any standard warranty or service guarantee given by Contractor to City.

Article IX Additional Terms

9.1 Liquidated Damages. The Contractor understands and agrees that time is of the essence of this contract, and that for each day of delay beyond the number of calendar days herein agreed upon for the completion of the work herein specified and contracted for (after due allowance for such extension of time as may otherwise be provided for extension of time herein), the Owner may withhold permanently from the Contract's total compensation an amount equal to \$500.00 per day.

9.2 Abandonment by Contractor. In case the Contractor should abandon and fail or refuse to resume work within ten (10) days after written notification from the City, or if the Contractor fails to comply with the orders of the City, when such orders are consistent with the Contract Documents, then, and in that case, where performance and payment bonds exist, the Sureties on these bonds shall be notified in writing and directed to complete the work, and a copy of said notice shall be delivered to the Contractor. After receiving said notice of abandonment, the Contractor shall not remove from the work any machinery, equipment, tools, materials or supplies then on the job, but the same, together with any materials and equipment under contract for the work, may be held for use on the work by the City or the Surety on the performance bond, or another contractor in completion of the work; and the Contractor shall not receive any rental or credit therefor (except when used in connection with Extra Work, where credit shall be allowed as provided for under Section 6, Extra Work and Claims), it being understood that the use of such equipment and materials will ultimately reduce the cost to complete the work and be reflected in the final settlement.

- (a) In case the Surety should fail to commence compliance with the notice for completion hereinbefore provided for, within ten (10) days after service of such notice, then the City may provide for completion of the work in either of the following elective manners:
 - (i) The City may employ such force of men and use such machinery, equipment, tools, materials and supplies as said City may deem necessary to complete the work and charge the expense of such labor, machinery, equipment, tools, materials and supplies to said Contractor, and expense so charged shall be deducted and paid by the City out of such moneys as may be due, or that may thereafter at any time become due to the Contractor under and by virtue of this Agreement. In case such expense is less than the sum which would have been payable under this contract, if the same had been completed by the Contractor, then said Contractor shall receive the difference. In case such expense is greater than the sum which would have been payable under this contract, if the same had been completed by said Contractor, then the Contractor and/or his Surety shall pay the amount of such excess to the City; or
 - (ii) The City under sealed bids, when and in the manner required by law, may let the contract for the completion of the work under substantially the same terms and conditions which are provided in the Construction Agreement. In the case of any increase in cost to the Contractor under the new contract as compared to what would have been the cost under this contract, such increase shall be charged to the Contractor and the Surety shall be and remain bound therefor. However, should the cost to complete any such new contract prove to be less than what would have been the cost to complete under this contract, the Contractor and/his Surety shall be credited therewith.

9.3 Deliveries. Unless otherwise specified on the face of this order, the F.O.B. point shall be the location designated by City. Transportation of the Equipment is F.O.B. Contractor's location; therefore, Contractor shall bear all risk of loss or damage to the merchandise, and title shall not shift to City, until delivery of the merchandise has arrived to City's designated location. Deliveries will be accepted only during normal working hours on normal working days (7 A.M.-6 P.M.), Monday through Friday, except on federal holidays). Unless otherwise indicated, items received must be new and in first class condition and, if type of materials normally packaged for protection and convenience in storage, shall be in proper container. All services performed shall conform to the quality and workmanship of the accepted standards in the industry.

9.4 Freight. All shipments are to be prepaid. In shipments made direct by Contractor's supplier, Contractor is required to notify his supplier to prepay shipments. City shall not be charged for boxing, packing, or crating.

9.5 Risk of Loss. Risk of loss, damage or destruction of the materials covered by this order shall be borne by the Contractor until delivery in good condition of conforming products at the F.O.B. point designated on this order. Any rejected goods shall be at the Contractor's risk until returned to Contractor, at Contractor's expense, or otherwise disposed of as Contractor shall reasonably request.

9.6 Inspections. All merchandise is subject to City's inspection within a reasonable time after arrival at the F.O.B. point. If the merchandise fails to comply with the specifications imposed by City or is otherwise of an unsatisfactory condition, City may return said merchandise to Contractor at Contractor's expense. Payment for material on this order shall not constitute acceptance.

Article X Miscellaneous

10.1 Entire Agreement. This Agreement constitutes the sole and only agreement between the Parties and supersedes any prior understandings, written or oral agreements between the parties with respect to this subject matter.

10.2 Assignment. Contractor may not assign this Agreement in whole or in part without the prior written consent of City.

10.3 Successors and Assigns. Subject to the provisions regarding assignment, this Agreement shall be binding on and inure to the benefit of the Parties and their respective successors and assigns.

10.4 Governing Law. This Agreement shall be governed by the laws of the State of Texas, without giving effect to any conflicts of law rule or principle that might result in the application of the laws of another jurisdiction; and venue for any action concerning this Agreement shall be in a State District Court of Tarrant County, Texas. The Parties agree to submit to the personal and subject matter jurisdiction of said court.

10.5 Amendments. This Agreement may be amended by the mutual written agreement of the parties.

10.6 Severability. 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 effect any other provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

10.7 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.

10.8 Recitals. The recitals to this Agreement are incorporated herein.

10.9 Independent Contractor. It is understood and agreed by and between the Parties that the Contractor, in satisfying the conditions of this Agreement, is acting independently, and that City assumes no responsibility or liabilities to any third party in connection with these actions. All services to be performed by Contractor pursuant to this Agreement shall be in the capacity of an independent contractor, and not as an agent or employee of City. Contractor 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.

10.10 Notice. 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 intended for the City:

City of Colleyville, Texas
Attn: Jerry Ducay
City Manager
100 Main St
Colleyville, Texas 76034

With Copy to:

Whitt L. Wyatt
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
1800 Ross Tower
500 North Akard
Dallas, Texas 75201

If intended for Contractor:

10.11 Insurance. Contractor 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 as determined and set forth by the City. Contractor shall provide a signed Certificate of Insurance verifying that Contractor has obtained the required insurance coverage for the City prior to the Effective Date of this Agreement.

10.12 Indemnification. **CITY SHALL NOT BE LIABLE FOR ANY LOSS, DAMAGE, OR INJURY OF ANY KIND OR CHARACTER TO ANY PERSON OR PROPERTY ARISING FROM THE WORK PERFORMED BY THE CONTRACTOR PURSUANT TO THIS**

AGREEMENT. CONTRACTOR HEREBY WAIVES ALL CLAIMS AGAINST CITY, ITS OFFICERS, AGENTS AND EMPLOYEES (COLLECTIVELY REFERRED TO IN THIS SECTION AS "CITY") FOR DAMAGE TO ANY PROPERTY OR INJURY TO, OR DEATH OF, ANY PERSON ARISING AT ANY TIME AND FROM ANY CAUSE OTHER THAN THE NEGLIGENCE OR WILLFUL MISCONDUCT OF CITY OR BREACH OF CITY'S OBLIGATIONS HEREUNDER. CONTRACTOR AGREES TO INDEMNIFY AND SAVE HARMLESS CITY FROM AND AGAINST ANY AND ALL LIABILITIES, DAMAGES, CLAIMS, SUITS, COSTS (INCLUDING COURT COSTS, ATTORNEYS' FEES AND COSTS OF INVESTIGATION) AND ACTIONS OF ANY KIND BY REASON OF INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR LOSS OF PROPERTY TO THE EXTENT CAUSED BY CONTRACTOR'S NEGLIGENT PERFORMANCE OF WORK UNDER THIS AGREEMENT OR BY REASON OF ANY NEGLIGENT ACT OR OMISSION ON THE PART OF CONTRACTOR, ITS OFFICERS, DIRECTORS, SERVANTS, EMPLOYEES, REPRESENTATIVES, CONSULTANTS, LICENSEES, SUCCESSORS OR PERMITTED ASSIGNS (EXCEPT WHEN SUCH LIABILITY, CLAIMS, SUITS, COSTS, INJURIES, DEATHS OR DAMAGES ARISE FROM OR ARE ATTRIBUTED TO NEGLIGENCE OF THE CITY, IN WHOLE OR IN PART, IN WHICH CASE CONTRACTOR SHALL INDEMNIFY CITY ONLY TO THE EXTENT OR PROPORTION OF NEGLIGENCE ATTRIBUTED TO CONTRACTOR AS DETERMINED BY A COURT OR OTHER FORUM OF COMPETENT JURISDICTION). CONTRACTOR'S OBLIGATIONS UNDER THIS SECTION SHALL NOT BE LIMITED TO THE LIMITS OF COVERAGE OF INSURANCE MAINTAINED OR REQUIRED TO BE MAINTAINED BY CONTRACTOR UNDER THIS AGREEMENT. THIS PROVISION SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

10.13 Counterparts. This Agreement may be executed by the parties hereto in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute one and the same instrument. Each counterpart may consist of any number of copies hereof each signed by less than all, but together signed by all of the parties hereto.

10.14 Exhibits. The exhibits attached hereto are incorporated herein and made a part hereof for all purposes.

10.15 Effective Date. This Agreement shall be effective on the date it bears the signatures of authorized representatives of the Parties ("the Effective Date").

(signature page to follow)

EXECUTED on this _____ day of _____, 2017.

CITY OF COLLEYVILLE, TEXAS

By: _____
Jerry Ducay, City Manager

ATTEST:

By: _____
City Secretary

APPROVED AS TO FORM:

By: _____
Whitt L. Wyatt, City Attorney
(WLW/7/14/17/88001)

EXECUTED on this _____ day of _____, 2017.

CONTRACTOR

By: _____
Name: _____
Title: _____

IV. SPECIFICATIONS

SECTION 083600
FOUR-FOLD DOOR SYSTEMS

PART 1 - GENERAL**1.01 RELATED DOCUMENTS**

- A. Drawings and general provisions of the Contract, including General and Supplementary Conditions and Division 1 Specification Sections, apply to this Section.

1.02 SUMMARY

- A. This Section includes Four-Fold metal doors with surface mounted tube frames.
- B. Operation of Four-Fold metal doors includes overhead mounted electro-mechanical operators.

1.03 SUBMITTALS

- A. General: Submit each item in this Article according to the Conditions of the Contract and Division 1 Specification Sections.
- B. Product Data for each type of product specified consisting of manufacturer's technical Product Data and installation instructions for each type of door required, including data substantiating that products comply with requirements.
- C. Submittal Drawings showing fabrication and installation of Four-Fold metal doors including plans, elevations, sections, details of components, hardware, operating mechanism, and attachments to the other units of Work. Include wiring diagrams for coordination with electrical trade.
- D. Reference list including (5) successful installations of this type of door within the past two (2) years.

1.04 QUALITY ASSURANCE

- A. Doors shall be designed to withstand external or internal horizontal wind loads of 20 pounds minimum per square foot. The maximum allowable deflection shall not exceed 1/120 of the span. Fiber stresses in main members shall be limited to 27,000 pounds per square inch. Steel frames shall be designed in accordance with the AISC "Steel Construction Manual".
- B. Door manufacturer shall have at least 10 years experience in manufacturing door type specified for emergency vehicle applications.

1.05 DELIVERY, STORAGE AND HANDLING

- A. Store delivered materials and equipment in dry locations with adequate ventilation, free from dust and water, and so as to permit access for inspection and handling.
- B. Handle materials carefully to prevent damage.

1.06 WARRANTY

- A. The door manufacturer shall provide a written standard limited warranty for material and workmanship.

PART 2 - PRODUCTS**2.01 MANUFACTURERS**

- A. Manufacturers: Four-Fold industrial metal doors manufactured by Door Engineering and Manufacturing, 400 Cherry Street, Kasota, MN 56050, (800)-959-1352 or equal products by other manufacturers approved in advance.
1. FF300 Series: Glazed

2.02 MATERIALS

- A. Steel Tube: ASTM A513 and ASTM A500/A500M
- B. Steel Sheets: Steel sheets of commercial quality, complying with ASTM A1011/A1011M hot-rolled steel sheet.
- C. Hardware: Manufacturer's standard components.
- D. Fasteners: Zinc-coated steel.

2.03 FOUR-FOLD DOORS

- A. Construction: Door framing shall be minimum 14-gauge structural steel tube with 14-gauge steel sheet on the exterior and interior faces. Sheet piling shall be formed on the vertical edges with no visible welds on the interior or exterior panel faces. All frames and framing members shall be true to dimension and square in all directions, and no door shall be bowed, warped, or out of line, in the vertical or horizontal plane of the door opening by more than 1/8 inch in 20 feet. Exposed welds and welds which interfere with the installation of various parts shall be ground smooth and flush.
- B. Surface Mounted Tube Frame: Supply pre-hung tube frame system constructed of minimum TS6x4x0.25, designed to anchor to masonry wall construction or weld to steel structure. All hinges, track supports and operator supports shall be factory attached.
- C. Factory finish:
 - 1. All exposed steel shall be finished with manufacturer's standard epoxy primer and polyurethane top coat. Customer to select from Manufacturer's full color chart options; color as selected by Architect to match the Owner's approved
- D. Operating Hardware: Hardware shall include guide tracks and brackets, trolleys, center guides, not less than three pairs of jamb and fold hinges per opening, and all bolts, nuts, fasteners, etc. necessary for complete installation and operation. Jamb hinges shall be dual shear and have two thrust bearings and two needle bearings. Fold hinges shall be dual shear with two thrust bearings. All bearings shall be completely concealed within the hinge barrel and include grease zerks. All hinge pins shall be minimum 3/4" diameter hardened steel.
- E. Weatherstripping: Material shall be adjustable and readily replaceable and provide a substantially weather-tight installation. Weatherstripping at center shall be 1/16" cloth inserted neoprene and include no exposed fasteners on the exterior face of the panel. Weatherstripping at sill shall include two 1/16" cloth inserted neoprene sweeps with an aluminum retainer. The retainer shall be attached to the door with adhesive.
- F. Perimeter Weatherstripping: Provide jamb and head weatherstripping of 1/16" cloth-inserted neoprene bulb (or closed cell neoprene).
- G. Vision Panels or Grilles: Provide 1" insulated vision panels or grilles of the size, shape and location as noted on the drawings.

2.04 OPERATOR

- A. Each Four-Fold door shall be operated by an overhead mounted electro-mechanical drive unit designed for high cycle operation. Operator consists of an electric motor, gear reducer, and rotating drive arm. The door shall be operated with connecting rods attached to the rotating drive arm on the operator and to control arms attached to the jamb door section and to the door lintel. The connecting rods shall be positive drive, keeping the door under firm control at all times. The connecting rods shall be fitted with spherical bearings and control arms shall be equipped with oil impregnated bronze bearings on polished shafts.
- B. Operator shall be instantly reversible, open and close rapidly and start and stop gradually. Operator shall be adjustable to allow door to fully clear the opening. Operator shall automatically lock the door in the closed position. Operator shall be equipped with disengaging mechanism to convert to free wheeling mode for manual operation.
- C. Operator shall include a formed hood enclosing the motor, gearboxes and limit switches.
- D. Electric motor shall be of sufficient size to operate doors under normal operating conditions at no more than 75 percent of rated capacity. The motor shall be wound for three phase 208/230/480 VAC, 60 Hertz operation.
- E. Electrical Operation of controls must be in strict accord with the City of Arlington's operating controls for all apparatus bay doors with the minimum following features:
 - 1. Logic 3.0 Control Board
 - 2. Reverse contactor circuit
 - 3. Multi-Code 1 Button Transmitter, MCS308911
 - a. Manufacturer: Multi-Code by Linear
 - 1) FCC ID EF4 XMulti-Code
 - b. Quantity: 1 per door/2 per bay

4. 3-channel radio receiver
 5. Universal radio control receiver #312 HM - 300Mhz 12-24 AC/DC, MCS109950
 6. Provide control power transformer as required
- F. Electric Controls: Controls shall be furnished by the door manufacturer and shall be complete for each door, and built in accordance with the latest NEMA standards. Incoming electrical shall be (Choose One): 120VAC single phase, 208VAC single phase, 208/230VAC 3-phase, 480VAC 3-phase.
1. Controls shall include a programmable logic controller with digital message display or LED indicators. Controller shall include programmable close timers and programmable inputs/outputs.
 2. Motor starters shall be magnetic reversing, factory wired with overload and under voltage protection, and equipped with mechanical interlocks. All control components shall be enclosed in one enclosure with a wiring diagram placed on the inside of the cover.
 3. If incoming voltage is single phase, control panel shall include a variable frequency drive to convert voltage to 3-phase for the motor
 4. Enclosures shall be NEMA 4 with disconnect switch.
 5. Pushbuttons (Interior) for each door shall have one (1) momentary pressure three-button push-button station marked "OPEN", "CLOSE" and "STOP". Push button enclosure shall be NEMA 4.
 6. Limit switches shall be provided to stop the travel of the door in its fully open or fully closed position.
 7. Safety edges: Provide electric safety edges on leading edge of all doors to reverse door upon contact with obstruction.
 8. Photo eyes: Provide (1) exterior, jamb mounted, thru-beam type photo eyes, NEMA 4 rated.
 9. Presence Sensor: Provide (1) interior, overhead mounted, presence sensor.
 10. Radio controls: Provide two (2) radio receivers and (2) single button remotes per door. Remotes to open and close doors with single button.
 11. Safety Loop Detectors: Provide "safety" loop detector to reverse or hold the door open when activated. G.C. to coordinate installation of preformed loop with installer prior concrete being poured.
 12. Timer Activation Loop Detectors (fire station applications): Provide "pulse on exit type" loop detector to activate auto close timer once loop has been activated and cleared, include hand/auto switch to deactivate timer. G.C. to coordinate installation of preformed loop with installer prior to exterior apron being poured.
 13. Wiring: Door manufacturer shall supply controls and components only. Electrical contractor shall install controls and furnish and install conduits and wiring for jobsite power and control wiring.

PART 3 - EXECUTION

3.01 INSTALLATION

- A. Install Four-Fold metal doors in strict accordance with the approved drawings by qualified door erection crews. All door openings shall be completely prepared by the general contractor prior to the installation of the doors. Permanent or temporary electric wiring shall be brought to the door opening before installation is started and shall be completed so as not to delay the inspection test.
- B. Doors shall be set plumb, level, and square, and with all parts properly fastened and mounted. All moving parts shall be tested and adjusted and left in good operating condition.

3.02 ADJUSTING AND CLEANING

- A. Inspection of the doors and a complete operating test will be made by the installer in the presence of the general contractor or architect as soon as the erection is complete. Any defects noted shall be corrected. After door approval in the above test, the general contractor must assume the responsibility for any damage or rough handling of the doors during construction until the building is turned over to the owner and final inspection is made.
- B. Clean surfaces and repaint abraded or damaged finished surfaces to match factory-applied finish.

END OF SECTION



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4c

Agenda Date 08/15/2017

Number Resolution R-17-4166

Type Resolution

Department Information Services

Title

Approval of renewal contracts with Spectrum for internet service to City facilities in an amount not to exceed \$90,876 a year, and authorizing the city manager to execute the contracts

Strategic Plan

2.1 Provide responsive, efficient city services

Explanation

Reading and Public Hearing

The City of Colleyville has been doing business with Spectrum, the company formerly known as Time Warner Cable, as a fiber internet and local area network provider since May of 2011. Spectrum provides the City with Fiber Internet Access (FIA) at two locations, Ethernet Local Area Network (ELAN) connections at all buildings, and Primary Rate Interface (PRI) telephone services Citywide. Time Warner contracts expired in May of 2017, which has allowed the City the opportunity to seek replacement contracts at a lower price, with a substantial decrease in term, and considerable increase in service. The new contract provides enough service to eliminate an existing independent circuit between Colleyville and Keller and dedicated internet services at Colleyville Center for a total savings of \$6,426 annually. The new contract allows for a decrease in length of term to three years for the FIA and PRI, and one year term for the ELAN, as the City will be providing the local area connections through City owned fiber in the near future.

The service increases are substantial with the FIA increasing by 500% and the ELAN increasing by 350% across all of the City buildings as a whole. This will increase the service capability to all City provided services.

Service providers AT&T and Frontier Communications were given the ability to compete for the service contracts. AT&T was not able to meet the service levels provided by Spectrum at the same pricing and Frontier Communications was not able to provide service to all of the City buildings. The City of Colleyville has been a customer of Spectrum since May of 2011. Staff recommends moving forward with the new contracts.

Financial Impact

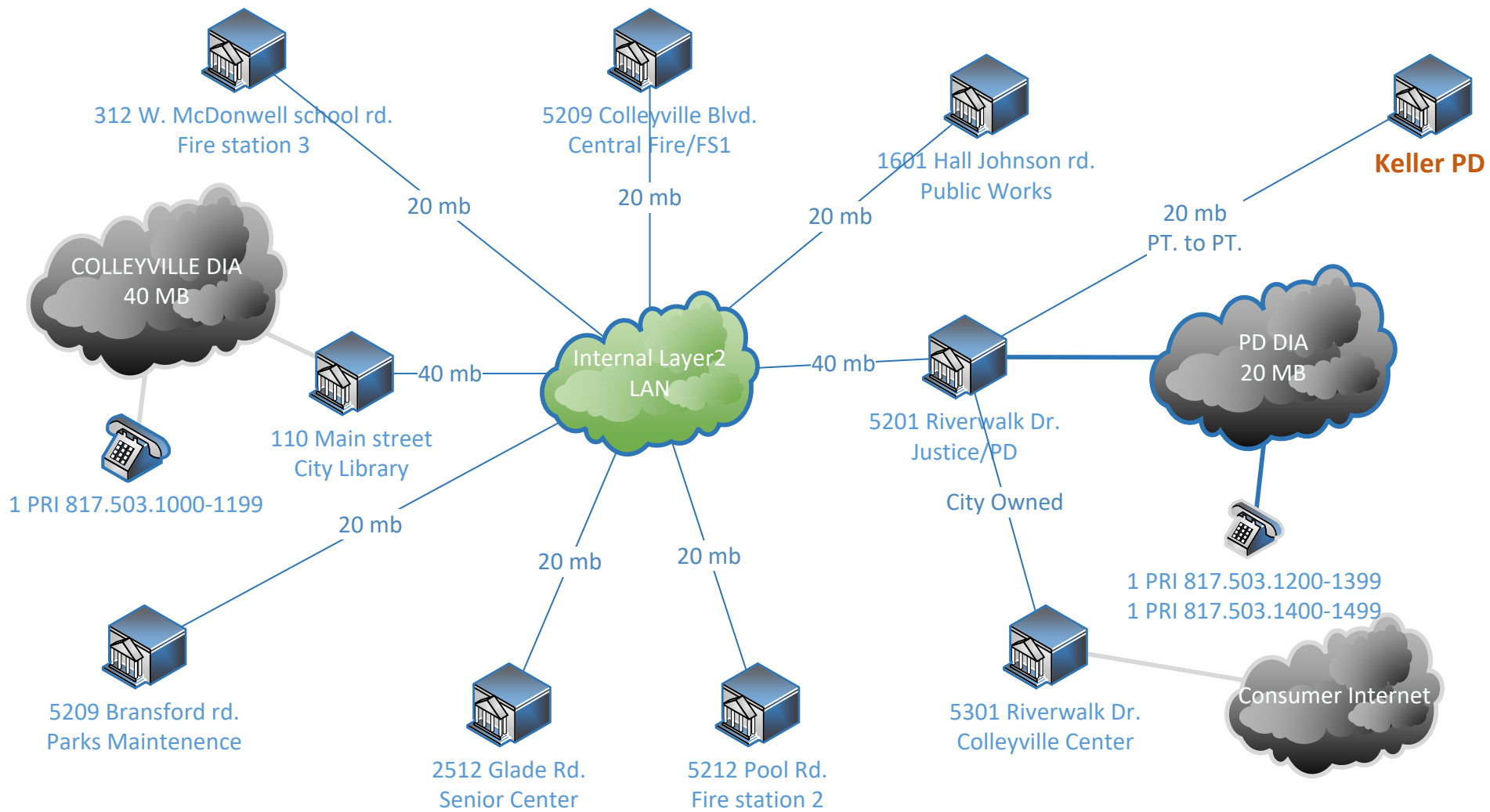
It is anticipated there will be an annual savings of \$6,426.

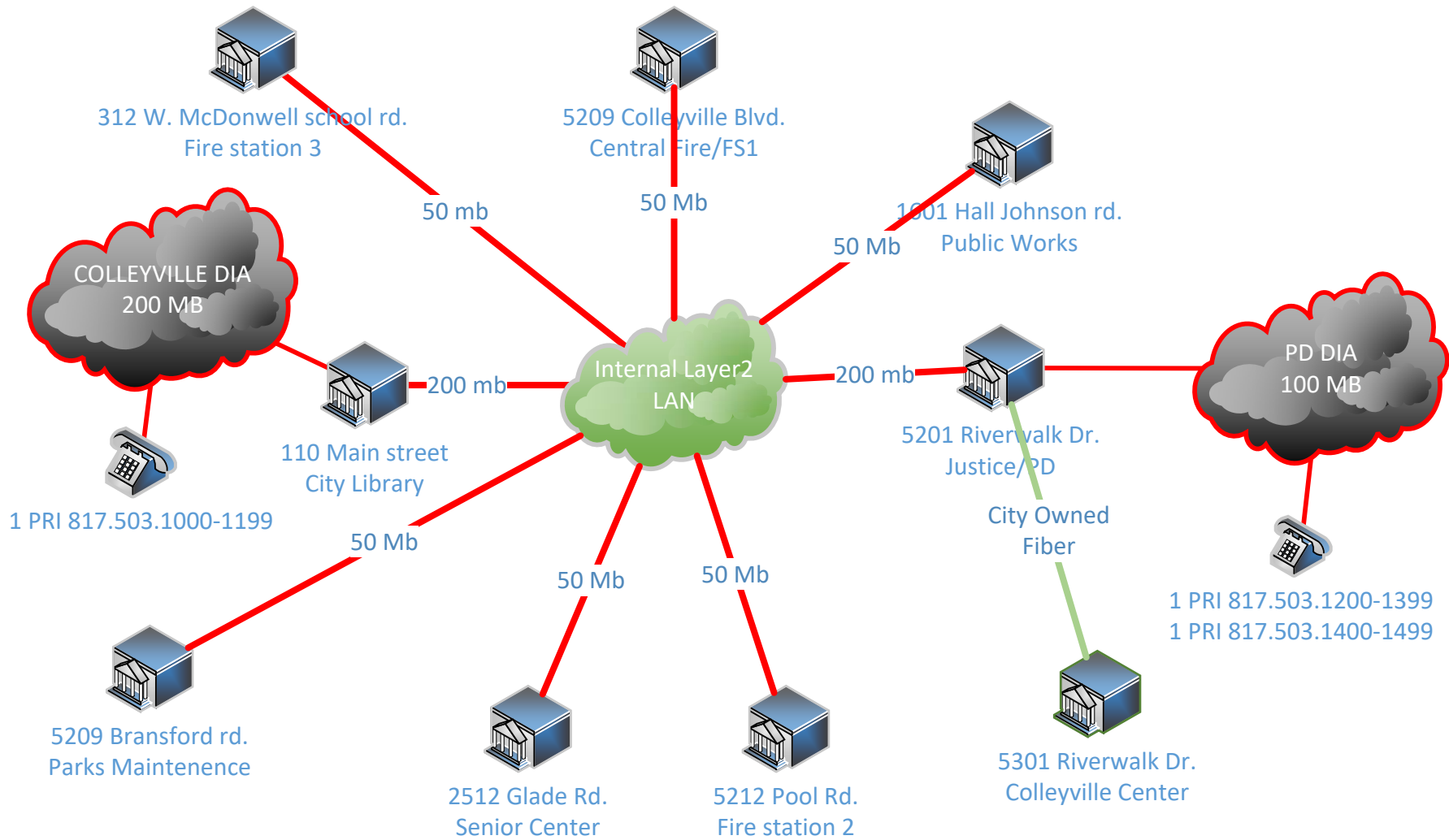
Recommendation

Approve

Attachments

1. City ISP Network
2. Justice Contract
3. Cost Analysis
4. Colleyville Contract







Account Executive: Redrick Johnson
Phone: 972-630-5056 ext:
Cell Phone: 214-406-7906
Fax: 469-464-4022
Email: redrick.johnson@charter.com

Spectrum Customer Service Order

Order # 8755282

Customer Information: Customer Code		
Business Name	CITY OF COLLEYVILLE (RK)	Customer Type: Existing Customer
Federal Tax ID	Tax Exempt Status	Tax Exempt Certificate #
*****9664		
Billing Address		
Attention To:	Account Number	
100 MAIN ST COLLEYVILLE TX 76034	8260130120007854	
Billing Contact	Billing Contact Phone	Billing Contact Email Address
Sue Kralich	(817) 503-1013	skralich@colleyville.com
Authorized Contact	Authorized Contact Phone	Authorized Contact Email Address
Chris Pena	(817) 503-1081	cpena@colleyville.com
Technical Contact	Technical Contact Phone	Technical Contact Email Address
ISM TEAM	(817) 503-1080	ism-all@colleyville.com

Trunk Service Order Information For 5201 Riverwalk Dr Colleyville TX 76034					
Current LEC	Current IXC	LEC BTN(S)	E-911 Location 1	E-911 Location 2	E-911 Location 3

Fiber Internet and Ethernet Service Order Information For 5201 Riverwalk Dr Colleyville TX 76034

Site Name	Address Location	Location Type	Bandwidth
	5201 Riverwalk Dr Colleyville, TX 76034		50 Mbps

Current Services and Monthly charges At 5201 Riverwalk Dr , Colleyville TX 76034

Description	Quantity	Sales Price	Monthly Recurring Total
Multi P	1	\$0.00	\$0.00
Pri Order	2	\$0.00	\$0.00
Ty2Offnet	1	\$0.00	\$0.00
1 Gig Port	1	\$0.00	\$0.00
Bc Trk Tns	1	\$0.00	\$0.00
Trunk E911	22	\$0.00	\$0.00
Comm1 Acct	1	\$0.00	\$0.00
DO NOT PRINT	1	\$0.00	\$0.00
ETHERNET HUB	1	\$0.00	\$0.00
Ethernet Spoke	1	\$0.00	\$0.00
Trunk-MAIN NUMBER	1	\$0.00	\$0.00
Ethernet Interstate	1	\$0.00	\$0.00
DATA CIRCUIT - BASIC	1	\$0.00	\$0.00
DID BLOCK 100 NUMBERS	3	\$15.00	\$45.00
PRioFiber Alcatel Tags	1	\$0.00	\$0.00
*Total			\$45.00

*Prices do not include taxes and fees.

New and Revised Services and Monthly Charges At 5201 Riverwalk Dr , Colleyville TX 76034

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
BC PRI TRUNK SINGLE	1	\$425.00	\$425.00	36 Months
Fiber Internet 100Mbps	1	\$899.00	\$899.00	36 Months
*Total			\$1,324.00	

*Prices do not include taxes and fees.

One Time fees At 5201 Riverwalk Dr , Colleyville TX 76034

Description	Quantity	Sales Price	Total
Fiber Internet Access Change Fee	1	\$0.00	\$0.00
Total			\$0.00

*Prices do not include taxes and fees.

Special Terms**Electronic Signature Disclosure**

By signing and accepting below you are acknowledging that you have read and agree to the terms and conditions outlined in this document.

Authorized Signature for Customer

Printed Name and Title

Date Signed

MRC= Monthly Re-occurring Cost

NRC= Non Re-occurring cost

Company/Service	NRC	MRC	1st year MRC
Frontier Total ELAN Cost 1yr	\$28,000.00	\$13,915.00	\$166,980.00
Frontier Total SIP Cost 3yr	\$4,000.00	\$2,509.31	\$30,111.72
Frontier Total DIA Cost 3yr	\$4,000.00	\$2,657.00	\$31,884.00
Total 1yr MRC			\$228,975.72
Total 1 yr Combined W/NRC			\$264,975.72
AT&T Total ELAN Cost 1yr		\$4,686.33	\$56,235.96
AT&T Total PRI Cost 3yr		\$917.70	\$11,012.40
AT&T Total DIA Cost 3yr	\$750.00	\$2,903.75	\$34,845.00
Total 1yr MRC			\$102,093.36
Total 1 yr Combined W/NRC			\$102,843.36
Spectrum Total ELAN Cost 1yr		\$4,950.00	\$59,400.00
Spectrum Total PRI Cost 3yr		\$425.00	\$5,100.00
Spectrum Total DIA Cost 3yr		\$2,198.00	\$26,376.00
Total 1yr MRC			\$90,876.00
Total 1 yr Combined W/NRC			\$90,876.00



Account Executive: Redrick Johnson
Phone: 972-630-5056 ext:
Cell Phone: 214-406-7906
Fax: 469-464-4022
Email: redrick.johnson@charter.com

Spectrum Customer Service Order

Order # 8686808

Customer Information: Customer Code		
Business Name	CITY OF COLLEYVILLE (RK)	Customer Type: Existing Customer
Federal Tax ID	Tax Exempt Status	Tax Exempt Certificate #
*****9664		
Billing Address		
Attention To:		Account Number
100 MAIN ST COLLEYVILLE TX 76034		8260130120007854
Billing Contact	Billing Contact Phone	Billing Contact Email Address
Sue Kralich	(817) 503-1013	skralich@colleyville.com
Authorized Contact	Authorized Contact Phone	Authorized Contact Email Address
Chris Pena	(817) 503-1081	cpena@colleyville.com
Technical Contact	Technical Contact Phone	Technical Contact Email Address
ISM TEAM	(817) 503-1080	ism-all@colleyville.com

Fiber Internet and Ethernet Service Order Information For 100 Main St Fiber Colleyville TX 76034

Site Name	Address Location	Location Type	Bandwidth
	100 Main St Colleyville, TX 76034		

Current Services and Monthly charges At 100 Main St Unit Fiber, Colleyville TX 76034

Description	Quantity	Sales Price	Monthly Recurring Total
Comml Accnt	1	\$0.00	\$0.00
Ethernet ELAN HUB	1	\$0.00	\$0.00
*Total			\$0.00

*Prices do not include taxes and fees.

New and Revised Services and Monthly Charges At 100 Main St Unit Fiber, Colleyville TX 76034

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
ELAN Intrastate 200 Mbps	2	\$1,050.00	\$2,100.00	12 Months
ELAN Intrastate 50 Mbps	5	\$570.00	\$2,850.00	12 Months
Fiber Internet 200Mbps	1	\$1,299.00	\$1,299.00	36 Months
*Total			\$6,249.00	

*Prices do not include taxes and fees.

One Time fees At 100 Main St Unit Fiber, Colleyville TX 76034

Description	Quantity	Sales Price	Total
Fiber Internet Access Change Fee	1	\$0.00	\$0.00
Total			\$0.00

*Prices do not include taxes and fees.

Special Terms**Electronic Signature Disclosure**

By signing and accepting below you are acknowledging that you have read and agree to the terms and conditions outlined in this document.

Authorized Signature for Customer

Printed Name and Title

Date Signed



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5a

Agenda Date 08/15/2017

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

Second Reading and Public Hearing

There were no speakers regarding this item during the August 1, 2017, meeting.

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

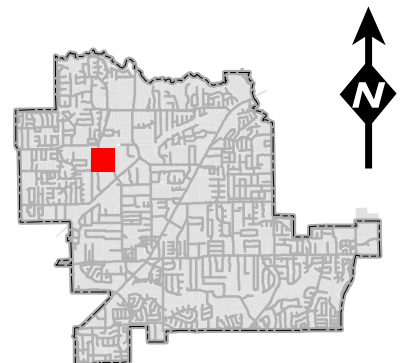


ZC17-008

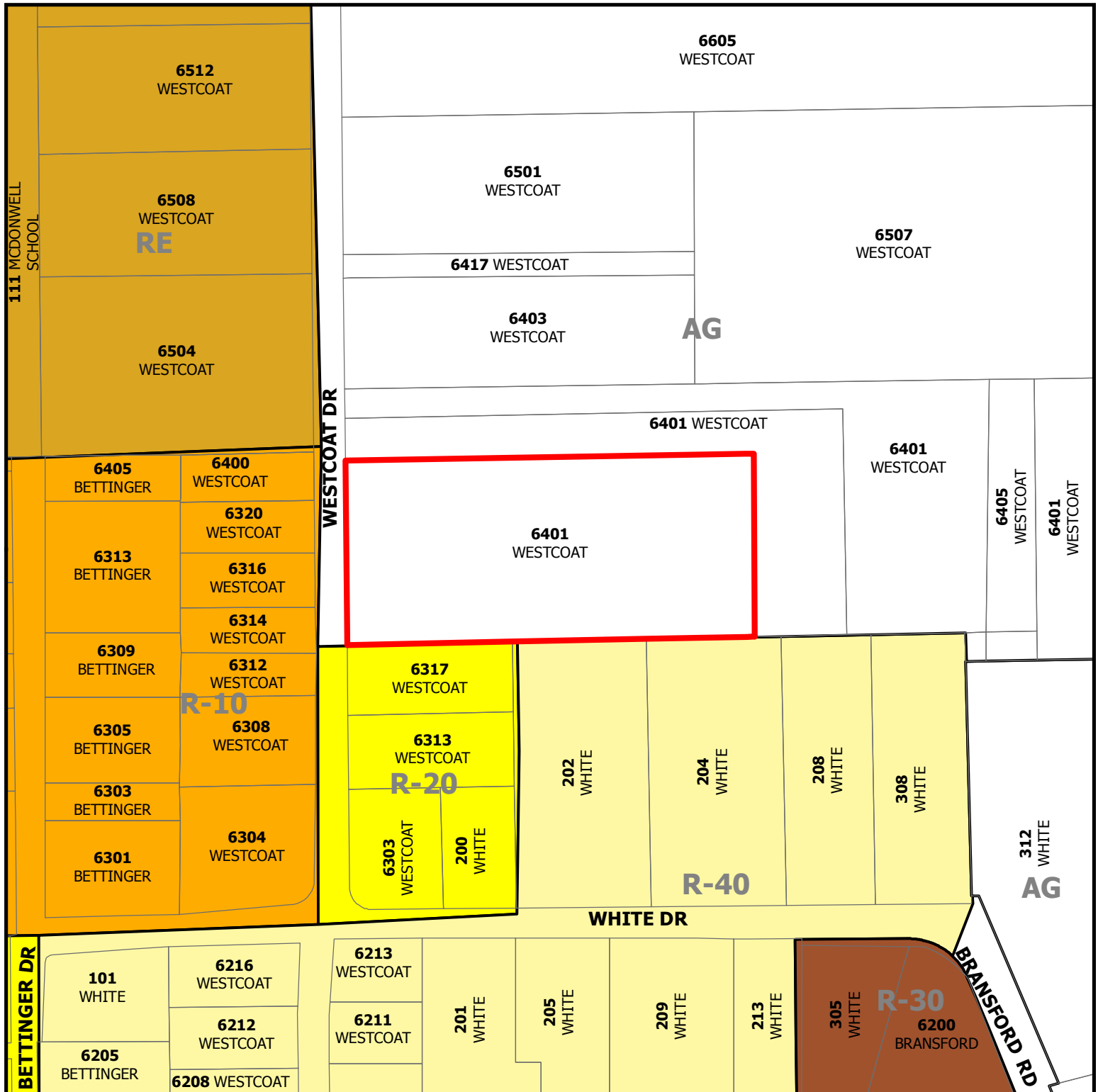
6401 WESTCOAT DRIVE

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 Subject Property



Zoning Map

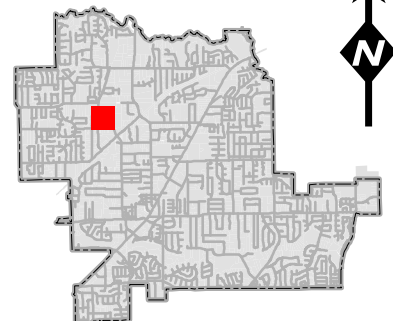


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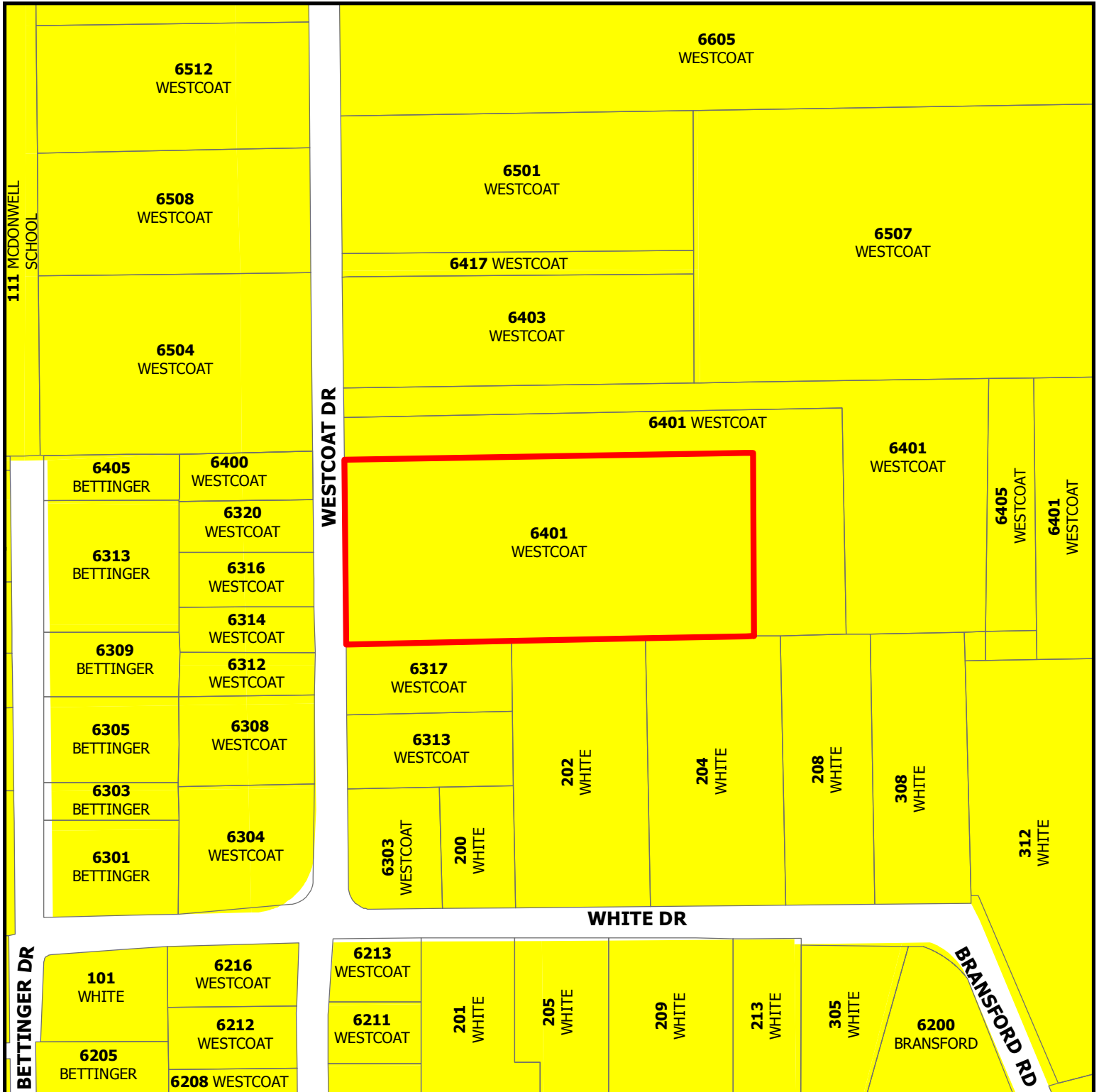
6401 WESTCOAT DRIVE

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 Subject_Property



Future Land Use Map

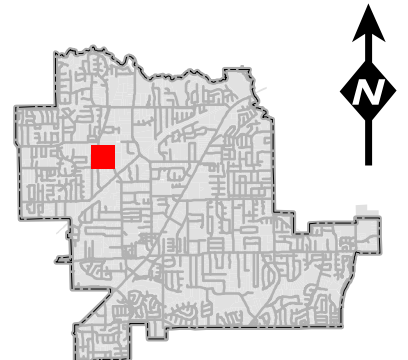


ZC17-008

6401 WESTCOAT DRIVE

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 Subject_Property



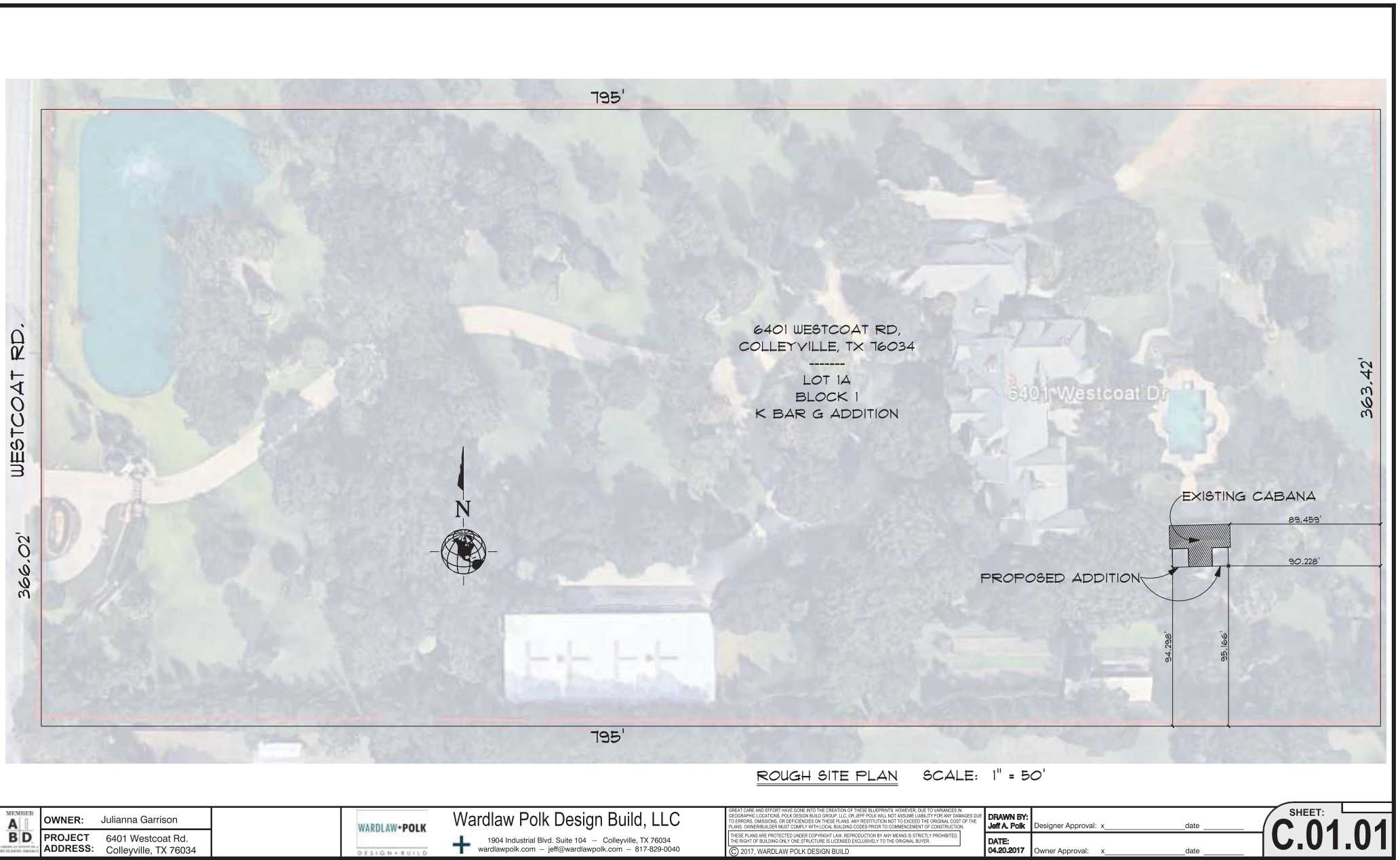
Statement of Planning Objectives

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



OWNER: Julianna Garrison

PROJECT ADDRESS: 6401 Westcoat Rd.
Colleyville, TX 76034



Wardlaw Polk Design Build, LLC

1904 Industrial Blvd, Suite 104 -- Colleyville, TX 76034
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 REVISIONS NOT TO EXCEED THE ORIGINAL COST OF THE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION.

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.

© 2017, WARDLAW POLK DESIGN BUILD

DRAWN BY:
Jeff A. Polk

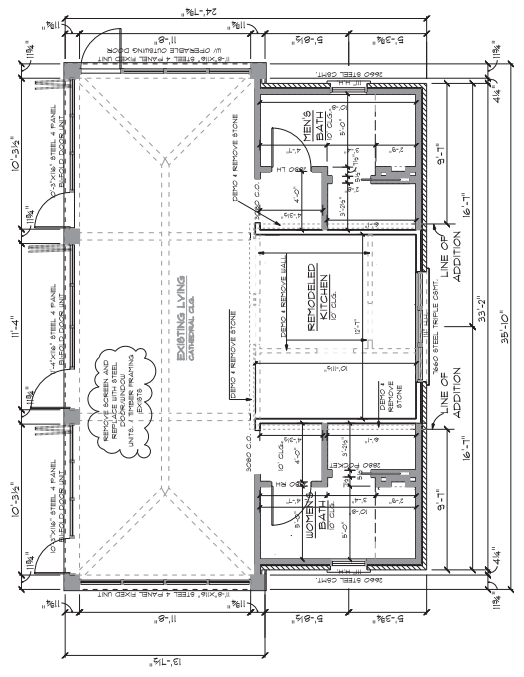
DATE:
04.20.2017

Designer Approval: x _____ date _____

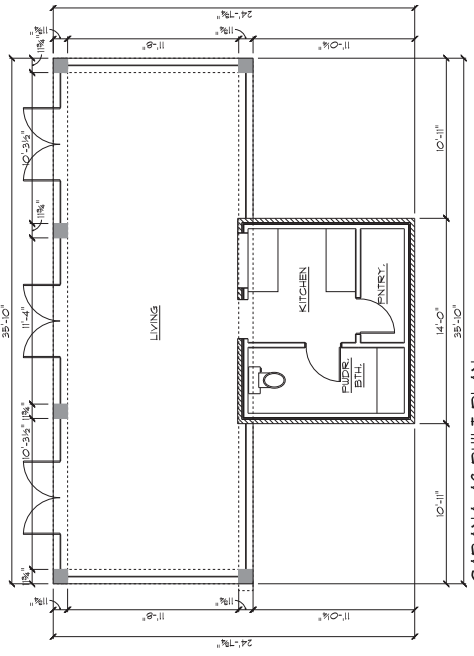
Owner Approval: x _____ date _____

SHEET:
C.01.01

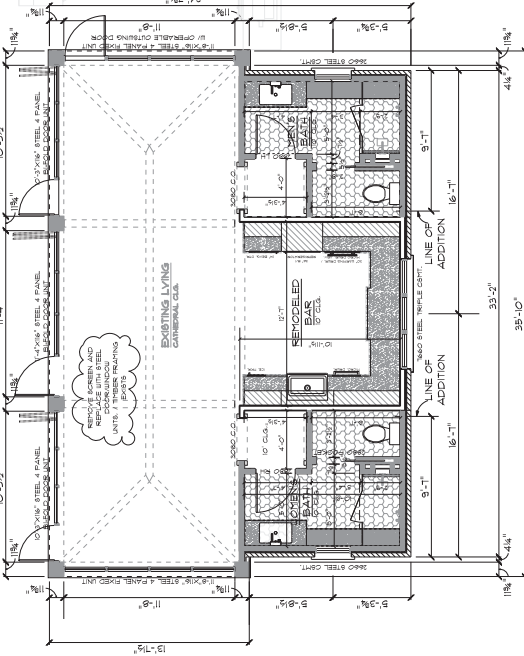
Floor Plan



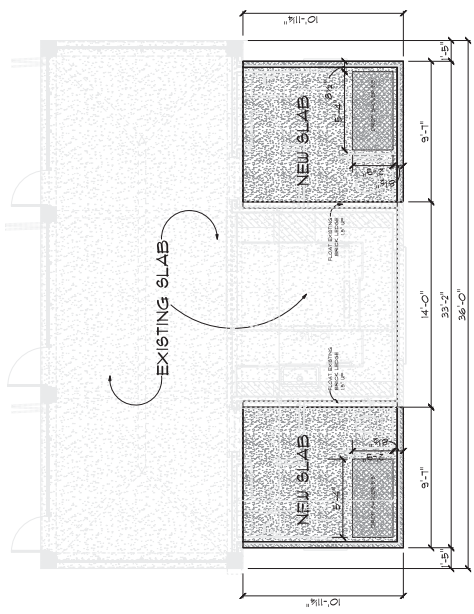
CABANA FRAMING AND DEMOLITION PLAN
SCALE: 1/4" = 1'



CABANA AS-BUILT PLAN
SCALE: 1/4" = 1'

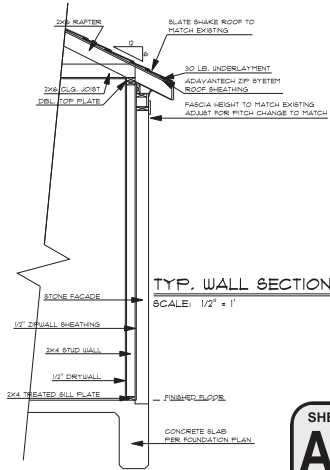
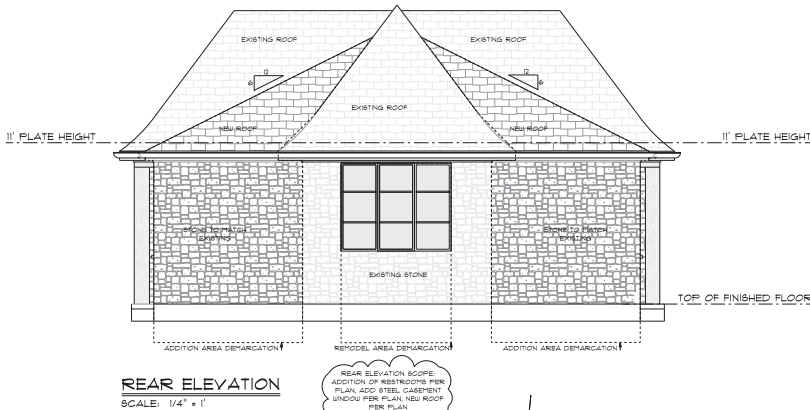
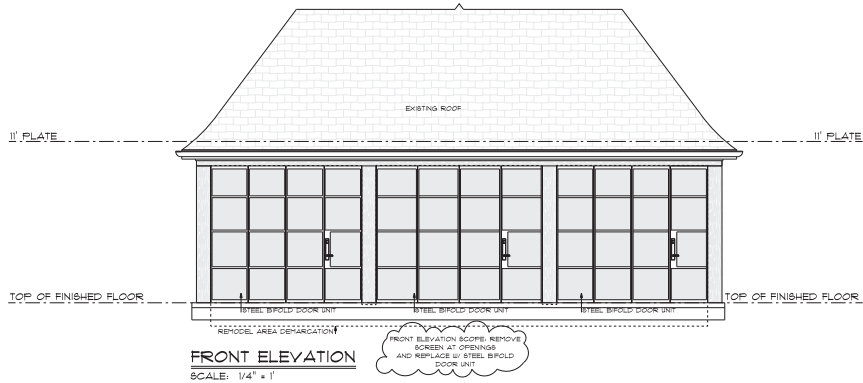
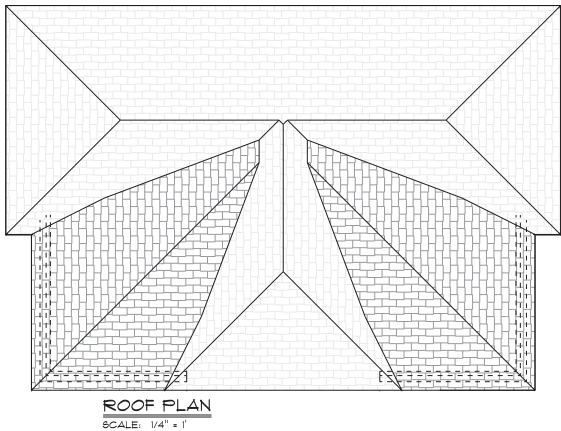
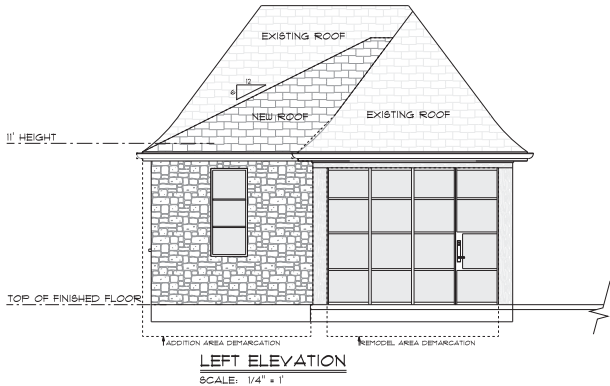
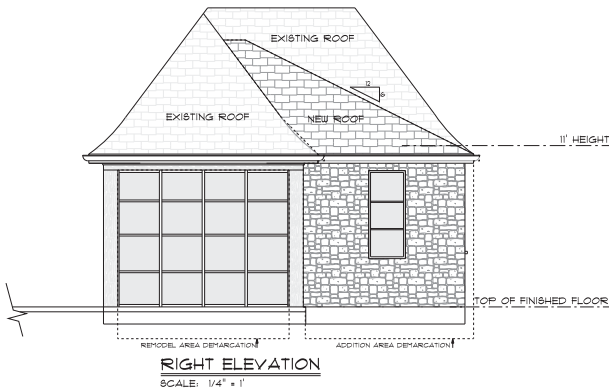


CABANA REMODEL/ADDITION PLAN
SCALE: 1/4" = 1'



CABANA SLAB ADDITION PLAN
SCALE: 1/4" = 1'

Building Elevations



Wardlaw Polk Design Build, LLC
1904 Industrial Blvd. Suite 104 - Colleyville, TX 76034
www.wardlawpolk.com | 817-555-0000

WARDLAW-POLK
DESIGN-BUILD

Our Core Values
Be Honest
Be Transparent
Be Creative
Be Communicative
Be Humble

WARDLAW-POLK DESIGN-BUILD
1904 Industrial Blvd. Suite 104 - Colleyville, TX 76034
www.wardlawpolk.com | 817-555-0000

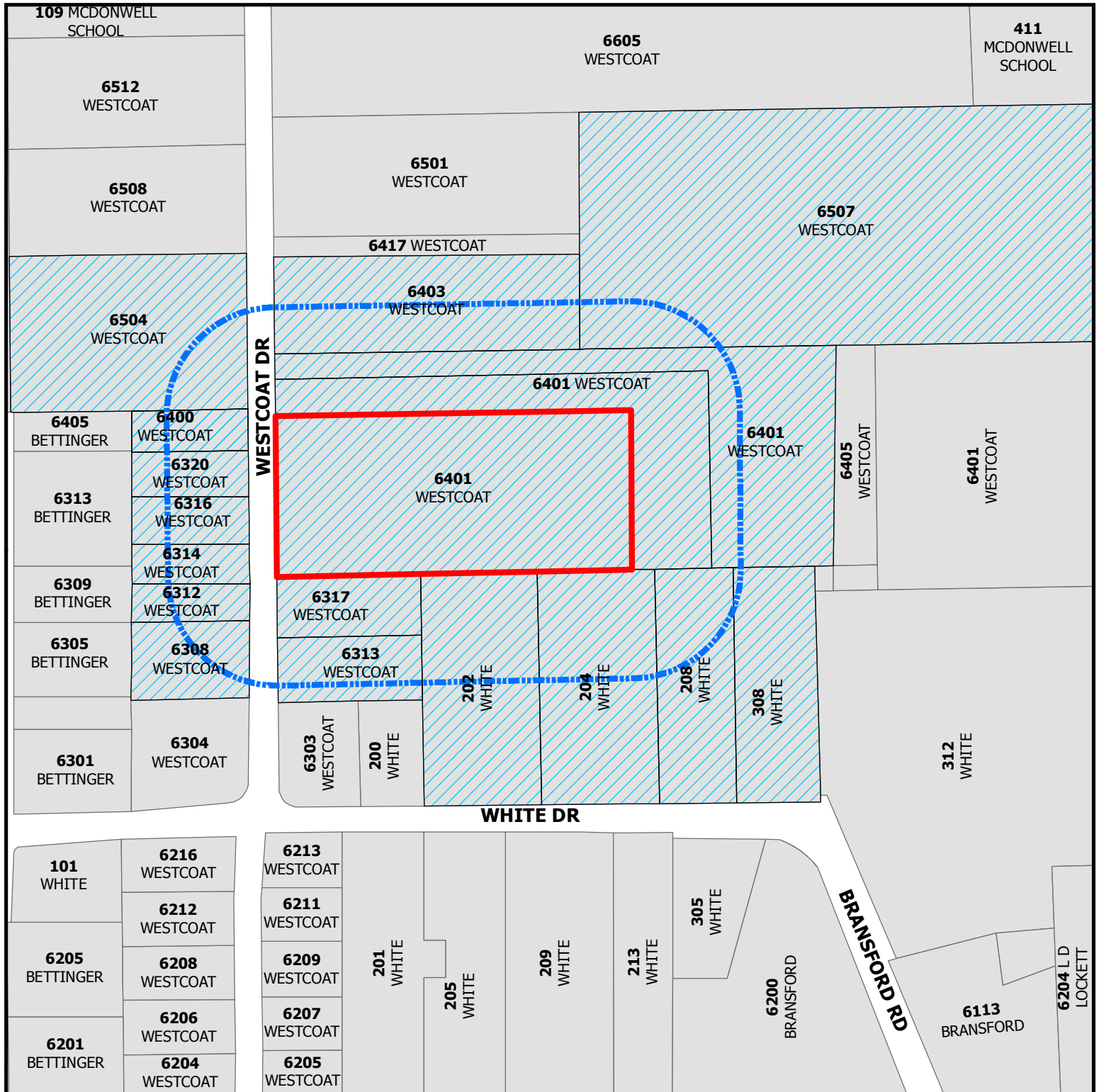
Owner Approval: _____
Designer Approval: _____

DRAWN BY: Jeff A. Polk
DATE: 04.07.2017

OWNER: Juliana Garrison
PROJECT: 6401 Westcoat Rd.
ADDRESS: Colleyville, TX 76034

SHEET:
A.2.01

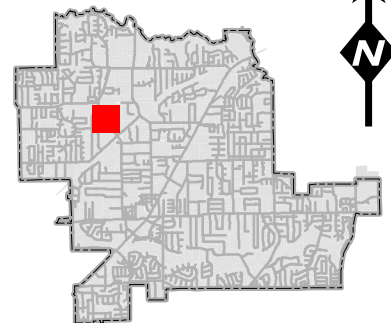
Notification Map



ZC17-008

6401 WESTCOAT DRIVE

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



DISCLAIMER:
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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

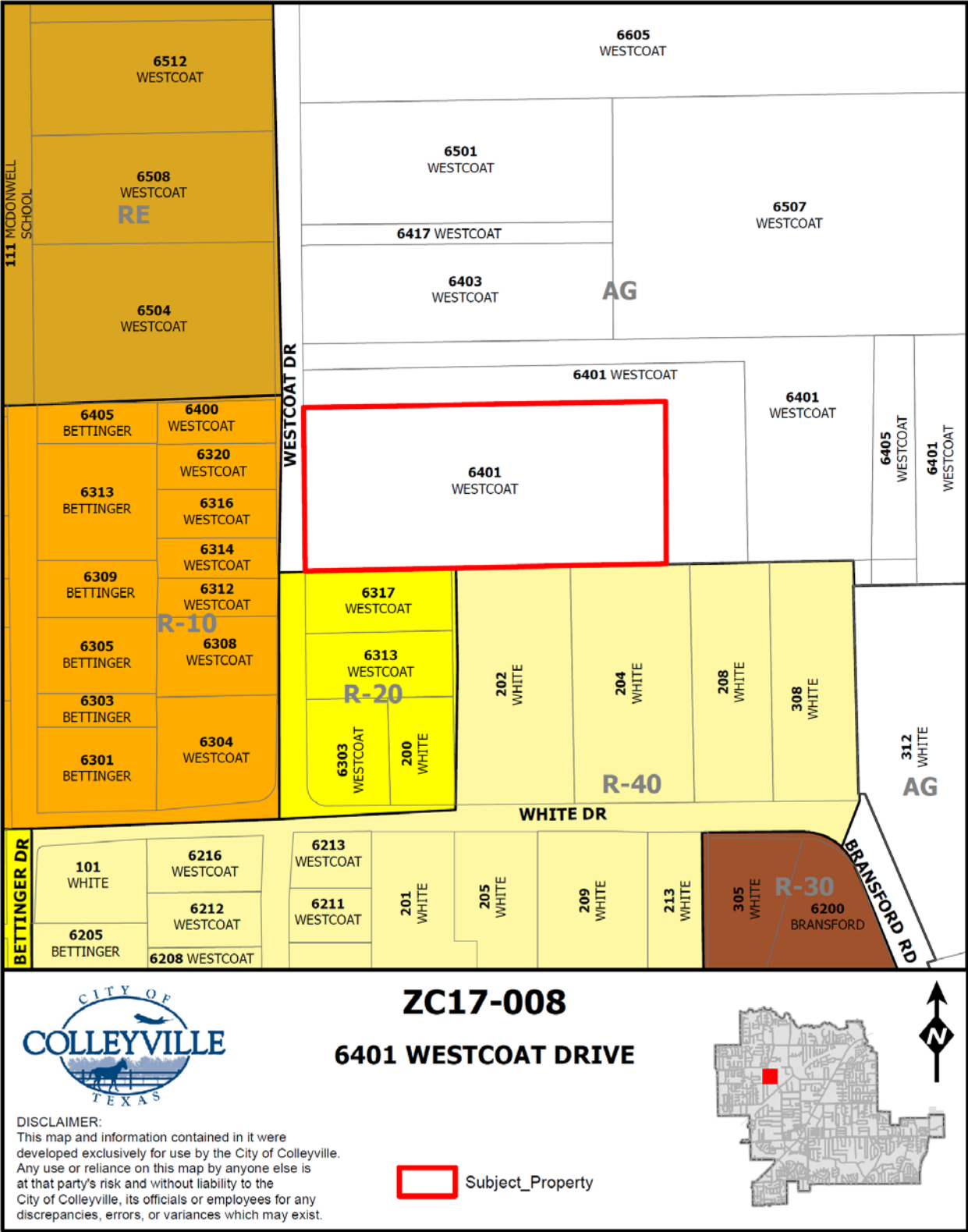
Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt L. Wyatt
City Attorney

Exhibit "A" - Location and Zoning Map



6401 WESTCOAT RD.
COLLEYVILLE, TX 76034

LOT 1A
BLOCK 1
K BAR G ADDITION

EXISTING CABANA

PROPOSED ADDITION

366.02'

94.29'

9.45'

9.02'

36.62'

795'

795'

ROUGH SITE PLAN SCALE: 1" = 50'

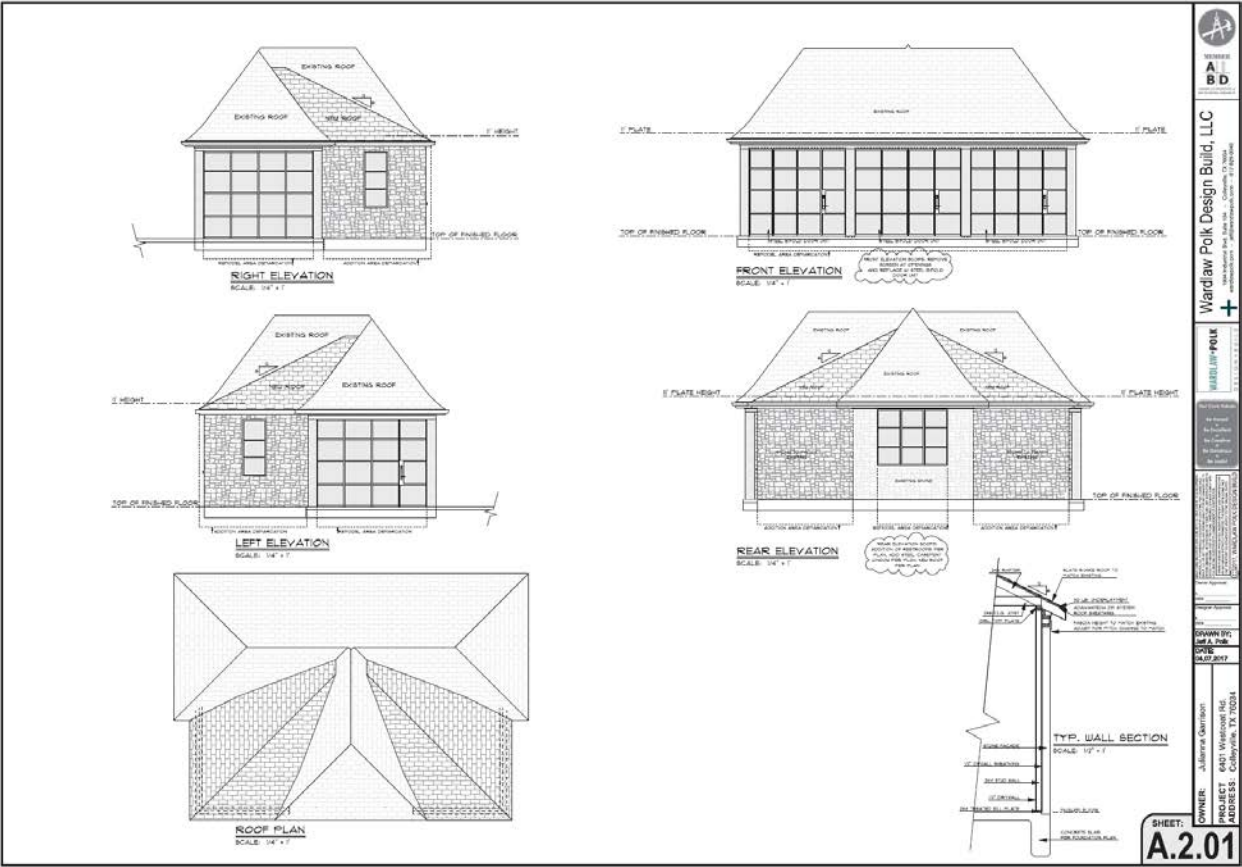
OWNER: Juliana Garrison
PROJECT: 6401 Westcoat Rd.
ADDRESS: Colleyville, TX 76034

WARDLAW POLK
WARDLAW POLK DESIGN BUILD

WARDLAW POLK DESIGN BUILD, LLC
1904 Houston Blvd. Suite 104 - Colleyville, TX 76034
wardlawpolk.com - info@wardlawpolk.com - 817.628.0040

SHEET: C.01.01
DATE: 04.23.2017
DESIGNER APPROVAL: [Signature]
OWNER APPROVAL: [Signature]

Exhibit "C" – Elevations





City of Colleyville City Council Agenda Briefing

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

Agenda Number 5b

Agenda Date 08/15/2017

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

Second Reading and Public Hearing

Withdrawn - The applicant has withdrawn this zoning request, attached to this agenda briefing.

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. Request to Withdraw
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Statement of Planning Objectives
6. Site Plan

7. Floor Plan
8. Pool House Floor Plan
9. Pergola Plans
10. Building Elevations
11. Architectural Renderings
12. Notification Map
13. Notification List
14. Property Owner Notification
15. Legal Notice
16. Request to Appeal
17. Ordinance O-17-2020

Jenkins Sandhills Ranch, LLC
2404 Arbor Trail
Colleyville, Texas 76034

August 2, 2017

Ben Bryner
Director of Community Development
City of Colleyville
100 Main Street
Colleyville, Texas 76034

Dear Ben,

As of this date, I have withdrawn my appeal to the City Council of the Planning and Zoning decision not to support Rezoning Case Number ZC17-009.

It is obvious that a supermajority of the Council is not supportive of this request.

I do not want to force the council to vote on this matter.

The courtesy and attention you have demonstrated is most appreciative.

Respectfully,

A handwritten signature in cursive script that reads "Ruth-Ann Jones".

Jenkins Sandhills Ranch
Ruth-Ann Jones
Manager
817-566-4541

Aerial Map



ZC17-009

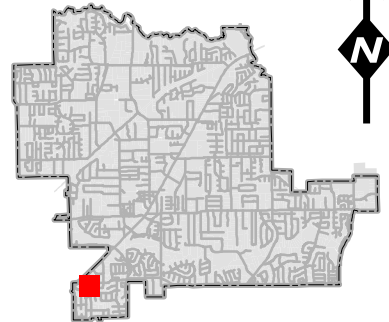
105 CHEEK SPARGER ROAD

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Subject Property



Zoning Map

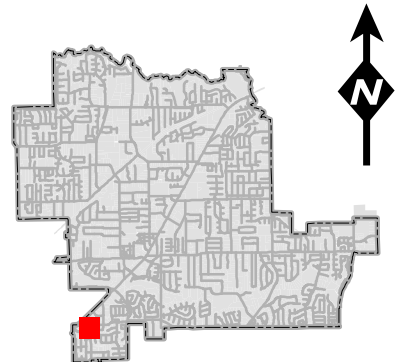
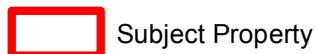


ZC17-009

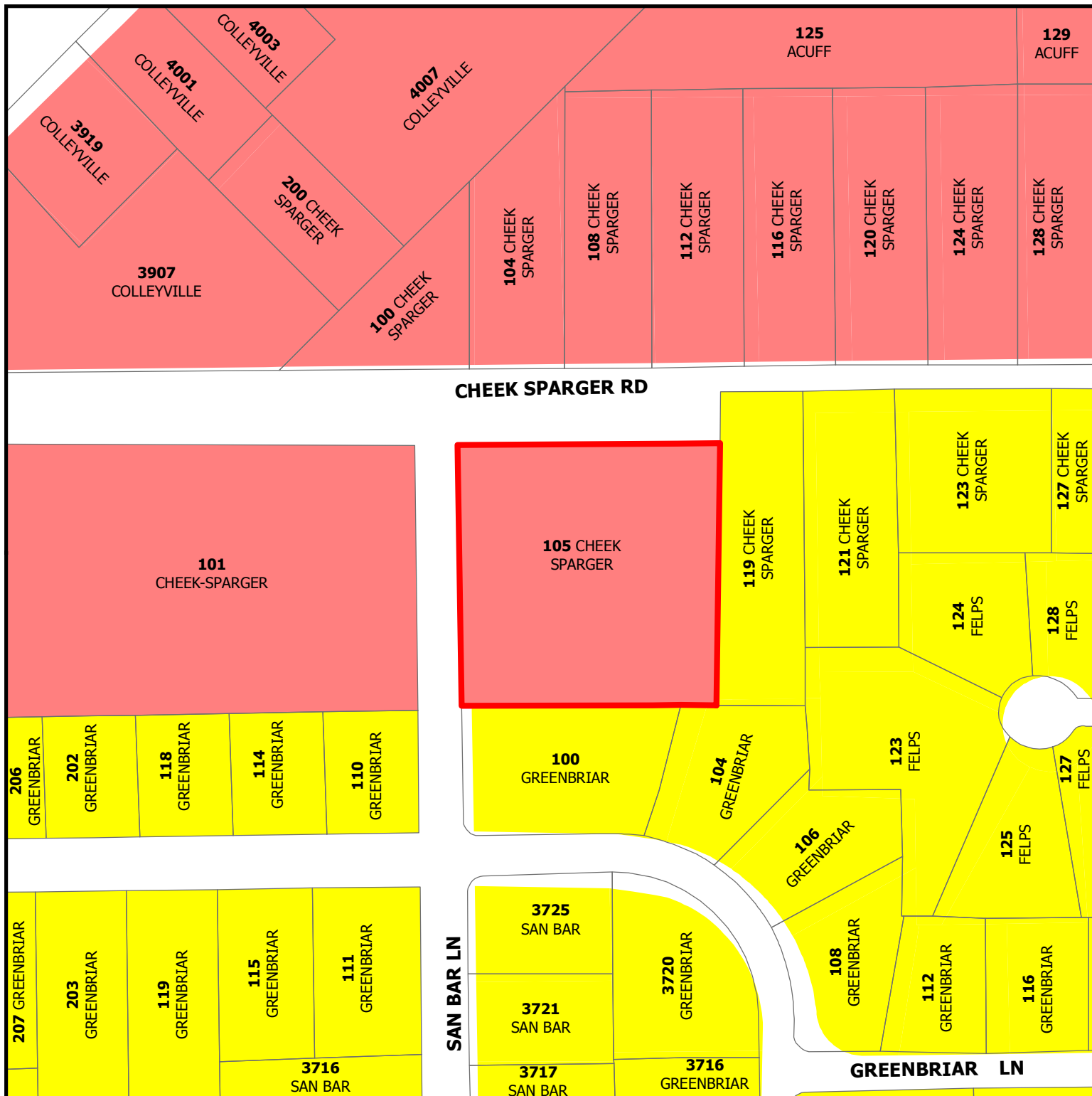
105 CHEEK SPARGER ROAD

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Future Land Use Map

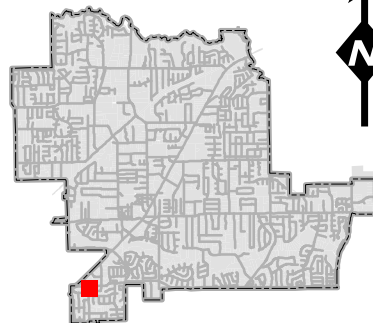


ZC17-009

105 CHEEK SPARGER ROAD

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 **Subject Property**



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

Statement of Planning Objectives

2

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.

Statement of Planning Objectives

3

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, 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, 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.

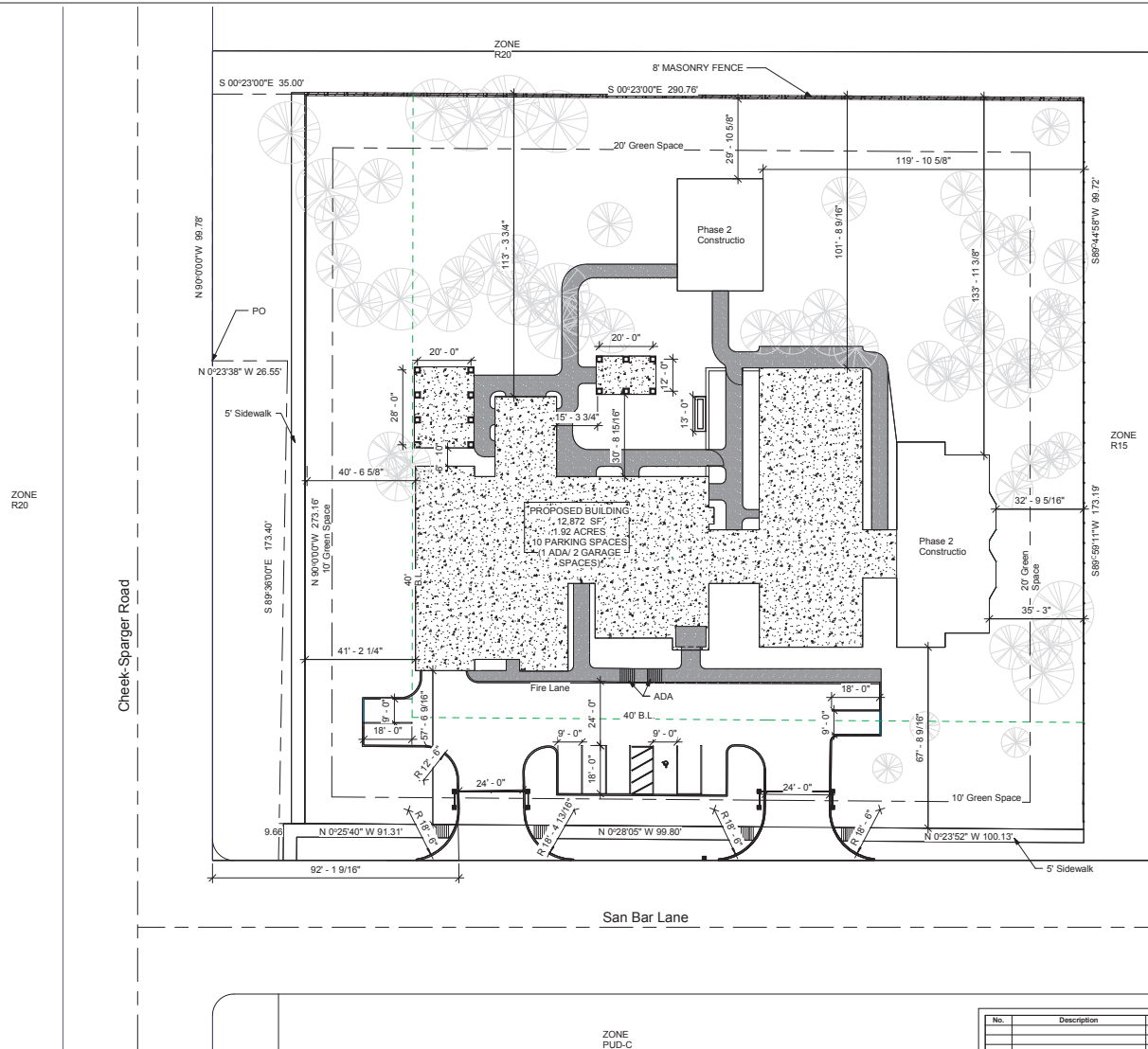
Respectfully,



Ruth-Ann Jones, 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 14,968 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 1,125 square feet 1.3 %
 Open Space 62,731 square feet 74.1 %

1 Site
 1" = 20'-0"

ZONING EXHIBIT FOR ZONING CHANGE REQUEST FROM _____ TO _____

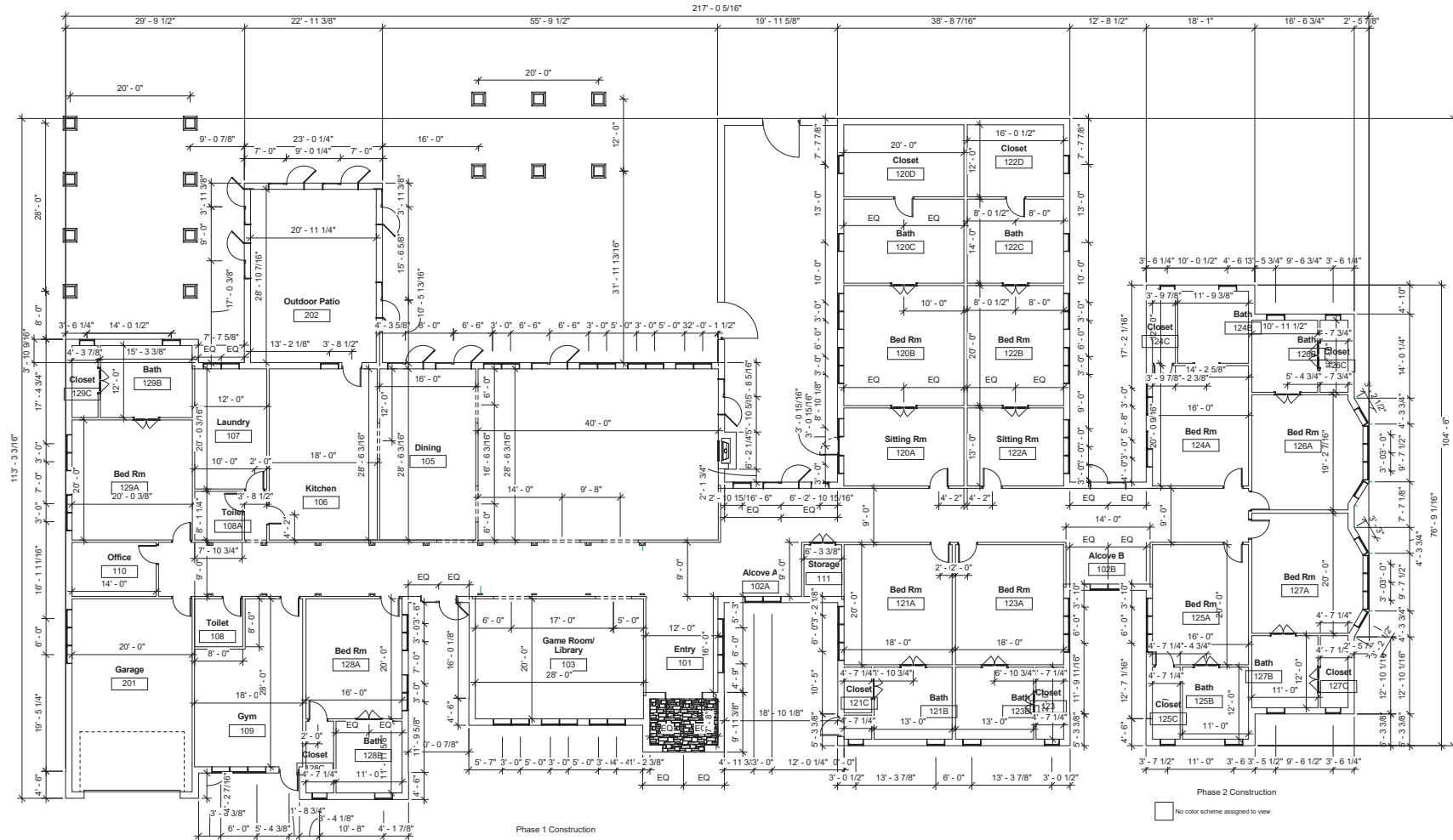
No.	Description	Date

**Boutique Assisted
 Living Home
 Site Plan**

Project number	2017-1508-C5B
Date	5-4-2017
Drawn by	A. Freeman
Checked by	D.J.
C101	
Scale	1" = 20'-0"

WS2017-443291N

Floor Plan



① Floorplan - With Dimensions
1/8" = 1'-0"

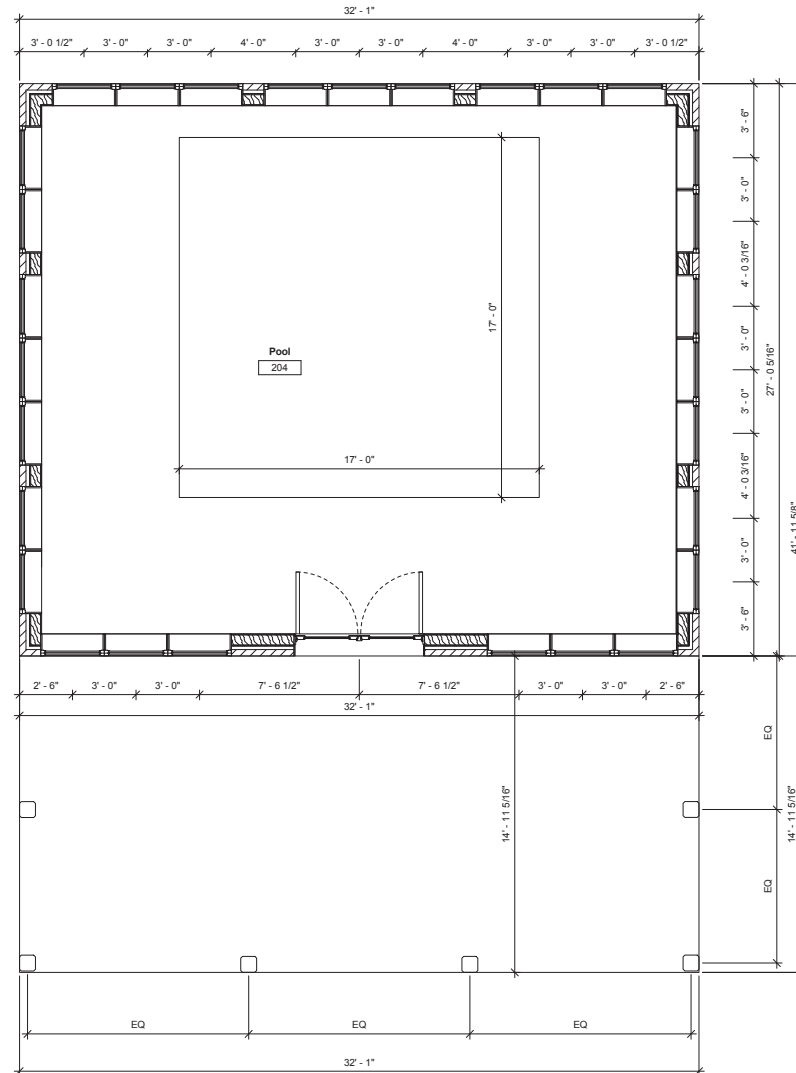
No.	Description	Date

**Boutique Assisted
Living Home
Floorplan Layout**

Project number	2017-1508-C5B
Date	5-4-2017
Drawn by	A. Freeman
Checked by	D.J.
A101	
Scale	1/8" = 1'-0"

06/2017 11:22:48 PM

Pool House Floor Plan



① Floorplan Poolhouse
3/8" = 1'-0"

ZONING EXHIBIT FOR ZONING CHANGE REQUEST FROM _____ TO _____

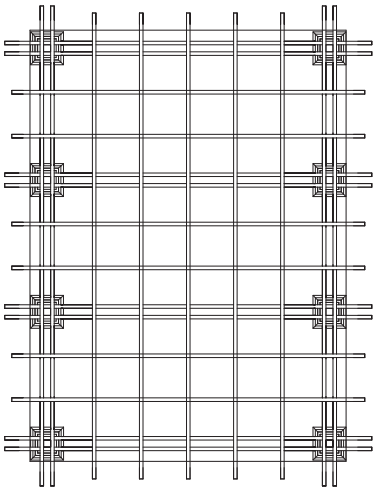
No.	Description	Date

Boutique Assisted
Living Home
Poolhouse Floor Plan

Project number	2017-1508-C5B
Date	5-10-2017
Drawn by	A. Freeman
Checked by	D. J.
Scale	3/8" = 1'-0"
A103	

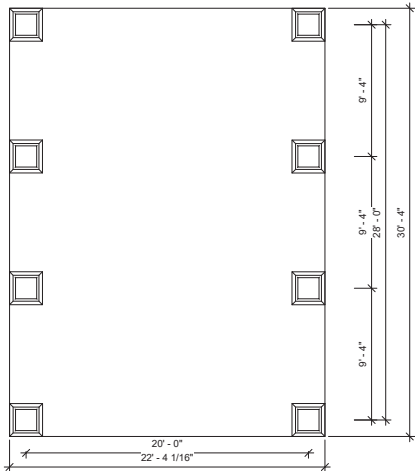
06/02/2017 5:04:18 PM

Pergola Plans



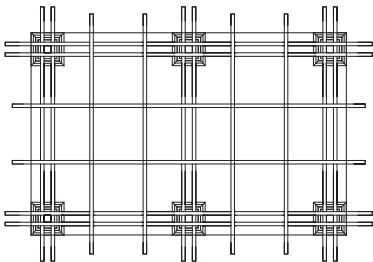
③ Roof - Large Pergola

1/4" = 1'-0"



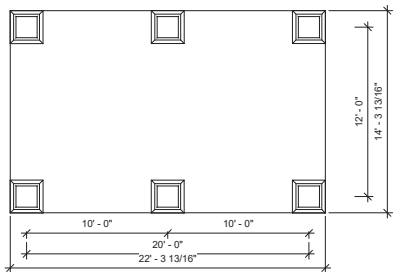
① Floor Plan - Large Pergola

1/4" = 1'-0"



④ Roof - Small Pergola

1/4" = 1'-0"



② Floor Plan - Small Pergola

1/4" = 1'-0"

ZONING EXHIBIT FOR ZONING 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"

06/06/2017 11:22:51 PM

Building Elevations



ZONING EXHIBIT FOR ZONING CHANGE REQUEST FROM _____ TO _____

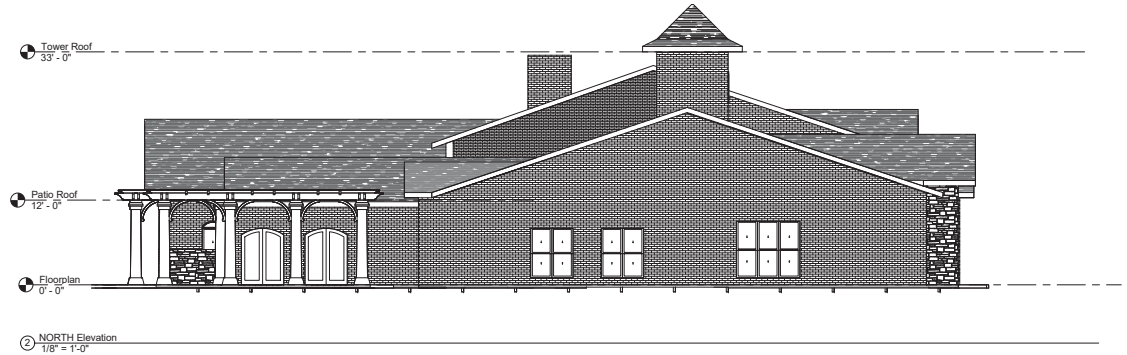
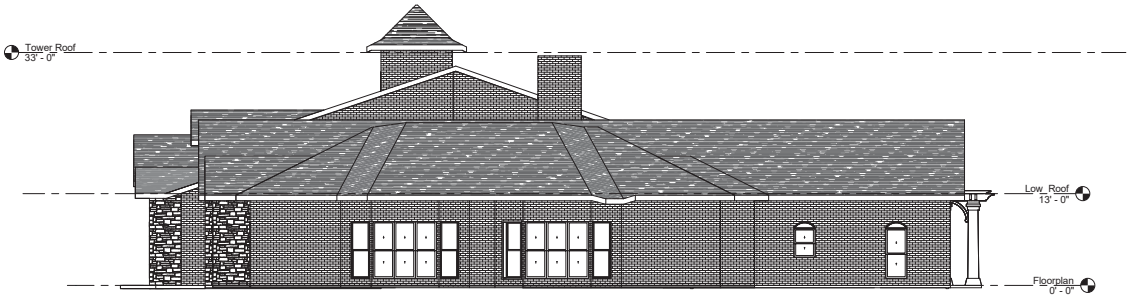
No.	Description	Date

Boutique Assisted
Living Home
Building Elevations

Project number	2017-1508-C5B
Date	5-4-2017
Drawn by	A. Freeman
Checked by	D.J.
Scale	1/8" = 1'-0"

05/05/2017 11:23:05 PM

Building Elevations



ZONING EXHIBIT FOR ZONING CHANGE REQUEST FROM _____ TO _____

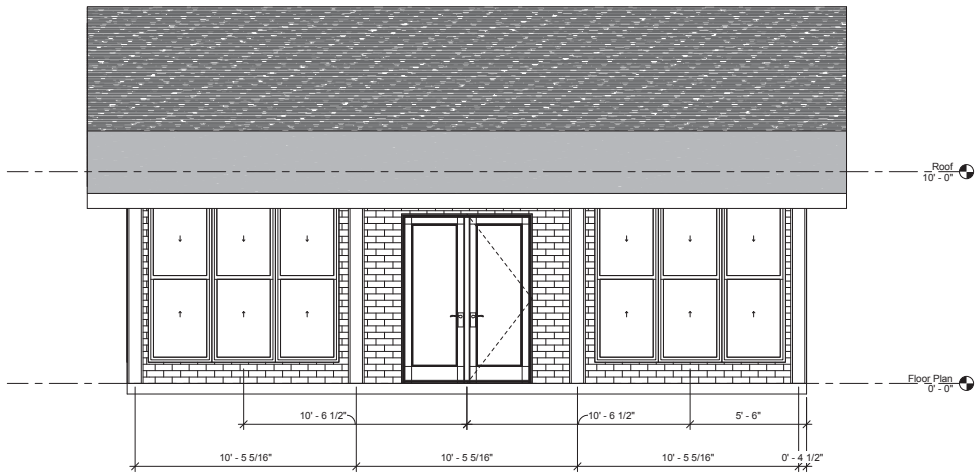
No.	Description	Date

Boutique Assisted
Living Home
Building Elevations

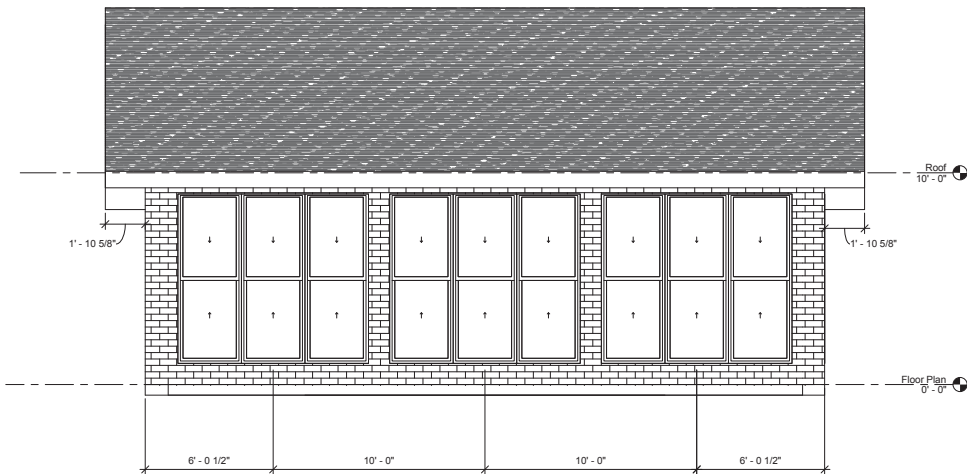
Project number	2017-1508-C5B
Date	5-4-2017
Drawn by	A. Freeman
Checked by	D.J.
A202	
Scale	1/8" = 1'-0"

04/20/2017 11:25:10 PM

Building Elevations



① West Elevation - Poolhouse
3/8" = 1'-0"



② East Elevation - Poolhouse
3/8" = 1'-0"

ZONING EXHIBIT FOR ZONING CHANGE REQUEST FROM _____ TO _____

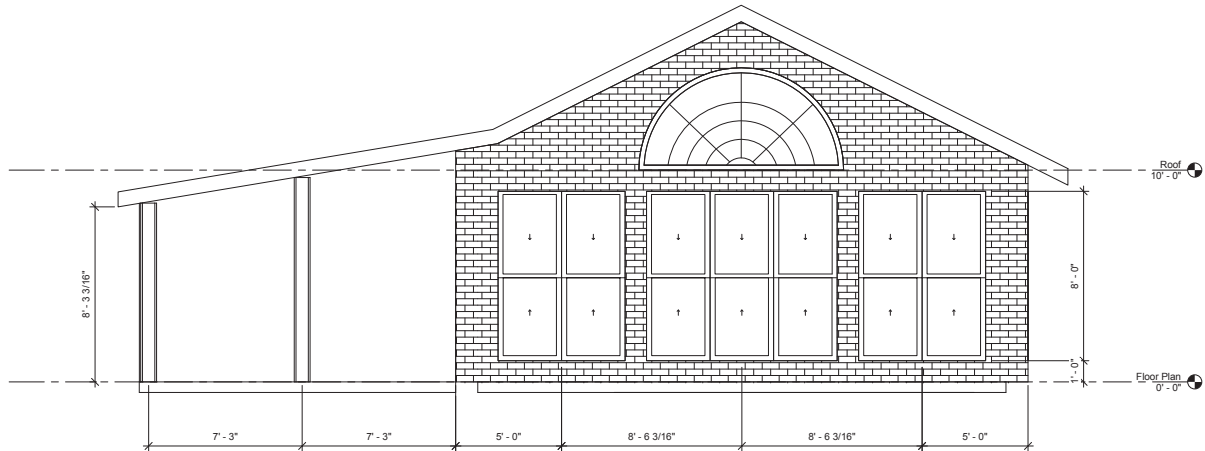
No.	Description	Date

Boutique Assisted
Living Home
Building Elevations -
Poolhouse

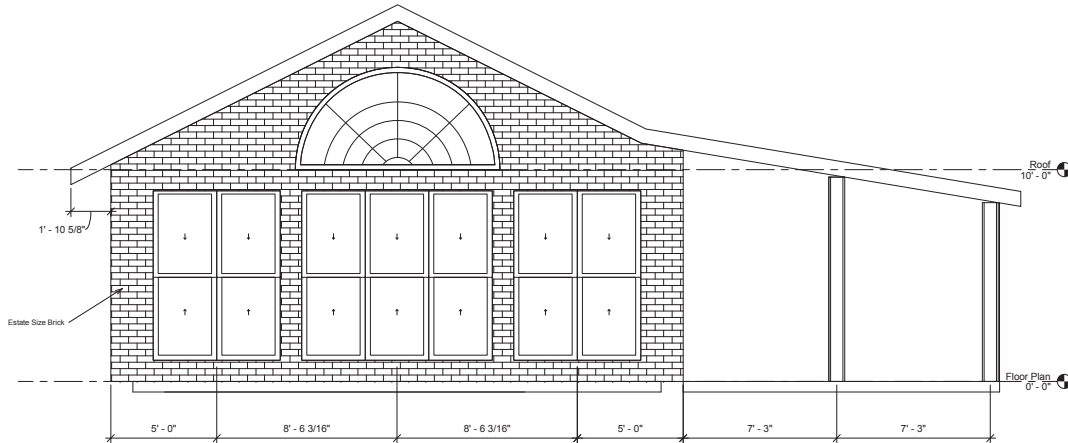
Project number	2017-1508-C5B
Date	5-10-2017
Drawn by	Author
Checked by	Checker
A203	
Scale	3/8" = 1'-0"

WS02017.7 21:39 PM

Building Elevations



1 South Elevation - Poolhouse
3/8" = 1'-0"



2 North Elevation - Poolhouse
3/8" = 1'-0"

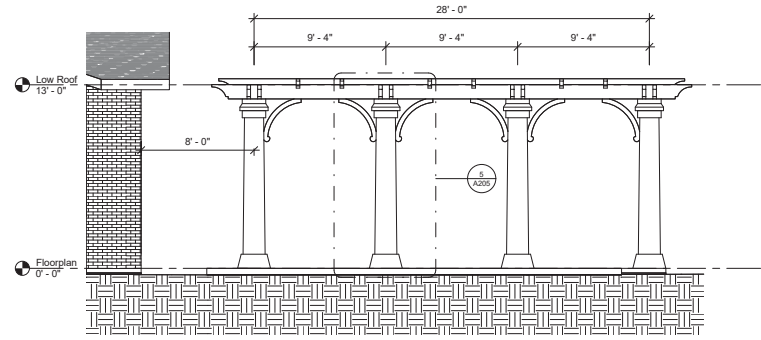
ZONING EXHIBIT FOR ZONING CHANGE REQUEST FROM _____ TO _____

No.	Description	Date

Boutique Assisted
Living Home
Building Elevations -
Poolhouse

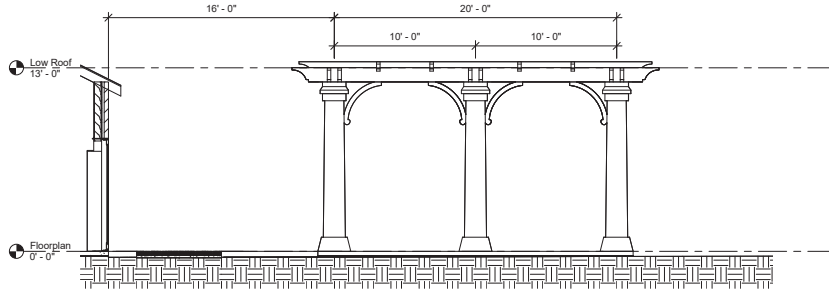
Project number	2017-1508-C5B
Date	5-10-2017
Drawn by	Author
Checked by	Checker
A204	
Scale	3/8" = 1'-0"

Building Elevations



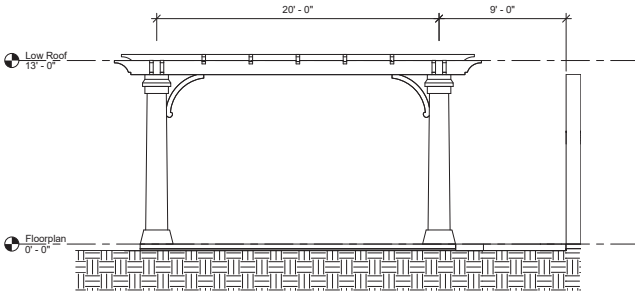
3 South Elevation - Large Pergola 28'

1/4" = 1'-0"



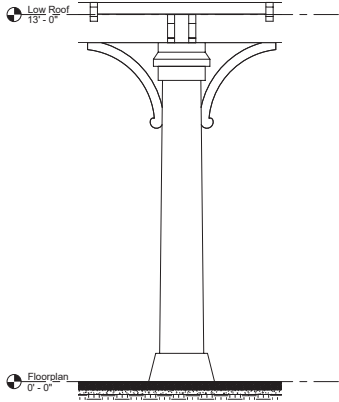
1 East Elevation - Small Pergola 12x20'

1/4" = 1'-0"



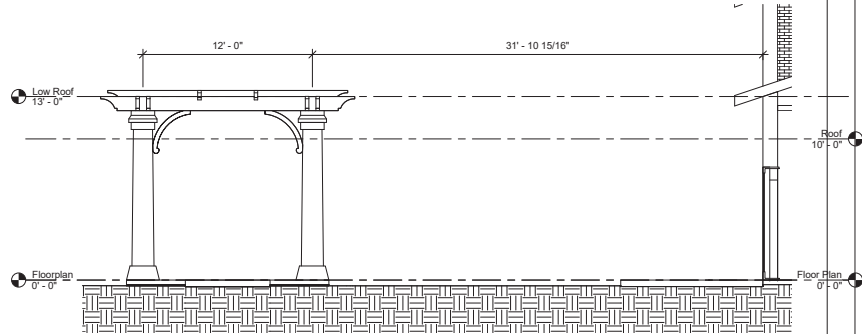
4 West Elevation - Large Pergola 20'

1/4" = 1'-0"



5 Column Detail - Typical

1/2" = 1'-0"



2 North Elevation - Small Pergola

1/4" = 1'-0"

No.	Description	Date

ZONING EXHIBIT FOR ZONING CHANGE REQUEST FROM _____ TO _____

Boutique Assisted
Living Home
Pergola Elevations

Project number	2017-1508-C5B
Date	5-4-2017
Drawn by	A. Freeman
Checked by	D.J.
Scale	As indicated

W062017 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 ZONING CHANGE REQUEST FROM ____ TO ____

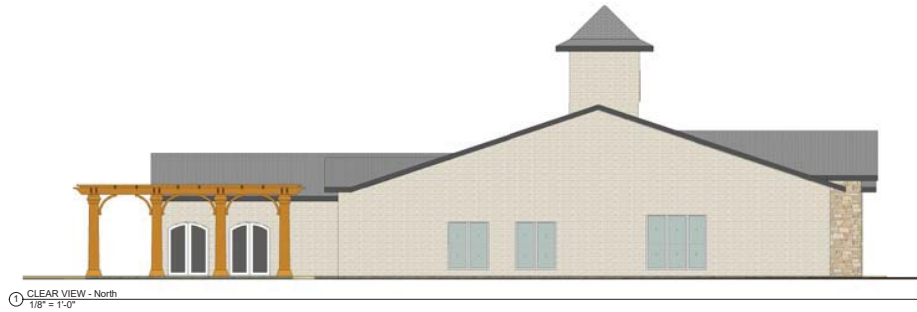
No.	Description	Date

Boutique Assisted
Living Home
Elevations Clear View

Project number	2017-1508-C5B
Date	5-4-2017
Drawn by	Author
Checked by	Checker
Scale	1/8" = 1'-0"

A801

Architectural Renderings



① CLEAR VIEW - North
1/8" = 1'-0"



② CLEAR VIEW South
1/8" = 1'-0"

ZONING EXHIBIT FOR ZONING CHANGE REQUEST FROM _____ TO _____

No.	Description	Date

**Boutique Assisted
Living Home
Elevations Clear View**

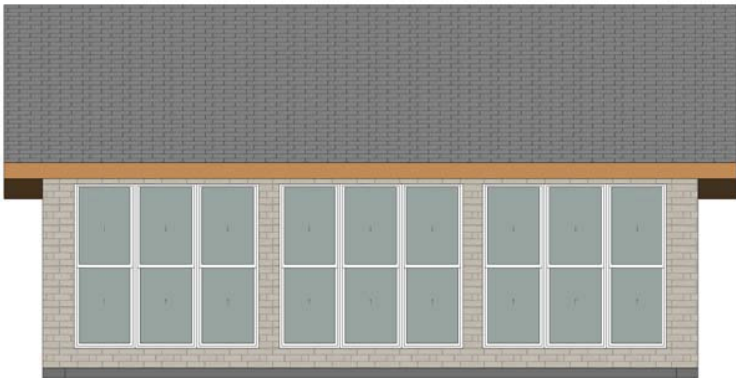
Project number	2017-1508-C5B
Date	5-4-2017
Drawn by	A. Freeman
Checked by	D.J.
Scale	1/8" = 1'-0"

A802

Architectural Renderings



West Elevation - Poolhouse Copy 1
3/8" = 1'-0"



East Elevation - Poolhouse Clear view
3/8" = 1'-0"

ZONING EXHIBIT FOR ZONING 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.Freeman
Checked by	D.J.
Scale	3/8" = 1'-0"

A803

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 ZONING 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.Freeman
Checked by	D.J.
Scale	3/8" = 1'-0"
A804	

Architectural Renderings



Architectural Renderings



Notification Map

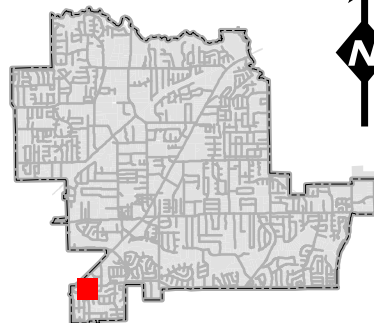


ZC17-009

105 CHEEK SPARGER 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
- 200ft Buffer
- Properties within 200ft



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 WINDSWEEP 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
UHLNHAKER, 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 Unit 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,

A handwritten signature in cursive script that reads "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

The map displays a section of land with various zoning districts and individual lots. A callout box labeled "Subject Property" points to a specific parcel outlined in red, which is zoned PUD-C. Other zoning areas shown include CC-3, CN, PUD-C, PUD-R, and R-15. Numerous individual lots are numbered throughout the 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.

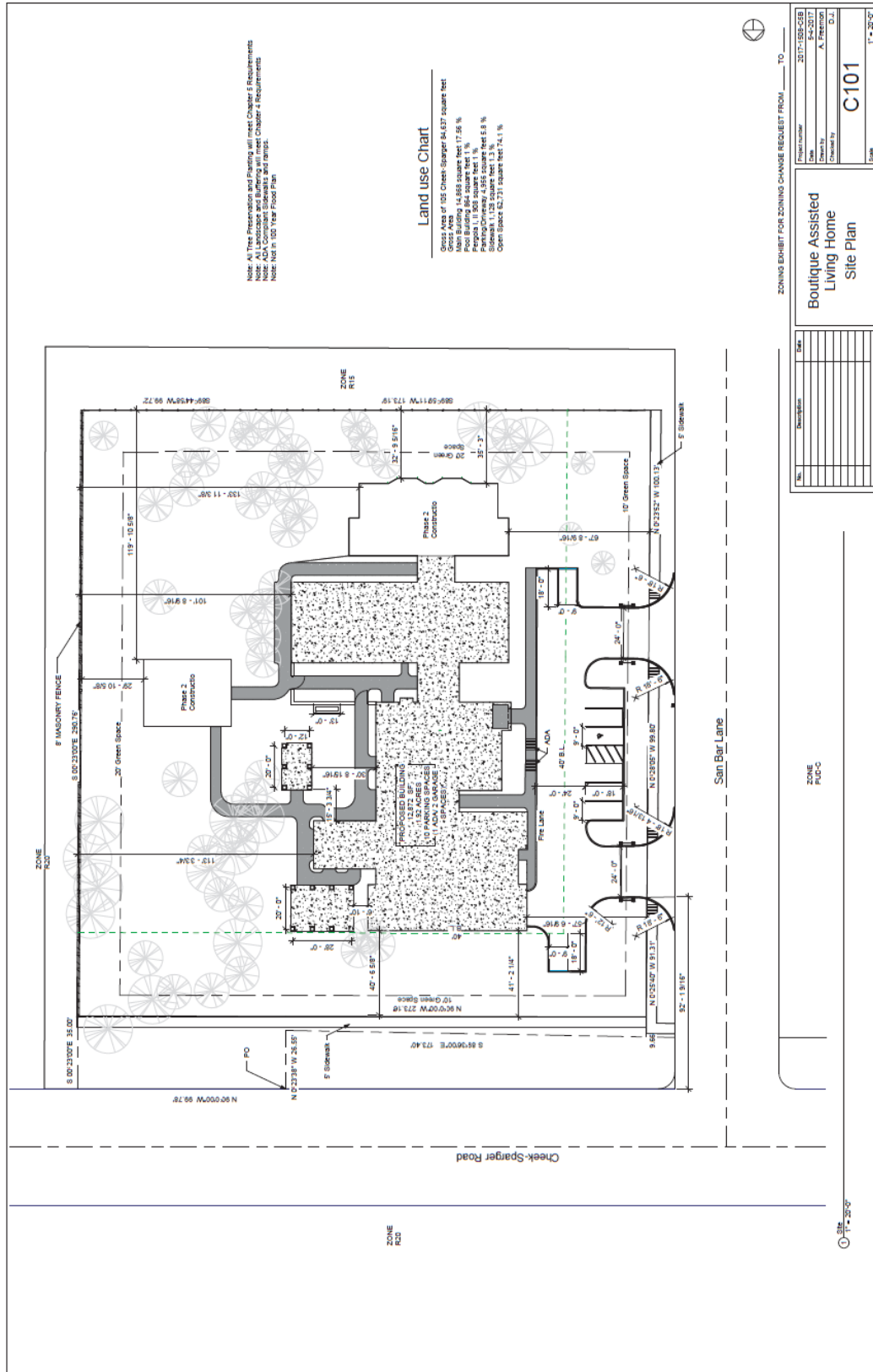
If you require any additional information not shown on the accompanying plans, please do not hesitate to call.

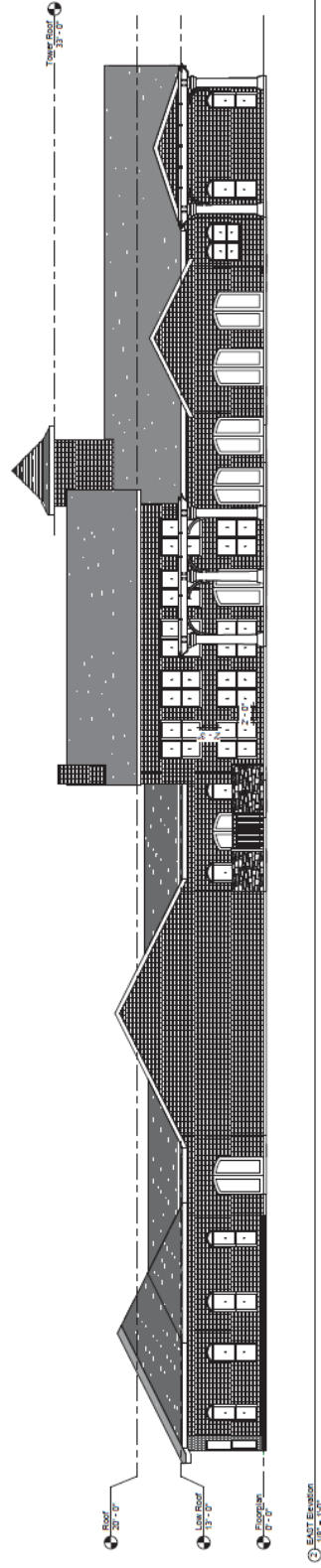
Sincerely,

A handwritten signature in black ink that reads "Ruth-Ann Jones". The signature is written in a cursive, flowing style.

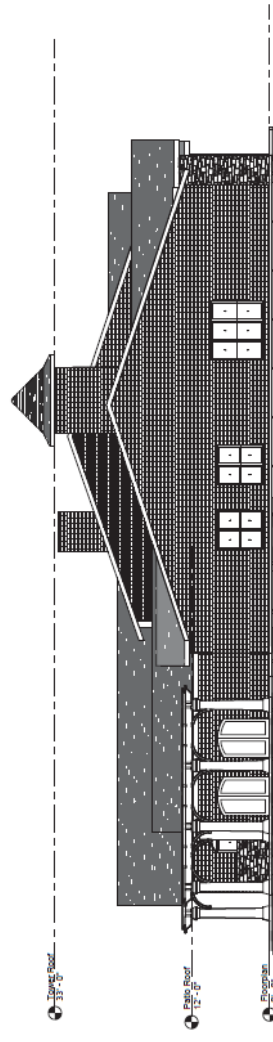
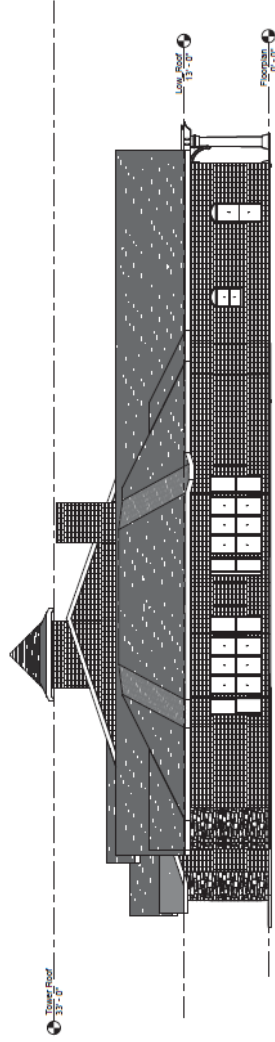
Ruth-Ann Jones, Trustee and Manager

Jenkins Sandhills Ranch, LLC.





Boutique Assisted Living Home Building Elevations		Project number 2017-1894-CB
		Date 5-4-2017
		Drawn by A. Ferguson
		Checked by D.J.
		Scale 1/8" = 1'-0"



2 NORTH Elevation
118° - 117°

② NORTH E
118° 11.9°

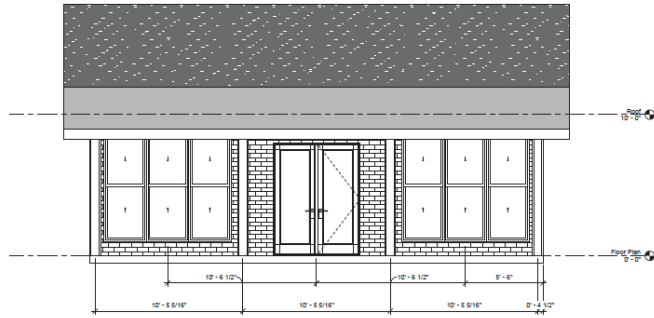
ZONING EXHIBIT FOR ZONING CHANGE REQUEST FROM _____ TO _____

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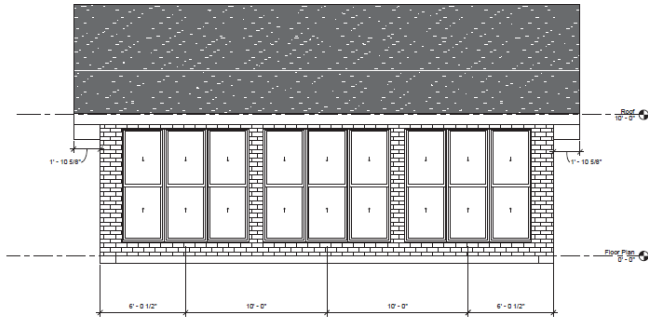
Project number	2017-1508-C6B
Date	5-4-2017
Drawn by	A. Freeman
Checked by	D.J.
A202	

**Boutique Assisted
Living Home
Building Elevations**

A202



West Elevation - Poolhouse
3/8" = 1'-0"



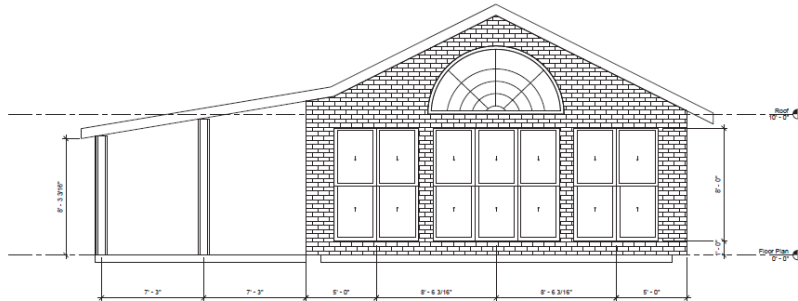
East Elevation - Poolhouse
3/8" = 1'-0"

No.	Description	Date

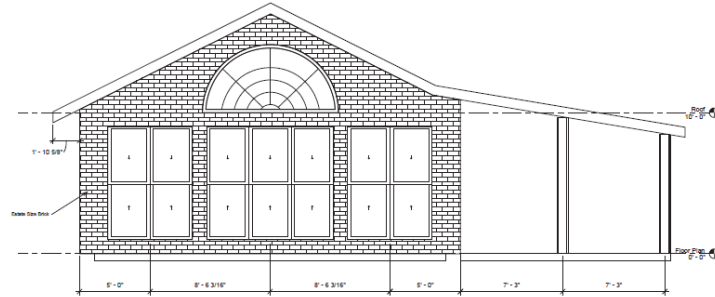
ZONING EXHIBIT FOR ZONING CHANGE REQUEST FROM _____ TO _____

Boutique Assisted
Living Home
Building Elevations -
Poolhouse

Project Number	2017-1008-C08
Date	5-10-2017
Drawn by	Author
Checked by	Checker
Scale	A203 3/8" = 1'-0"



South Elevation - Poolhouse
3/8" = 1'-0"



North Elevation - Poolhouse
3/8" = 1'-0"

No.	Description	Date

ZONING EXHIBIT FOR ZONING CHANGE REQUEST FROM _____ TO _____

Boutique Assisted
Living Home
Building Elevations -
Poolhouse

Project Number	2017-1008-C08
Date	5-10-2017
Drawn by	Author
Checked by	Checker
Scale	A204 3/8" = 1'-0"





City of Colleyville City Council Agenda Briefing

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

Agenda Number 5c

Agenda Date 08/15/2017

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

Second Reading and Public Hearing

There were two speakers who spoke in opposition to this request, and two persons who registered their support, but did not speak during the August 1, 2017, City Council meeting.

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

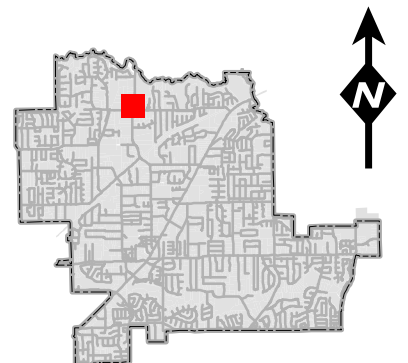


ZC17-001

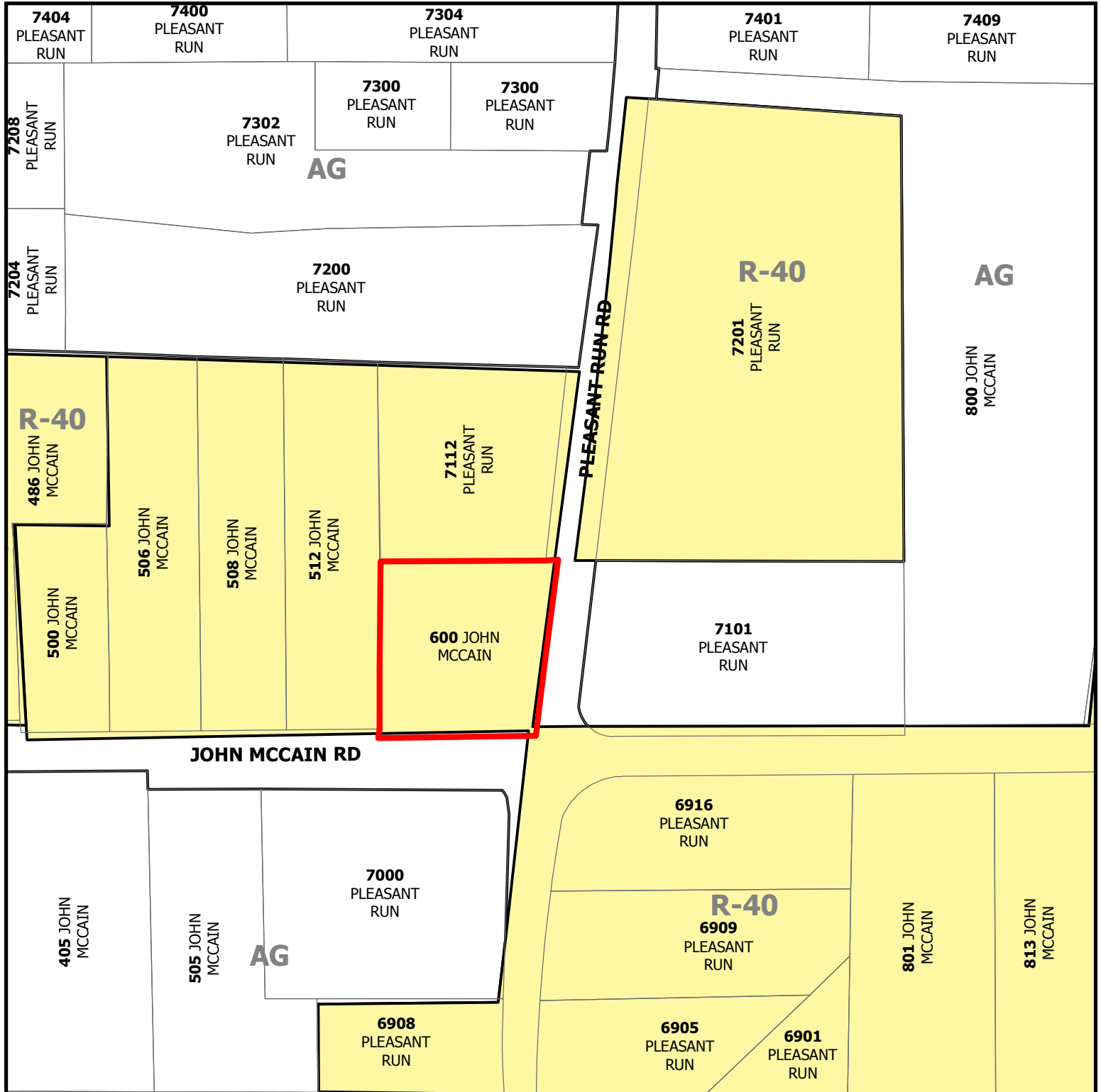
600 JOHN MCCAIN ROAD

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

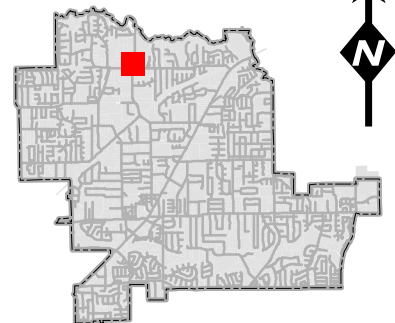


ZC17-001

600 JOHN MCCAIN ROAD

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 Subject Property



Future Land Use Map



ZC17-001

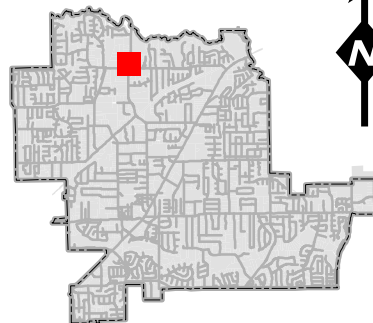
600 JOHN MCCAIN ROAD

DISCLAIMER:

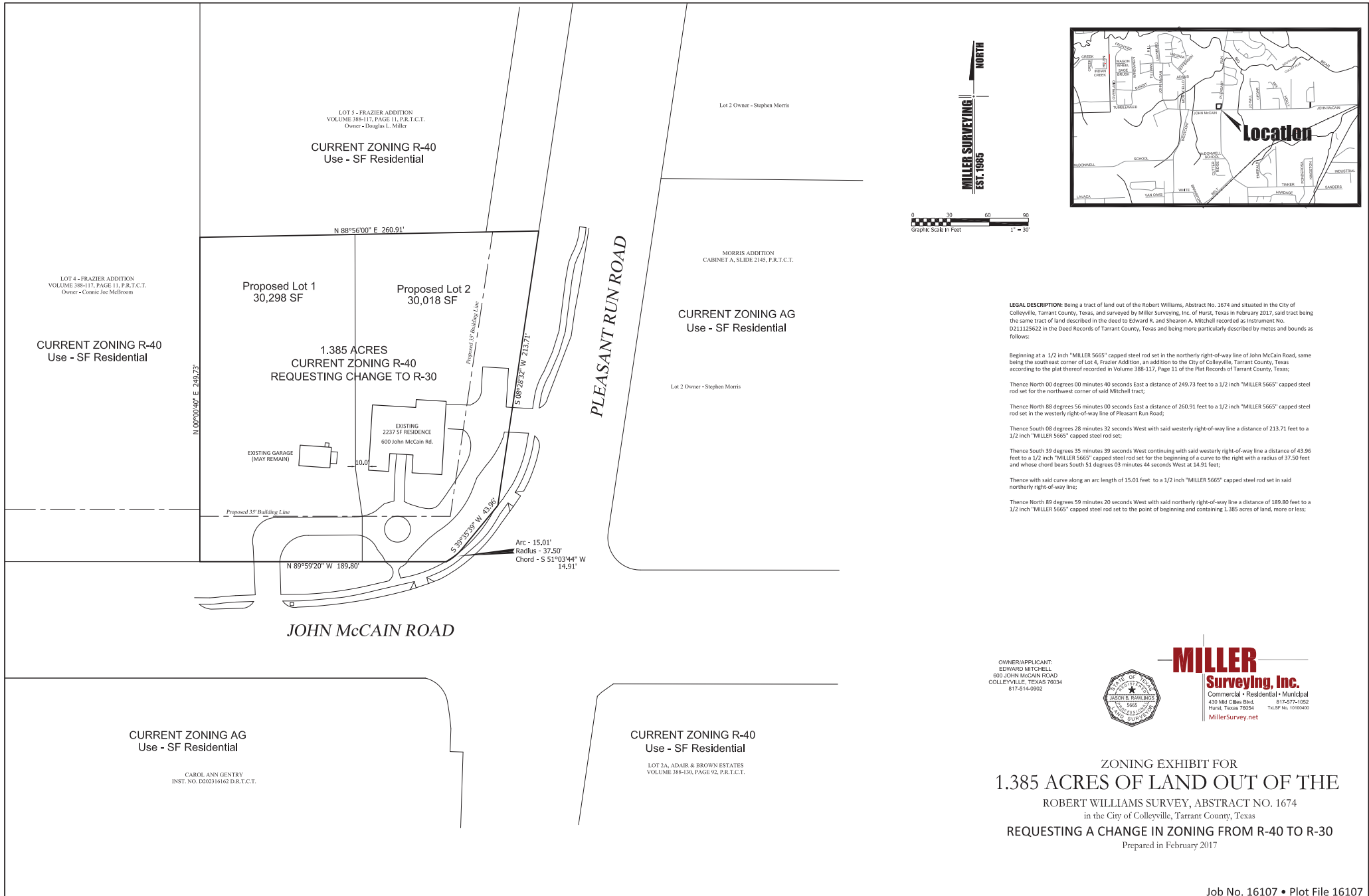
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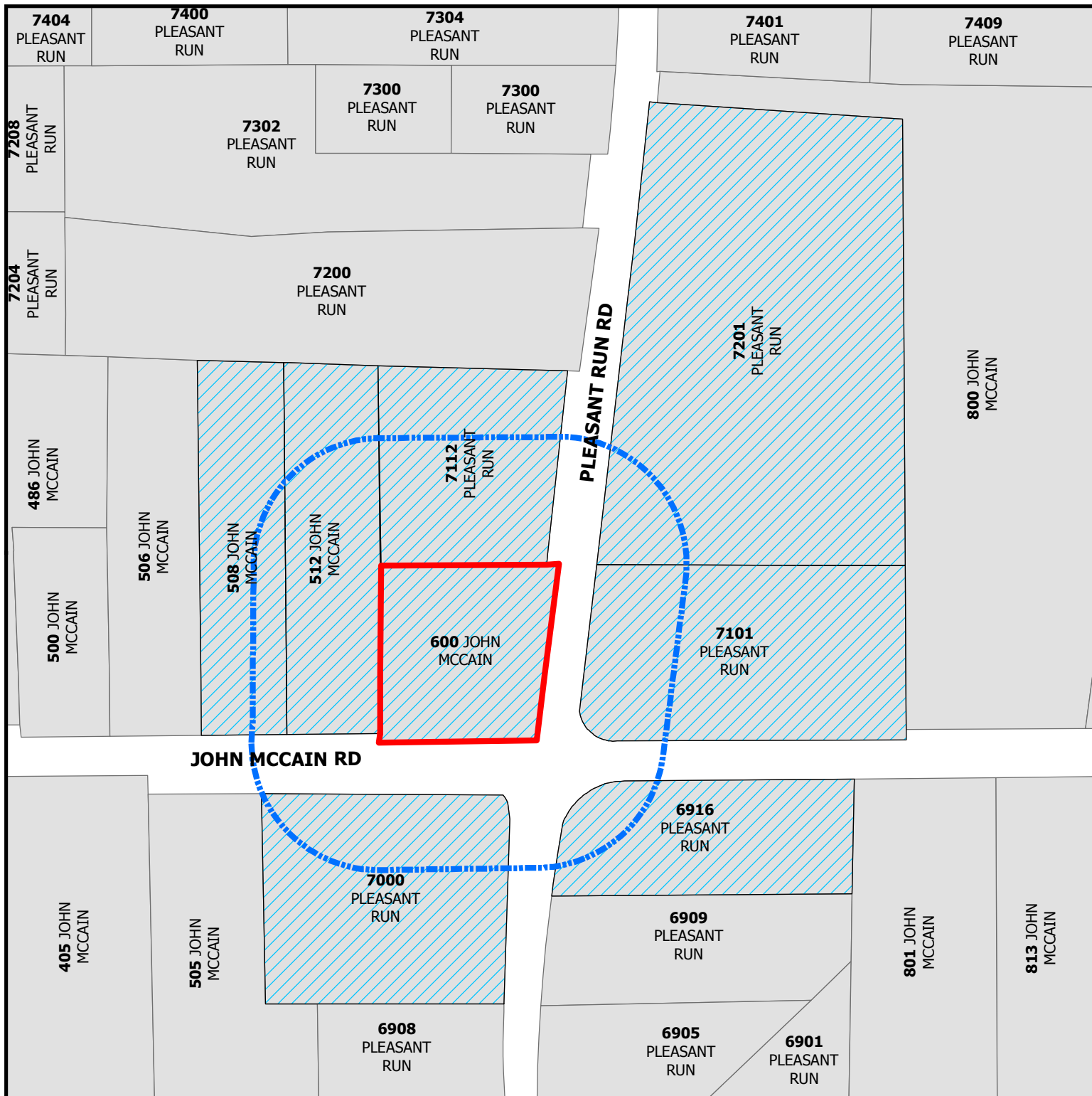
Subject Property



Zoning Exhibit



Notification Map

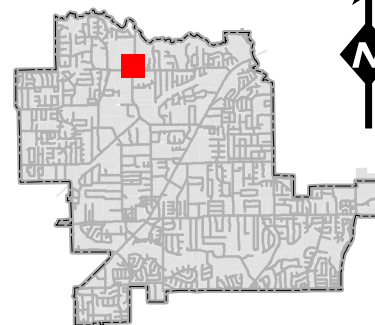


ZC17-001

600 JOHN MCCAIN ROAD

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



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

Notification List

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,

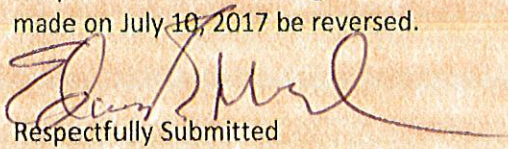
This will serve as a written appeal notice to the Planning and Zoning Commission regarding denial of a zoning change at 600 John McCain Rd from R-40 to R-30 single family residential zoning district.

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



SPEAKER CARD

Date:

7/18/17

Agenda Item Number:

66

← 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:

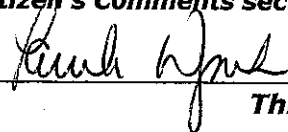
7004 COLEMAN CT

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:



This information is a Public Record

SPEAKER CARD

Date: July 18

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

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

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

_____ I will speak **In Support** of this item. 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

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Signed: [Signature]

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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

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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 ☒ opposition

Name: Robert Herwerden

Address: 2200 Danielle

City: Collegeville

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

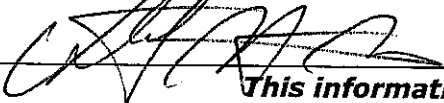
_____ I will speak **In Support** of this item. _____ I will speak **In Opposition** to this item.

☒ I do not wish to speak, but please record my: _____ support ☒ opposition

Name: Henry McMichael

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 ☒ 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:

Craig Wozniak

Address:

7004 Cotman 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

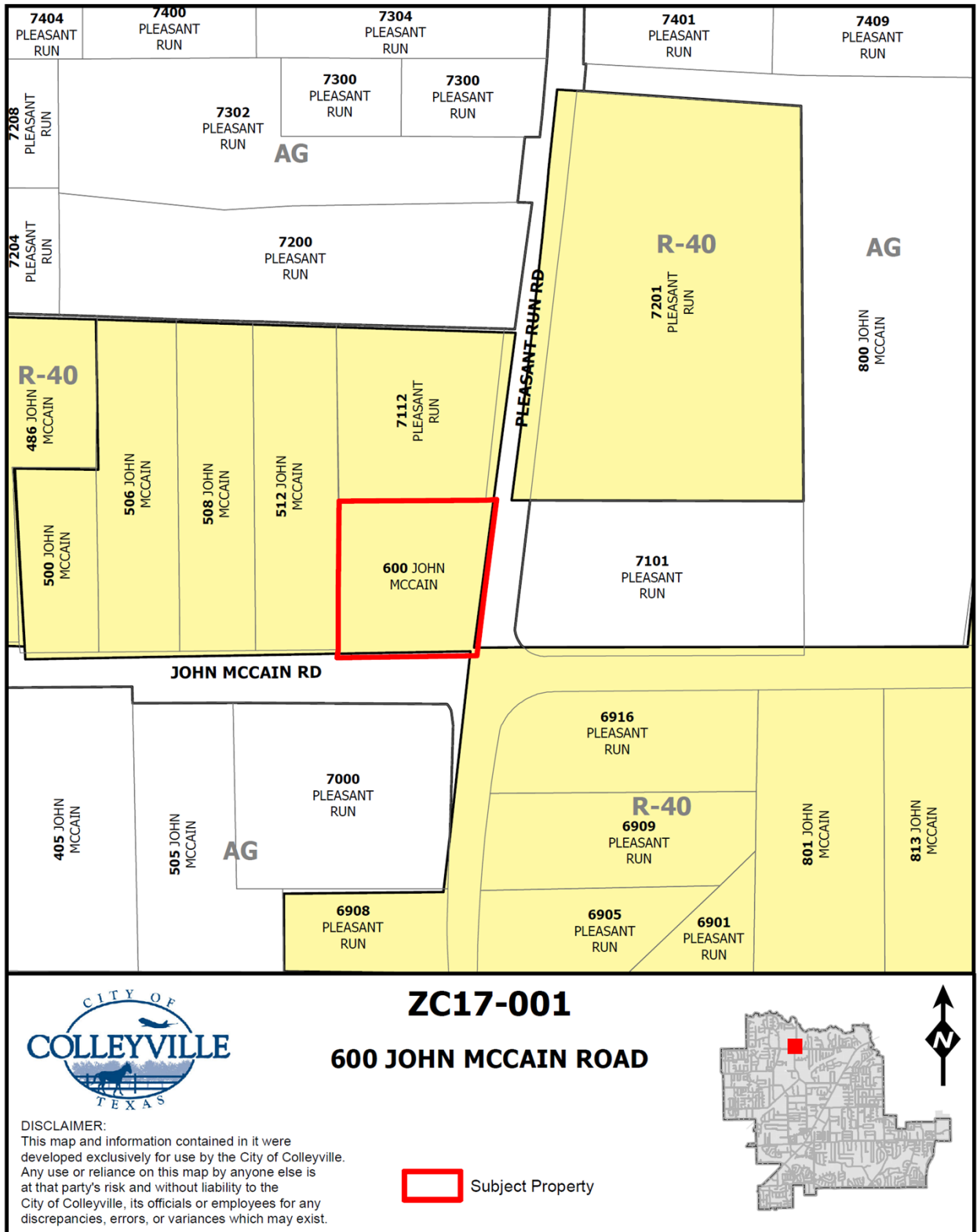


Exhibit "B"- Metes & Bounds Description

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 5d

Agenda Date 08/15/2017

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

Second Reading and Public Hearing

There were no speakers for this request at the August 1, 2017, City Council meeting.

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 has worked with the City Attorney to finalize the amendments to the affected chapters in the City's Code of Ordinances.

Financial Impact

No substantial financial impact to the City.

Recommendation

Approve

Attachments

1. Attachment "A" - Summary of SB 1004
2. Ordinance O-17-2022

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:**
 - o 10 days of an application for placement of a **transport facility**
 - o 30 days for a **network node or node support pole**.
 - o If a permit is deemed incomplete, must notify applicant of the incompleteness by the applicable deadline, with the specific missing information.
 - o 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:
 - o 21 days - transport facility permit (fiber/coaxial cable connecting nodes).
 - o 60 days - node network permit.
 - o 150 days - node support pole permit.
- **If a permit is denied:**
 - o city must provide applicant an email with the specific reasons for denial,
 - o applicant has 30 days to resubmit cured application without fee (other than for actual costs incurred by city);
 - o city's review is limited to emailed reasons for denial; and
 - o 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 nodes); \$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:
 - o Must be in enclosure not more than 6 cubic feet in volume
 - o May not be more than 3’ higher than existing pole/structure
 - o 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
 - o No more than 28’ cubic volume
 - o Protrude circumference of existing equipment by more than 2’
- Ground based enclosures:
 - o No higher than 3’6”, no wider than 3’6”
- Pole Mounted equipment:
 - o 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:
 - o Has permit to use ROW, and
 - o 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:
 - o Obstruct/hinder travel/safety on ROW
 - o Obstruct ROW use by other utility providers
 - o Violate non-discriminatory codes
 - o Conflict with ROW design specifications
 - o 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:
 - o Requirement that industry standard pole load analysis is completed and submitted, indicating pole with safely support load
 - o 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

Subchapter D, Applications & Permits

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:
 - o construction and engineering drawings and information to confirm that the applicant will comply with city's publicly disclosed ROW specifications and applicable codes
 - o Information reasonably related to provider's use of ROW to ensure compliance with this chapter
 - o 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 code provisions or other regs
 - Must send documentation, by email, 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:
 - o Routine maintenance that does not require excavation or closing of sidewalks or vehicular lanes in ROW
 - o 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
 - o 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:
 - o Advance notice of work
 - o Approval of pole's owner
 - o Compliance with size limitations

Subchapter E: Access to City-Owned Poles

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

Subchapter F: Effect on Other Utilities and Providers

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:
 - o Cable/video service w/o complying with Ch. 66 Utilities Code
 - o 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:
 - o 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 2, "ADMINISTRATION, ARTICLE II "FINANCE, DIVISION 1, GENERALLY, SECTION 2-26 FEES AND CHARGES FOR CITY SERVICES; CHAPTER 86, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", ARTICLE III, "PUBLIC RIGHTS-OF-WAY", AND ADOPTING DIVISION IV, "NETWORK PROVIDERS", 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 1, 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", (i) "Development Fees", as amended by the following:

Sec. 2-26. - Fees and charges for city services.

Addition of:

(i) Development fees:

Permanent sign permits75.00

Network Provider Fees:

Small cell application fee (This penalty shall not exceed and is capped by statutory limits)	\$500.00 (1-5 network nodes); \$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"; Division 2. – Telecommunications Providers; Sections 86-61; 86-64; and 86-65; amending Division 3, "Construction in Public Rights-of-Way", sections 86-101 and 86-104; 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, alphabetical additions:

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.

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.

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 alphabetical additions:

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.

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 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 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. 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 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:

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 5e

Agenda Date 08/15/2017

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

Second Reading and Public Hearing

There were no speakers for this request at the August 1, 2017, City Council meeting.

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 has worked with the City Attorney to finalize a Design Manual which will provided guidelines applicable to the installation of network nodes and node support poles.

Financial Impact

Minimal financial impact to the City.

Recommendation

Approve

Attachments

1. Attachment "A" - Summary of SB 1004
2. Ordinance O-17-2023
3. Exhibit A: Design Manual for Wireless Network Facilities

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:**
 - o 10 days of an application for placement of a **transport facility**
 - o 30 days for a **network node or node support pole**.
 - o If a permit is deemed incomplete, must notify applicant of the incompleteness by the applicable deadline, with the specific missing information.
 - o 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:
 - o 21 days - transport facility permit (fiber/coaxial cable connecting nodes).
 - o 60 days - node network permit.
 - o 150 days - node support pole permit.
- **If a permit is denied:**
 - o city must provide applicant an email with the specific reasons for denial,
 - o applicant has 30 days to resubmit cured application without fee (other than for actual costs incurred by city);
 - o city's review is limited to emailed reasons for denial; and
 - o 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 nodes); \$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:
 - o Must be in enclosure not more than 6 cubic feet in volume
 - o May not be more than 3’ higher than existing pole/structure
 - o 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
 - o No more than 28’ cubic volume
 - o Protrude circumference of existing equipment by more than 2’
- Ground based enclosures:
 - o No higher than 3’6”, no wider than 3’6”
- Pole Mounted equipment:
 - o 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:
 - o Has permit to use ROW, and
 - o 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:
 - o Obstruct/hinder travel/safety on ROW
 - o Obstruct ROW use by other utility providers
 - o Violate non-discriminatory codes
 - o Conflict with ROW design specifications
 - o 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:
 - o Requirement that industry standard pole load analysis is completed and submitted, indicating pole with safely support load
 - o 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

Subchapter D, Applications & Permits

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:
 - o construction and engineering drawings and information to confirm that the applicant will comply with city's publicly disclosed ROW specifications and applicable codes
 - o Information reasonably related to provider's use of ROW to ensure compliance with this chapter
 - o 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 code provisions or other regs
 - Must send documentation, by email, 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:
 - o Routine maintenance that does not require excavation or closing of sidewalks or vehicular lanes in ROW
 - o 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
 - o 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:
 - o Advance notice of work
 - o Approval of pole's owner
 - o Compliance with size limitations

Subchapter E: Access to City-Owned Poles

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

Subchapter F: Effect on Other Utilities and Providers

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:
 - o Cable/video service w/o complying with Ch. 66 Utilities Code
 - o 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:
 - o 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 SEVERABILITY 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 are 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.*

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SECTION 1. PURPOSE AND APPLICABILITY.

The City of Colleyville (“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. 284.301¹, 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.

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 Colleyville, Texas or its lawful successor.

City Manager shall mean City Manager or designee

Chapter 284 means Tex. Loc. Gov. Code, Chapter 284.

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.

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: _____.

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) 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.

5. *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 \$500 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 ordinances 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:* 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.

4. *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.

5. *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;

and

iii. Have a separate access point than the signage structure.

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.

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.

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, 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 25 sq. ft. or more to minimize effect on property values and aesthetics on the area.

D. 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

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. Provider Responsible for Electricity. 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. Generators Prohibited. 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.

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

2. 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.

3. 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.

2. 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

3. 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.

4. 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.

5. 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.

6. 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.

3. 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.

4. 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.

5. 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 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 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.

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.

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. 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.

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. 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. 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.

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. 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 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.

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.

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 6a

Agenda Date 08/15/2017

Number Ordinance O-17-2015

Type Ordinance

Department Community Development

Title

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

Explanation

Second Reading and Public Hearing - Tabled from the July 18, 2017 City Council meeting

There was one speaker at the July 18, 2017, City Council meeting. The item was tabled to the August 15, 2017 City Council meeting in order to discuss concerns with the affected utility companies. No additional changes are proposed or recommended by staff.

There were no speakers regarding this request at the July 11, 2017, City Council meeting.

Staff proposes amendments to Chapter 9 – Subdivision Design & Public Facilities and Chapter 14 – Engineering Design Standards of the Land Development Code (LDC) to require future developments to install utility lines underground. Specifically, Section 9.17 Street Design Criteria, proposed Section 9.18 Easements, proposed Section 9.19 Private Utilities, and Section 14-175 Miscellaneous are the sections to be added and amended.

Currently, utility lines are only required to be installed underground in newly developed subdivisions. The ordinance permits utility lines along the perimeter of a development to remain above ground. This allows for a continuation of utilities above ground on major (perimeter) streets even when newly installed. City Council requested that staff present amendments to the LDC in an effort to require newly installed utilities to be underground.

Background. The City Council has expressed a strong desire to bury the overhead utility lines along Colleyville Boulevard. At the January 17, 2017 City Council worksession, the City Council discussed the possible prohibition of the installation of new overhead utility lines along Colleyville Boulevard by requiring that future developments install utility lines underground. Currently the Land Development Code

(LDC) requires underground installation inside a new subdivision but has little regulation along the perimeter of a development. Typical utilities that utilize overhead lines include electricity, telephone, and cable television. The discussion included assuring that the regulation be applicable Citywide.

At the April 18, 2017 City Council worksession, the City Council reviewed the proposed amendments to the LDC that would provide a new policy and require that all newly installed utility lines be located underground. The City Council directed staff to proceed with the amendment process.

Purpose. The purpose of this item is to review the proposed amendments to the LDC that would prohibit the installation of new overhead utility lines along Colleyville Boulevard and elsewhere in the City by requiring that future developments install utility lines underground.

Benchmark Analysis. Per the table below, it is common for cities to have ordinances restricting the installation of new overhead utility lines. The primary reason for such ordinances is to increase the aesthetics within a community and also to require new development to bear all, or a portion of, the cost.

Community	Underground Utilities Required		
	Existing Developed Property	New Residential	New Commercial
Southlake	No	Yes	Yes
North Richland Hills	No	Yes	Yes
Grapevine	No	Yes	Yes
Keller	No	Yes	Yes
Flower Mound	No	Yes	Yes
Coppell	No	Yes	Yes
Colleyville	No	Yes	No

Community	Notes
Southlake	Private utilities at rear of lot unless approved by Council - both residential & commercial
North Richland Hills	Residential subdivision requires underground utilities at rear of lot
Flower Mound	Also requires underground utilities with redevelopment where no plat required
Colleyville	Utilities along perimeter may be above ground

For the City of Colleyville, a requirement for all new development Citywide (not just for new development along Colleyville Boulevard) would be consistent with many of the immediately adjacent communities, as well as others within the region.

Factor to Consider. New development vs. redevelopment – Communities with a prohibition of overhead utilities typically only require underground utilities with new development. This is because the infrastructure does not exist, therefore can be accommodated easier. Redevelopment will have existing overhead utility lines to contend with that can make the project difficult to initiate if the lines must be buried.

Proposed Amendments. Based on the City Council's direction, staff reviewed the policy as well as a review of the procedures of six cities that surround Colleyville. A full benchmark analysis is provided as attachment "A".

The Planning and Zoning Commission discussed this item at their May 8, 2017 meeting. The Commission determined that several amendments and additions be made in order to clarify the intent of the City for the installation of new utilities. The item was tabled to the June 12, 2017 meeting to go over the revised set of regulations.

Staff proposes the following amendments to Chapter 9 – Subdivision Design & Public Facilities and Chapter 14 – Engineering Design Standards in the Land Development Code, which are also attached as mark-ups in attachment "B" and "C".

Section 14-175 Miscellaneous:

B. Underground Utilities – All newly installed distribution lines, cables, etc. or other conduits for utilities ~~other than those listed above~~ shall be installed below ground ~~within the subdivision~~ and in accordance with the regulations found in Section 9.19 Private Utilities.

Section 9.19 Private Utilities: *(new section)*

A. Newly Installed Utilities Required to be Underground (O-17-xxxx/xx-xx-17)

1. All newly installed gas, electric, telephone utilities, street lighting, cable television, and fiber lines shall be underground. *(amended from original)*
 - a. In special or unique circumstances or to avoid severe hardships that are not strictly financial, the City Council may authorize exceptions from this requirement and permit the construction and maintenance of overhead electric utility lateral or service lines and of overhead telephone or cable TV lines and may approve any plat or site plan with such approved exceptions. *(new for 2nd reading)*
2. All electric, telephone, cable, and fiber utilities shall be placed in the rear easement. Mechanical equipment, transformers, and other visible installations will not be permitted in the front yards of any lots. *(per P&Z*

Commission)

- a. Exceptions to the rear lot location may be granted by providing facts and circumstances to the City Council at the preliminary plat stage to demonstrate rear lot utility location is not technically or environmentally feasible. Since the impact of technical and environmental factors may differ, exceptions for each utility will be considered separately and on a stand - alone basis. *(new for 2nd reading)*
3. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad mounted or placed underground. Nothing in this section shall restrict or prohibit the placement, erection, or construction of street lighting poles or standards above ground, provided all lines and wires used to provide such lighting are placed underground. *(amended per P&Z – added street lighting regulation)*
4. All above ground equipment shall be screened from public view, in such a manner that the ground equipment cannot be seen from a public right-of-way. Said screening shall be completed at the time of installation by the utility company and/or developer. *(per P&Z Commission)*
5. Where existing overhead service or lateral/distribution utilities lines are located within the land proposed for development and the lines must be relocated to accommodate the development, the developer is responsible for relocation and placement of the lines underground.
6. All new service lines shall be placed underground.
7. Overhead services will not be permitted to cross public rights-of-way. All such crossings of a right-of-way will be required to be completed by methods as approved by the city. *(amended per P&Z Commission)*
8. Temporary construction service may be provided by overhead electric lines and facilities without obtaining a variance or exception, provided that when the underground utility service to any portion of a subdivision is completed, such overhead electric lines and facilities are promptly removed. *(per P&Z Commission)*
9. Each of the utility companies shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of their underground utilities. Nothing in this section shall prohibit or restrict any utility company from recovering the difference in cost of overhead facilities and underground facilities in accordance with the provisions of such utility company's approved tariff. No utility company shall be required to begin construction of underground facilities unless and until the customer, owner, developer and/or party requesting such facilities has made arrangements satisfactory to the specific utility company for the payment of such difference between the

cost of overhead utilities and underground facilities. *(new for 2nd reading)*

10. Nothing contained herein shall be construed to require any existing overhead facilities to be placed underground or to prohibit the upgrading, reconstruction or reconductoring of any existing overhead facilities with overhead construction. *(new for 2nd reading)*

11. Nothing contained herein shall be construed to alter the intent of any utility Franchise Agreement Ordinance in effect on the effective date of this Ordinance. *(new for 2nd reading)*

Other changes to Chapter 9 include minor changes related to grammar, reference amendments, and structure.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of the amendments as presented at the June 12, 2017 meeting by a vote of 5-0.

Staff Recommendation: Staff recommends approval of the amendments. The proposed amendments would require that new utilities be installed underground and are consistent with surrounding communities. The standard is for newly installed lines only to be under this obligation.

Recommendation

Approve

Attachments

1. Attachment A: Benchmark Analysis
2. Attachment B: Ch. 9 Subdivision Design & Public Facilities Amendments
3. Attachment C: Ch. 14 Engineering Design Standards Amendments - Excerpt
4. Legal Notice
5. Ordinance O-17-2015

Benchmark Analysis

COLLEYVILLE

Section 14-175 Miscellaneous

- B. Underground Utilities – All distribution lines, cables, etc. for utilities other than those listed above shall be installed below ground within the subdivision. Transmission lines or major cables to provide utilities such as electric, telephone, and cable television to the area as a whole may be located above ground on the perimeter of the subdivision being served. The installation of these utilities shall conform to commonly accepted construction standards and be subject to review by the Director of Public Works.

SOUTHLAKE

Section 8.05. Newly Installed Utilities Required to be Underground (As amended by Ord. No. 483-O)

- A. Generally: In addition to all other requirements set forth in other applicable ordinances and regulations of the City, all subdivisions and plats submitted pursuant to this ordinance shall:
1. Require and provide that all newly installed electric utility lines and wires that will be operated at nominal voltages, all telephone utility lines and wires, all cable television and other communication or utility lines and wires, and all terminals shall be installed, placed and constructed underground; and cable television, telephone, and electric transformer and primary switching gear may be pad mounted or placed underground.
- B. Charges: Nothing in this ordinance or any other ordinance of the City of Southlake shall prohibit or restrict any electric, telephone or other utility or communications company from charging the owner, developer or subdivider of or within a subdivision for the difference between the cost of constructing overhead lines and wires and placing the same underground, or from charging the owner developer or subdivider of or within a subdivision for extension of its lines and wires, in accordance with the methods and procedures set forth in the respective utility's or communications company's approval tariff. It shall be the responsibility and duty of any such owner, developer or subdivider of, or within a subdivision, to pay all such charges to any such utility or communications company. No such utility or communications company shall be required to begin construction unless and until the owner, developer or subdivider of, or within a subdivision, has made arrangements satisfactory to the utility or communications company for the payment of the charges specified in this Section.
- C. Provision of Temporary Utility Service: Nothing in this ordinance shall in any way prohibit or restrict any utility company from providing temporary utility service, provided that such temporary service shall be limited to twelve (12) months, and shall be subject to a \$2,000.00 fine for each day in excess of that.
- D. Street Lighting: Nothing in this ordinance shall restrict or prohibit the placement, erection, or construction of street lighting poles or standards above ground, provided all lines and wires used to provide such lighting are placed underground.
- E. Placement of Equipment: All electric, telephone, and cable, utilities shall be placed in the rear easement unless otherwise approved by City Council as a part of platting process. Mechanical

Benchmark Analysis

equipment, transformers, and other visible installations will not be permitted in the front yards of any lots. Occasional location in the front yard area may be permitted for unusual conditions if said locations have been indicated on an approved preliminary plat. All such equipment that is installed above ground will be low profile in nature and will not exceed thirty (30) inches in height. Placement of such equipment shall be such that it is located as near the rear property line as possible. Switch gear will be located such that it maintains low visibility but may be placed convenient to and accessible from the street.

- F. All above ground equipment shall be screened from public view, in such a manner that the ground equipment cannot be seen from a public right-of-way. Said screening shall be completed at the time of installation by the utility company and/or developer.

NORTH RICHLAND HILLS

Sec. 110-367. - Construction in public rights-of-way.

- (a) *Utilities to be in rights-of-way or easements; underground utilities, exceptions.* All public utilities shall be constructed within a public street right-of-way or an appropriate public utility easement. When a proposed water or sewer line or a drainage facility will be placed adjacent to a public road maintained by the Texas Department of transportation, a separate specific use easement document shall be provided for each utility or drainage facility. Public utilities shall be placed underground in new subdivisions absent a compelling demonstration that this requirement is unreasonable, or unfeasible.
- (b) *Underground utilities at rear of lot (October 13, 2003 to November 10, 2003).* In residential subdivisions with final plats approved on or after October 13, 2003, and on or before November 10, 2003, underground electric utilities may be allowed in an easement not greater than 10 feet wide along the front or side property lines as long as above-ground electrical transformers and other electrical appurtenances in such subdivisions do not exceed 36 inches in height, are placed on a concrete pad not exceeding 18 square feet in area enclosed on three sides by living evergreen plant screening at least 10 inches higher than the transformer, but not exceeding four and one-half feet in height, with the open side away from the nearest street. The owner of the lot where the transformer is located shall be responsible for the initial planting of the plant screening which shall be in place prior to final inspection of the house on such lot. In the event the homeowner's association wishes to install the plant screening, it may do so before any homes receive final inspection. The homeowner's association will be responsible for the maintenance of the screening in either case. The foregoing requirements shall be exclusive and the remaining subsections of this section shall not apply.
- (c) *Underground utilities at rear of lot (after November 10, 2003).* In residential subdivisions platted after November 10, 2003, all new residential subdivisions shall require electrical, telecommunications and cable facilities, including new service drops, to be placed underground in an easement at the rear lot line. Where rear lot utilities are located on corner lots, above ground appurtenances must be located a maximum of five feet from the side building line.
- (d) *Transformers.* All electrical transformers must be accessible by a seven (7) foot wide dedicated Oncon utility easement that extends to the transformer. Physical access to the transformer will be provided via a five-foot wide removable fence panel or gate located in the easement. Property owners will be

Benchmark Analysis

responsible for providing security for the transformer and will make sure that the transformer is free from obstruction. The city will make reasonable efforts through communication and code enforcement to assure that residents provide unobstructed access including unlocked gates. The necessity for removal of minimal fencing and/or landscaping within easements to permit the replacement of facilities, appurtenances, and equipment is considered to be within the definition of reasonable access.

Transformers and other appurtenances shall not exceed 36 inches in height and transformers shall be placed on a concrete pad not exceeding 18 square feet in area. Fire hydrants and traffic signal controllers are exempted from the rear lot or tract line requirement.

In all cases, before construction of facilities commence, the easement shall be reduced to final grade, at developer's sole cost and expense. Additionally, if such easement is located within a floodplain, the entire surface of the easement shall be raised above the floodplain elevation, at developer's sole cost and expense, before construction of the facilities commences. Sight visibility easements and horizontal clear triangles are not appropriate locations for the placement of aboveground facilities, appurtenances, and equipment as they would create safety concerns by blocking or impairing the visibility of vehicular traffic.

- (e) *Exceptions.* Exceptions to the rear lot location may be granted by providing facts and circumstances to the Planning and Zoning Commission at the preliminary plat stage to demonstrate rear lot utility location is not technically or environmentally feasible. Since the impact of technical and environmental factors may differ, exceptions for each utility will be considered separately and on a stand alone basis.
- (f) *Requirements for nonrear lot locations.* Service lines, aboveground appurtenances and equipment locations for utility service approved by the Planning and Zoning Commission for other than the required rear lot locations must follow the guidelines below:
 - (1) Underground utility service lines shall be located within a 10 foot wide easement, equally divided and paralleling the side property line of two adjacent lots. Aboveground electrical transformers and other utility appurtenances located within such easements shall be located five feet from the front building setback line.
 - (2) Transformers will be hinged to provide for rear service access. Access to the rear must be free from obstructions. Additionally, the use of surface "hand boxes" versus pedestals for electric utilities is required.
 - (3) Screening of the above ground appurtenance by a live vegetative screen is recommended for the street front and sides of the pad. Maintenance of the optional screening shall be the responsibility of the owners of the adjacent lots where the appurtenance is located.
 - (4) In situations where the grade requires retaining walls, the transformer pad will be located on the lower grade and the retaining walls will be "jogged" to accommodate the transformer pad and provide adequate service access.
 - (5) Exceptions to any requirement must be resolved at the preliminary plat stage.

Nothing herein shall be construed as to require utility companies to "underground" existing or new electric facilities, nor to prohibit the upgrading, reconstruction or reconductoring of existing overhead facilities in the city's public rights-of-way.

(Ord. No. 1982, § 1(330), 3-24-1994; Ord. No. 2774, § 1, 3-11-2004)

Benchmark Analysis

KELLER

Section 5.22 - Private Utility Services

- A. Utility companies shall submit plans, showing the extent and location of construction, to the City and receive a construction permit when constructing new overhead lines, underground lines, and upgrading existing lines within the rights-of-way. Non-emergency utility work shall be coordinated with the city's capital improvement plan to reduce disruption due to construction to the community. Utility companies are not required to obtain a permit in the event of an emergency in order to restore service.
- B. From and after the effective date of this Code, all subdivision plats, site plans and construction plans filed and submitted to the City for approval shall provide for utility services such as electrical, gas, telephone, and cable TV utility (lateral and/or service distribution) lines and wires including, but not limited to, street lighting, to be placed underground. Existing feeder and other major transmission lines that could not practically be placed underground may remain overhead. However, a subdivider shall endeavor, and whenever practical (as determined by the Development Review Committee), the City may require that feeder lines are placed away from traffic arteries (Thoroughfare Types A6D, A4D, C4U, C2U, and C3) and/or be placed underground. Overhead feeder lines shall not be placed along both sides of the street rights-of-way. The developer shall be responsible for obtaining verification from the utility companies for easement locations and widths prior to the final approval of construction plans by the City. Any changes during construction shall be approved by the utility companies and the City of Keller.
- C. Where existing overhead service or lateral/distribution utilities lines are located within the land proposed for development and the lines must be relocated to accommodate the development, the developer is responsible for relocation and placement of the lines underground.
- D. All new service lines shall be placed underground.
- E. In special or unique circumstances or to avoid severe hardships that are not strictly financial, the City may authorize exceptions from this requirement and permit the construction and maintenance of overhead electric utility lateral or service lines and of overhead telephone or cable TV lines and may approve any plat or site plan with such approved exceptions.
- F. Where electrical service is to be placed underground, all other utilities, including circuits for street and site lighting, except street lighting standards, shall also be placed underground.
- G. All electrical and telephone support equipment (transformers, amplifiers, switching devices, etc..) necessary for underground installations shall be pad mounted and screened with live screening to block its view from public streets. Installation and maintenance of screening for electrical pad transformers and switching equipment shall be the responsibility and at the cost of the Developer/Owner. The location and depth of the screening material must be coordinated with the utility companies to ensure that safe and efficient access is maintained to the equipment. The location of all new equipment shall be shown on all Site Plans and Construction Plans.

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- H. Each of the utility companies shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of their underground utilities. Each utility company shall have the right to charge or recover costs associated with installing underground utilities in accordance with the respective utility's Tariff for Service and/or Line Extension Policy. No utility company shall be required to begin construction of underground facilities unless and until the owner or developer of the subdivision has made arrangements with the respective utility company for payment in accordance with that respective utility's Tariff for Service and/or Line Extension Policy governing utility installations and their cost.
- I. Temporary construction service may be provided by overhead electric lines and facilities without obtaining a variance or exception, provided that when the underground utility service to any portion of a subdivision is completed, such overhead electric lines and facilities are promptly removed.
- J. All installations regulated by this section shall also conform to the standards for utility construction as per Design Standards and Technical Construction Standards of this UDC.

FLOWER MOUND

Sec. 90-423. - Underground utilities.

All existing overhead utilities, save and except transmission facilities identified herein below, and all new utility extensions shall be placed underground in conjunction with the development or redevelopment of a property, subject to the following provisions:

- (1) Each of the utility companies shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of their underground utilities. Nothing in this section shall prohibit or restrict any utility company from recovering the difference in cost of overhead facilities and underground facilities in accordance with the provisions of such utility company's approved tariff. No utility company shall be required to begin construction of underground facilities unless and until the customer, owner, developer and/or party requesting such facilities has made arrangements satisfactory to the specific utility company for the payment of such difference between the cost of overhead utilities and underground facilities.
- (2) All electrical, telephone, data transmission, and cable television support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installation shall be pedestal- and/or pad-mounted or placed underground, and the difference in cost of such facilities shall be paid to the installing utility in accordance with provisions established in subsection (a)(1).
- (3) In those cases where temporary overhead service is necessary (e.g., emergency repairs, construction field offices, etc.) these installations shall not be in service for a period exceeding six months.
- (4) Transmission facilities as indicated in exhibit 'A' are not required to be placed underground upon the development or redevelopment of the properties containing such facilities.
- (5) Exceptions to the standards contained in this section may be granted by the town council subsequent to a public hearing scheduled upon request of the owner or developer.

Benchmark Analysis

(Code 1989, ch. 12, § 4.11; Ord. No. 93-05, § 2, 12-5-2005)

GRAPEVINE

1.6 Utilities to be underground.

A. Definitions.

Utility. A company providing electrical, telephone, cable TV, and fiber optic services within the City of Grapevine under a franchise agreement with the City of Grapevine.

Transmission lines. Those electrical lines operated at nominal voltages of 60,000 volts or higher.

Feeder lines. Those electrical lines that emanate from substations to distribute power throughout an area.

Lateral lines. Those electrical lines that emanate from an electric feeder line and are used to distribute power to smaller areas of electric consumers and service lines.

Service lines. Those electrical lines which through a transformer connect a lateral line to a customer's service entrance.

- B. Attached hereto as Exhibit "A", and made a part hereof for illustrative purposes only, is a diagram depicting electrical distribution equipment. (Exhibit "A" is not included herein but is on file and available for inspection in the office of the city clerk)
- C. Subject to the requirements and conditions of this ordinance, new electric lateral lines and service lines shall be placed underground, throughout new subdivisions for which final plats or site plans are approved subsequent to the effective date of this ordinance, except when such lateral lines or service lines are emplaced or installed in connection with a utility's replacement, supplementation, or upgrade of an existing aerial utility system.
- D. Electric transmission and feeder lines may, at the discretion of the responsible utility company, be placed above ground.
- E. In case of special or unique circumstances, or to avoid undue hardship, the city council of the city may authorize variances or exceptions to the requirements of Item 1.6(C).
- F. Where, in accordance with this ordinance, electric utility service lines are required to be placed underground, telephone service, cable TV, fiber optic and street lighting shall also be placed underground, except for light standards.
- G. Where electric lateral lines and service lines are approved to be placed above ground, telephone service, cable TV, fiber optic and street lighting may also be placed above ground if attached to existing electric poles.
- H. All electric, telephone, fiber optic, and cable TV support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad mounted or placed underground, and the difference in the cost of providing or installing such facilities, resulting from their installation underground, shall be paid to the installing utility company in accordance with the requirements of Item 1.6(I) hereinbelow.

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- I. A utility company which provides underground utility service, to include, without limitation, installing underground utility lines, shall be reimbursed for and recover the difference in cost, if any, between the installation, operation, maintenance, and anticipated upgrade of such service, and the installation, operation, maintenance, and anticipated upgrade of comparable or equivalent overhead service. The amount to be recovered shall be based on the utility company's reasonable estimate of such difference in cost, and shall be paid to the utility company, by the utility customer receiving such service, at such time as the underground utility service is first provided. Utility companies shall be responsible for developing administrative policies and cost reimbursement procedures to allow for the recovery of such differences in cost. No utility company shall be required to begin construction of underground facilities unless and until the owner or developer of the property has made arrangements satisfactory to the specific utility company for the payment of such difference between the cost of overhead facilities and underground facilities.
- J. Temporary service during construction may be provided by overhead utility lines and facilities prior to final release of the underground service. Following final release of the underground permanent service, the temporary overhead service shall be removed within 45 days.
- K. The electric utility company may plan and construct overhead electric feeder lines on perimeters of subdivisions or property without obtaining a variance. Telephone, cable television, and fiber optic lines may be constructed overhead where overhead electric utility lines are permitted.
- L. Nothing contained herein shall be construed to require any existing overhead facilities to be placed underground or to prohibit the upgrading, reconstruction or reconductoring of any existing overhead facilities with overhead construction.

COPPELL

Sec. 13-12-1. - Utility services—General.

- A. All services for utilities shall be made available to each lot in such a manner so as to eliminate the necessity for disturbing the street and alley pavement, curb, gutter, sidewalks, and drainage structures when connections are made.
- B. All gas, electric, telephone utilities, street lighting, and cable television shall be underground except where conditions do not warrant underground installations.
- C. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad mounted or placed underground.
- D. The electric utility company shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of underground electric service. These policies shall permit the electric company to recover the cost differential between extending and installing overhead and underground service.

Benchmark Analysis

- E. The developer shall furnish all easements and right-of-way necessary for construction of electric, gas, street lighting, telephone and cable television service to the subdivision.
- F. Overhead services will not be permitted to cross public rights-of-ways.
- G. All borings will be required to be completed by methods as approved by the city.

(Ord. No. 2015-1421 , § 1(Exh. A), 9-22-15)

Chapter 9

Subdivision Design & Public Facilities

Rev. 02/18/2014

Section 9.1 Purpose of This Chapter

The purpose of this Chapter is to establish design guidelines necessary for proper layout of a subdivision and to establish the public improvement requirements for the development of a subdivision, but more specifically to:

1. ensure that public facilities and services are available to all subdivisions in the City; and
2. establish reasonable standards of design for public facilities.

Section 9.2 Authorization for Adoption of This Chapter

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

1. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.
2. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 9.3 Variances and Appeals

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

Section 9.4 Definitions

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

Section 9.5 Subdivision Design Guidelines

Every subdivision plat shall be reviewed for conformance with the design guidelines contained in this Land Development Code. The City recognizes that suitability characteristics vary from site to site and when approving a subdivision plat the following guidelines shall be used for interpretation, application and enforcement of the design guidelines contained in this Land Development Code:

1. It is the intention of these subdivision design guidelines to encourage new and creative ways to develop subdivisions. Developers and city officials are encouraged to utilize new and innovative ways to improve safety, economy, tax yield, maintenance cost, response time, drainage, vehicular access, and pedestrian passage.

2. Whenever a developer can demonstrate an alternative method of meeting the requirements of this Land Development Code, it shall be incumbent upon the city staff, the Planning and Zoning Commission, and the City Council to review the proposed variations and approve, approve with modifications, or disapprove the proposed alternatives as appropriate for the conditions.

Section 9.6 Blocks

- A. General Design – Blocks should have sufficient depth to provide for two (2) tiers of lots of appropriate depths, except that blocks adjacent to major streets, railroads or waterways shall have only one tier of lots.
- B. Block Lengths & Widths – Residential and industrial blocks generally shall be no longer than sixteen hundred (1,600) feet and business blocks no longer than one thousand (1,000) feet. Where long blocks in the vicinity of a school, park or shopping center are proposed, the City Council may require a public walkway near the middle of long blocks or opposite a street that terminates between the streets at the ends of the block.

Section 9.7 Lots

- A. Lot Arrangement – Lots shall be arranged to provide access to lots from approved streets and to avoid foreseeable difficulties due to topography and natural physical features inherent to the property.
- B. Lot Area and Dimensions – Lot area and dimensions shall be consistent with the minimum requirements of the applicable zoning district and the following:
 1. *Special Lot Width Requirement* - The width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width. In the case of lots on the turning circle of a cul-de-sac, the width may be less than eighty (80) percent of the required lot width.
 2. The City may approve a plat which contains a lot that does not meet the minimum requirements when special conditions exist.
- C. Frontage on Public Access Required – All lots shall have frontage on a public street, except a non-residential lot may be approved when the proposed public access has been determined by City to be adequate to meet the intent of this requirement. The lot line common to the street right-of-way line shall be the front line; except that a lot may have more than one lot line common to a street right-of-way line.
- D. Access from Major Thoroughfares
 1. Residential Lots - No residential lot shall front on or derive access directly from an existing or proposed collector street, or larger, as shown on the Master Thoroughfare Plan, except where the proposed subdivision meets all the following criteria:
 - a. Where the only street frontage which may be provided to the residential lot is from a collector street due to the shape, topography, or other physical condition of the property;
 - b. The Director of Public Works or designee has provided favorable recommendation; and
 - c. Where the residential lot is designed and dimensioned to permit loop driveways or on-site turnaround facilities so that vehicles head into the collector street.
 2. Non-residential Lots – Non-residential lots which have frontage onto or derive access directly from an existing or proposed collector street, or larger, as shown on the Master Thoroughfare Plan, shall have driveway locations which *comply with the spacing requirements established elsewhere in Chapter 14 – Engineering Design Standards* of this Land Development Code.

- E. Buildable Area – Every lot shall contain a buildable area that is adequate in size for the proposed development. The buildable area shall be situated out of the 100 year flood plain.
- F. Flag Lots Prohibited – It is the policy of the City to prohibit the creation of flag lots unnecessarily, and to discourage the creation of any lot which, by virtue of its relatively great depth in relation to its width, is likely to facilitate future requests for re-subdivision to create a flag lot.
- G. Building Lines – Front building lines shall be shown on all lots in the subdivision. Building lines shall be shown along each street-facing of corner lots and through-lots. The building line shall be consistent with the requirements of the applicable zoning district, however, the City may approve a building line which differs from the zoning requirements when special conditions exist.
- H. Side Lot Lines – Where possible, all side lot lines shall be at right angles to straight street lines and radial to curved street lines.
- I. Lot Drainage and Grading
 - 1. Grading and drainage of all lots shall be designed in a manner which will allow one lot to drain across an adjacent lot and into a permanent structure, such as a concrete flume, lined channel, or proper inlet to an adequate drainage facility, or to a street right-of-way. If an approved drainage structure is not present, it will be required of the developer to construct the necessary facilities. (O-00-1261 / 12-19-00)
 - 2. Sheet flow techniques shall be used for lot to lot drainage where possible. (O-00-1261 / 12-19-00)
 - 3. Single lots shall accommodate their own drainage into an approved structure where topographic elevations allow this to occur. (O-00-1261 / 12-19-00)
 - 4. For lots that an approved engineered grading plan does not exist, the developer of the site shall submit a grading plan prepared by a licensed Professional Engineer.

Section 9.8 Waterbodies and Water Courses

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among the adjacent lots. The City may approve an alternate plan provided the ownership of and responsibility for maintenance of the water body is so placed that it will not become a City responsibility. Where a watercourse separates the buildable area of a lot from the street by which it has access, provision shall be made for installation of a culvert or other structure, of design approved by the City. Any lot which includes a water body and contains a building site, shall contain a buildable area that is not less than the minimum buildable area for the applicable zoning district.

Section 9.9 Street Names

The developer shall submit all existing and proposed street names on any proposed subdivision plat. New street names shall be sufficiently different in sound and in spelling from other road names in the city so as to not cause confusion to the general public or for emergency response. A road which is, or planned, as a continuation of an existing road shall bear the same name.

Section 9.10 Reserve Strips and Common Areas

The creation of reserve strips shall not be permitted adjacent to a proposed street or to adjacent property in such a manner as to deny access from adjacent property to the street. No common areas shall be allowed in a subdivision except where notation has been placed on the plat to prohibit development on the common area.

Section 9.11 Double Frontage Lots

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from a collector street or to overcome specific disadvantages of topography and orientation. The City may require that a notation be placed on the plat to limit the facing of main structures or to limit driveway access from a collector street.

Section 9.12 General Infrastructure Policy

(03-03-09 / O-09-1712)

- A. General Requirement – The developer of a subdivision shall install all water, sewer, street, sidewalk and drainage improvements, and any other facilities required by this Land Development Code, which are necessary for the proper development of the subdivision. The design, construction and inspection of any public facilities shall be a cost to the developer, unless the City has entered into an agreement for cost sharing. All such facilities shall be designed and constructed in accordance with the criteria contained in this Land Development Code and be in conformance with the general layout of the City of Colleyville Master Land Use Plan and Capital Improvements Plan. The public facility requirement of this section shall be applicable to the upgrading of any existing facilities which do not meet current standards.
- B. Apportionment of Infrastructure Costs – As a condition of the approval of a development, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the projected impact of the proposed development, as determined by a professional engineer, licensed in the State of Texas, and who is retained by the City of Colleyville.
 - 1. In making the rough proportionality determination, consideration shall be given to the availability of adequate and minimum levels of public facilities and accessibility to the site for delivery of emergency services.
 - 2. The professional engineer making the proportionality determination may rely on categorical findings from comparable public improvement projects for establishing a cost basis. The basis used for determining estimated costs shall be revised annually on July 1 by the Colleyville Engineering Department.
 - 3. A developer who disputes the determination by said professional engineer may appeal to the City Council and present testimony and evidence in support of the appeal. The appeal shall be written and filed with the City Secretary within ten (10) days after the date action taken by the Planning and Zoning Commission on the development proposal. The developer shall not be required to waive the right to appeal as a condition of approval of the development project.
- C. Optional Escrow Provision – Where, in the opinion of the City, construction of a required public improvement should be deferred to a future date, the developer shall place in escrow with the City, an amount equal to the estimated cost of the improvements, as determined by the the Director of Public Works or designee. The Planning and Zoning Commission or City Council may consider an alternate arrangement when appropriate. Any escrow related to the construction of sidewalks shall adhere to the requirements set forth in Section F.
- D. City Participation in Over-Sizing – Where over-sizing of a public improvement is required by the Comprehensive Master Plan, Thoroughfare Plan, Water or Sewer Capital Improvements Plan or other planning document adopted by the City, City participation shall be in accordance with the provisions of any applicable Impact Fee Ordinance or City-Developer Agreement, which has been approved by the City Council.
- E. Public Easements – All public improvements shall be constructed within easements or rights-of-way that have been dedicated for public use. The width of an easement or right-of-way shall be in accordance with the specifications contained elsewhere in this Land Development Code.
- F. Escrow Policy for Sidewalks

1. Request for Escrow

Whenever these regulations require a property owner to construct a sidewalk for a dwelling unit, the property owner may petition the City for deposit of an escrowed amount, as established in this Section, in lieu of the required construction of a sidewalk. The Director of Public Works or designee shall determine whether the escrow is reasonable in lieu of the obligation to construct the improvement. If an escrow request is denied, then the applicant may appeal that denial to the City Council if a written request for appeal is received by the Director of Public Works or designee within ten (10) days of the denial.

2. Deposit with the City

Whenever the City agrees to accept escrow deposits in lieu of construction by the owner of the property under these regulations, the property owner or developer shall deposit an amount equal to his share of the costs of design and construction in escrow with the City. This amount shall be paid prior to release of construction plans by the Director of Public Works. The obligations and responsibilities of the property owner shall become those of the property owner's transferees, heirs, successors, and assigns; and the liability therefore shall be joint and several.

3. Determination of Escrow Amount

The amount of the escrow shall be determined by using the average of the comparable bids awarded by the City in the preceding six (6) months for sidewalk design and construction or, if none exist, then current market value of the design and construction of a sidewalk in the City, to be determined by the Director of Public Works. The determination shall be based on reasonable current market value made as of the time the escrow is due.

4. Use of Escrow Funds

Six (6) Sidewalk Districts are hereby established throughout the City. These districts shall share the same boundaries as the six (6) neighborhoods depicted on the Neighborhood Boundary Map in the 2004 – 2025 Colleyville Plan. The Sidewalk Districts are established so that sidewalk escrow funds will be expended within sufficient proximity to the dwelling unit that deposited the sidewalk escrow fee so as to reasonably benefit that dwelling unit. Funds escrowed pursuant to this Land Development Code shall be expended on design and construction of sidewalks located at any place within the same Sidewalk District as the dwelling unit depositing the sidewalk escrow fee.

5. Existing Escrow Funds

- i. All funds currently escrowed in lieu of sidewalk construction before the effective date of this Ordinance are subject to expenditure under this Ordinance unless a written objection is filed, by the owner of the lot for which the funds are escrowed, with the Director of Community Development within thirty (30) days after notice of this Ordinance is received. Notice of this Ordinance shall be sent to the current owner of the lot for which the funds are escrowed at the address listed in the most recent tax rolls of the City. If the person receiving notice under this subsection is not the current owner, then they must immediately notify the City of the person who purchased the property and provide the City with the address of that person.
- ii. If an objection is filed pursuant to the previous subsection, the Director of Community Development shall decide, within thirty (30) days, if the circumstances involving the particular lot and surrounding Sidewalk District reasonably require a return of the escrowed funds. The owner of the lot may appeal the decision of the Director of Community Development by filing a written objection, explaining the owner's argument and requesting for a hearing before the City Council, with the City Secretary not later than ten (10) days after the Director of Community Development's decision. After hearing the lot owner's objections, City Council may either refund the escrowed money or deny the refund and order the funds to be used for future sidewalk construction on that lot or in that sidewalk district.

- iii. This Ordinance shall apply to any and all funds paid into the sidewalk escrow fund in lieu of sidewalk construction after the effective date of this Ordinance.

Section 9.13 Water System Requirements

- A. Water Lines – The developer of a subdivision shall be required to install, at no cost to the City, a water distribution system adequate for domestic supply and for fire protection needs which serves each lot. The water system shall be connected to the municipal water system and be designed, sized and constructed in accordance with the city design standards and specifications contained in this Land Development Code.
- B. Fire Hydrants – The developer of a subdivision shall be required to install, at no cost to the City, a sufficient number of fire hydrants to provide fire protection to every lot in the subdivision. All structures in residential areas shall have fire hydrants within 500 feet and a 600-foot hose-lay. All structures in commercial areas shall have fire hydrants within 300 feet and a 500-foot hose-lay. The design and construction of the fire hydrant system shall be in accordance with the city design standards and specifications contained in this Land Development Code. The layout of the fire hydrant coverage shall be approved by the Fire Marshal and be in accordance with the standards of the Texas State Board of Insurance requirements. (O-00-1261 / 12-19-00)

Section 9.14 Sewage System Requirements

- A. Sewage Collection Lines – The developer of a subdivision shall be required to install, at no cost to the City, a sewage collection system adequate which shall serve each lot. The sewage collection system shall be connected to the municipal sewage system and be designed, sized and constructed in accordance with the city design standards and specifications contained in this Land Development Code.
- B. Private Sewage Treatment Systems – Private sewage treatments systems, including septic tanks, shall be prohibited except where approved by the Director of Public Works or designee and the Tarrant County Health Department.

Section 9.15 Storm Water Facility Requirements

- A. Drainage Improvement Requirements – The developer shall provide for the design of storm water management in the proposed subdivision and shall be required to furnish, install, construct, or extend, at his own expense, all storm sewers and drainage structure facilities necessary for the proper development of the subdivision. Storm water facilities shall conform to the storm water drainage master plan and shall be designed in accordance with the design standards and specifications contained in this Land Development Code. Alternate earthen channels may be approved when in accordance with the criteria established in *Chapter 14 – Engineering Design Standards*.
- B. Drainage Easements – All public drainage facilities shall be constructed within a public drainage easement or drainage right-of-way as required by the City. The following statement of restriction shall be placed in the dedication instrument of the subdivision plat:

Drainage Easement Restriction: No construction or filling, without the written approval of the City of Colleyville shall be allowed within a drainage easement, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction to the natural flow of water will result, and subject to all owners of the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of two feet above the 100-year flood elevation.

- C. Development of Flood Plain – Land within the 100-year flood plain shall be subject to the Colleyville Flood Plain Ordinance. Any land which in the natural state is subject to a 100-year flood or which cannot be properly drained shall not be subdivided, re-subdivided, or developed until receipt of evidence that the

construction of specific improvements proposed by the developer can be expected to yield a usable building site. Thereafter, the Planning and Zoning Commission may recommend approval of the plat. However, construction upon such land shall be prohibited until the specific improvements have been planned and construction completed.

D. Floodway Easements

1. Floodway easements shall be provided along natural drainage-ways and lakes reservations. Floodway easements shall encompass all areas beneath the water surface elevation of the base flood, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined and required by the Director of Public Works or designee.
2. The following statement of restrictions shall be placed in the dedication instrument of the subdivision plat:

Floodway Easement Restriction: No construction shall be allowed within a floodway easement without the written approval of the City of Colleyville, and then only after detailed engineering plans and studies show that no flooding will result.

E. Off-Site Drainage – The following provisions shall be applicable to off-site drainage of new subdivisions:

1. The developer shall accept and be responsible for all runoff from properties upstream of the proposed development. The proposed improvements shall be designed for fully developed conditions.
2. Where a drainage study indicates that additional runoff from the developing property will overload downstream drainage facilities and result in hazardous conditions, the City may withhold approval of the development until appropriate provisions have been made. These provisions shall include any drainage design or construction plans necessary to accommodate the off-site drainage problem.

Section 9.16 Street Improvement Requirements

- A. General Requirement – The developer shall construct, at his expense, street facilities necessary for the proper development of the subdivision. The street system shall provide access to every lot in the subdivision and be designed and constructed in accordance with the criteria contained in this Land Development Code.
- B. Improvements to Existing Unimproved Streets and Utilities – This section is applicable to a proposed development situated adjacent to an existing street or municipal utility, which does not meet the standards contained in the Land Development Code. (O-06-1562 / 02-07-06)

1. *Improvements Required* – If a proposed subdivision is situated adjacent to an existing street or municipal utility, which does not meet the standards contained in this Land Development Code, the developer shall bear the cost for constructing the infrastructure improvements required by this Land Development Code in accordance with the General Infrastructure Policy contained elsewhere in the Land Development Code.

For the purpose of this regulation, the calculation used for estimating the reconstruction costs for an unimproved street shall include all street paving, curb and gutter, sidewalks, hike and bike trails, water and sewer utilities, and drainage improvements. The improvements shall be sized in accordance with the most recently approved Master Thoroughfare Plan or Capital Improvements Plan, which is applicable.

2. *Escrow* – The Administrative Official may recommend approval of a subdivision plat to the Approving Body conditioned upon the deposit in escrow of the estimated costs of the adjacent unimproved street

and utility improvements in-lieu of the actual construction of said facilities. Any escrow, without interest, shall be applied against any assessment for improvements levied on such property, but shall not be deemed to release such property from liability for any future costs assessed which exceed the escrow.

3. *One and Two Lot Residential Subdivisions* – If a proposed residential subdivision contains only one or two lots and the developer does not own any contiguous property, in lieu of actual construction, the developer shall pay the applicable perimeter street costs in accordance with the General Infrastructure Policy contained elsewhere in this Land Development Code for the initial one hundred feet of street frontage. The applicable perimeter street costs shall be reduced 0.2% per linear foot of frontage in excess of one hundred feet, not to exceed fifty percent of the applicable additional street frontage.

Exemption: A lot platted under this Section that contains an existing single-family dwelling at the time a subdivision plat application is filed with the City and the lot is situated within a zoning district that allows single-family residential uses, said lot shall have an automatic exemption from the perimeter street costs, provided that existing perimeter street facilities are sufficient to assure the safe, effective and orderly movement of traffic in and about the subdivision and utility services are adequate to serve the development. The following notation shall be placed on the plat: *“Any future divisions of these lots will require full compliance with the unimproved street requirements applicable at the time of any subsequent re-platting.”*

Section 9.17 Street Design Criteria

- A. Street Functional Classification – All streets shall be designed in accordance with the functional classification shown on the most recent version of the Master Thoroughfare Plan and the following:

Functional Classification of Streets	
Street Classification	Functions - Uses
Local	Carries traffic from residential and commercial areas to collector streets and interconnects individual sites. Local streets carry light traffic volumes and trips are of a short duration.
Collector Major Minor	Carries traffic from local streets to arterial streets. Uses served would include medium and high density residential, limited commercial facilities, elementary schools, some small offices and as direct access within industrial parks. Collector streets also carry heavy traffic to major commercial and industrial facilities from arterial streets. Uses would include office parks, industrial parks, and community level commercial facilities.
Arterial Major Minor	The main function of an arterial is to carry traffic from one urban area to another. The arterial streets serve the major activity centers of urbanized areas. An arterial street is used for longer urban trips and carries a high portion of the total traffic with a minimum of mileage.

- B. Street Design

1. *In-General* – Streets shall be designed with due regard to topography, with due consideration of the abutting uses, and the anticipated destination of traffic and traffic volumes at full development of the neighborhood. Where necessary to prevent traffic congestion and to ease the movement of vehicles to and from principal traffic generators, additional right-of-way width or other special design shall be provided. Where topographical conditions make other treatment necessary to secure the best overall design, these standards may be modified by the Director of Public Works or designee..
2. *Street Continuity* – The street layout shall provide for the continuation of the collector street system as shown on the Master Thoroughfare Plan. Streets shall provide connection to streets in adjacent subdivisions, but local streets shall be designed so as to discourage use by through traffic and to require the minimum number of streets necessary for convenient and safe access to property.

3. *Curvilinear Streets Encouraged* - The developer is encouraged to consider curvilinear, cul-de-sac, and loop street designs where such use would result in a more functional layout and not necessarily adhere to a rigid rectangular street pattern.
4. *Right-of-way Widths* – Every subdivision plat shall dedicate sufficient right-of-way to comply with the requirements of the Master Thoroughfare Plan. The right-of-way widths shall be designed for the intended use and anticipated traffic volume at optimum development of the area served. Additional right-of-way may be required at street intersections and to provide for left and right turn lanes at high-volume intersections.
5. *Cul-de-sac Lengths* – No street shall be designed as a permanent dead-end street, but shall be designed to incorporate a cul-de-sac which complies with this Section. (O-00-1261 / 12-19-00)
 - a. *Diameter* – A cul-de-sac street shall be provided at the closed end with a minimum property line right-of-way diameter of one hundred feet, and a pavement turn-around with a minimum outside diameter of eighty feet (80'). (O-00-1261 / 12-19-00)
 - b. *Length* – No cul-de-sac street shall exceed six hundred feet (600') in length, unless additional right-of-way width and additional pavement width are provided as required in this Section. Furthermore, no cul-de-sac street shall exceed the maximum length of one-thousand two hundred feet (1,200'). For purpose of this regulation, cul-de-sac length shall be measured along the centerline of the cul-de-sac from the intersecting street right-of-way line to the center point of the cul-de-sac. (O-00-1261 / 12-19-00)
 - c. *Width* – A cul-de-sac street shall have a minimum right-of-way width of fifty feet (50') and a minimum pavement width of thirty-one feet (31'), back-to-back of curb. However, a cul-de-sac street which exceeds six-hundred feet (600') in length shall have a minimum right-of-way width of fifty-six feet (56') and minimum pavement width of thirty-six feet (36'), back-to-back of curb. (O-00-1261 / 12-19-00)
 - d. *Maximum Number of Lots* – The maximum number of single-family lots served on a cul-de-sac street shall be as shown in the following table: (O-00-1261 / 12-19-00)

Maximum SF Residences Served on Cul-de-sac	
District	Max. Number of Lots Served
AG	5
RE	5
R-40	10
R-30	10
R-20	12
R-15	12
PUD-R	12

- e. *Temporary Turn-Around* – A temporary turn-around is required when a street is temporarily dead-ended and is longer than one-hundred and fifty (150) feet, as measured from the intersecting street right-of-way line. The temporary turn-around shall be within a temporary easement and constructed of asphalt or concrete. (O-00-1261 / 12-19-00)
6. *Temporary Dead-End Streets* - Temporary dead-end streets shall have provision for future extension of the street and utilities and, if a temporary cul-de-sac is utilized, a reversionary right to the land abutting the turnaround for excess right-of-way shall be provided.
7. *Stub-outs for Future Extensions* - Permanent dead-end roads shall not be allowed. The street layout shall be extended to the tract boundary to provide for future access into adjoining tracts to assure adequate neighborhood circulation, unless prevented by topography or other physical conditions, or unless, the Planning and Zoning Commission determines that the extension is neither necessary for

future development of adjacent tracts. In general, these extensions should be not more than one thousand (1,000) feet apart.

8. *Pavement Required* - All street surfaces within or abutting the proposed subdivision shall be paved, with curbs and gutters installed, and constructed in accordance with the standards and specifications contained elsewhere in this Land Development Code.
9. *Frontage Access Road* - Where a subdivision abuts or contains an existing or proposed collector street or railroad right-of-way or abuts a commercial or industrial land use, the City may require a frontage street approximately parallel to and on each side of such right-of-way to separate through and local traffic, or reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or equivalent treatment as may be necessary for adequate protection of residential properties.
10. *Half Streets* - Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Planning and Zoning Commission finds it will be practicable to require the dedication of the other half when the adjoining land is subdivided, the other half of the street shall be platted within such tract.
11. *Number of Subdivision Entryways* – Every subdivision shall be designed to provide sufficient access into the development to accommodate anticipated traffic demands and to provide for emergency public services using the criteria contained in this Section. (O-01-1280 / 08-08-01)
 - a. Where a proposed subdivision, or cul-de-sac street, contains more than twelve (12) lots, the development shall provide for two entryways as follows:
 - i. The development shall provide one street entryway and one emergency access easement. The emergency access easement shall be located on an adjacent or opposite side of the subdivision from the main entryway. The widths of the right-of-way and driving surfaces of the street entryway and the emergency access easement shall be in accordance with the standards contained elsewhere in this Land Development Code, or
 - ii. The development shall provide two street entryways separated not less than one-hundred feet between the centerlines of the driving surfaces. The widths of the right-of-way and driving surfaces of the two entryways shall be in accordance with the standards contained elsewhere in this Land Development Code, or
 - iii. The development shall provide a divided entryway and one emergency access easement. The driving surfaces of the divided entryway shall be separated by a median not less than ten (10) feet in width and provide for one-way traffic. The widths of the right-of-way and driving surfaces of the divided entryway shall be in accordance with the standards contained elsewhere in this Land Development Code. The emergency access easement shall be located on an adjacent or opposite side of the subdivision from the main entryway and be constructed in accordance with the standards contained elsewhere in this Land Development Code.
 - b. If it is physically impractical or otherwise impossible to provide two entryways or to incorporate an emergency access easement into the development in accordance with the above stated requirements, the following alternative may be considered by the approving body:
 - i. A single pavement width of forty-one (41) feet shall be constructed. Said pavement shall extend back from the intersecting street right-of-way a minimum distance of one-hundred (100') feet. All residences within the subdivision shall contain automatic fire-sprinkler systems.
 - c. If it is physically impractical or otherwise impossible to comply with the above-stated requirements, an alternative design may be submitted to the City Council for consideration. The approving body

may approve the alternate design if it finds that the above-state requirements can not be satisfied and that all efforts have been made by the developer to comply with said requirements.

12. *Reverse Curves* - Between reverse curves there shall be a tangent section of centerline not less than one hundred feet (100') long.

C. Intersections

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable.
2. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Not more than two (2) streets shall intersect at any one point unless specifically approved by the City.
3. Street jogs with centerline offsets of less than one hundred thirty-five (135) feet shall not be permitted.
4. Local streets intersecting a collector street or larger shall have a tangent section of centerline at least fifty (50) feet in length measured from the right-of-way line of the collector street; however, no such tangent is required when the minor street curve has a centerline radius greater than four hundred (400) feet with the center located on the collector street right-of-way line.
5. At local street intersections, the property line corner shall be rounded by an arc having a radius of twelve (12) feet. This radius shall be increased when the smallest angle of intersection is less than eighty (80) degrees. At intersections of streets with major and collector streets the property line corners shall be rounded by an arc having a radius of twenty-five (25) feet. The Director of Public Works or designee may approve comparable cut-offs or cords in place of rounded corners.
6. Where practical, spacing of intersections along collector streets shall be at least 500 feet apart.

D. Alleys – Alleys shall be provided in commercial and industrial districts and at the rear of multifamily residential building sites for adequate circulation. Where approved by the Fire Marshal, an emergency access easement not less than twenty-four feet (24') in width shall be provided for emergency vehicle access in lieu of any alley. Alleys should intersect streets at right angles or radially to curved streets where sharp changes in alignment cannot be avoided. Property line corners shall be cut off fifteen feet (15') on each side to permit safe vehicular movement. Dead-end alleys shall be prohibited except where prior development of land adjoining the subdivision permits no other reasonable design; under such circumstances alleys shall be provided with turnaround or back-around facilities at the dead-end adequate to permit clear maneuvering of sanitation trucks, utility service vehicles and emergency vehicles. Alleys shall be not less than the following widths:

1. Twenty feet (20') where residential building sites are provided on both sides;
2. Twenty-two feet (22') wherever residential development abuts commercial or industrial areas;
3. Twenty-four feet (24') where commercial or industrial development abuts on both sides.

Section 9.18 Easements

DA. Easements – Easements for drainage and utility construction, service, and maintenance shall be provided in locations approved by the City and affected utilities according to the following standards:

1. Easement for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided on each lot and extend along the entire length of the rear property line. Easements shall connect with easements already established on adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.

2. For lots of more than two hundred (200) feet deep, the utility easement shall be not less than sixteen (16) feet wide.
3. The width of any drainage easement shall be determined by the Director of Public Works or designee or in accordance with the need for drainage improvements established by any drainage study.
4. All utility easements shall be dedicated as utility and/or drainage easements.
5. When an easement is granted for public purposes as a separate instrument, the following statement of restrictions shall be placed in dedication instrument:

Utility Easements

Any public utility, including the City of Colleyville, shall have the right to move and keep moved all or part of any building, fences, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and any public utility, including the City of Colleyville, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

EB. Easements Adjacent to State Highways – When a proposed water or sewer line or drainage facility will be placed adjacent to a public road maintained by the Texas Department of Transportation, a separate specific use easement shall be provided for each utility or drainage facility.

FC. Emergency Access Easements – Emergency access easements shall have a clear unobstructed width to accommodate a pavement section of not less than twenty-four (24) feet in width. The emergency access easement shall connect at each end to a dedicated public street or shall have a suitable size turnaround at the dead-end, and appropriate turning space at inside corners to permit free movement of emergency vehicles. An emergency access easement may be used as a driveway to gain access to parking or loading spaces, but shall not be used for parking. All emergency access gates shall provide for an opening of not less than twenty four (24) feet wide by fourteen (14) feet in height and include a locking and opening mechanism acceptable to the Fire Department. (03-20-07 / O-07-1613)

~~**G. Alleys** – Alleys shall be provided in commercial and industrial districts and at the rear of multifamily residential building sites for adequate circulation. Where approved by the Fire Marshal, an emergency access easement not less than twenty-four feet (24') in width shall be provided for emergency vehicle access in lieu of any alley. Alleys should intersect streets at right angles or radially to curved streets where sharp changes in alignment cannot be avoided. Property line corners shall be cut off fifteen feet (15') on each side to permit safe vehicular movement. Dead-end alleys shall be prohibited except where prior development of land adjoining the subdivision permits no other reasonable design; under such circumstances alleys shall be provided with turnaround or back-around facilities at the dead-end adequate to permit clear maneuvering of sanitation trucks, utility service vehicles and emergency vehicles. Alleys shall be not less than the following widths:~~

- ~~1. Twenty feet (20') where residential building sites are provided on both sides;~~
- ~~2. Twenty-two feet (22') wherever residential development abuts commercial or industrial areas;~~
- ~~3. Twenty-four feet (24') where commercial or industrial development abuts on both sides.~~

H.D. Mutual Access Easements (O-02-1336 / 04-16-02)

1. *Purpose* – The purpose of this requirement is to provide public access to adjacent properties by reducing the number of driveway cuts and potential traffic accidents on adjacent streets.
2. *Applicability* – This Section shall be applicable to properties abutting and that may derive access from a Collector Street or Arterial Street as shown on the Master Thoroughfare Plan.

3. *Requirement* – The City shall require the dedication of a mutual access easement to provide cross access to adjacent properties or shared use of a driveway to conform with the minimum driveway standards contained in Chapter 14 of this Land Development Code.
4. *Easement Dimensions* – Easements for shared driveways shall be 16 feet in width and 35 feet in length, but may vary given the shape of the particular tract. Easements extending across the entire width of the property shall not be less than 24 feet in width.

Section 9.19 Private Utilities

A. Newly Installed Utilities Required to be Underground (O-17-xxxx / xx-xx-17)

1. All newly installed gas, electric, telephone utilities, street lighting, cable television, and fiber lines shall be underground.
2. All electric, telephone, cable, and fiber utilities shall be placed in the rear easement. Mechanical equipment, transformers, and other visible installations will not be permitted in the front yards of any lots.
3. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad mounted or placed underground. Nothing in this section shall restrict or prohibit the placement, erection, or construction of street lighting poles or standards above ground, provided all lines and wires used to provide such lighting are placed underground.
4. All above ground equipment shall be screened from public view, in such a manner that the ground equipment cannot be seen from a public right-of-way. Said screening shall be completed at the time of installation by the utility company and/or developer.
5. Where existing overhead service or lateral/distribution utilities lines are located within the land proposed for development and the lines must be relocated to accommodate the development, the developer is responsible for relocation and placement of the lines underground.
6. All new service lines shall be placed underground.
7. Overhead services will not be permitted to cross public rights-of-way. All such crossings of a right-of-way will be required to be completed by methods as approved by the city.
8. Temporary construction service may be provided by overhead electric lines and facilities without obtaining a variance or exception, provided that when the underground utility service to any portion of a subdivision is completed, prior to issuance of a certificate of occupancy, or at time of a final inspection, such overhead electric lines and facilities are promptly removed.

Section 9.1820 Traffic Impact Analysis

When a proposed subdivision plat is estimated to generate more than 1,000 vehicle trips per day, a traffic impact analysis shall be required with the earliest submittal of a plat application. The traffic impact analysis shall be prepared in accordance with the requirements of the Director of Public Works or designee. The purpose of the traffic impact analysis is to determine the need for traffic mitigation measures which may include, but are not limited to, dedication of additional right-of-way, construction of turning lanes, or construction of traffic control facilities. This requirement may be waived when a traffic impact analysis was submitted at the time the current zoning was adopted and the traffic impact analysis is less than one year old. Any mitigating measures required shall be the responsibility of the developer, unless a cost-sharing agreement is approved by the City.

Section 9.1921 Sidewalks

A. General Sidewalk Requirement

1. Sidewalks shall be constructed prior to completion of any primary structure for all lots that: (1) are required as part of a Planned Unit Development or Special use Permit; or; (2) front on a new street dedicated in conjunction with a subdivision plan; or, (3) front on an existing City Street. Other than properties zoned as Planned Unit Developments or containing Special Use Permits with specific sidewalk provisions, sidewalks shall be required to be constructed prior to the final inspection. Any variance to the sidewalk construction requirements described above shall be considered by the City Council.
2. The sidewalks shall be constructed adjacent to and within the public street right-of-way and include curb ramps where applicable. Where no public right-of-way exists, the sidewalk shall be located within a public access easement that provides accommodation of the future street right-of-way dedication. When a subdivision is proposed with a masonry or other permanent perimeter screening wall adjacent to a street, the sidewalk shall be constructed by the developer at the same time as the screening wall. All sidewalks shall conform to the standards and specifications contained in this Land Development Code.
3. When circumstances exist wherein it is not practical to construct a sidewalk, the developer may be afforded the opportunity to escrow funds in an amount sufficient to pay for the construction of a sidewalk at some future date.
4. The issuance of a building permit is contingent on the written commitment of the applicant to construct a sidewalk or pay the required escrow amount.

- B. Trails System Sidewalks – When a proposed sidewalk coincides with the general location of a future sidewalk shown in the most recently approved Colleyville Trails System Plan, the sidewalk shall be constructed in accordance with the design standards for a trails system sidewalk. The standards and specifications for a trails system sidewalk are contained elsewhere in this Land Development Code. The developer shall be required to provide additional street right-of-way dedication or a public access easement of sufficient width to accommodate the trails system sidewalk. Where the trails system sidewalk will be located at the rear or to the side of a lot, such as within a green-belt or similar open space, the developer shall provide sufficient right-of-way or public access easement to accommodate the sidewalk.

Section 9.2022 Street Lighting

- A. General Requirements – The developer shall be required to install, at no cost to the City, a street lighting system at all street intersections, at the end of all cul-de-sac streets, and at additional locations in accordance with the criteria contained elsewhere in *Chapter 14 – Engineering Design Standards* of this Land Development Code. All City Lighting shall be consistent with standard light pole ONCOR Texas Style Pole D with Luminaire F with a Finial Band. Any variance from this standard requires written approval from the Director of Public Works or designee.

Section 9.2123 Amendments to This Chapter

Ord. Number	Date	Subject
O-00-1261	12/19/00	Cul-de sac street lengths
O-00-1261	12/19/00	Lot Drainage and Grading
O-00-1261	12/19/00	Fire Hydrants
O-00-1261	12/19/00	Divided Entryways
O-00-1280	08/08/01	Number of Subdivision Entryways
O-00-1214	12/18/01	Existing Unimproved Street Requirements
O-02-1336	04/16/02	Mutual Access Easements
O-06-1562	02/07/06	General Infrastructure Policy
O-07-1613	03/20/07	Emergency Access Gates
O-09-1712	03/03/09	Amendment to sidewalk regulations – Sections 9.12 and 9.19

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O-12-1860	01/08/13	Amendment to sidewalk regulations adding appeal process to the City Council from the P&Z
O-14-1907	02/18/14	Amendment to Sidewalk Regulations & General Update
O-17-xxxx		Underground Utility Requirement

should be contacted include U.S. Army Corps of Engineers, Tarrant County Water Control Board, TCEQ, the Trinity River Authority, and FEMA.

Regardless of approvals obtained from those agencies listed above, no filling, development or construction in any area subject to inundation by a lake shall occur without the approval of the City Manager. The City Manager may require any studies necessary to determine that filling, development or construction will not have a detrimental effect on adjacent, upstream or downstream properties and buildings. This subsection in no way diminishes other requirements of this section.

- O. Lot Drainage and Grading – Grading and drainage of all residential lots shall be designed in a manner which will allow one lot to drain across an adjacent lot and into a permanent structure, such as a concrete flume, lined channel, or proper inlet to an adequate drainage facility, or to a street right-of-way. If an approved drainage structure is not present, it will be required of the developer to construct the necessary facilities. (O-00-1261 / 12/19/00)
1. Sheet flow techniques shall be used for lot to lot drainage where possible. (O-00-1261 / 12/19/00)
 2. Single lots shall accommodate their own drainage into an approved structure where topographic elevations allow this to occur. (O-00-1261 / 12/19/00)

Section 14-175 Miscellaneous

- A. Trench Safety – In conformance with House Bills 662 and 665 as passed by the Seventieth Legislature Regular Session of the State of Texas, all construction projects within the City of Colleyville or its extraterritorial jurisdiction as provided by the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes) shall contain provisions for trench safety. On construction projects in which trench excavation will exceed a depth of five (5) feet, the uniform set of general conditions must require that the bid documents and the contract include detailed plans and specifications for adequate safety systems that meet Occupational Safety and Health Administration standards and that these plans and specifications include a pay item for these same safety systems.
- B. Underground Utilities – All ~~newly installed distribution lines, cables, etc., or other conduits~~ for utilities ~~other than those listed above~~ shall be installed below ground ~~within the subdivision and in accordance with the regulations found in Section 9.19 Private Utilities. Transmission lines or major cables to provide utilities such as electric, telephone, and cable television to the area as a whole may be located above ground on the perimeter of the subdivision being served. The installation of these utilities shall conform to commonly accepted construction standards and be subject to review by the Director of Public Works.~~

Section 14-180 Drainage Studies and Engineering Certification

- A. Preliminary Drainage Analysis Guidelines – The purpose of a *Preliminary Drainage Analysis* is to determine the need for drainage facilities and/or drainage easements either within the proposed development or offsite. A *Preliminary Drainage Analysis* is required for every subdivision plat or a development requesting a building permit on a parcel which does not have a previously approved drainage analysis, unless the Director of Public Works has waived this requirement due to existing conditions. The *Preliminary Drainage Analysis* shall consist of the following information:
1. A topographical map drawn at a scale of 1" = 200' which depicts the watershed that drains to and across the subdivision or development. The map must include the subdivision and an area extending a minimum of 200' in all directions from the proposed subdivision. Sheets shall be either 18" X 24" or 24" X 36" in size and may contain sheet to sheet match lines. The map must include contour lines at five (5') foot vertical intervals in terrain with a slope of two (2%) percent or more, or two (2') foot vertical intervals in terrain with a slope of less than two (2%) percent. Data from the City topographic maps will be acceptable where available. Data from USGS Quad sheets may be acceptable only where City topographic maps are not available. The datum for "0" topography shall be that of the United States Coast and Geodetic Survey or the City of Colleyville GIS datum.

The map shall indicate any offsite or adjoining areas outside the limits of the area being developed

Legal Notice

April 21, 2017

SENT VIA EMAIL on Friday, April 21, 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, April 22, 2017

The City of Colleyville Planning and Zoning Commission gives notice of a Public Hearing on Monday, 5/8/17 at 7:00 p.m. at City Hall, 100 Main Street, Colleyville, Texas:

Case ZC17-003 - Consideration of a zoning change from the AG- Agricultural zoning district to the R20-Single Family Residential zoning district on Tract 2A, Abstract 1692, in the Joseph White Survey, located at 816 Shelton Drive

Case GC17-015 - 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

The City Council will hold a Public Hearing on the above items on 6/6/17 and 6/20/17 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-17-2015

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 9 – SUBDIVISION DESIGN & PUBLIC FACILITIES AND CHAPTER 14 – ENGINEERING DESIGN STANDARDS OF THE LAND DEVELOPMENT CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City of Colleyville desires to amend Section 9.17 Street Design Criteria, Proposed Section 9.18 Easements, Proposed Section 9.19 Private Utilities, and Section 14-175 Miscellaneous of the Land Development Code to require that newly installed utilities be underground; and

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

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

Sec. 1. THAT *Chapter 9 – Subdivision Design & Public Facilities, Sections 9.17, 9.18, and 9.19 and Chapter 14 - Engineering Design Standards, Section 14-175* of the Land Development Code, are hereby amended to read as depicted in the attached Exhibit "A".

Sec. 2. 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. 3. 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. 4. 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. 5. THAT this ordinance shall take effect immediately from and after its passage.
- Sec. 6. THAT all other provisions of the Land Development Code shall remain in full force and effect, except as amended herein.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 11th day of July 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"

{Add letter 'D' to this section}

Section 9.17 Street Design Criteria

D. Alleys – Alleys shall be provided in commercial and industrial districts and at the rear of multifamily residential building sites for adequate circulation. Where approved by the Fire Marshal, an emergency access easement not less than twenty-four feet (24') in width shall be provided for emergency vehicle access in lieu of any alley. Alleys should intersect streets at right angles or radially to curved streets where sharp changes in alignment cannot be avoided. Property line corners shall be cut off fifteen feet (15') on each side to permit safe vehicular movement. Dead-end alleys shall be prohibited except where prior development of land adjoining the subdivision permits no other reasonable design; under such circumstances alleys shall be provided with turnaround or back-around facilities at the dead-end adequate to permit clear maneuvering of sanitation trucks, utility service vehicles and emergency vehicles. Alleys shall be not less than the following widths:

1. Twenty feet (20') where residential building sites are provided on both sides;
2. Twenty-two feet (22') wherever residential development abuts commercial or industrial areas;
3. Twenty-four feet (24') where commercial or industrial development abuts on both sides.

{Create this section for existing regulations pertaining to easements}

Section 9.18 Easements

A. Easements – Easements for drainage and utility construction, service, and maintenance shall be provided in locations approved by the City and affected utilities according to the following standards:

1. Easement for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided on each lot and extend along the entire length of the rear property line. Easements shall connect with easements already established on adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.

2. For lots of more than two hundred (200) feet deep, the utility easement shall be not less than sixteen (16) feet wide.
3. The width of any drainage easement shall be determined by the Director of Public Works or designee or in accordance with the need for drainage improvements established by any drainage study.
4. All utility easements shall be dedicated as utility and/or drainage easements.
5. When an easement is granted for public purposes as a separate instrument, the following statement of restrictions shall be placed in dedication instrument:

Utility Easements

Any public utility, including the City of Colleyville, shall have the right to move and keep moved all or part of any building, fences, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and any public utility, including the City of Colleyville, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

- B. Easements Adjacent to State Highways – When a proposed water or sewer line or drainage facility will be placed adjacent to a public road maintained by the Texas Department of Transportation, a separate specific use easement shall be provided for each utility or drainage facility.
- C. Emergency Access Easements – Emergency access easements shall have a clear unobstructed width to accommodate a pavement section of not less than twenty-four (24) feet in width. The emergency access easement shall connect at each end to a dedicated public street or shall have a suitable size turnaround at the dead-end, and appropriate turning space at inside corners to permit free movement of emergency vehicles. An emergency access easement may be used as a driveway to gain access to parking or loading spaces, but shall not be used for parking. All emergency access gates shall provide for an opening of not less than twenty four (24) feet wide by fourteen (14) feet in height and include a locking and opening mechanism acceptable to the Fire Department. (03-20-07 / O-07-1613)
- D. Mutual Access Easements (O-02-1336 / 04-16-02)

1. *Purpose* – The purpose of this requirement is to provide public access to adjacent properties by reducing the number of driveway cuts and potential traffic accidents on adjacent streets.
2. *Applicability* – This Section shall be applicable to properties abutting and that may derive access from a Collector Street or Arterial Street as shown on the Master Thoroughfare Plan.
3. *Requirement* – The City shall require the dedication of a mutual access easement to provide cross access to adjacent properties or shared use of a driveway to conform with the minimum driveway standards contained in Chapter 14 of this Land Development Code.
4. *Easement Dimensions* – Easements for shared driveways shall be 16 feet in width and 35 feet in length, but may vary given the shape of the particular tract. Easements extending across the entire width of the property shall not be less than 24 feet in width.

{Create this section with proposed new language for underground utilities}

Section 9.19 Private Utilities

A. Newly Installed Utilities Required to be Underground (O-17-xxxx / xx-xx-17)

1. All newly installed gas, electric, telephone utilities, street lighting, cable television, and fiber lines shall be underground.
 - a. In special or unique circumstances or to avoid severe hardships that are not strictly financial, the City Council may authorize exceptions from this requirement and permit the construction and maintenance of overhead electric utility lateral or service lines and of overhead telephone or cable TV lines and may approve any plat or site plan with such approved exceptions.
2. All electric, telephone, cable, and fiber utilities shall be placed in the rear easement. Mechanical equipment, transformers, and other visible installations will not be permitted in the front yards of any lots.
 - a. Exceptions to the rear lot location may be granted by providing facts and circumstances to the City Council at the preliminary plat stage to demonstrate rear lot utility location is not technically or environmentally feasible. Since the impact of technical and environmental factors may differ, exceptions for each utility will be considered separately and on a stand - alone basis.

3. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad mounted or placed underground. Nothing in this section shall restrict or prohibit the placement, erection, or construction of street lighting poles or standards above ground, provided all lines and wires used to provide such lighting are placed underground.
4. All above ground equipment shall be screened from public view, in such a manner that the ground equipment cannot be seen from a public right-of-way. Said screening shall be completed at the time of installation by the utility company and/or developer.
5. Where existing overhead service or lateral/distribution utilities lines are located within the land proposed for development and the lines must be relocated to accommodate the development, the developer is responsible for relocation and placement of the lines underground.
6. All new service lines shall be placed underground.
7. Overhead services will not be permitted to cross public rights-of-way. All such crossings of a right-of-way will be required to be completed by methods as approved by the city.
8. Temporary construction service may be provided by overhead electric lines and facilities without obtaining a variance or exception, provided that when the underground utility service to any portion of a subdivision is completed, prior to issuance of a certificate of occupancy, or at time of a final inspection, such overhead electric lines and facilities are promptly removed.
9. Each of the utility companies shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of their underground utilities. Nothing in this section shall prohibit or restrict any utility company from recovering the difference in cost of overhead facilities and underground facilities in accordance with the provisions of such utility company's approved tariff. No utility company shall be required to begin construction of underground facilities unless and until the customer, owner, developer and/or party requesting such facilities has made arrangements satisfactory to the specific utility company for the payment of such difference between the cost of overhead utilities and underground facilities.
10. Nothing contained herein shall be construed to require any existing overhead facilities to be placed underground or to prohibit the

upgrading, reconstruction or reconductoring of any existing overhead facilities with overhead construction.

11. Nothing contained herein shall be construed to alter the intent of any utility Franchise Agreement Ordinance in effect on the effective date of this Ordinance.

{Amend this section and refer to proposed section for underground utilities}

Section 14-175 Miscellaneous

- B. Underground Utilities – All newly installed distribution lines, cables, etc. or other conduits for utilities ~~other than those listed above~~ shall be installed below ground within the subdivision and in accordance with the regulations found in Section 9.19 Private Utilities. ~~Transmission lines or major cables to provide utilities such as electric, telephone, and cable television to the area as a whole may be located above ground on the perimeter of the subdivision being served. The installation of these utilities shall conform to commonly accepted construction standards and be subject to review by the Director of Public Works.~~



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7a

Agenda Date 08/15/2017

Number Resolution R-17-4167

Type Resolution

Department City Manager

Title

Approval of a proposal to set the ad valorem tax rate for Fiscal Year 2018 at \$0.333834 per hundred dollars of valuation and schedule the two required public hearings on the tax rate for August 24, 2017 and September 5, 2017

Strategic Plan

1.4 Communicate thoroughly and strategically

Explanation

Reading and Public Hearing

Chapter 26, Texas Property Tax Code, requires taxing units to comply with "Truth-in-Taxation" laws in setting tax rates and performing an effective tax rate calculation. The calculated Fiscal Year 2018 (FY 2018) effective tax rate is \$.319110/\$100. As the proposed rate of \$.333834/\$100 is higher than the effective tax rate, legislation requires that a city take several actions in order to be in compliance with Chapter 26 of the Texas Property Tax Code. The city must publish the attached "Notice of 2017 Tax Year Proposed Property Tax Rate for the City of Colleyville". This notice is scheduled to be published on Thursday, August 17, 2017 in the *Fort Worth Star-Telegram*. The city must also hold two public hearings on the tax rate, which are proposed for Thursday, August 24, 2017 at 5:30 p.m. and Tuesday, September 5, 2017 at 7:30 p.m., both at 100 Main Street, Colleyville, Texas. The public hearing on August 24, 2017 will be at a City Council Special Meeting; the public hearing on September 5, 2017 will be during the regular City Council meeting. The tax rate is scheduled for adoption at the September 19, 2017 regular City Council meeting.

In order that the citizens of Colleyville be informed of the proposed FY 2018 tax rate and the dates of the two public hearings on the tax rate, the attached resolution reflects the City Council's intention to adopt the tax rate of \$.333834 per hundred dollars of valuation, utilizing the July 25, 2017 certified tax roll as the basis for the proposed tax rate, as well as the public hearing dates. Formal City Council action stating the proposed FY 2018 tax rate is required in order to have the information necessary to publish the Notice of 2017 Tax Year Proposed Property Tax Rate for the City of Colleyville, as required by Section 140.010 of the Local Government Code.

Financial Impact

The average residential property value for FY 2017 was \$460,461, and the average residential value for FY 2018 is \$500,748. If the proposed tax rate is adopted, it will equate to an average annual property tax payment of \$1,671 to support City services. If the current tax rate of \$0.33913 were maintained, the average annual property tax payment would be \$1,698.

Recommendation

Approve

Attachments

1. Notice of 2017 Tax Year Proposed Property Tax Rate for the City of Colleyville
2. Resolution R-17-4167

NOTICE OF 2017 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF COLLEYVILLE

A tax rate of \$0.333834 per \$100 valuation has been proposed for adoption by the governing body of City of Colleyville. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of City of Colleyville proposes to use revenue attributable to the tax rate increase for the purpose of maintaining current programs and services.

PROPOSED TAX RATE	\$0.333834 per \$100
PRECEDING YEAR'S TAX RATE	\$0.339130 per \$100
EFFECTIVE TAX RATE	\$0.319110 per \$100
ROLLBACK TAX RATE	\$0.344972 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for City of Colleyville from the same properties in both the 2016 tax year and the 2017 tax year.

The rollback tax rate is the highest tax rate that City of Colleyville may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS
FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

Colette Ballinger, RTA
City of Colleyville Tax Assessor-Collector
100 Main Street, Colleyville, Texas 76034
817-481-1242
colette.ballinger@gcisd.net
www.colleyville.com

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: August 24, 2017 at 5:30 PM at City Hall, 100 Main Street, Colleyville, Texas 76034.

Second Hearing: September 5, 2017 at 7:30 PM at City Hall, 100 Main Street, Colleyville, Texas 76034.

RESOLUTION R-17-4167

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS PASSED PURSUANT TO SECTION 26.04 AND 26.05, OF THE PROPERTY TAX CODE OF THE STATE OF TEXAS, APPROVING A PROPOSAL OF THE INTENT TO SET PROPERTY TAX RATES AT \$0.333834 PER ONE HUNDRED DOLLARS VALUATION FOR FISCAL YEAR 2018; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Tax Assessor/Collector for the City of Colleyville, Texas (the "City"), has calculated the amount of the effective tax rate and the rollback tax rate pursuant to Section 26.04(c) of the Property Tax Code of the State of Texas (the "Property Tax Code"); and

WHEREAS, pursuant to Section 26.04(e) of the Property Tax Code, the said tax rates have been submitted to the City Council; and

WHEREAS, it appears necessary to adopt a tax rate of \$0.333834 per one hundred dollars of valuation.

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

- Sec. 1. THAT the City Council does hereby, by the approval of this resolution, state its intention to adopt a tax rate for Fiscal Year 2018 of \$0.333834 per one hundred dollars of valuation. The Fiscal Year 2018 tax rate will be adopted at the City Council meeting to be held on September 19, 2017.
- Sec. 2. THAT the 2017 tax roll as certified on July 25, 2017 by the Chief Appraiser of Tarrant Appraisal District is adopted and is the basis for the Fiscal Year 2018 proposed tax rate.
- Sec. 3. THAT pursuant to Section 26.05(d) of the Property Tax Code, the two public hearings on the tax rate will be held on August 24, 2017 at 5:30 p.m. and September 5, 2017 at 7:30 p.m. at 100 Main Street, Colleyville, Texas.
- Sec. 4. THAT this resolution shall take effect from and after the date of its passage.

AND IT IS SO RESOLVED.

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



City of Colleyville City Council Agenda Briefing

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

Agenda Number 8a

Agenda Date 08/15/2017

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

There is no Strategic Plan connection for this item.

Explanation

Update

This item was tabled at the August 1, 2017, City Council meeting.

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



CCG Mission

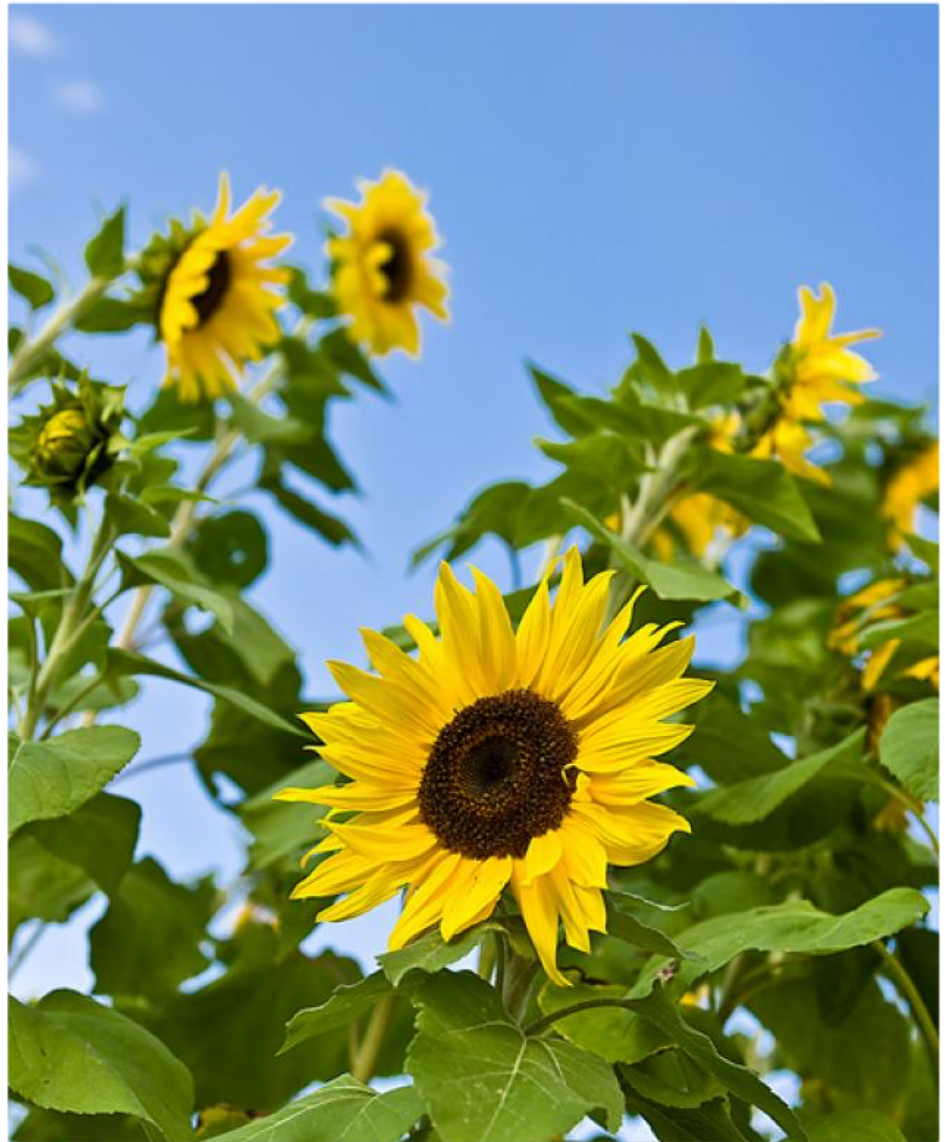
The Colleyville Community Garden will be a place for education, inspiration, relaxation, and conversation.

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.



People have
forgotten or
never learned
how to grow their
own food.



Our members will be encouraged to donate the excess fruits of their labor. to Grace or other food pantries.



Who would want to rent a plot?

Someone who:

- 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



What our neighbors say about their 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



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

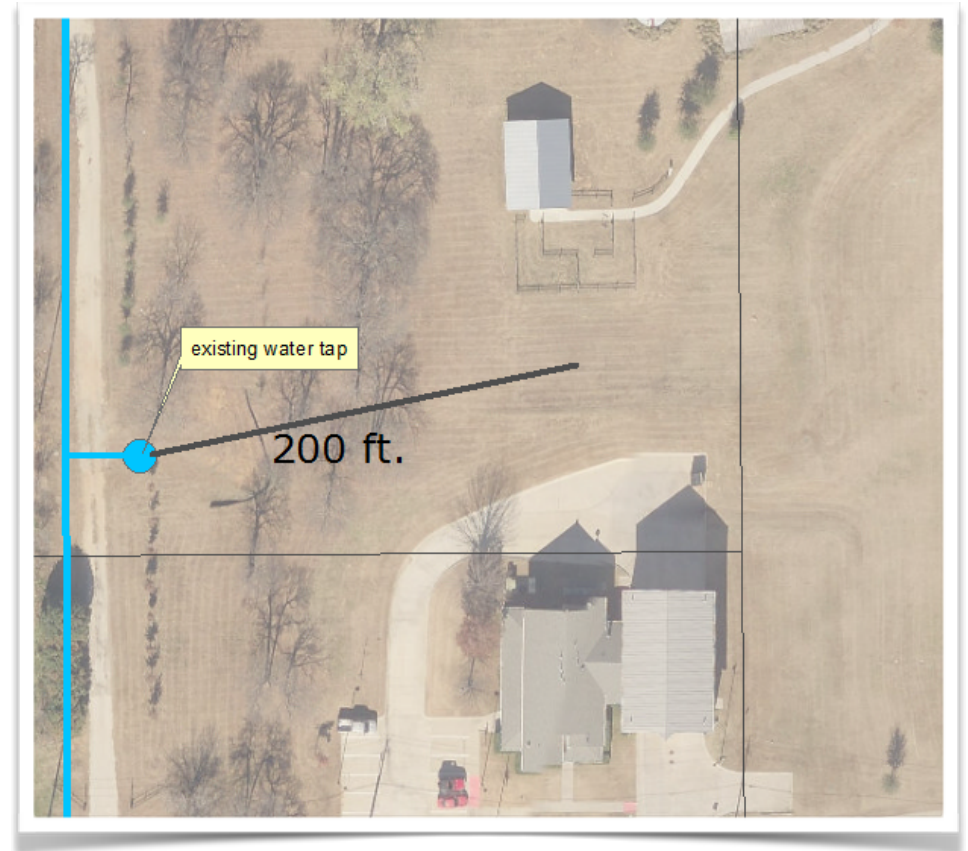


PROPOSED SITE PLAN
THE COLLEYVILLE COMMUNITY GARDEN

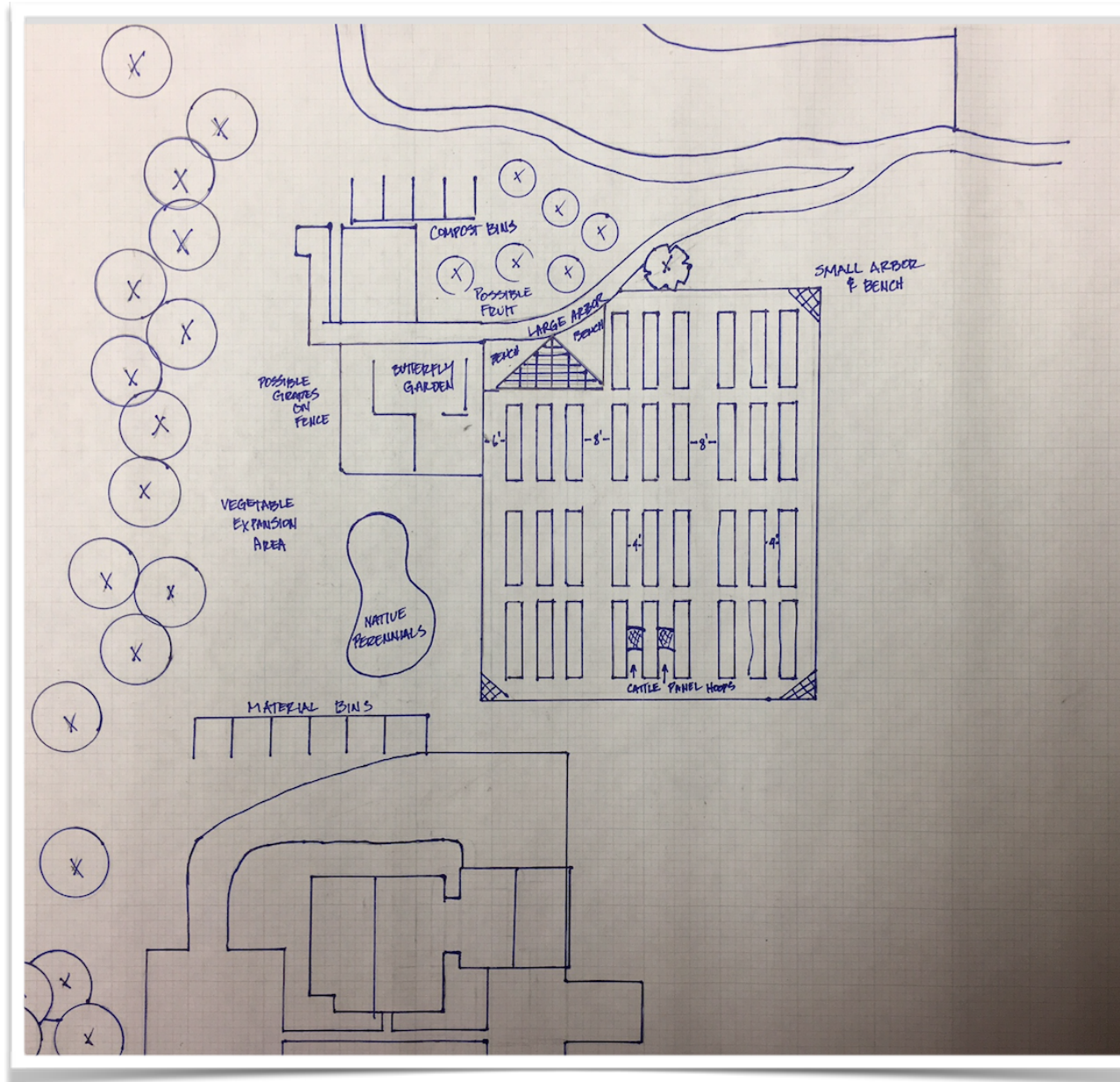


Watering the Garden

- ✧ 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



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



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



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



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)



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.



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





Our “Big Dig” target date
is Late October
or early November.

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



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.)



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.)



We need approval from
Colleyville City Council
to move forward and
begin securing donations



Thank you for your
support of this worthy
project that will bring
great good to our city!







STATE OF TEXAS §
 §
COUNTY OF TARRANT §

**COMMUNITY GARDEN PROGRAM
LICENSE AGREEMENT**

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 policies.

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 than 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 NEGLIGENCE 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 Duca, City Manager

EXECUTED on this _____ day of _____, 2017.

COLLEYVILLE COMMUNITY GARDEN

By: _____
Name: _____
Title: _____

(wlv: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 _____ §

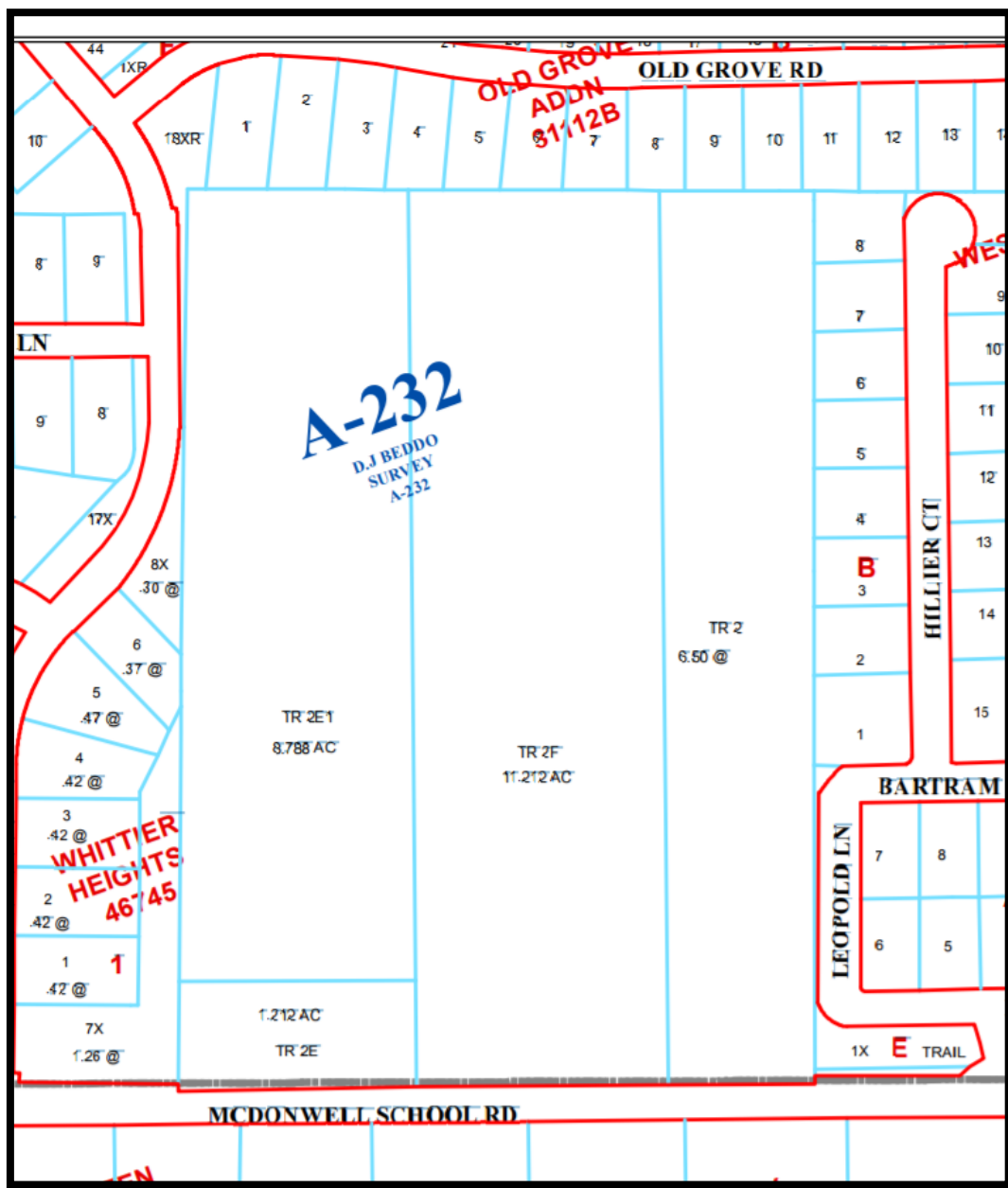
Acknowledged before me, the undersigned authority, on the ____ day of _____, 2017, by _____ and _____ for and on behalf of said individuals.

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:

CITY OF COLLEYVILLE

Amy Shelley, TMRC
City Secretary

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. This Agreement may be renewed for up to three (3) consecutive five (5) year renewal terms. Each renewal term under this 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.

1.2 Termination Generally. 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. 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.

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 policies 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 policies.

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 than 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 NEGLIGENCE 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 Ducary
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: _____

(wlv: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: _____



City of Colleyville City Council Agenda Briefing

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

Agenda Number 9a

Agenda Date 08/15/2017

Number 9a

Type Report

Department City Manager

Title

Quarterly Performance Management Report

Strategic Plan

1.3 Assure convenient access to public information

1.4 Communicate thoroughly and strategically

Explanation

The purpose of this item is to report on performance of the programs and services identified in the City's strategic plan and the general operations of the City through the use of performance measures. In addition to performance measures, additional metrics called vital statistics are included in the report. Performance measures are measures of efficiency or effectiveness and represent outcomes that can be directly influenced by staff. Vital statistics represent data that is important to track for overall understanding of how a program is performing and for decision making, but is not necessarily a reflection of efficiency or effectiveness, and is not something that staff has significant control over. The presentation of both performance measures and vital statistics provides a well-rounded look at performance and trends in programs and services, while also furthering the City's efforts of accountability and transparency to those we serve.

The attached spreadsheet includes the third quarter of actual data from FY 2017. For performance measures, the FY 2017 actual numbers are compared to the FY 2017 target that was established by the responsible department and are color coded as listed below. Vital statistics do not have a FY 2017 target and are therefore not color coded, as those metrics represent information that is important to track, but are not necessarily appropriate to set targets for.

Gray - Data not available at this time

Green - Performance is expected to meet or exceed the target

Yellow - Performance is expected to be near the target, but not meet it

Red - Performance is not expected to meet the target, or come close to meeting it

Dashboard reports are also included and offer a more visual presentation of highlighted performance measures and vital statistics.

Attachments

1. FY 2017 Q3 Performance Management Report

PUBLIC SAFETY

		Program	Goal	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017 Target	FY 2017 YTD
Performance Measures	Percentage of code violations located proactively	Code Enforcement	Safeguard Colleyville's identity	62%	69%	80%	69%	70%	≥ 50%	69%
	Number of UCR Part 1 Crimes	Police Administration	Deliver high quality core services	199	175	160	141	158	≤ 180	107
	Percentage of UCR Part 1 Offenses cleared	Criminal Investigations	Deliver high quality core services	28%	20%	30%	31%	28%	≥ 20%	30%
	Percentage of crime victims contacted by investigators within 3 days	Criminal Investigations	Deliver high quality core services	95%	92%	98%	100%	100%	≥ 95%	100%
	Average Priority 1 response time (call dispatch to arrival)	Police Patrol	Deliver high quality core services	4:12	4:11	4:03	3:12	3:25	≤ 5:00	3:45
	Fire/Ambulance average response time	Fire and EMS Operations	Deliver high quality core services	(Previously reported percentage of response times under 6 minutes)				4:43	≤ 6:00	4:38
	Percentage of plans reviewed within 48 hours	Fire Prevention / Investigations	Deliver high quality core services	97%	100%	100%	99%	99%	≥ 98%	99%
	Percentage of fire investigations cleared within 30 days	Fire Prevention / Investigations	Deliver high quality core services	100%	100%	100%	100%	100%	≥ 95%	100%
	Percentage of inspections performed within 48 hours of request	Fire Prevention / Investigations	Deliver high quality core services	97%	100%	100%	100%	100%	≥ 95%	100%

		Program	Goal	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017 YTD
Vital Statistics	Injury accidents per 1,000 population	Police Patrol	Deliver high quality core services	2.2	0.75	0.7	0.7	0.72	0.7
	Number of self-initiated calls for service (proactive, community policing)	Police Patrol	Operate Transparently	40,324	54,231	50,897	43,781	35,652	27,494
	Total number of outstanding warrants in system since 1/1/03	Warrant Officer	Deliver high quality core services	4,170	3,971	4,056	3,657	3,006	2,574
	Number of warrants served	Warrant Officer	Deliver high quality core services	7,190	1,452	2,767	2,610	2,350	2,316
	Fire Related Responses	Fire Operations	Deliver high quality core services	N/A	381	500	542	566	445
	Service Related Responses	Fire Operations	Deliver high quality core services	N/A	357	127	152	180	134
	EMS Related Responses	EMS Operations	Deliver high quality core services	N/A	829	950	959	1037	733
	Ambulance billing revenue	EMS Operations	Deliver high quality core services	\$322,000	\$323,672	\$399,312	\$354,239	\$388,803	\$232,570
	Percentage of billed services recovered	EMS Operations	Deliver high quality core services	30%	30%	32%	29%	31%	37%
	Total number of volunteer hours from CFAAA and Rehab Team	Fire Administration	Operate Transparently	N/A	900	418.5	672.5	491.75	349
	Community Fire Prevention Events	Fire Prevention / Operations	Operate Transparently	N/A	N/A	116	125	122	70
	Average hours of training per employee	Fire Operations	Deliver high quality core services	205	160.9	160.99	134.77	166	68

DEVELOPMENT

		Program	Goal	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017 Target	FY 2017 YTD
Performance Measures	Percentage of residential plan reviews completed in seven days or less (was 5 through FY16)	Building Inspection	Enable Responsible Development	New Measure	21%	41%	77%	75%	≥ 75%	83%
	Percentage of commercial plan reviews completed in seven days or less (was 10 through FY16)	Building Inspection	Enable Responsible Development	New Measure	44%	55%	77%	80%	≥ 75%	85%
	Percentage of inspections performed within 24 hours	Building Inspection	Enable Responsible Development	93%	97%	98%	99%	98%	≥ 95%	96%
	Percent of online department survey respondents satisfied with overall service	Planning and Zoning/Building Inspection	Deliver high quality core services	New Measure	89%	98%	100%	70%	= 100%	100%
	Retail occupancy rate	Economic Development	Enable Responsible Development	87%	88%	90%	90%	96%	≥ 90%	97%
	Office occupancy rate	Economic Development	Enable Responsible Development	87%	89%	89%	90%	92%	≥ 90%	93%
	Percentage growth in sales tax revenue (General Fund)	Economic Development	Enable Responsible Development	8.1%	7.6%	9.0%	3.1%	8.0%	≥ 1.05%	2.06%
Vital Statistics		Program	Goal	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017 YTD	
	Number of Inspections Performed	Building Inspection	Enable Responsible Development	8,780	6,832	4,621	7,194	9,977	7,342	

LEISURE

		Program	Goal	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017 Target	FY 2017 YTD
Performance Measures	Percentage of competitive athletic fields meeting departmental maintenance standards	Athletic Field Maintenance	Safeguard Colleyville's identity	New Measure	New Measure	80%	80%	85%	≥ 85%	100%
	Percentage of park inspections meeting standards	Park Maintenance	Safeguard Colleyville's identity	85%	87%	80%	95%	96%	≥ 85%	97%
	Percentage of library materials requests filled within 30 days	Library Services	Deliver high quality core services	83%	86%	96%	93%	94%	≥ 80%	98%
	Percentage of library patrons who come to the library looking for items and find them	Library Services	Deliver high quality core services	82%	79%	80%	81%	83%	≥ 80%	83%
	Children's program attendance	Library Services	Safeguard Colleyville's identity	17,145	21,955	18,363	17,173	18,888	≥ 18,000	15,928
	Adult and teen program attendance	Library Services	Safeguard Colleyville's identity	809	910	795	651	800	≥ 650	789
	Children's summer reading program participation	Library Services	Safeguard Colleyville's identity	1,054	1,182	1,188	987	1,278	≥ 1,000	Annual
	Adult and teen summer reading program participation	Library Services	Safeguard Colleyville's identity	106	118	114	84	148	≥ 100	Annual
	Library patron visits	Library Services	Safeguard Colleyville's identity	104,268	123,211	134,314	133,076	120,202	≥ 115,000	69,250
	Reference questions answered	Library Services	Deliver high quality core services	39,799	35,048	34,073	25,025	28,717	≥ 25,000	22,789
	Circulation of the library materials collection	Library Services	Deliver high quality core services	244,613	250,737	234,667	228,160	222,123	≥ 220,000	161,324
	Percentage of offered classes/programs held	Recreation	Safeguard Colleyville's identity	60%	65%	71%	73%	77%	≥ 60%	82%
	Number of participants	Senior Center	Safeguard Colleyville's identity	1,500	1,751	3,734	3,767	4,574	≥ 1,500	3,180
	Percentage of resident membership visits	Senior Center	Safeguard Colleyville's identity	55%	58%	60%	59%	51%	≥ 60%	50%
	Percentage of cost recovery	Colleyville Center	Deliver high quality core services	70%	66%	81%	75%	62%	≥ 70%	70%
	Percentage of customer satisfaction ratings of "excellent"	Colleyville Center	Deliver high quality core services	98%	96.3%	96.4%	97.3%	98%	≥ 97.5%	94%
	Number of events held	Colleyville Center	Safeguard Colleyville's identity	420	386	412	452	376	≥ 400	329

		Program	Goal	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017 YTD
Vital Statistics	Percentage of Colleyville households with at least one active library card holder	Library Services	Safeguard Colleyville's identity	55%	50%	50%	50%	50%	50%
	Library materials collection size	Library Services	Safeguard Colleyville's identity	65,740	69,736	74,525	77,664	80,452	81,759
	Number of staff hours dedicated to athletic field maintenance and game preparation	Athletic Field Maintenance	Safeguard Colleyville's identity	4,725	4,884	3,697	4,032	4,007	2,669
	Number of youth sports participants	Athletic Field Maintenance	Safeguard Colleyville's identity	4,750	4,063	4,315	4,434	4,302	4,517
	Percentage of non-resident youth sports participants	Athletic Field Maintenance	Safeguard Colleyville's identity	51%	49%	52%	52%	59%	49%
	Percentage of revenue recovery	Athletic Field Maintenance	Deliver high quality core services	N/A	12%	12%	20%	18%	18%
	Number of classes/programs offered	Senior Center	Safeguard Colleyville's identity	120	151	212	191	172	135
	Average membership visits per month	Senior Center	Safeguard Colleyville's identity	500	534	544	827	1,019	929
	Number of Metroport Meals on Wheels participants	Senior Center	Safeguard Colleyville's identity	1,800	1,727	1,607	1,695	1,553	986
	Percentage of Meals on Wheels participants who are residents	Senior Center	Safeguard Colleyville's identity	50%	52%	49%	47%	43%	46%
	Percentage of resident class participants	Recreation	Safeguard Colleyville's identity	60%	49%	42%	44%	43%	43%
	Revenue generated from bookings	Colleyville Center	Deliver high quality core services	\$240,000	\$246,797	\$230,793	\$226,901	\$209,919	\$176,518
	Percentage of events generating economic impact for local business	Colleyville Center	Safeguard Colleyville's identity	55%	57%	59%	59%	60%	70%
	Percent of total events held: Colleyville residents	Colleyville Center	Safeguard Colleyville's identity	N/A	9%	10%	11%	23%	13%
	Percent of total events held: Non-residents	Colleyville Center	Safeguard Colleyville's identity	N/A	41%	36%	30%	25%	38%
	Percent of total events held: Non-profits	Colleyville Center	Safeguard Colleyville's identity	N/A	44%	47%	50%	45%	40%
	Percent of total events held: City departments	Colleyville Center	Safeguard Colleyville's identity	N/A	6%	7%	9%	7%	4%
	Percent of revenue: Colleyville residents	Colleyville Center	Deliver high quality core services	N/A	N/A	N/A	N/A	18%	17%
	Percent of revenue: Non-residents	Colleyville Center	Deliver high quality core services	N/A	N/A	N/A	N/A	61%	48%
	Percent of revenue: Non-profits	Colleyville Center	Deliver high quality core services	N/A	N/A	N/A	N/A	20%	31%
	Percent of revenue: City departments	Colleyville Center	Deliver high quality core services	N/A	N/A	N/A	N/A	1%	4%

PUBLIC WORKS

		Program	Goal	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017 Target	FY 2017 YTD
Performance Measures	Percent of internal customers satisfied with facility environment	Building Services	Deliver high quality core services	98%	89%	84%	86%	96%	≥ 90%	Annual Measure
	Percentage of work orders responded to within one business day	Building Services	Deliver high quality core services	99%	78%	51%	83%	89%	≥ 90%	91%
	Percent of scheduled lane miles of public streets swept	Stormwater Management	Assure adequate infrastructure	94%	98%	99%	99%	94%	≥ 98%	100%
	Percent of storm drain inlets inspected	Drainage Maintenance	Assure adequate infrastructure	New Measure	New Measure	20%	51%	55%	≥ 50%	49%
	Percentage of storm sewer lines inspected	Drainage Maintenance	Assure adequate infrastructure	New Measure	New Measure	<1%	<1%	<1%	≥ 10%	<1%
	Meter reading accuracy	Utility Support	Deliver high quality core	98%	99%	99%	98%	99%	≥ 98%	98%
	Percentage of total waste water lines cleaned annually	Waste Water Collection	Assure adequate infrastructure	88%	93%	78%	91%	94%	≥ 95%	Annual Measure
	Percentage of water valves exercised	Water Distribution	Assure adequate infrastructure	New Measure	New Measure	12%	0.05%	15%	≥ 20%	34%
	Percentage of monthly water samples testing negative for coliform bacteria	Water Distribution	Deliver high quality core services	100%	99.36%	99%	98%	100%	= 100%	100%
	Percent of street and traffic signs replaced	Street Maintenance	Deliver high quality core services	8%	12%	15%	15%	7%	≥ 10%	4.00%
	Percentage of pavement markings renewed	Street Maintenance	Deliver high quality core services	New Measure	New Measure	20%	4%	15%	≥ 20%	11.1%

		Program	Goal	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017 YTD
Vital Statistics	Percentage of fleet time available	Fleet Maintenance	Deliver high quality core services	98%	98%	98%	98%	99%	99%
	Ratio of scheduled maintenance to unscheduled repairs	Building Services	Deliver high quality core services	77%	68%	41%	68%	50%	51%
	Number of infrastructure repairs needed within two- year maintenance bond period	Engineering Services	Assure adequate infrastructure	0	0	0	0	0	2
	Value of newly-constructed public infrastructure in place	Engineering Services	Assure adequate infrastructure	New Measure	New Measure	\$5.82M	\$17.3M	\$11.7 M	\$10.8M
	Percentage of construction time with City staff present	Engineering Services	Assure adequate infrastructure	New Measure	New Measure	18%	23%	30%	25%
	Percentage of time preventative maintenance is completed on schedule	Fleet Maintenance	Assure adequate infrastructure	New Measure	New Measure	95%	96%	96%	99%
	Water loss ratio	Water Distribution	Assure adequate infrastructure	4.50%	4.33%	4.34%	3.08%	2.50%	Annual Measure

ADMINISTRATION

		Program	Goal	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017 Target	FY 2017 YTD
Performance Measures	City-initiated news leads	Communications	Operate transparently	40	31	23	29	31	≥ 30	46
	Number of public information campaigns	Communications	Operate transparently	8	6	4	6	6	≥ 8	8
	Coverage in print, broadcast, online/associated media value	Communications	Operate transparently	\$130,000	\$82,650	\$94,976	\$114,000	\$66,101	≥ \$100,000	\$79,930
	Achieve GFOA's Distinguished Budget Award	City Manager's Office	Deliver high quality core services	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Percentage of board, commission, and committee members that have completed Texas Open Meeting Act training	City Secretary	Operate transparently	< 50%	< 50%	89%	91%	86%	≥ 95%	94%

		Program	Goal	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017 YTD
Vital Statistics	Tax rate per hundred dollars of valuation	City Council	Deliver high quality core services	\$0.3559	\$0.3559	\$0.3559	\$0.3559	\$0.3559	\$0.33913
	Average pounds recycling per home/per collection	Solid Waste and Recycling	Deliver high quality core services	12.2	11.5	11.9	10.73	12.55	12.46
	Number of household hazardous waste collections (at Fort Worth ECC and Clean Sweep event)	Solid Waste and Recycling	Deliver high quality core services	524	572	553	658	752	539
	Visits to Colleyville.com	Communications	Operate transparently	260,000	300,605	318,759	317,793	321,567	243,941
	E-newsletter subscribers	Communications	Operate transparently	1,300	1,679	2,621	2,839	3,225	3,720
	Colleyville Businesses Participating on Marketing Support Program(s)	Communications	Safeguard Colleyville's identity	New Measure	New Measure	New Measure	New Measure	N/A	N/A
	Social Media Followers on City of Colleyville Government	Communications	Operate transparently	New Measure	New Measure	New Measure	1,000	1,836	2,223
	Advertising Campaigns	Communications	Operate transparently	New Measure	New Measure	2	1	1	0
	Number of public information requests	City Secretary	Operate transparently	196	217	260	283	296	217
	Number of citizen survey responses	City Manager's Office	Operate transparently	1,665	N/A	1,323	N/A	N/A	907

FINANCE

		Program	Goal	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017 Target	FY 2017 YTD
Performance Measures	Number of audit adjustments in period 13 closing	Finance	Deliver high quality core services	14	12	10	24	7	≤ 12	N/A
	Achieve GFOA's Certificate of Achievement for Excellence in Financial Reporting	Finance	Deliver high quality core services	Yes	Yes	Yes	Yes	N/A	Yes	N/A
	Percentage warrants issued within 10 day (formerly 8 day) period after due date or court date	Municipal Court	Deliver high quality core services	New Measure	New Measure	97%	99%	99%	≥ 97%	99.0%
	Billing accuracy rate	Utility Billing	Deliver high quality core services	98.3%	99.0%	98.6%	99.8%	99.9%	≥ 99.5%	99.5%

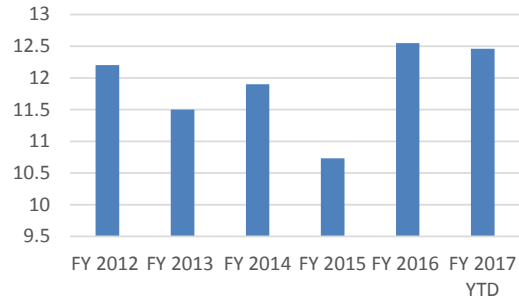
		Program	Goal	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017 YTD
Vital Statistics	Percent of ACH payments to total accounts payable	Finance	Deliver high quality core services	New Measure	New Measure	16%	26%	26%	28%
	Number of citations filed per FTE	Municipal Court	Deliver high quality core services	4,000	4,268	4,610	4,609	4,220	3,324
	Number of bench trials vs. jury trials set	Municipal Court	Deliver high quality core services	New Measure	New Measure	67 / 44	51 / 16	34 / 20	21 / 19
	Percentage of automatic draft customers/total customers	Utility Billing	Deliver high quality core services	15%	15%	19%	16%	17%	18%
	Percentage of customers paying before cutoff	Utility Billing	Deliver high quality core services	97%	97%	97%	97%	97%	96%
	Uncollectible accounts written off at year end (water & sewer)	Utility Billing	Deliver high quality core services	\$34,628	\$30,500	\$26,080	\$27,178	\$19,150	N/A

INTERNAL SERVICES

		Program	Goal	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017 Target	FY 2017 YTD
Performance Measures	Percentage turnover (per fiscal year)	Human Resources	Deliver high quality core services	12%	22%	15%	17%	14%	≤ 15%	11%
	Percentage of annual performance evaluations completed on time	Human Resources	Deliver high quality core services	36%	25%	98%	73%	99%	≥ 90%	95%
	Percentage of employees who participate in wellness program	Human Resources	Deliver high quality core services	80%	78%	86%	85%	92%	≥ 80%	91%
	Workers' compensation experience modification factor (actual losses compared to expected losses)	Human Resources	Deliver high quality core services	New Measure	0.48	0.45	0.83	0.84	≤ 0.85	0.84
	Medical and pharmacy loss ratio (paid claims divided by premiums)	Human Resources	Deliver high quality core services	New Measure	66%	75.8%	87.4%	75.5%	≤ 85%	90.5%
	Percentage of product requests completed on time	Graphical Information Services (GIS)	Deliver high quality core services	90%	82%	88%	93%	93.4%	≥ 85%	91%
	Percentage of address responded to within 30 days	Graphical Information Services (GIS)	Deliver high quality core services	96%	64%	89%	100%	100%	≥ 90%	100%
	Percentage of broadcast uptime	Network/Desktop Services	Deliver high quality core services	99.99%	99.82%	99.86%	99.88%	99.99%	≥ 99%	99.998%
	Percentage of work orders completed on time	Network/Desktop Services	Deliver high quality core services	80%	87%	78%	87%	92.9%	≥ 95%	91%
	Percentage of network data and telecommunications uptime	Network/Desktop Services	Deliver high quality core services	99.99%	99.83%	99.73%	99.80%	99.99%	≥ 99%	99.997%
	Percentage of IT work plan projects completed on time	Network/Desktop Services	Deliver high quality core services	80%	100%	97%	94%	95%	= 100%	100%
	Percentage of data backup success	Network/Desktop Services	Deliver high quality core services	95%	91%	91%	92%	94.2%	= 100%	98%
Vital Statistics		Program	Goal	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017 YTD	
	Total number of equipment pieces maintained by department	Network/Desktop Services	Deliver high quality core services	430	419	569	589	609	609	

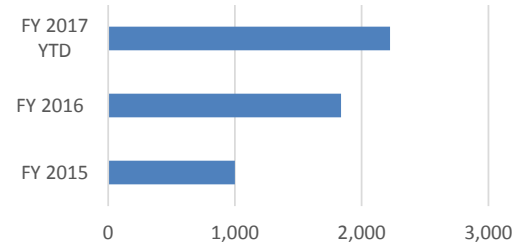
Solid Waste & Recycling

Average pounds recycling per home/per collection



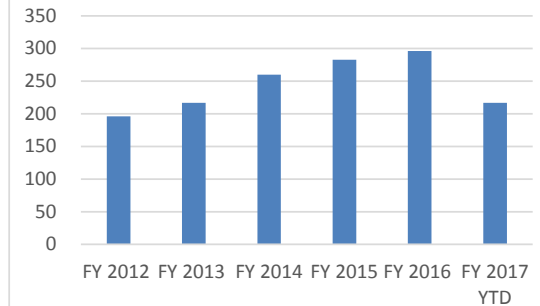
Communications

Social Media Followers on City of Colleyville Government



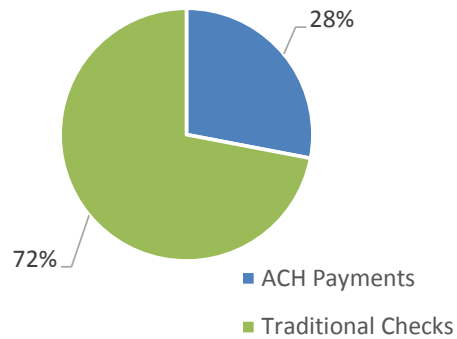
City Secretary

Number of public information requests



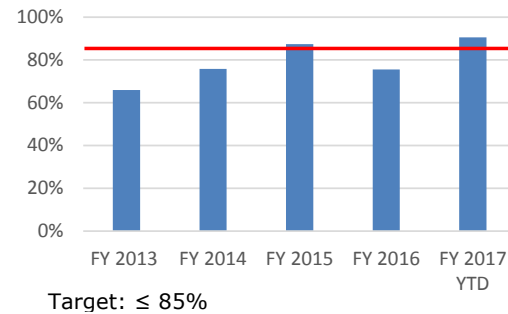
Finance

Percent of ACH payments to total accounts payable



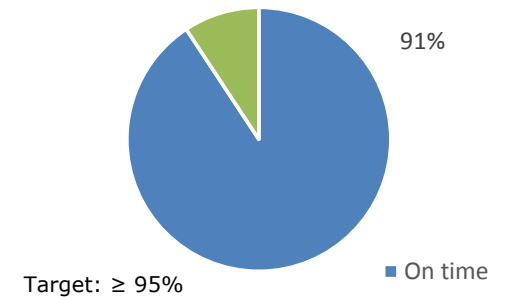
Human Resources

Medical and pharmacy loss ratio (paid claims divided by premiums)

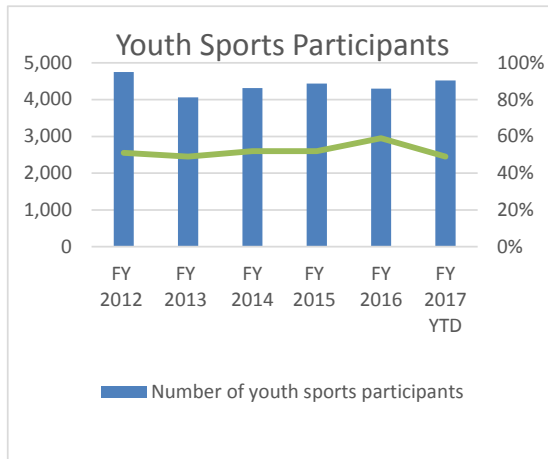


Technology

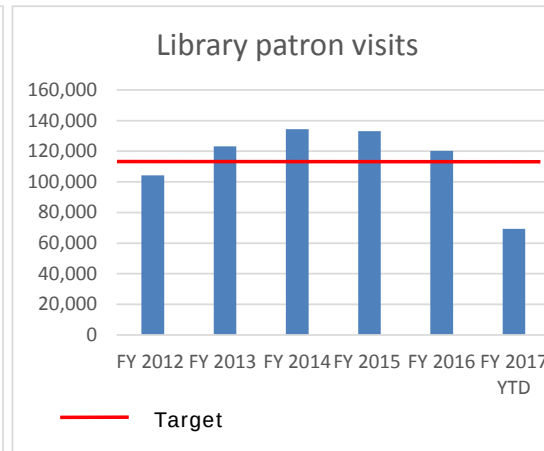
Percentage of work orders completed on time



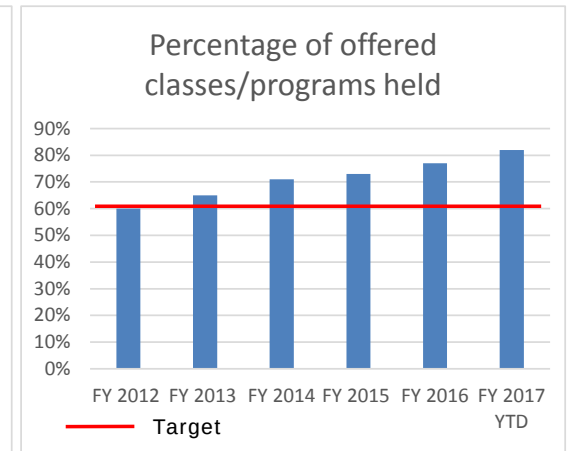
Parks



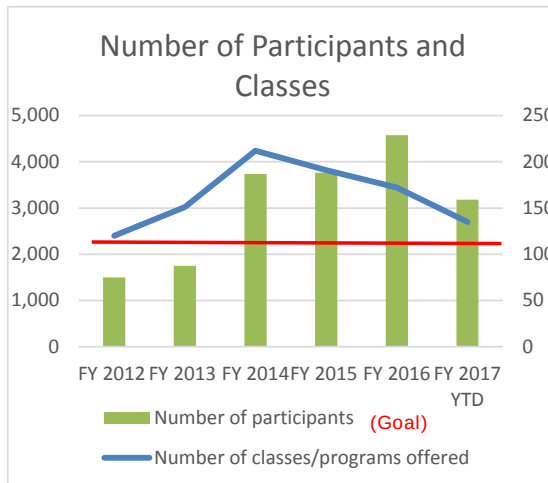
Library



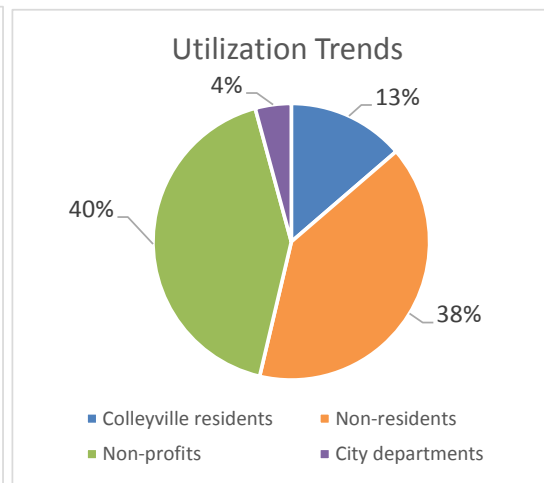
Recreation



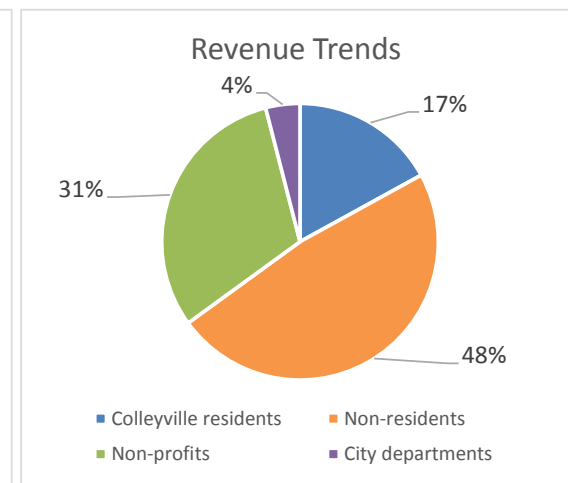
Senior Center



Colleyville Center

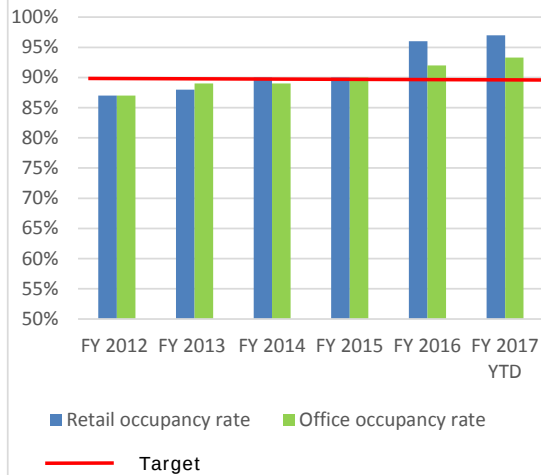


Colleyville Center

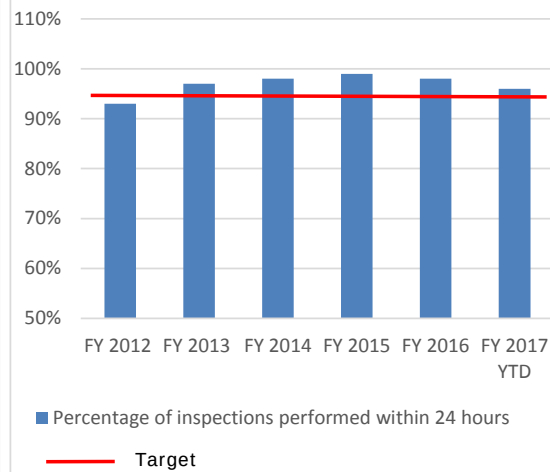


Dashboard: Development & Infrastructure FY 2017 Q3

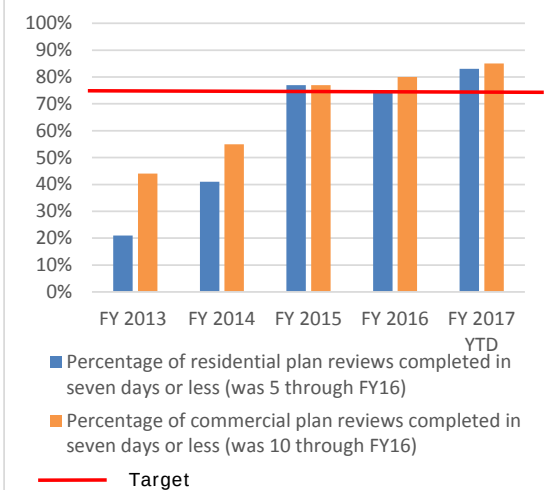
Retail & Office Occupancy Rate



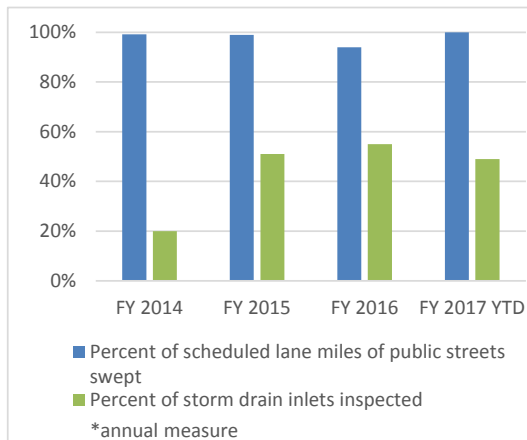
Inspections Performed within 24 hours



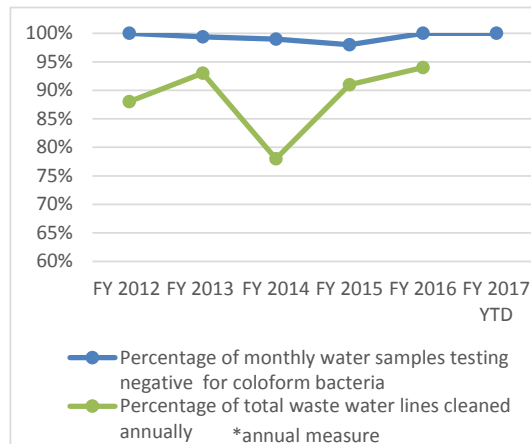
Plan Review & Inspections Timeliness



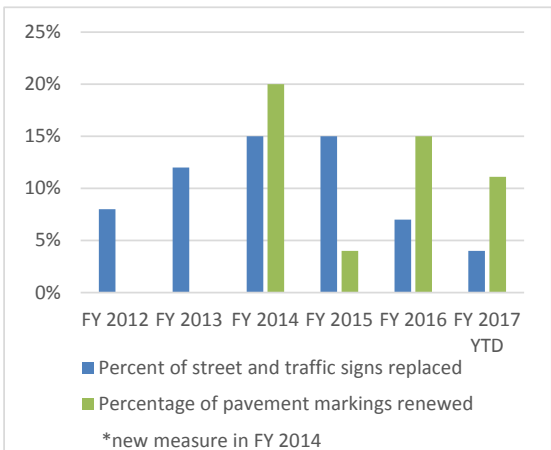
Stormwater & Drainage



Water & Wastewater

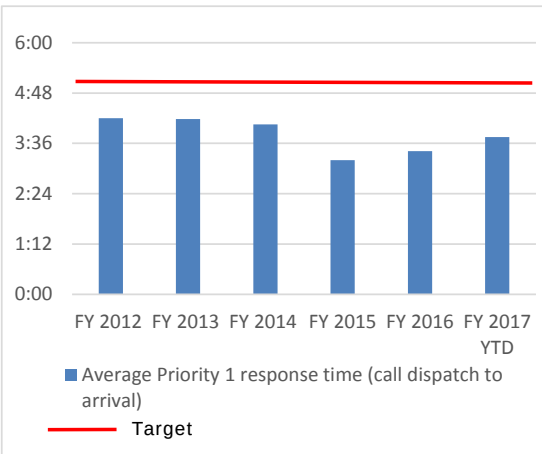


Street Maintenance

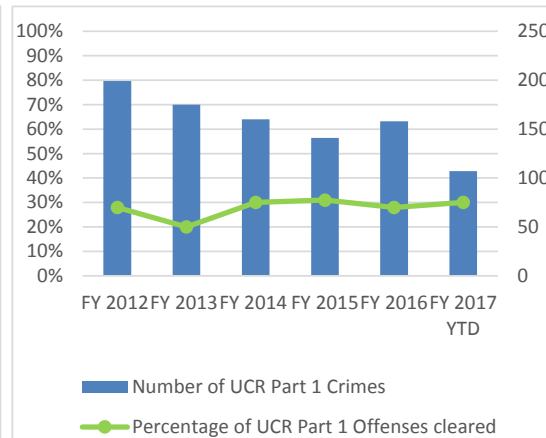


Dashboard: Public Safety FY 2017 Q3

Police Response Time

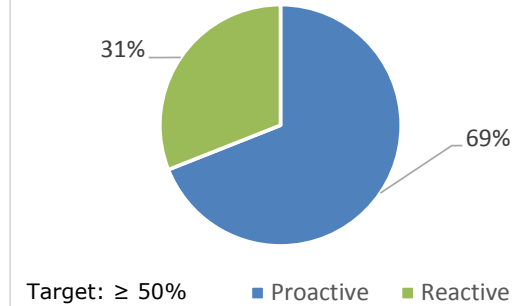


UCR Part 1 Crimes

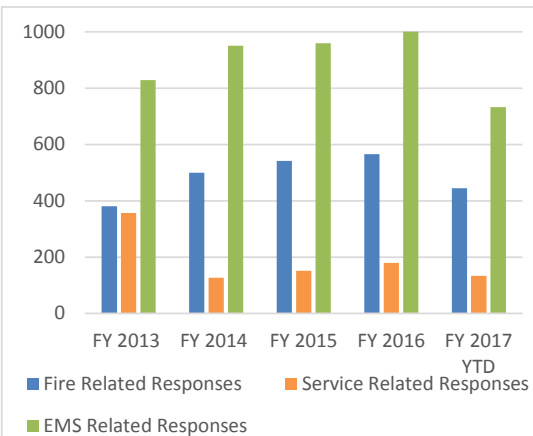


Code Enforcement

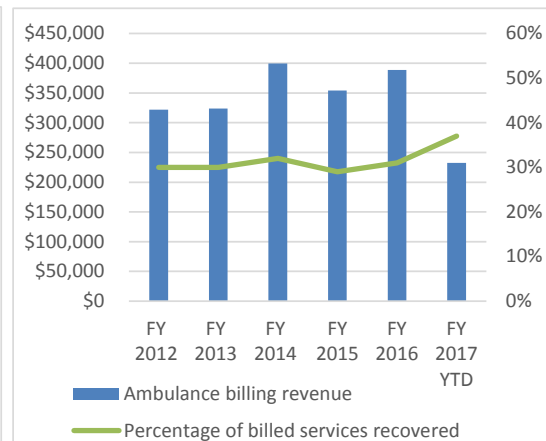
Percentage of code violations located proactively



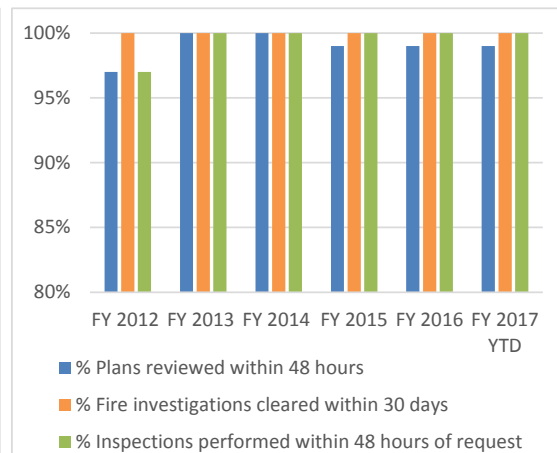
Fire & EMS Responses



Ambulance Billing



Fire Prevention / Investigation





City of Colleyville City Council Agenda Briefing

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

Agenda Number 9b

Agenda Date 08/15/2017

Type Report

Department Finance

Title

Monthly Financial Report - July 2017

Explanation

General Fund

Ad Valorem Taxes

Taxes of \$13,650,502 were collected, including penalty and interest, versus \$12,944,989 as of July 31, 2017 (5.45% increase).

Percent Budget Collected: 102.30%

Franchise Revenue

Franchise fee revenue is currently 6.35% below last year's collections.

The revenue collected from electric utility sources is \$14,467 below budget, although 98.56% of this year's budget has been collected.

Annual collections from Atmos Gas were 95.59% of budget.

Verizon/Others continue to outpace last year by almost 45.03% (\$18,047).

Cable TV continues to lag down 19.97% compared to the prior year.

Refuse/Recycling is up 2.73% from the prior year.

Sales & Beverage Taxes

Total Sales Taxes and Mixed Beverage Tax, increased 2.17% (\$54,276) compared to the prior year.

Year to Date sales tax revenues increased 1.82% (\$43,568) over the same period last year.

The year to date mixed beverage tax is above the amount received for the same period last fiscal year by 10.04% (\$10,708).

Licenses & Permits

The total Licenses & Permits revenue is 20.29% below the same period last fiscal year. Revenue from permits this year is down due to the abnormally high building activity last year.

After ten months, 95.99% of the revenue for the year has been collected, with an increase in the annual budget from the prior year.

Fines

Court and library fines, and alarm fee revenue is \$669,324 and is about 6.05% below last year's revenue.

Charges for Services

The overall category increased over last year by 9.04% or \$68,862 after trailing each month until April.

- Ambulance revenue is 17.67% (\$55,548) below last fiscal year.
- Recreation programs revenue is 19.21% (\$29,620) above last fiscal year.
- Engineering, Inspection and Testing is up 506% (\$63,932) over the prior year.
- Colleyville Center rental revenue is higher than last year by 13.85% or \$23,514.

Expenditures

The average amount expended by the General Fund departments as of July 31, 2017 is 78.81% of the total budget.

UTILITY FUND

YTD Water Revenue:	\$578,439 more than the prior year
YTD Water Usage:	157.61 million gallons more than the prior year
Current Month Water Usage:	41.69 million gallons less than the prior year
YTD Sewer Revenue:	\$164,244 or 5.38% more than the prior year
Overall Utility Revenue:	\$741,428 or 6.66% more than the prior year
Overall Revenue Collected:	76.10% of budget collected

The utility fund adopted budget is \$15,511,920. As of July 31, 2017, \$16,758,086 was expended out of the Utility Fund. That includes \$6,989,976 in transfers out to establish the Utility Capital Projects fund. The Utility Capital Projects fund was created to facilitate tracking the utility fund's capital projects separate from the utility fund's operating expenses.

Attachments

1. Monthly Financial Report - presentation
2. July 2017 Monthly Financial Report

July Monthly Financial Report

City Council Meeting
August 15, 2017

Purpose & Background



- Charter requirement, per Section 9.06 (B)

“The City Manager shall submit to the City Council at its second formal meeting each month the financial condition of the City by budget items, budget estimates versus accruals for the preceding month and for the fiscal year to date. Such records are to be made public by the City Council during open meeting.”
- The purpose of this presentation is to:
 - Review the Monthly Financial Report included in the agenda packet,
 - Provide comments and explanation on the different components, and
 - Highlight items of significance.

Measurement Basis



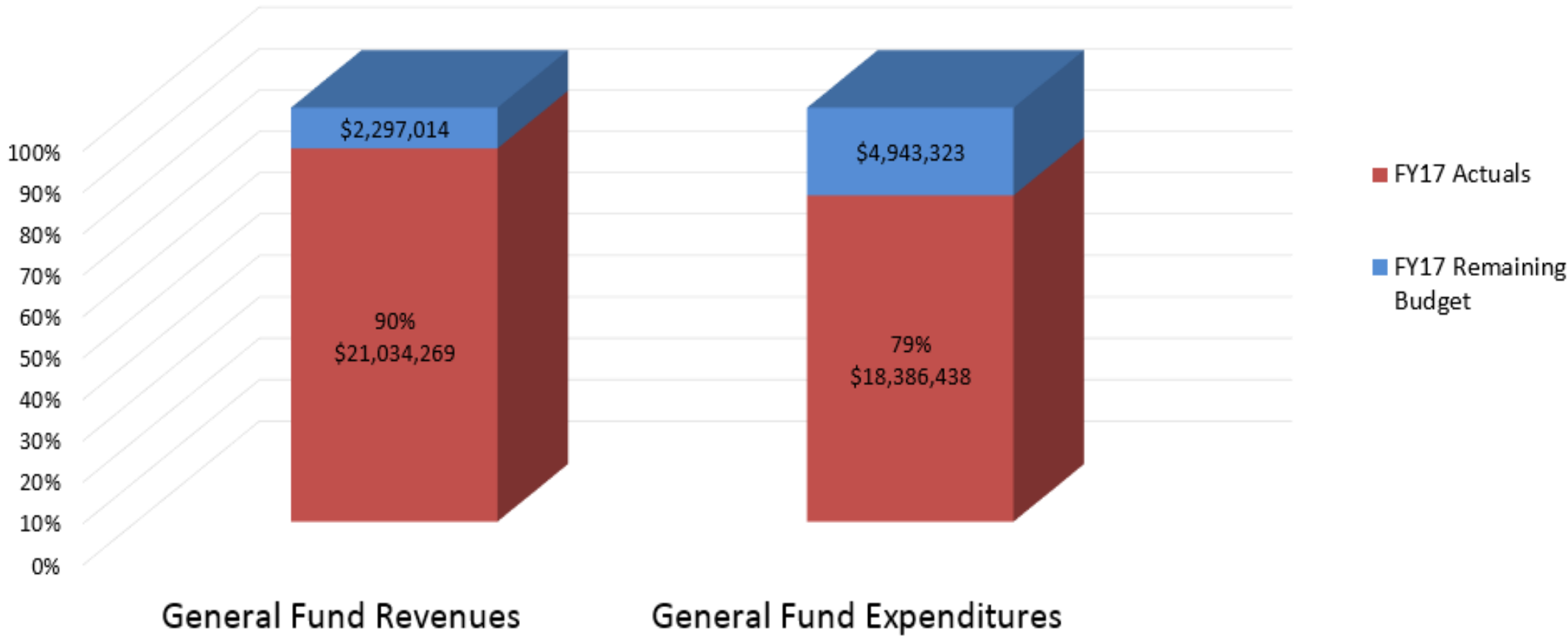
- Budget (expenditure) amounts are what is authorized by the City Council
- The Monthly Financial Report compares actual activity vs. budget
 - Reflective of cash transactions
 - Are revenues coming in as expected, to be able to fund the amount of expenditures in the adopted budget?
 - Are expenditures trending as expected?
- The Monthly Financial Report provides the most helpful information to understand the City's financial position, similar to an income statement in the private sector.
- In governmental accounting, there is less focus on the balance sheet, which is prepared annually to record changes in position based on the activity that year and also reflects increases/decreases due to things like developer contributions or depreciation (that are not cash transactions like those revenues and expenditures shown from a budgetary basis).

General Fund

General Fund Snapshot



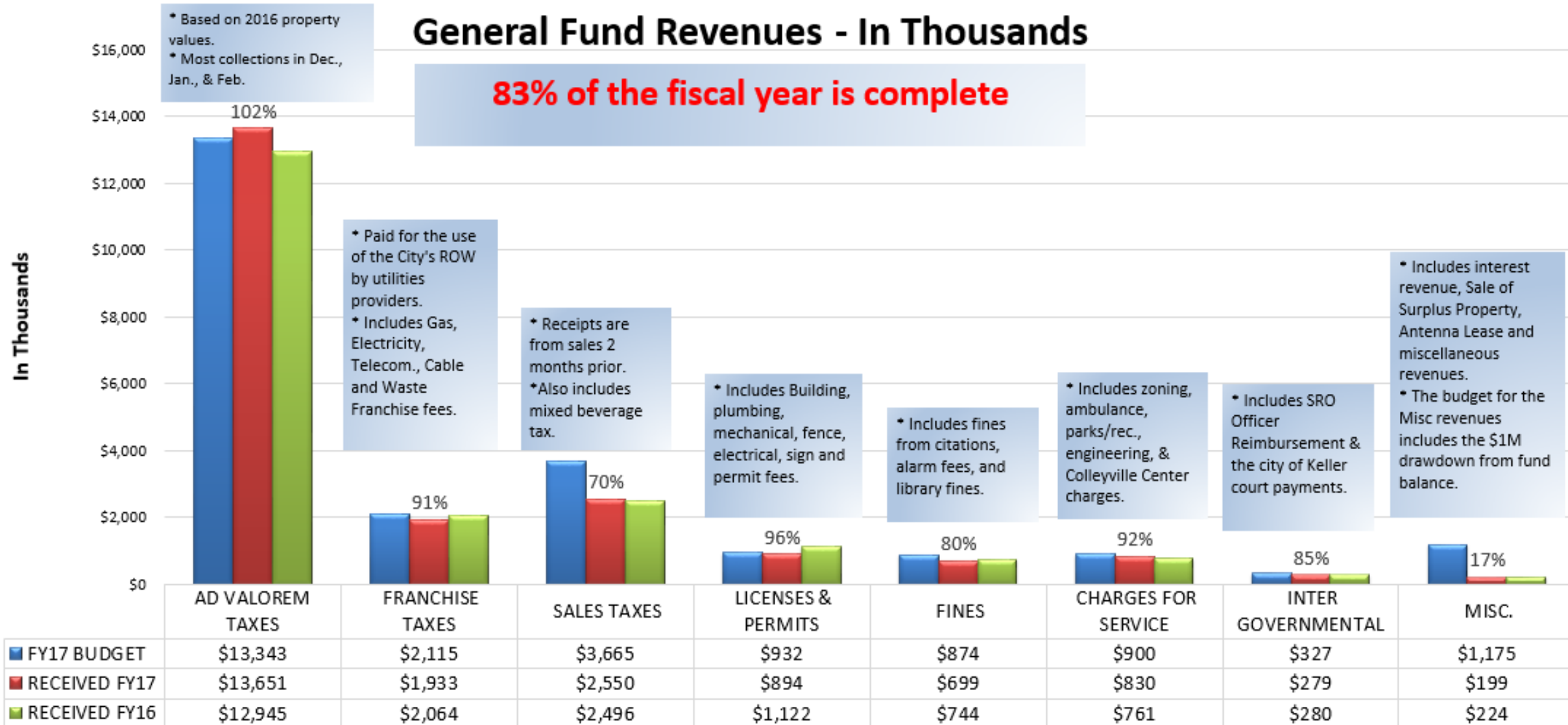
83% of the fiscal year is complete



General Fund Revenues

General Fund Revenues - In Thousands

83% of the fiscal year is complete

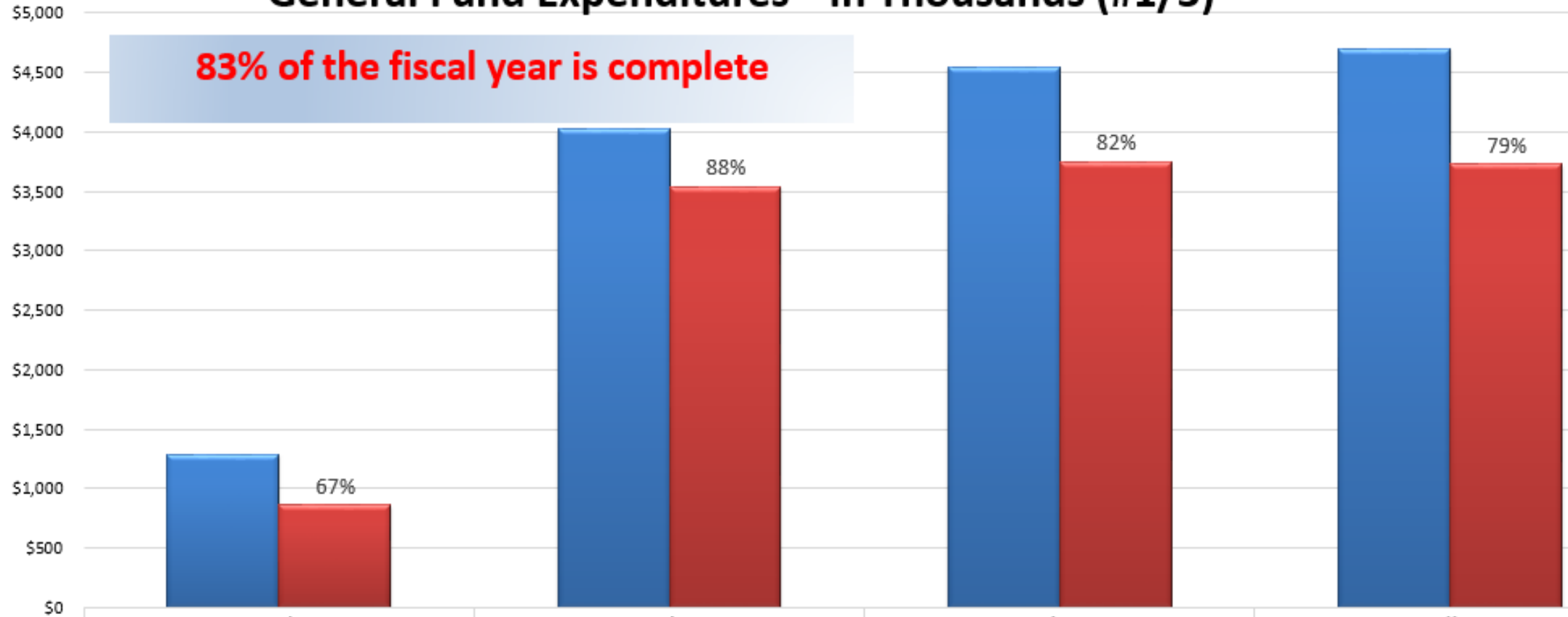


General Fund Expenditures

General Fund Expenditures - In Thousands (#1/3)

83% of the fiscal year is complete

In Thousands



■ FY17 BUDGET

■ EXPENDED FY17

Parks

\$1,286

\$858

Street Maintenance

\$4,026

\$3,537

Fire

\$4,547

\$3,746

Police

\$4,703

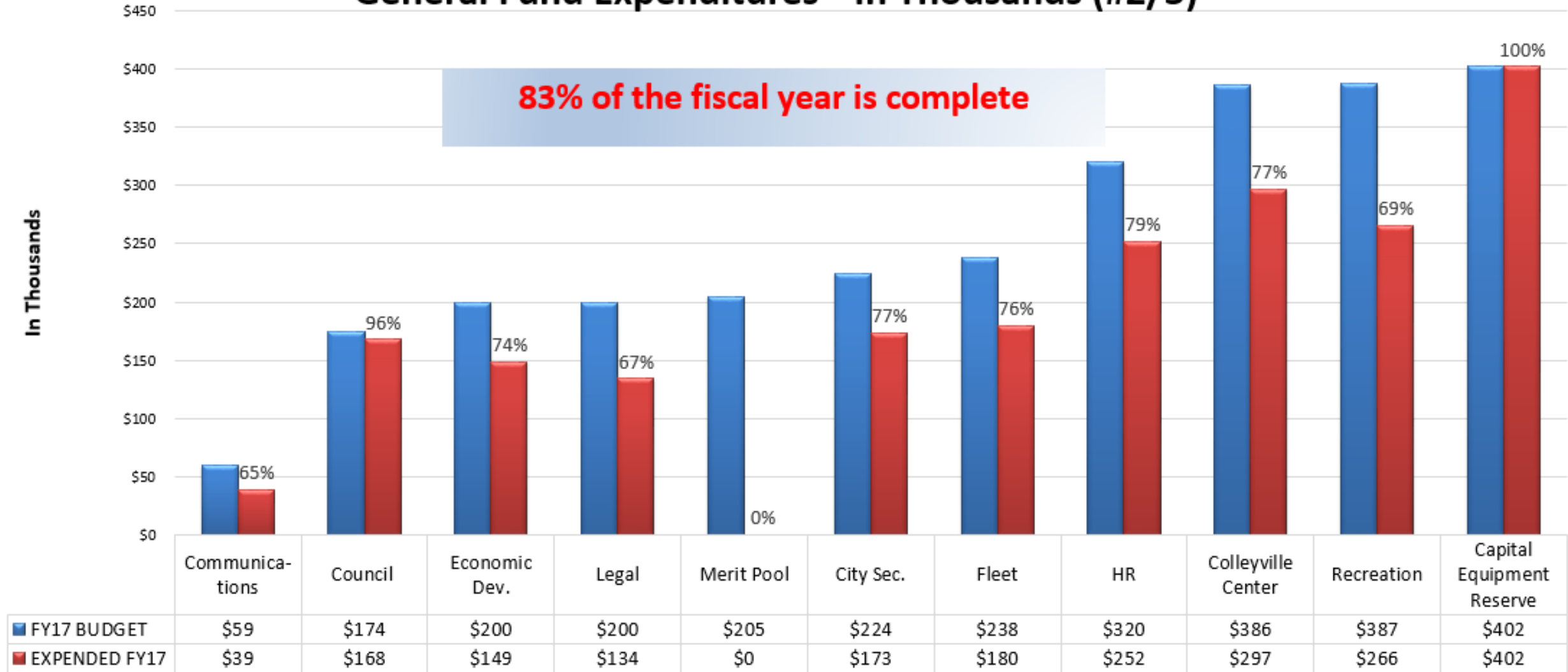
\$3,728

General Fund Expenditures - Continued

General Fund Expenditures - In Thousands (#2/3)

83% of the fiscal year is complete

In Thousands



General Fund Expenditures - Continued

General Fund Expenditures - In Thousands (#3/3)

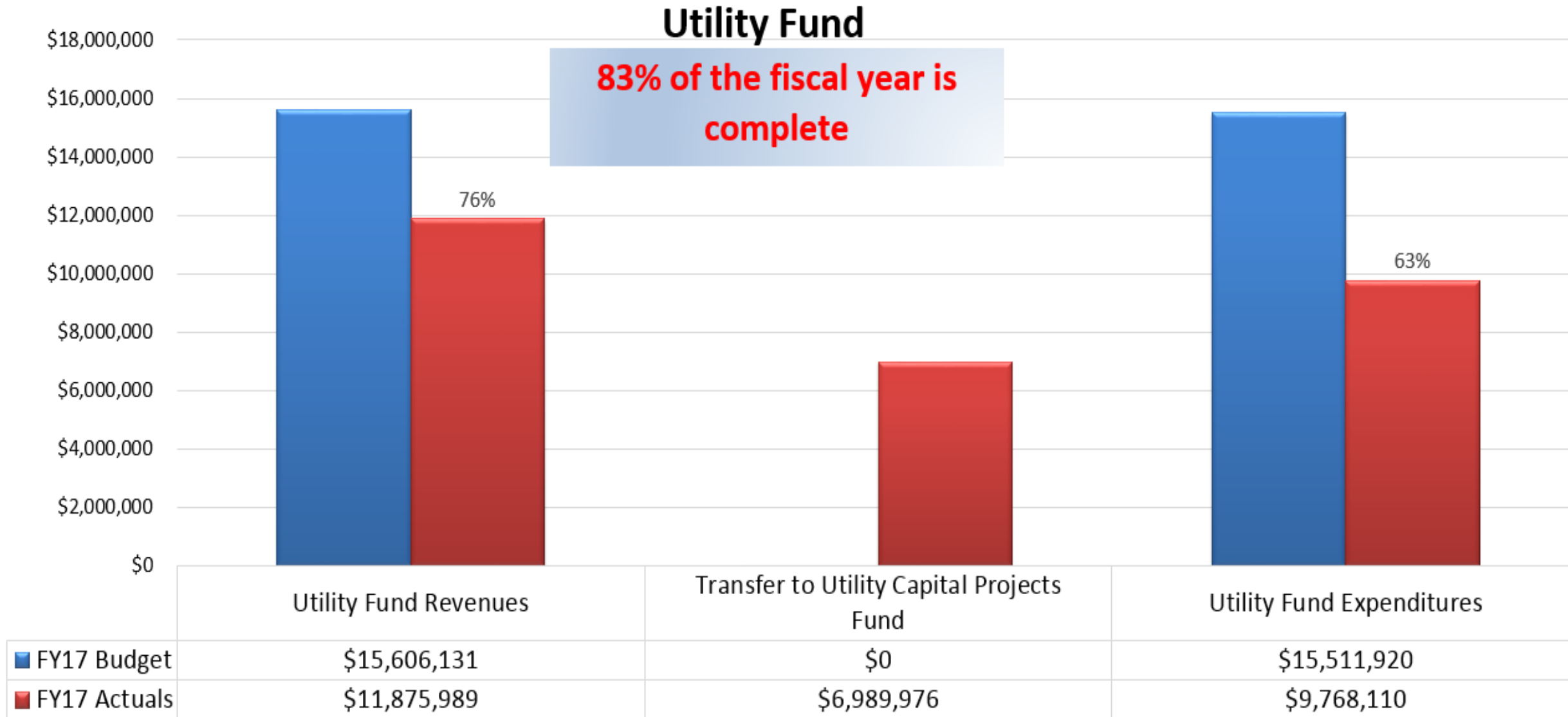
83% of the fiscal year is complete

In Thousands

	Building Inspection	Court	Community Dev.	Engineering	Facility Services	Finance	City Manager	Library	Information Services	Non Departmental
FY17 BUDGET	\$407	\$419	\$420	\$459	\$527	\$530	\$624	\$725	\$909	\$954
EXPENDED FY17	\$336	\$294	\$291	\$299	\$389	\$419	\$524	\$515	\$662	\$729

Utility Fund

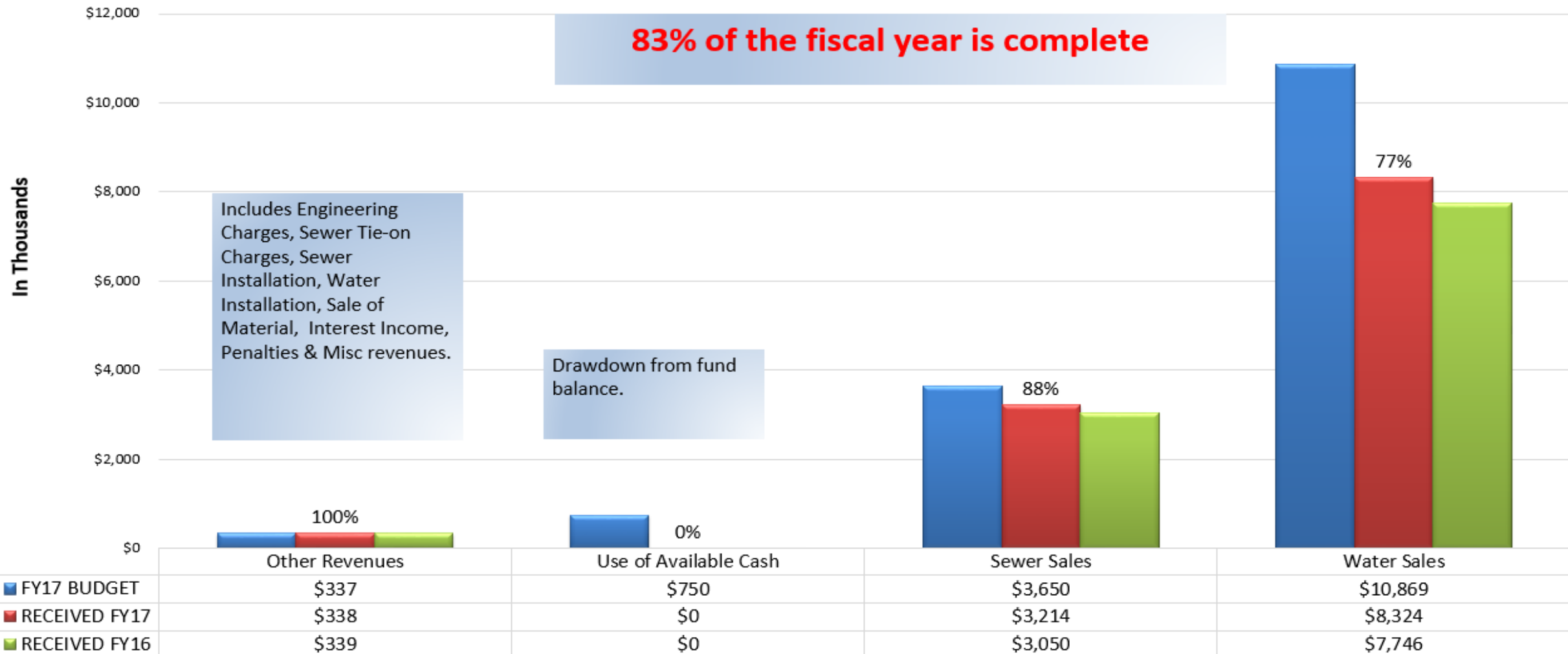
Utility Fund Snapshot



Utility Fund Revenues



Utility Fund Revenues - In Thousands



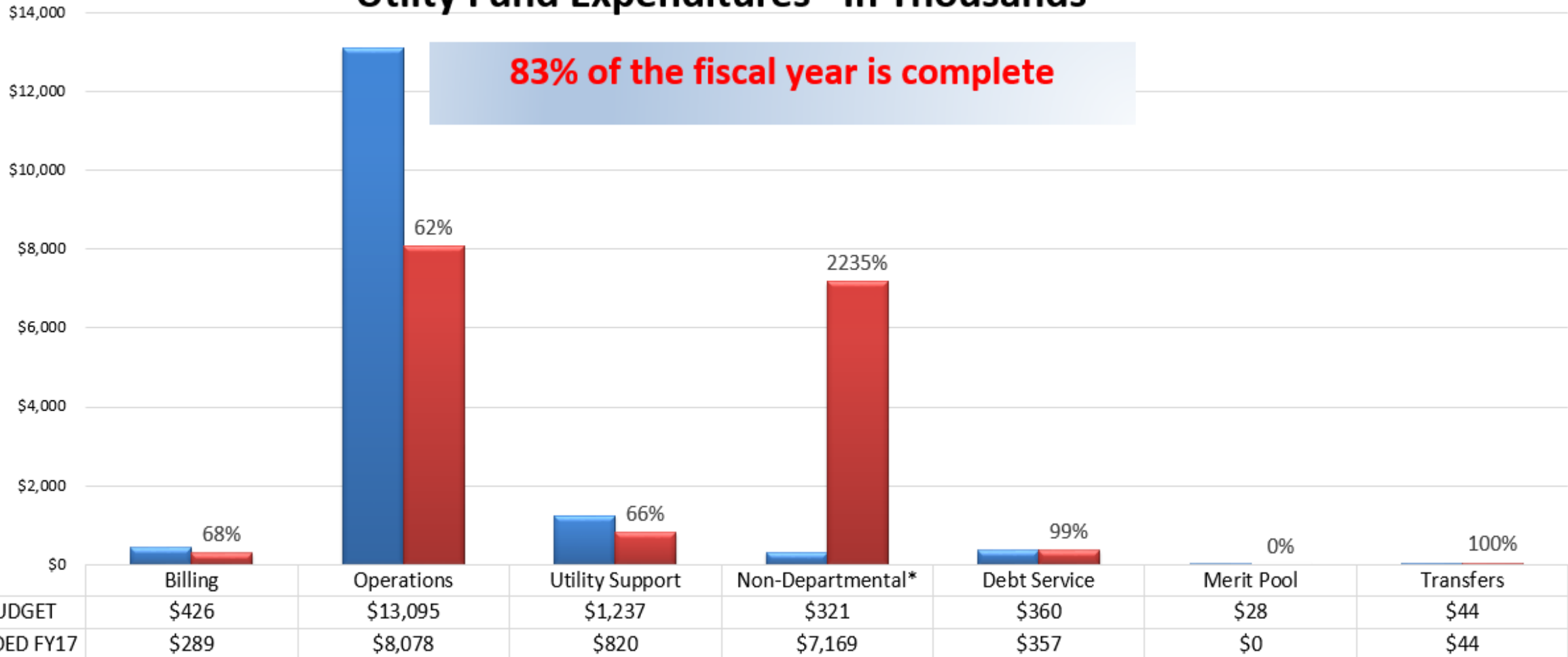
Utility Fund Expenses



Utility Fund Expenditures - In Thousands

83% of the fiscal year is complete

In Thousands



*Non-Departmental: The expended amount includes the \$6,989,976 transfer to the utility capital projects fund.

City of Colleyville
General Fund Monthly Financial Report
As of 7/31/2017

GENERAL FUND		ACTIVITY	
	FY 2017	FY 2017 YTD	PERCENT
SUMMARY	BUDGET	AS OF	OF BUDGET
		7/31/2017	USED
Revenues*	\$22,331,283	\$21,034,269	94.19%
Expenditures**	\$23,329,761	\$18,386,438	78.81%
Revenues over expenditures	(\$998,478)	\$2,647,831	
Budgeted Draw down on Fund Balance	1,000,000	0	
Revenues & Draw down on fund balance over expenditures	\$1,522	\$2,647,831	

*Excluding budgeted fund balance draw down. **Activity does not include encumbrances

GENERAL FUND		RECEIVED		AVERAGE	RECEIVED	PERCENT
	FY 2017	FY 2017 YTD	PERCENT	YTD BALANCE	FY 2016 YTD	PERCENT
REVENUE SOURCE	BUDGET	AS OF	OF BUDGET	PERCENT OF	AS OF	CHANGE OVER
		7/31/2017	RECEIVED	YEAR END BAL	7/31/2016	PRIOR YEAR
Current Taxes	\$13,258,370	\$13,572,105	102.37%	83.33%	\$12,880,809	5.37%
Delinquent Taxes	30,000	17,916	59.72%	83.33%	20,010	-10.46%
Penalty & Interest	55,000	60,482	109.97%	83.33%	44,170	36.93%
TOTAL AD VALOREM TAXES	\$13,343,370	\$13,650,502	102.30%	83.33%	\$12,944,989	5.45%
Oncor Electric	\$900,000	\$889,222	98.80%	83.33%	\$903,933	-1.63%
Tri-County Electric	105,000	101,311	96.49%	83.33%	112,116	-9.64%
Atmos Gas	350,000	334,570	95.59%	83.33%	368,202	-9.13%
AT&T	70,000	46,931	67.04%	83.33%	50,497	-7.06%
Verizon/Others	60,000	58,124	96.87%	83.33%	40,078	45.03%
Refuse/Recycling	155,000	141,216	91.11%	83.33%	137,459	2.73%
Cable TV	475,000	361,345	76.07%	83.33%	451,506	-19.97%
TOTAL FRANCHISE TAXES	\$2,115,000	\$1,932,718	91.38%	83.33%	\$2,063,791	-6.35%
Sales Tax	\$3,575,000	\$2,432,497	68.04%	83.33%	\$2,388,929	1.82%
Mixed Beverage Tax	90,000	117,315	130.35%	83.33%	106,607	10.04%
TOTAL SALES TAXES	\$3,665,000	\$2,549,812	69.57%	83.33%	\$2,495,536	2.17%
Building	\$600,000	\$559,353	93.23%	83.33%	\$703,343	-20.47%
Plumbing	55,000	48,453	88.10%	83.33%	63,107	-23.22%
Mechanical	35,000	40,933	116.95%	83.33%	54,607	-25.04%
Electrical	45,000	48,078	106.84%	83.33%	62,950	-23.62%
City License	35,000	50,500	144.29%	83.33%	51,849	-2.60%
Building Plan Review Fee	110,000	86,472	78.61%	83.33%	112,612	-23.21%
New Business	3,500	6,210	177.43%	83.33%	5,611	10.68%
Sign Permit	7,000	8,285	118.36%	83.33%	8,915	-7.07%
Fence Permit	10,000	15,576	155.76%	83.33%	16,550	-5.88%
Fire Permits	16,000	9,915	61.97%	83.33%	18,305	-45.83%
Irrigation Permit	15,000	20,418	136.12%	83.33%	23,912	-14.61%
Gas & Oil Well Permit Fee	0	0	0	0.00%	75	-100.00%
TOTAL LICENSES & PERMITS	\$931,500	\$894,193	95.99%	83.33%	\$1,121,836	-20.29%

REVENUE SOURCE	FY 2017 BUDGET	RECEIVED AS OF 7/31/2017	PERCENT OF BUDGET RECEIVED	PERCENT OF FISCAL YEAR COMPLETE	RECEIVED AS OF 7/31/2016	PERCENT CHANGE OVER PRIOR YEAR
Fines	\$800,000	\$637,438	79.68%	83.33%	\$678,352	-6.03%
Alarm Fees	53,000	44,112	83.23%	83.33%	45,544	-3.14%
Library Fines	21,420	17,774	82.98%	83.33%	20,422	-12.97%
TOTAL FINES	\$874,420	\$699,324	79.98%	83.33%	\$744,319	-6.05%
Re-zoning	\$10,000	\$9,474	94.74%	83.33%	\$5,400	75.44%
Plat Fee/Site Plan/Landscaping Plan Fee	8,200	9,238	112.65%	83.33%	6,483	42.50%
Board of Adjustment	2,000	3,200	160.00%	83.33%	2,425	31.96%
Sale of Material	100	21	21.00%	83.33%	413	-94.92%
Weed Mowing	6,500	13,778	211.97%	83.33%	11,036	24.85%
Ambulance	320,000	258,726	80.85%	83.33%	314,274	-17.67%
Recreation Program	165,000	183,845	111.42%	83.33%	154,225	19.21%
Non-Resident Fee Parks	39,000	44,240	113.44%	83.33%	43,800	1.00%
Field Use Charge	21,500	22,585	105.05%	83.33%	21,510	5.00%
Engineering & Inspection	62,500	59,800	95.68%	83.33%	4,908	1118.33%
Material Testing	12,500	16,774	134.19%	83.33%	7,734	116.89%
Colleyville Center Rental	240,000	193,267	80.53%	83.33%	169,753	13.85%
Lot Drainage Insp Fee	13,000	15,250	117.31%	83.33%	19,375	-21.29%
TOTAL CHARGES FOR SERVICE	\$900,300	\$830,198	92.21%	83.33%	\$761,336	9.04%
SRO Officer Reimb	\$98,996	\$98,996	100.00%	83.33%	\$94,282	5.00%
Keller Court	227,697	179,601	78.88%	83.33%	185,767	-3.32%
TOTAL INTERGOVERNMENTAL	\$326,693	\$278,597	85.28%	83.33%	\$280,049	-0.52%
Sale of Surplus Property	\$5,000	\$0	0.00%	83.33%	\$23,339	-100.00%
Interest Income	25,000	41,800	167.20%	83.33%	28,075	48.89%
Miscellaneous	55,000	68,307	124.19%	83.33%	88,597	-22.90%
Use of Available Cash**	1,000,000	0	0.00%	83.33%	0	0.00%
Antenna Lease	90,000	88,819	98.69%	83.33%	83,622	6.22%
TOTAL MISCELLANEOUS	\$1,175,000	\$198,925	16.93%	83.33%	\$223,632	-11.05%
TOTAL GENERAL FUND REVENUES**	\$23,331,283	\$21,034,269	90.15%	83.33%	\$20,635,487	1.93%

**Includes Budgeted Draw down on Fund Balance

	FY 2017 BUDGET	THROUGH 7/31/2017	THROUGH 7/31/2016	TOTAL INCREASE (DECREASE)	PERCENT INCREASE (DECREASE)
RESIDENTIAL BLDG PERMITS	160	118	145	(27)	-18.62%
COMMERCIAL BLDG PERMITS	8	1	7	(6)	-85.71%

MONTHLY FINANCIAL REPORT - JULY 2017

GENERAL FUND EXPENDITURES					
	FY 2017 BUDGET	EXPENDED THROUGH 7/31/2017	PERCENT OF BUDGET EXPENDED	PERCENT OF FISCAL YEAR COMPLETE	BUDGET REMAINING
City Council	\$174,289	\$167,799	96.28%	83.33%	\$6,490
City Manager	624,048	524,044	83.97%	83.33%	100,004
City Secretary	224,481	173,067	77.10%	83.33%	51,414
Finance	529,806	418,637	79.02%	83.33%	111,169
Legal	200,000	134,359	67.18%	83.33%	65,641
Engineering	458,973	298,565	65.05%	83.33%	160,408
Economic Development	199,828	148,747	74.44%	83.33%	51,081
Building Inspection	407,041	336,093	82.57%	83.33%	70,948
Community Development	419,589	291,354	69.44%	83.33%	128,235
Fire	4,546,827	3,746,045	82.39%	83.33%	800,782
Police	4,702,861	3,728,341	79.28%	83.33%	974,520
Parks	1,286,061	857,768	66.70%	83.33%	428,293
Recreation	387,316	265,803	68.63%	83.33%	121,513
Street Maintenance	4,025,593	3,537,284	87.87%	83.33%	488,309
Library	724,703	514,682	71.02%	83.33%	210,021
Communications	59,281	38,518	64.98%	83.33%	20,763
Colleyville Center	385,898	296,805	76.91%	83.33%	89,093
Human Resources	320,339	251,516	78.52%	83.33%	68,823
Municipal Court	419,415	294,495	70.22%	83.33%	124,920
Fleet Services	237,505	179,519	75.59%	83.33%	57,986
Facility Services	526,877	389,364	73.90%	83.33%	137,513
Information Services	908,598	662,198	72.88%	83.33%	246,400
Non Departmental	953,559	729,435	76.50%	83.33%	224,124
Capital Equipment Reserve	402,000	402,000	100.00%	83.33%	0
Merit Pool	204,873	0	0.00%	83.33%	204,873
TOTAL EXPENDITURES	\$23,329,761	\$18,386,438	78.81%	83.33%	\$4,943,323

City of Colleyville
Utility Fund Monthly Financial Report
As of 7/31/2017

UTILITY FUND		ACTIVITY	
	FY 2017	FY 2017 YTD	PERCENT
SUMMARY	BUDGET	AS OF	OF BUDGET
		7/31/2017	USED
Revenues*	\$14,856,131	\$11,875,989	76.10%
Expenditures**	\$15,511,920	\$9,768,110	62.97%
Transfer to Capital Projects Fund		\$6,989,976	
Revenues over expenditures	(\$655,789)	(\$4,882,098)	
Budgeted use of available cash	750,000	0	
Revenues & use of available cash over expenditures and transfers to the capital projects fund	\$94,211	(\$4,882,098)	

*Excluding budgeted Use of available cash

** Excluding transfers to establish the Utility Capital Projects Fund

UTILITY FUND		RECEIVED	PERCENT	PERCENT OF	RECEIVED	PERCENT
	FY 2017	AS OF	OF BUDGET	FISCAL YEAR	AS OF	CHANGE OVER
REVENUE SOURCE	BUDGET	7/31/2017	RECEIVED	COMPLETE	7/31/2016	PRIOR YEAR
Water Sales	\$10,869,131	\$8,324,151	76.59%	83.33%	\$7,745,712	7.47%
Sewer Sales	3,650,000	3,214,324	88.06%	83.33%	3,050,081	5.38%
Sewer Installation	15,000	12,200	81.33%	83.33%	15,300	-20.26%
Water Installation	42,000	29,860	71.10%	83.33%	46,830	-36.24%
Engineering Charges	5,000	24,071	481.41%	83.33%	2,155	1016.97%
Penalties	237,000	183,865	77.58%	83.33%	212,729	-13.57%
Sale of Material	0	3,137	100.00%	83.33%	0	100.00%
Miscellaneous	13,000	34,017	261.67%	83.33%	21,092	61.28%
TOTAL OPERATING INCOME	\$14,831,131	\$11,825,625	79.74%	83.33%	\$11,093,899	6.60%
Interest Income	\$25,000	\$50,363	201.45%	83.33%	\$40,662	23.86%
Use of Available Cash	750,000	0	0.00%	83.33%	0	0.00%
TOTAL NON-OPERATING INCOME	\$775,000	\$50,363	6.50%	83.33%	\$40,662	23.86%
TOTAL INCOME	\$15,606,131	\$11,875,989	76.10%	83.33%	\$11,134,561	6.66%

	THROUGH	THROUGH	TOTAL	PERCENT
	7/31/2017	7/31/2016	INCREASE	INCREASE
			(DECREASE)	(DECREASE)
GALLONS OF WATER SOLD	1,718,744,400	1,561,132,800	157,611,600	10.10%
NUMBER OF WATER CUSTOMERS	9,954	9,806	148	1.51%

UTILITY FUND EXPENSES		EXPENDED	PERCENT	PERCENT OF	BUDGET
	FY 2017	THROUGH	OF BUDGET	FISCAL YEAR	REMAINING
	BUDGET	7/31/2017	EXPENDED	COMPLETE	
Billing	\$426,102	\$289,116	67.85%	83.33%	\$136,986
Operations	13,095,348	8,078,287	61.69%	83.33%	5,017,061
Utility Support	1,237,273	820,498	66.32%	83.33%	416,775
Non-Departmental	320,803	7,168,649	2234.60%	83.33%	(6,847,846)
Debt Service	359,900	357,250	99.26%	83.33%	2,650
Merit Pool	28,208	0	0.00%	83.33%	28,208
Transfers	44,286	44,286	100.00%	83.33%	0
TOTAL EXPENSES	\$15,511,920	\$16,758,086	108.03%	83.33%	(\$1,246,166)

Note: Non-Departmental includes transfers of \$6,989,975.93 for Fund 039 (Utility Capital).

Operating expenditures were \$9,768,110.31 excluding transfers, with 62.97% expended to date.

Budgeted transfers of \$44,286 for an internal loan for vector truck



City of Colleyville City Council Agenda Briefing

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

Agenda Number 11

Agenda Date 08/15/2017

Type Report

Department City Secretary

Title

Zoning Board of Adjustment Minutes - July 12, 2017

Attachments

1. Zoning Board of Adjustment Minutes - July 12, 2017



City of Colleyville Zoning Board of Adjustment Minutes

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

Wednesday, July 12, 2017

City Council Chambers

CALL TO ORDER

The Zoning Board of Adjustment meeting of the City of Colleyville was called to order by Board member McNosky on July 12, 2017 at 7:00 p.m.

Roll Call

Present: Board members Kimberly Holt, Richard Vallario, Dee McNosky, Raymond Allee, Wayne Maynard, and Michael Deakin

Absent: Board member Dee Kamerman

Staff Present: Ben Bryner and Araceli Botello

1. APPROVAL OF MINUTES

Board member Maynard made a motion to approve the May 9, 2017 minutes. Board member Vallario seconded.

The motion to approve carried by the following vote:

Aye: 5 – Holt, Allee, Maynard, Vallario, and McNosky

2. PUBLIC HEARING AGENDA ITEMS

2a Request for a variance to Section 3.24.G, Schedule of District Regulations of the Land Development Code, specifically the front yard setback requirement on Lot 2R3, Block A, of the West Industrial Addition, located at 6707 Colleyville Boulevard, Case VC17-006

Ben Bryner presented the case and briefed the Board.

The architect, Frank Callahan, 6486 Woodstock Road, Fort Worth, came forward and briefed the board.

The applicant, Ramzi Gillispie, 3317 Stonecrest Drive, Grapevine, came forward and briefed the board.

The public hearing was opened at 7:16 p.m.

Board member Maynard questioned the applicant regarding the length of the canopy. The applicant responded that that canopy would be 50-60 percent of the façade of the building. He added the canopy would cover the entry way. Board member Maynard asked the applicant if he had a designed for the canopy. The applicant responded that he did not have a design.

Discussion continued regarding the length of the canopy.

There being no one else wishing to speak, the public hearing was closed at 7:18 p.m.

Board member McNosky opened discussion regarding the proposed development and improvements at the northern gateway of the Colleyville Boulevard Corridor.

Board member Maynard questioned staff regarding granting the variance for the canopy and limiting the size and location of the canopy. Staff responded that the board can limit the size and location of the canopy, and can instruct staff to confirm that the addition conforms to the required size and location of the canopy as approved by the board.

Discussion continued regarding the parameters of the canopy.

Board member Maynard made a motion to approve Case VC17-006 as requested with conditions that the canopy does not extend more than 5 feet from the face of the building and does not extend more than 6 feet from either side of the front opening area. Board member Allee seconded.

The motion to approve Case VC17-006 carried by the following vote:

Aye: 5 – Holt, Allee, Maynard, Vallario, and McNosky

3. ADJOURNMENT

The meeting adjourned at 7:26 p.m.

Minutes were written and prepared by:



Araceli Botello

Planning Technician

The meeting minutes were approved on August 9, 2017, by a vote of 5-0.

RESOLUTION R-17-4168

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF
AUGUST 15, 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 15TH 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