



City of Colleyville City Council Agenda

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

Monday, July 2, 2018

WORKSESSION
5:30 PM
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR

CALL TO ORDER

- WS-1** Discussion of a generator for City Hall
- WS-2** Discussion of the City of Colleyville Popular Annual Financial Report (PAFR) for Fiscal Year 2017
- WS-3** Discussion of the July 2, 2018, 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 items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding contemplated and/or pending litigation, including:

- Glade Road eminent domain cases for Parcels 150 and 159

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

- Glade Road Project Phases 1B and 2
- Acquisition of real property along SH26

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:

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-18-4279**
- 3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS**
 - Announcements of civic and charitable events**
 - Presentation of calendar events and updates**
 - Announcements of awards and recognition**
 - Presentation of the City's second ambulance - Fire Chief Brian Riley
 - Proclamation in recognition of Parks and Recreation Month - Mayor Richard Newton and Parks and Recreation Director Lisa Escobedo
- 4. CONSENT: READING AND PUBLIC HEARING- RESOLUTION R-18-4280**
 - 4a** Approval of the minutes of the regular City Council meeting of June 19, 2018
 - 4b** Approval of the minutes of the City Council Worksession of June 20, 2018
 - 4c** Approval of the renewal for medical insurance to BlueCross BlueShield of Texas and dental insurance to CIGNA Dental; and renewal of a contract for the employee assistance program with Alliance Work Partners, and authorize the City Manager to execute the agreements
 - 4d** Approval of establishing a Health Reimbursement Arrangement (HRA), and authorizing the City Manager to execute the agreements
- 5. ITEMS NOT FOR CITY COUNCIL ACTION**
 - 5a** Discussion of Phase III of the SH26 Construction project
 - 5b** Monthly Financial Report - May 31, 2018
- 6. ORDINANCE(S): FIRST READING AND PUBLIC HEARING**
 - 6a Ordinance O-18-2050**
 - Consideration of a Special Use Permit for Alcoholic Beverage Sales – On-Premise Consumption on Lot 1R1, Block 1, of the Market Addition, located at 5005 Colleyville Boulevard, Suite 240, Case ZC18-015

6b Ordinance O-18-2051

Consideration of a Special Use Permit for Package Store and Alcoholic Beverage Sales – Off-Premise Consumption on Lot 3, Block 2, of the Lavaca Trail Addition, located at 8070 Precinct Line Road, Case ZC18-016

6c Ordinance O-18-2052

Consideration of an amendment to the PUD-C Planned Unit Development-Commercial zoning district to allow for maximum square footage for a restaurant on Lot 1RA2, Block 1, of the Tropicana Fuels Addition, located at 7101 Colleyville Boulevard, Case ZC18-017

6d Ordinance O-18-2053

Consideration of amendments to the Land Development Code, specifically Chapter 1 – General Provisions and Chapter 4 – Landscaping and Buffering

7. RESOLUTION(S): READING AND PUBLIC HEARING**7a Resolution R-18-4281**

A resolution approving the City Manager to seek jurisdictional control of the Texas Department of the Transportation (TxDOT) funds allocated for landscaping enhancements as part of the SH26 Construction Project

7b Resolution R-18-4282

Approval of the Sidewalk Policy as reviewed by the Colleyville Sidewalks Ad Hoc Committee and revised through the City Council Worksession process

8. TABLED: RESOLUTION(S) READING AND PUBLIC HEARING**Resolution R-18-4275**

Consideration of a Preliminary Plat for the Oak Creek Addition, located at 7209 & 7215 John McCain Road, Case PC18-005

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

Library Advisory Board Minutes - April 9, 2018

11. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR MONDAY, JULY 2, 2018 - READING AND PUBLIC HEARING - RESOLUTION R-18-4283

12. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards Friday, June 29, 2018 by 5:00 p.m.

Christine Loven, 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 07/02/2018

Type Worksession

Department City Manager

Title

Discussion of a generator for City Hall

Strategic Plan

- 1.4 Communicate thoroughly and strategically
- 2.4 Demonstrate stewardship of public resources

Explanation

This agenda item will provide for discussion on the award of a grant for the installation of a backup power generator for City Hall. Staff is seeking direction from Council on the preferred site location.

Attachments

- 1. City Hall Generator Grant presentation
- 2. Generator Grant
- 3. Location Map

City Hall Backup Power Generator Grant

**Worksession
July 2, 2018**

WS-2 Grant Award for City Hall Backup Power Generator



Project Information

This project includes the purchase and installation of a diesel, three phase, stationary, 400 KW emergency generator with a 693 gallon attached fuel tank which will serve both City Hall and the Library in the event of a power outage. In order to maximize the use of City funds, staff submitted an application for a FEMA grant to help fund the cost of this project.

Funding

- Project Budget: \$181,000
- Funding Sources:
 - General Fund - \$56,000
 - TIF: \$125,000

Key Dates

- August 2015 – Contract issued to FAI Engineers to provide design services
- November 2015 – Site Location Study
- July 2016 – FEMA DR 4245 Grant Application Submission

Project Status

- May 2018 – Received Grant Award Notification

Site Location Study



PURPOSE AND SCOPE

- August 2015 – FAI Engineers Inc. was commissioned by the City of Colleyville to provide design services for a new emergency generator for the City Hall and Library Complex
- As part of the project the City requested FAI look at several locations for the generator enclosure
- November 15 – FAI presented a Site Location Study with four options including the estimated cost of design and construction



Site Location Study



PROPOSED FAI SITE LOCATION OPTIONS

- **Option A:** This location is in the southwest corner of the main City park parking lot. This location would include the generator enclosure as well as a two (2) dumpster, dumpster enclosure.
- **Option B:** This location is in the southwest corner of the main City park parking lot. This location would be for the generator enclosure only.
- **Option C:** This location is on the east side of City Park and lies between the two ballfields in the southeast corner of the park. This location is also directly west of the City Hall/Library buildings.
- **Option D:** This location sits south of the City Hall/Library buildings in the large parking lot south of the City Hall.



Site Location Study



CITY PROPOSED SITE LOCATION

The City proposed an additional site location inside the Parks facility at the cell tower enclosure. This location was selected as the proposed generator location as submitted in the grant application for an estimated cost of \$599,622.



Grant Award Cost Analysis



May 2018 Estimated Cost Projections	Option A	Option B	Option C	Option D	City Proposed Site Location
Engineering and Design	\$ 54,000	\$ 48,000	\$ 47,000	\$ 48,000	\$ 54,000
Construction Expenses					
Enclosure	104,500	72,500	72,500	72,500	142,014
Generator	200,000	200,000	200,000	200,000	210,762
Feeders	100,000	50,000	35,000	75,000	87,740
Ditching/Patching	35,000	25,000	15,000	30,000	92,606
Generator	15,000	15,000	15,000	15,000	12,500
*Contingency	20,000	20,000	20,000	20,000	0
Total Estimated Construction Costs	\$474,500	\$382,500	\$357,500	\$412,500	\$545,622
TOTAL ESTIMATED COST (DESIGN AND INSTALLATION)	\$528,500	\$430,500	\$404,500	\$460,500	\$599,622
Anticipated Federal Cost Participation	25% Federal 75% City	25% Federal 75% City	75% Federal 25% City	25% Federal 75% City	25% Federal - \$149,813.00 75% City - \$449,809.00

* FEMA contracts do not allow for a contingency

Staff is seeking City Council direction on the following:

- Consensus on accepting the grant award and moving forward with the generator project
- City Council's preference for the site location for the generator
 - **Option 1** Accept the project as it is written in the award letter and place the generator at the proposed site location in the Parks facility inside the cell tower enclosure on Bransford Road
 - **Option 2** Change the site location closer to City Hall and modify the scope of the project. This will require the City to accept the project as written and submit a change of scope with FEMA
 - Changing the site location closer to City Hall could increase the Federal Cost Share Percentage to 75%

Questions and Discussion

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
DIRECTOR
DAVID G. BAKER
ROBERT J. BODISCH, SR.
SKYLOR HEARN
DEPUTY DIRECTORS



COMMISSION
STEVEN P. MACH, CHAIRMAN
MANNY FLORES
A. CYNTHIA LEON
JASON K. PULLIAM
RANDY WATSON

May 4, 2018

The Honorable Richard Newton
Mayor, City of Colleyville
100 Main Street
Colleyville, TX 76304

RE: Sub-Grant Award

Dear Mayor Newton:

The Texas Division of Emergency Management (TDEM) has issued a sub-grant for the Hazard Mitigation Grant Program or Pre-Disaster Mitigation Grant, DR-4245, Severe Storms, Tornadoes, Straight-Line Winds and Flooding. The following is the information related to this award.

Grantee Information:

DUNS Number: 091362681
TINS Number: 75-1159664
FIPS Number: 15988

Award Information:

Catalog of Federal Domestic Assistance (CFDA): 97.039
FEMA Project Number: 029
Project Title: Emergency Generator for City Hall
Period of Performance (POP): March 28, 2018 to December 25, 2019

Version / Amendment	Date	Total Subgrant Amount	Federal Cost Share Percentage	Federal Cost Share Amount	Local Cost Share Percentage	Local Cost Share Amount
0	03/27/2018	\$599,622.00	24.845%	\$149,813.00	75.0155%	\$449,809.00

Please Note: This award is not for research or development as defined in 2 Code of Federal Regulations (CFR) 200.87.

The following is the approved Scope of Work (SOW) for the above-referenced project:

City of Colleyville will purchase and install a diesel, 3 phase, stationary, 400 KW emergency generator with 693 gallon attached fuel tank inside the Colleyville City Park maintenance area (32.885224, -97.161126) to provide emergency electric power to the City Hall located at 100 Main St, Colleyville, TX 76034. The generator will be located in an X zone and it will be fixed over a new pad.

Properties that have been approved as components in this projects SOW are listed below.

Property ID	Latitude	Longitude
City of Colleyville City Hall	32.885224	-97.161126

This project has been determined to be Categorically Excluded (CATEX) in accordance with FEMA Instruction 108-1-1 and DHS Instruction 023-01-001-01, CATEX M13 from the need to prepare either an Environmental Impact Statement or Environmental Assessment. No extraordinary circumstances in accordance with DHS Instruction 023-01-001-01 have been identified regarding this action. The applicant must comply with all conditions set forth in the attached Record of Environmental Consideration (REC). Failure to comply with these conditions may jeopardize federal assistance including funding.

Signing and returning this award letter indicates sub-recipient's acceptance of the scope of the sub-award, the ability to pay the state match and all grant terms and conditions outlined in the attached documents.

The recipient must ensure that:

1. The initial quarterly progress report for the HMGP project is submitted at the end of the approving quarter. Please include the HMGP project number (provided above) in your future quarterly reports. Note that 44 CFR 206.438(c) indicates the State must provide a quarterly progress report to FEMA indicating the status and completion date for each project funded. The report must include any problems or circumstances affecting completion dates, SOW, or project cost that may result in non-compliance with the approved grant conditions.
2. In accordance with HMGP rules and policy, TDEM requires the submittal of all closeout documentation within 90-days of the project completion not to exceed the POP. Section 206.438(d) of 44 CFR requires the Governor's Authorized Representative (GAR) to "certify that reported costs were incurred in the performance of eligible work, that the approved work was completed and that the mitigation measure is in compliance with the provisions of the "FEMA-State Agreement".

If changes are needed to the SOW for the sub-award, period of performance or costs associated to the sub-award, the sub-recipient should immediately contact TDEM. No change to the sub-award will be considered approved until the sub-recipient is notified in writing by TDEM.

This signed and dated award letter must be returned to TDEM before payment on the sub-award can be processed. Please sign, date, and return this award letter acknowledging acceptance of this sub-award and agreement to abide by all terms and conditions to the address below:

Texas Department of Public Safety
Attn: Division of Emergency Management
P.O. Box 4087
Austin, TX 78773-0001

Designated Sub-recipient Agent

Date

Should you wish to appeal any determination related to this sub-award you must do so within 60 days of receipt of the notice of the action. You will need to provide your appeal with any documentation supporting your position to your assigned TDEM project officer within the allotted time.

If you have any questions please contact your project officer, Eileen Whitaker, at 512-424-2423 or by email at eileen.whitaker@dps.texas.gov.

Sincerely,



W. Nim Kidd, CEM[®]

Chief

Texas Division of Emergency Management

Division Director

Texas Homeland Security

WNK/ew

ATTACHMENTS: Grant Terms and Conditions
 Record of Environmental Considerations

cc: Jaime Gutierrez, Facility Manager
 Jeremy Hutt, Public Works Director

GRANT TERMS AND CONDITIONS

This Grant Agreement (consisting of FEMA Disaster Award and these Terms and Conditions) is made and entered into by and between the Department of Public Safety/Texas Division of Emergency Management, an agency of the State of Texas, hereinafter referred to as "DPS/TDEM," and the funds recipient, hereinafter referred to as the "Applicant" or "Subrecipient." Furthermore, DPS/TDEM and the Subrecipient are collectively hereinafter referred to as the "Parties."

Subrecipient may not assign or transfer any interest in this Grant without the express, prior written consent of DPS/TDEM. If Subrecipient issues subawards as part of this Grant project, Subrecipient shall include and require its subawardees to comply with the terms and conditions of this Grant.

The term "Subrecipient agreement funds" as used in this Grant means funds provided by DPS/TDEM under the United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) grant programs (also referred to herein as DHS/FEMA). The term "Subrecipient's funds" or match funds as used in this Grant means funds provided by the Subrecipient.

- A. **Standard of Performance.** Subrecipient shall perform all activities as approved by DPS/TDEM. Any change to a project shall receive prior written approval by TDEM and, if required, by FEMA. Subrecipient shall perform all activities in accordance with all terms, provisions and requirements set forth in this Grant, including but not limited to the following Exhibits:
1. Assurances – Non-Construction Programs, hereinafter referred to as "Exhibit A"
 2. Assurances – Construction Programs, hereinafter referred to as "Exhibit B"
 3. Certifications for Grant Agreements, hereinafter referred to as "Exhibit C"
 4. State of Texas Assurances, hereinafter referred to as "Exhibit D"
 5. Environmental Review Certification, hereinafter referred to as "Exhibit E"
 6. Additional Grant Conditions, hereinafter referred to as "Exhibit F"
 7. Additional Grant Certifications, hereinafter referred to as "Exhibit G"
- B. **Failure to Perform.** In the event Subrecipient fails to implement the project(s) entered and approved in the DPS/TDEM web-based grants management system, or comply with any provision of this Grant, Subrecipient shall be liable to DPS/TDEM for an amount not to exceed the award amount of this Grant and may be barred from applying for or receiving additional DHS/FEMA grant program funds or any other grant program funds administered by DPS until repayment to DPS/TDEM is made and any other compliance or audit finding is satisfactorily resolved, in addition to any other remedy specified in this Grant. Failure to timely implement projects may reduce future funding in additional DHS/FEMA and/or other grant programs administered by DPS.
- C. **Funding Obligations.** DPS/TDEM shall not be liable to Subrecipient for any costs incurred by Subrecipient that are not allowable costs.
1. Notwithstanding any other provision of this Grant, the total of all payments and other obligations incurred by DPS/TDEM under this Grant shall not exceed the Total Award Amount listed on the Grant Subrecipient Award.
 2. Subrecipient shall contribute the match funds listed on the Grant Subrecipient Award.
 3. Subrecipient shall refund to DPS/TDEM any sum of these Grant funds that has been determined by DPS/TDEM to be an overpayment to Subrecipient or that DPS/TDEM

determines has not been spent by Subrecipient in accordance with this Grant. No refund payment(s) shall be made from local, state or federal Grant funds unless repayment with Grant funds is specifically permitted by statute or regulation. Subrecipient shall make such refund to DPS/TDEM within thirty (30) calendar days after

4. DPS/TDEM requests such refund.

- D. **Performance Period.** The performance period for this Grant is listed on the Grant Subrecipient Award letter. **All projects shall be completed within the performance period AND all reimbursement requests shall be submitted to DPS/TDEM within 60 days for the end of the performance period.** Subrecipient shall have expended all Grant funds and submitted reimbursement requests, invoices and any supporting documentation to DPS/TDEM within 60 days of the end of the performance period. DPS/TDEM shall not be obligated to reimburse expenses incurred after the performance period or submitted after the deadline.

E. Uniform Administrative Requirements, Cost Principles and Audit Requirements. Except as specifically modified by law or this Grant, Subrecipient shall administer this Grant through compliance with the most recent version of all applicable laws and regulations, including but not limited to DHS program legislation, Federal awarding agency regulations, and the terms and conditions of this Grant. A non-exclusive list is provided below [not all may apply in every project]:

- Public Law 93-288, as amended (Stafford Act)
- 44 CFR, Emergency Management and Assistance
- Disaster Mitigation Act of 2000
- OMB Regulations 2 CFR, Grant and Agreements
- Executive Order 11988, Floodplain Management
- Executive Order 11990, Protection of Wetlands
- Executive Order 12372, Intergovernmental Review of Programs and Activities
- Executive Order 12549, Debarment and Suspension
- Executive Order 12612, Federalism
- Executive Order 12699, Seismic Design
- Executive Order 12898, Environmental Justice
- Coastal Barrier Resources Act, Public Law 97-348
- Single Audit Act, Public Law 98-502
- Sandy Recovery Improvement Act publications
- 16 U.S.C. § 470, National Historic Preservation Act
- 16 U.S.C. § 1531, Endangered Species Act References
- FEMA program publications, guidance and policies

- F. **State Requirements for Grants.** Subrecipient shall comply with all other federal, state, and local laws and regulations applicable to this Grant including but not limited to the laws and the regulations promulgated in Texas Government Code, Chapter 783, Uniform Grant and Contract Management, (UGMS) at:

<http://www.window.state.tx.us/procurement/catrad/ugms.pdf>

and the program State Administrative Plan, available at:

<http://www.txdps.state.tx.us/dem/GrantsResources/index.htm>.

Subrecipient shall, in addition to the assurances and certifications, comply and require each of its subcontractors employed in the completion of the project to comply with all applicable

statutes, regulations, executive orders, OMB circulars, terms and conditions of this Grant and the approved application.

Grant funds may not be awarded to or expended by any entity which performs political polling. This prohibition does not apply to a poll conducted by an academic institution as part of the institution's academic mission that is not conducted for the benefit of a particular candidate or party.

Grant funds may not be expended by a unit of local government unless the following limitations and reporting requirements are satisfied:

1. Texas General Appropriations Act, Art. IX, Parts 2 and 3, except there is no requirement for increased salaries for local government employees;
2. Texas Government Code Sections 556.004, 556.005, and 556.006, which prohibits using any money or vehicle to support the candidacy of any person for office, Influencing positively or negatively the payment, loan, or gift to a person or political organization for a political purpose, and using Grant funds to influence the passage or defeat of legislation including not assisting with the funding of a lobbyist, or using Grant funds to pay dues to an organization with a registered lobbyist;
3. Texas Government Code Sections 2113.012 and 2113.101, which prohibits using Grant funds to compensate any employee who uses alcoholic beverages on active duty and Subrecipient may not use Grant funds to purchase an alcoholic beverage and may not pay or reimburse any travel expense for an alcoholic beverage;
4. Texas General Appropriations Act, Art. IX, Section 6.13, which requires Subrecipient to make every effort to attain key performance target levels associated with this Grant, including performance milestones, milestone time frames, and related performance reporting requirements; and
5. General Appropriations Act, Art. IX, Sections 7.01 and 7.02, and Texas Government Code §2102.0091, which requires that this Grant may only be expended if Subrecipient timely completes and files its reports.

G. Restrictions and General Conditions.

1. Use of Funds. DHS/FEMA Grant funds may only be used for the purposes set forth in this Grant, and shall be consistent with the statutory authority for this Grant. Grant funds may not be used for matching funds for other Federal grants/cooperative agreements, lobbying, or intervention in Federal regulatory or adjudicatory proceedings. In addition, Federal funds may not be used to sue the Federal government or any other government entity.
2. Federal Employee Prohibition. Federal employees are prohibited from serving in any capacity (paid or unpaid) on any proposal submitted under this Grant. Federal employees may not receive funds under this Grant.
3. Points of Contacts. Within 30 calendar days of any change, Subrecipient shall notify DPS/TDEM of any change or correction to the Designation of Applicant's Agent, chief elected official, program, and/or financial points of contact in the DPS/TDEM grant management system.
4. DUNS Number. Subrecipient confirms its Data Universal Numbering Systems (DUNS) Number is the number listed on this Grant. The DUNS Number is the nine digit number established and assigned by Dun and Bradstreet, Inc., at 866/705-5711 or <http://fedgov.dnb.com/webform>
5. Central Contractor Registration and Universal Identifier Requirements. Subrecipient maintains that it has registered on the System for Award Management (SAM) at

www.sam.gov or other federally established site for contractor registration, and entered DPS/TDEM-required information. Subrecipient shall keep current, and then review and update the information at least annually. Subrecipient shall keep information current in the SAM database until the later of when it submits this Grant's final financial report or receives final Grant award payment. Subrecipient agrees that it shall not make any subaward agreement or contract related to this Grant without first obtaining the vendor/subawardee's mandatory DUNS number. See Section §200.32 of OMB 2 C.F.R.

6. Reporting Total Compensation of Subrecipient Executives. 2 C.F.R. §200.331; see FEMA Information Bulletin 350.
 - a. Applicability and what to report: Subrecipient shall report whether Subrecipient received \$25 million or more in Federal procurement contracts or financial assistance subject to the Transparency Act per 2 C.F.R. §200.331. Subrecipient shall report whether 80% or more of Subrecipient's annual gross revenues were from Federal procurement contracts or Federal financial assistance. If Subrecipient answers "yes" to both questions, Subrecipient shall report, along with Subrecipient's DUNS number, the names and total compensation (see 17 C.F.R. §229.402(c)(2)) for each of Subrecipient's five most highly compensated executives for the preceding completed fiscal year.
 - b. Where and when to report: Subrecipient shall report executive total compensation at www.sam.gov or other federally established replacement site. By signing this Grant, Subrecipient certifies that, if required, Subrecipient's jurisdiction has already registered, entered the required information, and shall keep information in the SAM database current, and update the information at least annually for each year until the later of when the jurisdiction submits its final financial report or receives final payment. Subrecipient agrees that it shall not make any subaward agreement or contract without first obtaining the subawardee's mandatory DUNS number.
7. Debarment and Suspension. Subrecipient shall comply with Executive Order 12549 and 12689, which provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.
8. Direct Deposit. If Subrecipient has not received reimbursements from DPS/TDEM within the past eleven (11) months (prior to date of award), it shall forward a new/updated direct deposit form to DPS/TDEM. Completed direct deposit forms from Subrecipient shall be emailed to TDEM project officer. The email subject line and attachment name shall include the subrecipient name and identify the document attached (i.e. "*Sample County DD form*"). The direct deposit form is currently available at <http://www.window.state.tx.us/taxinfo/taxforms/74-176.pdf>.
9. Property Management and Inventory. Subrecipient shall maintain property/inventory records which, at minimum, shall include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, the cost of the property, the percentage of Federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property. Subrecipient shall develop and implement a control system to prevent loss, damage or theft of property and Subrecipient shall investigate and document any loss, damage or theft of property funded under this Grant.
10. Site Visits. DHS and/or DPS/TDEM, through its authorized representatives, have the right at all reasonable times to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If any site visit is made by DHS on the premises of Subrecipient or a contractor under this Grant, Subrecipient shall provide and shall require its contractors to provide

all reasonable facilities and assistance for the safety and convenience of the government representatives in the performance of their duties. All site visits and evaluations shall be performed in such a manner that will not unduly delay the work.

H. **Procurement and Contracting.**

1. **Procurements.** Subrecipient shall comply with all applicable federal, state, and local laws and requirements, including but not limited to proper competitive solicitation processes where required, for any procurement which utilizes federal funds awarded under this Grant in accordance with 2 C.F.R. 200.318
2. **Contract Provisions.** All contracts executed using funds awarded under this Grant shall contain the contract provisions listed under 2 C.F.R. 200.326 and Appendix II (A), Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
3. Procurement activities must follow the most restrictive of Federal, State and Local procurement regulations:
 - a. Procurement by micro purchase
 - b. Procurement by small purchase
 - c. Procurement by sealed bid
 - d. Procurement by competitive proposal
 - e. Procurement by non-competitive proposal, solely when the award of a contract is unfeasible under the other methods

The State must be contacted for approval to use a noncompetitive procurement method. Failure to follow eligible procurement methods will result in ineligible costs. Other types of agreements for services must have State approval prior to use or execution. A copy of the local procurement policy must be provided to the State before initial payment.

The **cost plus a percentage of cost** and **percentage of construction** cost methods of contracting are **ineligible**.

Must perform **cost/price analysis** for purchases over \$3000.

Must negotiate profit as a separate element where required.

4. Evidence of non-debarment for vendors must be documented through <http://www.sam.gov/portal/public/SAM> and http://www.window.state.tx.us/procurement/prog/vendor_performance/debarred/ and submitted for review.
 5. Comply with rules related to underutilized businesses (small and minority businesses, women's enterprises and labor surplus firms) at 2 CFR 200.321
- I. **Monitoring.** Subrecipient will be monitored periodically by federal, state or local entities, both programmatically and financially, to ensure that project goals, objectives, performance requirements, timelines, milestone completion, budget, and other program-related criteria are met.

DPS/TDEM, or its authorized representative, reserves the right to perform periodic desk/office-based and/or on-site monitoring of Subrecipient's compliance with this Grant and of the adequacy and timeliness of Subrecipient's performance pursuant to this Grant. After each monitoring visit, DPS/TDEM shall provide Subrecipient with a written report of the monitor's findings. If the monitoring report notes deficiencies in Subrecipient's performance

under this Grant, the monitoring report shall include requirements for the timely correction of such deficiencies by Subrecipient. Failure by Subrecipient to take action specified in the monitoring report may be cause for suspension or termination of this Grant pursuant to the Suspension and/or Termination Section herein.

J. **Audit.**

1. **Audit of Federal and State Funds.** Subrecipient shall arrange for the performance of an annual financial and compliance audit of funds received and performances rendered under this Grant as required by the Single Audit Act (OMB 2 C.F.R. 200.501, formerly A-133). Subrecipient shall comply, as applicable, with Texas Government Code, Chapter 783, the Uniform Grant Management Standards (UGMS), the State Uniform Administrative Requirements for Grants and Cooperative Agreements.
2. **Right to Audit.** Subrecipient shall give the United States Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), the Comptroller General of the United States, the Texas State Auditor, DPS/TDEM, or any of their duly authorized representatives, access to and the right to conduct a financial or compliance audit of Grant funds received and performances rendered under this Grant. Subrecipient shall permit DPS/TDEM or its authorized representative to audit Subrecipient's records. Subrecipient shall provide any documents, materials or information necessary to facilitate such audit.
3. **Subrecipient's Liability for Disallowed Costs.** Subrecipient understands and agrees that it shall be liable to DPS/TDEM for any costs disallowed pursuant to any financial or compliance audit(s) of these funds. Subrecipient further understands and agrees that reimbursement to DPS/TDEM of such disallowed costs shall be paid by Subrecipient from funds that were not provided or otherwise made available to Subrecipient pursuant to this Grant or any other federal contract.
4. **Subrecipient's Facilitation of Audit.** Subrecipient shall take such action to facilitate the performance of such audit(s) conducted pursuant to this Section as DPS/TDEM may require of Subrecipient. Subrecipient shall ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through Subrecipient and the requirement to cooperate is included in any subcontract it awards.
5. **State Auditor's Clause.** Subrecipient understands that acceptance of funds under this Grant acts as acceptance of the authority of the State Auditor's Office to conduct an audit or investigation in connection with those funds. Subrecipient further agrees to cooperate fully with the State Auditor's Office in the conduct of the audit or investigation, including providing all records requested. Subrecipient shall ensure that this clause concerning the State Auditor's Office's authority to audit funds and the requirement to cooperate fully with the State Auditor's Office is included in any subgrants or subcontracts it awards. Additionally, the State Auditor's Office shall at any time have access to and the rights to examine, audit, excerpt, and transcribe any pertinent books, documents, working papers, and records of Subrecipient relating to this Grant.

K. **Retention and Accessibility of Records.**

1. **Retention of Records.** Subrecipient shall maintain fiscal records and supporting documentation for all expenditures of this Grant's funds pursuant to the applicable OMB 2 C.F.R. Subpart D – Post Federal Award Requirements, of Part 200 UGMS § .42, and this Grant. Subrecipient shall retain these records and any supporting documentation for a minimum of three (3) years from the later of the completion of this project's public objective, submission of the final expenditure report, any litigation, dispute, or audit. Records shall be retained for three (3) years after any real estate or equipment final disposition. The DHS or DPS/TDEM may direct Subrecipient to retain documents or to transfer certain records to DHS custody when DHS determines that the records possess long term retention value.
2. **Access to Records.** Subrecipient shall give the United States Department of Homeland Security, the Comptroller General of the United States, the Texas State Auditor, DPS/TDEM, or any of its duly authorized representatives, access to and the right to examine all books, accounts, records, reports, files, other papers, things or property belonging to or in use by Subrecipient pertaining to this Grant including records concerning the past use of DHS/FEMA funds. Such rights to access shall continue as long as the records are retained by Subrecipient.

L. **Changes, Amendments, Suspension or Termination**

1. **Modification.** FEMA or DPS/TDEM may modify this Grant after an award has been made. Once notification has been made in writing, any subsequent request for funds indicates Subrecipient's acceptance of the changes to this Grant. Any alteration, addition, or deletion to this Grant by Subrecipient is not valid.
2. **Effect of Changes in Federal and State Laws.** Any alterations, additions, or deletions to this Grant that are required by changes in federal and state laws, regulations or policy are automatically incorporated into this Grant without written amendment to this Grant and shall become effective upon the date designated by such law or regulation. In the event FEMA or DPS/TDEM determines that changes are necessary to this Grant after an award has been made, including changes to the period of performance or terms and conditions, Subrecipient shall be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate Subrecipient's acceptance of the changes to this Grant.
3. **Suspension.** In the event Subrecipient fails to comply with any term of this Grant, DPS/TDEM may, upon written notification to Subrecipient, suspend this Grant, in whole or in part, withhold payments to Subrecipient and prohibit Subrecipient from incurring additional obligations of this Grant's funds.
4. **Termination.** DPS/TDEM shall have the right to terminate this Grant, in whole or in part, at any time before the end of the Performance Period, if DPS/TDEM determines that Subrecipient has failed to comply with any term of this Grant. DPS/TDEM shall provide written notice of the termination and include:
 - a. The reason(s) for such termination;
 - b. The effective date of such termination; and
 - c. In the case of partial termination, the portion of this Grant to be terminated.
 - d. Appeal may be made to the Deputy Assistant Director of Texas Division of Emergency Management- Recovery Mitigation and Standards, Texas Department of Public Safety.

- M. **Enforcement.** If Subrecipient materially fails to comply with any term of this Grant, whether stated in a federal or state statute or regulation, an assurance, in a state plan or application,

a notice of award, or elsewhere, DPS/TDEM or DHS may take one or more of the following actions, as appropriate in the circumstances:

1. Increased monitoring of projects and require additional financial and performance reports
2. Require payments as reimbursements rather than advance payments
3. Temporarily withhold payments pending correction of the deficiency
4. Disallow or deny use of funds and matching credit for all or part of the cost of the activity or action not in compliance;
5. Request FEMA to wholly or partially de-obligate funding for a project
6. Temporarily withhold cash payments pending correction of the deficiency by subrecipient or more severe enforcement action by DPS/TDEM or DHS;
7. Withhold further awards for the grant program
8. Take other remedies that may be legally available

In taking an enforcement action, DPS/TDEM will provide Subrecipient an opportunity for a hearing, appeal, or other administrative proceeding to which Subrecipient is entitled under any statute or regulation applicable to the action involved.

The costs of Subrecipient resulting from obligations incurred by Subrecipient during a suspension or after termination of this Grant are not allowable unless DPS/TDEM or DHS expressly authorizes them in the notice of suspension or termination or subsequently.

Other Subrecipient costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:

- The costs result from obligations which were properly incurred by Subrecipient before the effective date of suspension or termination, are not in anticipation of it, and in the case of a termination, are non-cancellable; and
- The costs would be allowable if this Grant were not suspended or expired normally at the end of the funding period in which the termination takes effects.

The enforcement remedies identified in this section, including suspension and termination, do not preclude Subrecipient from being subject to "Debarment and Suspension" under E.O. 12549. 2 C.F.R., Appendix II to Part 200, (I).

- N. **Conflicts of Interest.** The subrecipient will maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts and will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
- O. **Closing of this Grant.** DPS/TDEM will close a subaward after receiving all required final documentation from the Subrecipient. If the close out review and reconciliation indicates that Subrecipient is owed additional funds, DPS/TDEM will send the final payment automatically to Subrecipient. If Subrecipient did not use all the funds received, DPS/TDEM will recover the unused funds.

At the completion of Subrecipient's performance period, DPS/TDEM will de-obligate all uncommitted funds and de-obligate all unexpended funds if final documentation is not received by the deadline.

The closeout of this Grant does not affect:

1. DHS or DPS/TDEM's right to disallow costs and recover funds on the basis of a later audit or other review;
2. Subrecipient's obligation to return any funds due as a result of later refunds, corrections, or other transactions;
3. Records retention requirements, property management requirements, and audit requirements, as set forth herein; and
4. Any other provisions of this Grant that impose continuing obligations on Subrecipient or that govern the rights and limitations of the parties to this Grant after the expiration or termination of this Grant.

EXHIBIT A

ASSURANCES - NON-CONSTRUCTION PROGRAMS See Standard Form 424B

As the duly authorized representative of Subrecipient, I certify that Subrecipient:

- Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this Grant.
- Will give the Department of Homeland Security, the Department of Public Safety, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to this Grant and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686 and 44 C.F.R. Part 19), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290dd-3 and 290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which agreement for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- Will comply or has already complied with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
- Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction sub-agreements.
- Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190 as amended by 42 U.S.C. 4311 et seq. and Executive Order (EO) 11514) which establishes national policy goals and procedures to protect and enhance the environment, including protection against natural disasters. To comply with NEPA for DHS grant-supported activities, DHS-FEMA requires the environmental aspects to be reviewed and evaluated before final action on the application; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) comply with the Clean Air Act of 1977, (42 U.S.C. §§7401 et seq. and Executive Order 11738) providing for the protection of and enhancement of the quality of the nation's air resources to promote public health and welfare and for restoring and maintaining the chemical, physical, and biological integrity of the nation's waters; (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93- 205).
- Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
- Will comply with P.L. 93-348, 45 C.F.R. 46, and DHS Management Directive 026-044 (Directive) regarding the protection of human subjects involved in research, development, and related activities supported by this Grant. "Research" means a systematic investigation, including research, development, testing, and evaluation designed to develop or contribute to general knowledge. See Directive for additional provisions for including humans in the womb, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). See also state and local law for research using autopsy materials.
- Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) which requires the minimum standards of care and treatment for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public according to the Guide for Care and Use of Laboratory Animals and Public Health Service Policy and Government Principals Regarding the Care and Use of Animals.
- Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133 (now OMB 2 C.F.R. 200.500), "Audits of States, Local Governments, and Non-Profit Organizations."
- Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, grant guidance, and policies governing this Grant.

EXHIBIT B

ASSURANCES - CONSTRUCTION PROGRAMS See Standard Form 424D

As the duly authorized representative of Subrecipient, I certify that Subrecipient:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this Grant.
2. Will give the Department of Homeland Security, the Department of Public Safety, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to this Grant and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of this Grant.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686 and 44 C.F.R. Part 19), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290dd-3 and 290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which agreement for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the agreement.
11. Will comply or has already complied with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327- 333) regarding labor standards for federally-assisted construction sub-agreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91- 190) as amended by 42 U.S.C. 4311 et seq. and Executive Order (EO) 11514 which establishes national policy goals and procedures to protect and enhance the environment, including protection against natural disasters; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) comply with the Clean Air Act of 1977, (42 U.S.C. §§7401 et seq. and Executive Order 11738) providing for the protection of and enhancement of the quality of the nation's air resources to promote public health and welfare and for restoring and maintaining the chemical, physical, and biological integrity of the nation's waters; (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133 (now OMB 2 C.F.R. 200.500), "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, grant guidance and policies governing this Grant.

Exhibit C

Certifications for Grant Agreements

The undersigned, as the authorized official, certifies the following to the best of his/her knowledge and belief.

- A. No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee or a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee or a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL Disclosure of Lobbying Activities, in accordance with its instructions.
- C. The undersigned shall require that the language of this certification prohibiting lobbying be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- D. As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 C.F.R. Part 67, for prospective participants in primary covered transactions, as defined at 28 C.F.R. Part 67, Section 67.510. (Federal Certification), the Subrecipient certifies that it and its principals and vendors:
 1. Are not debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency. Subrecipient can access debarment information by going to www.sam.gov and the State Debarred Vendor List at: www.window.state.tx.us/procurement/prog/vendor_performance/debarred.
 2. Have not within a three-year period preceding this Grant been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (D)(2) of this certification;
 4. Have not within a three-year period preceding this Grant had one or more public transactions (Federal, State, or local) terminated for cause or default; or
 5. Where Subrecipient is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this Grant. (Federal Certification).
- E. Federal funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Subrecipient may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.
- F. Subrecipient will comply with 2 C.F.R. Part 180, Subpart C as a condition of receiving grant funds and Subrecipient will require such compliance in any subgrants or contract at the next tier.
- G. Subrecipient will comply with the Drug-free Workplace Act, as amended, 412 U.S.C. §701 et seq., which requires Subrecipient to publish a statement about its drug-free workplace program and give a copy of the statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out. Also, places where work is being performed under the award (i.e., street address, city, state, and zip code) must be maintained on file. Subrecipient will notify the Grants Officer of any employee convicted of a violation of a criminal drug statute that occurs in the workplace. For additional information, see 44 C.F.R. Part 17. Subrecipient shall comply with the requirements of the Drug-Free Workplace Act of 1988, which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace.
- H. Subrecipient is not delinquent on any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424, item number 17 for additional information and guidance.
- I. Subrecipient will comply with all applicable requirements of all other federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this Grant.
- J. Subrecipient understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of funds in this Grant.

EXHIBIT D

State of Texas Assurances

As the duly authorized representative of Subrecipient, I certify that Subrecipient:

1. Shall comply with Texas Government Code, Chapter 573, by ensuring that no officer, employee, or member of the Subrecipient's governing body or of the Subrecipient's contractor shall vote or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person who shall have been continuously employed for a period of two years, or such other period stipulated by local law, prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.
2. Shall insure that all information collected, assembled, or maintained by the Subrecipient relative to a project will be available to the public during normal business hours in compliance with Texas Government Code, Chapter 552, unless otherwise expressly prohibited by law.
3. Shall comply with Texas Government Code, Chapter 551, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.
4. Shall comply with Section 231.006, Texas Family Code, which prohibits payments to a person who is in arrears on child support payments.
5. Shall not contract with or issue a license, certificate, or permit to the owner, operator, or administrator of a facility if the Subrecipient is a health, human services, public safety, or law enforcement agency and the license, permit, or certificate has been revoked by another health and human services agency or public safety or law enforcement agency.
6. Shall comply with all rules adopted by the Texas Commission on Law Enforcement pursuant to Chapter 1701, Texas Occupations Code, or shall provide the grantor agency with a certification from the Texas Commission on Law Enforcement that the agency is in the process of achieving compliance with such rules if the Subrecipient is a law enforcement agency regulated by Texas Occupations Code, Chapter 1701.
7. Shall follow all assurances. When incorporated into a grant award or contract, standard assurances contained in the application package become terms or conditions for receipt of grant funds. Administering state agencies and subrecipients shall maintain an appropriate contract administration system to insure that all terms, conditions, and specifications are met. (See UGMS Section __.36 for additional guidance on contract provisions).
8. Shall comply with the Texas Family Code, Section 261.101, which requires reporting of all suspected cases of child abuse to local law enforcement authorities and to the Texas Department of Child Protective and Regulatory Services. Subrecipient shall also ensure that all program personnel are properly trained and aware of this requirement.
9. Shall comply with all federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps and the Americans with Disabilities Act of 1990 including Titles I, II, and III of the Americans with Disability Act which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities, 44 U.S.C. §§ 12101-12213; (d) the Age Discrimination Act of 1974, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to the nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290dd-3 and 290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to this Grant.
10. Shall comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction subagreements.
11. Shall comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646), which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Shall comply with the provisions of the Hatch Political Activity Act (5 U.S.C. §§7321-29), which limit the political activity of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Shall comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act and the Intergovernmental Personnel Act of 1970, as applicable.
14. Shall insure that the facilities under its ownership, lease, or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA (EO 11738).

15. Shall comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234. Section 102(a) requires the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition proposed for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.
16. Shall comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
17. Shall comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
18. Shall assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
19. Shall comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) which requires the minimum standards of care and treatment for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public according to the Guide for Care and Use of Laboratory Animals and Public Health Service Policy and Government Principals Regarding the Care and Use of Animals.
20. Shall comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residential structures.
21. Shall comply with the Pro-Children Act of 1994 (Public Law 103-277), which prohibits smoking within any portion of any indoor facility used for the provision of services for children.
22. Shall comply with all federal tax laws and are solely responsible for filing all required state and federal tax forms.
23. Shall comply with all applicable requirements of all other federal and state laws, executive orders, regulations, and policies governing this program.
24. And its principals are eligible to participate and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state, or local governmental entity and it is not listed on a state or federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement have Exclusions listed at <https://www.sam.gov/portal/public/SAM/>.
25. Shall adopt and implement applicable provisions of the model HIV/AIDS work place guidelines of the Texas Department of Health as required by the Texas Health and Safety Code, Ann., Sec. 85.001, et seq.

EXHIBIT E

Environmental Review

As the duly authorized representative of Subrecipient, I certify that Subrecipient:

1. shall assess its federally funded projects for potential impact to environmental resources and historic properties.
2. shall submit any required screening form(s) as soon as possible and shall comply with deadlines established by DPS/TDEM. Timelines for the Environmental Planning and Historic Preservation (EHP) review process will vary based upon the complexity of the project and the potential for environmental or historical impact.
3. shall include sufficient review time within its project management plan to comply with EHP requirements. Initiation of any activity prior to completion of FEMA's EHP review will result in a non-compliance finding and DPS/TDEM will not authorize or release Grant funds for non-compliant projects.
4. as soon as possible upon receiving this Grant, shall provide information to DPS/TDEM to assist with the legally-required EHP review and to ensure compliance with applicable EHP laws and Executive Orders (EO) currently using the FEMA EHP Screening Form OMB Number 1660-0115/FEMA Form 024-0-01 and submitting it, with all supporting documentation, to DPS/TDEM for review. These EHP requirements include but are not limited to the National Environmental Policy Act, the National Historic Preservation Act, the Endangered Species Act, EO 11988 – Floodplain Management, EO 11990 – Protection of Wetlands, and EO 12898 – Environmental Justice. Subrecipient shall comply with all Federal, State, and local EHP requirements and shall obtain applicable permits and clearances.
5. shall not undertake any activity from the project that would result in ground disturbance, facility modification, or purchase and use of sonar equipment without the prior approval of FEMA. These include but are not limited to communications towers, physical security enhancements involving ground disturbance, new construction, and modifications to buildings.
6. shall comply with all mitigation or treatment measures required for the project as the result of FEMA's EHP review. Any changes to an approved project description will require re-evaluation for compliance with EHP requirements before the project can proceed.
7. if ground disturbing activities occur during project implementation, Subrecipient shall ensure monitoring of ground disturbance and if any potential archeological resources are discovered, Subrecipient shall immediately cease construction in that area and notify FEMA and the appropriate State Historical Preservation Office.

EXHIBIT F

Additional Grant Conditions

1. FEMA has performed an environmental review resulting in the findings and conditions identified in the Environmental Considerations enclosure and consisting of:
 - a. CATEX (Categorical Exclusion) or FONSI (Finding of No Significant Impact)
 - b. Record of Environmental Consideration (REC) with Environmental Review Project Conditions
2. All work must be done prior to the approved project completion deadline assigned to each Project. Should additional time be required, a time extension request must be submitted which:
 - a.) Identifies the projects requiring an extension.
 - b.) Explains the reason for an extension.
 - c.) Indicates the percentage of work that has been completed.
 - d.) Provides an anticipated completion date. The reason for an extension must be based on extenuating circumstances or unusual project requirements that are beyond the control of your jurisdiction/organization. **Failure to submit a time extension request may result in reduction or withdrawal of federal funds for approved work.**
3. Any significant change to a project's approved Scope of Work must be reported and approved through TDEM and FEMA before starting the project. Failure to do so will jeopardize grant funding.
4. The Project Completion and Certification Report must be returned to TDEM once all the approved work has been completed for each project. If any project requires the purchase of insurance as a condition of receiving federal funds, a copy of the current policy must be attached to this report.
5. The Period of Performance (POP) represents the period during which eligible reimbursable cost for this project can be incurred. If, due to extenuating circumstances, a project cannot be completed within the approved POP, an extension must be requested in writing and submitted to the State 90 days prior to the expiration of the currently approved POP.
6. Appeals may be filed on any determination made by FEMA or TDEM. All appeals must be submitted to TDEM within 60 days from receiving written notice of the action you wish to appeal. Should you wish to appeal a determination contained in the project application, the 60 days will start the day the application is signed.
7. You may request a payment of funds on projects by completing a request for reimbursement and including your supporting documentation. In the event that an audit results in a reduction of the awarded amount of a project, the subrecipient is responsible for returning the identified overage within 30 days of notification of the overpayment.
8. Projects that have not received final payment will be reviewed quarterly by TDEM representatives upon receipt of the Quarterly Review form from the subrecipient. Quarterly reports will be due on the following dates: **April 15th, July 15th, October 15th & January 15th**. Public Assistance program small projects are exempted.
9. Subrecipient with must submit a project cost summary to TDEM following the completion of each project, except Public Assistance program small projects. The project cost summary must list all labor, equipment, materials and contract costs associated with making needed repairs.
10. Subrecipients expending \$750,000 or more in total Federal financial assistance in a fiscal year will be required to provide an audit made in accordance with OMB Uniform Guidance; Cost Principles, Audit, and Administrative Requirements for Federal Awards, Subpart F. A copy of the Single Audit must be submitted to your cognizant State agency or TDEM within nine months of the end of the subrecipient's fiscal year.

Consult with your financial officer regarding this requirement. If not required to submit a single audit, a letter must be sent to TDEM certifying to this.

11. Completed record and cost documents for all approved work must be kept for a minimum of three (3) years from the later of the completion of this project's public objective, submission of the final expenditure report, any litigation, dispute, or audit. Records shall be retained for three (3) years after any real estate or equipment final disposition. The DHS or DPS/TDEM may direct Subrecipient to retain documents or to transfer certain records to DHS custody when DHS determines that the records possess long term retention value. During this time, all approved projects are subject to State and Federal audit/review.
12. Subrecipients will not make any award to any party which is debarred or suspended, or is otherwise excluded from participation in the Federal assistance programs (EO 12549, Debarment and Suspension). Subrecipient must maintain documentation validating review of debarment list of eligible contractors.
13. Subrecipients must keep record of equipment acquired by federal funds for the life cycle of the equipment. A life cycle for most equipment will be three years, but could be longer. If the fair market value of a piece of equipment is valued over \$5,000, FEMA will have the right to a portion of proceeds if equipment is sold. If the fair market value of a piece of equipment is less than \$5,000, the property can either be retained, sold or designated as surplus with no further obligation to FEMA.
14. Eligible cost reimbursement requests may be submitted as needed, but not less than once a quarter without project officer concurrence. The minimum request for reimbursement will be \$2,500 , unless it is the final reimbursement request. All submitted invoices must be:
 - a. Identified by a unique number
 - b. Related to an identified Scope of Work (SOW) line item
 - c. Accompanied by proof of payment (ex: copies of the cancelled checks showing payments for the invoices)
 - d. Signed by your Chief Financial Officer or designated authorized representative

Reimbursement amounts are based on the total request for eligible documented expenditures of the eligible federal share and local match.

EXHIBIT G

Additional Grant Certifications

Match Certification

Applicant certifies that they have the ability to meet or exceed the cost share required of this project.

Duplication of Program Statement

Applicant certifies there has not been, nor will there be, a duplication of benefits for this project.

For Hazard Mitigation Projects Only:

Maintenance Agreement

Applicant certifies that if there is a Maintenance Agreement needed for this facility copy of that agreement will be provided to TDEM.

Environmental Justice Statement

Federal Executive Order 12898 compliance requirements – If there are any concentrations of low income or minority populations in or near the HMGP project:

1. Applicant certifies that the HMGP project result will not result in a disproportionately high or adverse effect on low income or minority populations.
OR
2. Applicant certifies that action will be taken to ensure achievement of environmental justice for low income and minority populations related to this HMGP project.



U. S. Department of Homeland Security
FEMA Region 6
800 North Loop 288
Denton, TX 76209-3698

FEMA

February 21, 2017

MEMORANDUM FOR: Camille Crain, Hazard Mitigation Assistance Branch Chief

FROM: Kevin Jaynes, Regional Environmental Officer 

SUBJECT: HMGP-DR-4245-TX, Project #29 City of Colleyville Generator Project, Colleyville, Tarrant County, Texas

The purpose of this memorandum is to notify you that the Hazard Mitigation Grant Program (HMGP) project for the proposed installation of a generator at Colleyville City Hall, 5201 Bransford Road, Colleyville, Tarrant County, Texas, (32.885224, -97.161126) has been cleared with conditions under the National Environmental Policy Act (NEPA). The Federal Emergency Management Agency (FEMA) Directive 108-1 and Instruction 108-1-1 require that FEMA take into account environmental considerations when authorizing or approving major actions. This project has been determined to be categorically excluded in accordance with FEMA Instruction 108-1-1 and DHS Instruction 023-01-001-01; CATEX (M13) from the need to prepare either an Environmental Impact Statement or Environmental Assessment. No extraordinary circumstances in accordance with DHS Instruction 023-01-001-01 have been identified regarding this action. The applicant must comply with all conditions set forth in the attached Record of Environmental Consideration (REC). Failure to comply with these conditions may jeopardize federal assistance including funding.

Please note that this transmittal is a notification that this project has been cleared under NEPA only. **This is not a notice of final approval or eligibility.** Any change beyond the approved scope of work for this project will require additional environmental review by FEMA.

cc: Connie Dill, Hazard Mitigation Specialist

Enclosures: Record of Environmental Consideration (REC)

Record of Environmental Consideration

See FEMA Directive 108-1 and FEMA Instruction 108-1-1.

Project Name/Number: HMGP-DR-4245-TX, Project #29 City of Colleyville Generator

Project Location: 5201 Bransford Road, Colleyville, Tarrant County, Texas 76034 (32.885224, -97.161126).

Project Description: The City of Colleyville proposes to purchase and install a new generator to provide emergency backup power at City Hall which serves as the City Emergency Management Center. The generator will be placed on a new concrete pad and electrical lines will be installed to connect the generator to a fuel source and to the electrical system of City Hall. This measure will help ensure the continued operations of critical facilities during future storm-events.

National Environmental Policy Act (NEPA) Determination

- ☐ Statutorily excluded from NEPA review. (**Review Concluded**)
- ☒ Categorical Exclusion - Category (M13)
- ☒ No Extraordinary Circumstances exist.
- Are project conditions required? ☒ Yes (see section V) ☐ No (**Review Concluded**)
- ☐ Extraordinary Circumstances exist (See Section IV).
- ☐ Extraordinary Circumstances mitigated. (See Section IV comments)
- Are project conditions required? ☐ Yes (see section V) ☐ No (**Review Concluded**)
- ☐ Environmental Assessment
- ☐ Supplemental Environmental Assessment (Reference EA or PEA in comments)
- ☐ Environmental Impact Statement

Comments: This project has been determined to be Categorically Excluded from the need to prepare either an Environmental Impact Statement or Environmental Assessment in accordance with FEMA Instruction 108-1-1 and DHS Instruction 023-01-001-01; CATEX M13. Particular attention should be given to the project conditions before and during project implementation. Failure to comply with these conditions may jeopardize federal assistance including funding.

Reviewer and Approvals

- ☐ Project is Non-Compliant (See attached documentation justifying selection).

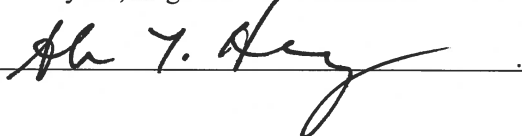
FEMA Environmental Reviewer.

Name: Sarah K. Forbes, Environmental and Historic Preservation Specialist

Signature . Date 2/21/2017.

FEMA Regional Environmental Officer or delegated approving official.

Name: Kevin Jaynes, Regional Environmental Officer

Signature . Date 2/21/17.

I. Compliance Review for Environmental Laws (other than NEPA)

A. National Historic Preservation Act

- ☐ Not type of activity with potential to affect historic properties. **(Review Concluded)**
- ☒ Applicable executed Programmatic Agreement. Otherwise, conduct standard Section 106 review.
- ☒ Activity meets Programmatic Allowance Item # II.D.2.a
- Are project conditions required? ☐ Yes (see section V) ☒ No **(Review Concluded)**

HISTORIC BUILDINGS AND STRUCTURES

- ☐ No historic properties that are listed or 45/50 years or older in project area. **(Review Concluded)**
- ☐ Building or structure listed or 45/50 years or older in project area and activity not exempt from review.
- ☐ Determination of No Historic Properties Affected (FEMA finding/SHPO/THPO concurrence on file)
- Are project conditions required? ☐ Yes (see section V) ☐ No **(Review Concluded)**
- ☐ Determination of Historic Properties Affected (FEMA finding/SHPO/THPO concurrence on file)
- ☐ Property a National Historic Landmark and National Park Service was provided early notification during the consultation process. If not, explain in comments
- ☐ No Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file).
- Are project conditions required? ☐ Yes (see section V) ☐ No **(Review Concluded)**
- ☐ Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)
- ☐ Resolution of Adverse Effect completed. (MOA on file)
- Are project conditions required ☐ Yes (see section V) ☐ No **(Review Concluded)**

ARCHEOLOGICAL RESOURCES

- ☐ Project affects only previously disturbed ground. **(Review Concluded)**
- ☐ Project affects undisturbed ground.
- ☐ Project area has no potential for presence of archeological resources
- ☐ Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence or consultation on file). **(Review Concluded)**
- ☐ Project area has potential for presence of archeological resources
- ☐ Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence on file)
- Are project conditions required ☐ Yes (see section V) ☐ No **(Review Concluded)**
- ☐ Determination of historic properties affected
- ☐ NR eligible resources not present (FEMA finding/SHPO/THPO concurrence on file).
- Are project conditions required ☐ Yes (see section V) ☐ No **(Review Concluded)**
- ☐ NR eligible resources present in project area. (FEMA finding/ SHPO/THPO concurrence on file)
- ☐ No Adverse Effect Determination. (FEMA finding/ SHPO/THPO concurrence on file)
- Are project conditions required? ☐ Yes (see section V) ☐ No **(Review Concluded)**
- ☐ Adverse Effect Determination. (FEMA finding/ SHPO/THPO concurrence on file)
- ☐ Resolution of Adverse Effect completed. (MOA on file)
- Are project conditions required? ☐ Yes (see section V) ☐ No **(Review Concluded)**

Comments: The scope of work has been reviewed and meets the criteria in Appendix B - Programmatic Allowances, Item II.D.2.a of FEMA's Programmatic Agreement (PA) dated September 11, 2014. In accordance with this PA, FEMA is not required to determine the National Register eligibility of properties where work performed meets the Appendix B criteria. The scope of work has been reviewed and FEMA has determined that the project will not take place within Tribal Lands or in Areas of Tribal Interest. No Tribal consultation was conducted.

Correspondence/Consultation/References:

B. Endangered Species Act

- ☐ No listed species and/or designated critical habitat present in areas affected directly or indirectly by the Federal action. **(Review Concluded)**
- ☒ Listed species and/or designated critical habitat present in the areas affected directly or indirectly by the Federal action.
- ☒ No effect to species or designated critical habitat.
- Are project conditions required? ☐ Yes (see section V) ☒ No **(Review Concluded)**
- ☐ May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence on file)
- Are project conditions required? ☐ Yes (see section V) ☐ No **(Review Concluded)**

- ☐ Likely to adversely affect species or designated critical habitat
- ☐ Formal consultation concluded. (Biological Assessment and Biological Opinion on file)
- Are project conditions required? ☐ YES (see section V) ☐ NO **(Review Concluded)**

Comments: None.

Correspondence/Consultation/References:

C. Coastal Barrier Resources Act

- ☒ Project is not on or connected to CBRA Unit or Otherwise Protected Area **(Review Concluded)**.
- ☐ Project is on or connected to CBRA Unit or Otherwise Protected Area. (FEMA determination/USFWS consultation on file)
- ☐ Proposed action an exception under Section 3505.a.6 **(Review Concluded)**
- ☐ Proposed action not excepted under Section 3505.a.6.
- Are project conditions required? ☐ YES (see section V) ☐ NO **(Review Concluded)**

Comments: None.

Correspondence/Consultation/References:

D. Clean Water Act

- ☒ Project would not affect any water of the U.S. **(Review Concluded)**
- ☐ Project would affect waters, including wetlands, of the U.S.
- ☐ Project exempted as in kind replacement or other exemption. **(Review Concluded)**
- ☐ Project may require Section 404/401/or Section 9/10 (Rivers and Harbors Act) permit, including qualification under Nationwide Permits.
- Are project conditions required? ☐ YES (see section V) ☐ NO **(Review Concluded)**

Comments: None.

Correspondence/Consultation/References:

E. Coastal Zone Management Act

- ☒ Project is not located in a coastal zone area and does not affect a coastal zone area **(Review concluded)**
- ☐ Project is located in a coastal zone area and/or affects the coastal zone
- ☐ State administering agency does not require consistency review. **(Review Concluded)**.
- ☐ State administering agency requires consistency review.
- Are project conditions required? ☐ YES (see section V) ☐ NO **(Review Concluded)**

Comments: None.

Correspondence/Consultation/References:

F. Fish and Wildlife Coordination Act

- ☒ Not applicable for financial assistance. **(Review Concluded)**

G. Clean Air Act

- ☒ Project will not result in permanent air emissions. **(Review Concluded)**
- ☐ Project is located in an attainment area. **(Review Concluded)**
- ☐ Project is located in a non-attainment area.
- ☐ Coordination required with applicable state administering agency.
- Are project conditions required? ☐ YES (see section V) ☐ NO **(Review Concluded)**

Comments: None.

Correspondence/Consultation/References:

H. Farmland Protection Policy Act

- ☒ Project does not affect designated prime or unique farmland. **(Review Concluded)**
- ☐ Project causes unnecessary or irreversible conversion of designated prime or unique farmland.
- ☐ Coordination with Natural Resource Conservation Commission required.
- ☐ Farmland Conversion Impact Rating, Form AD-1006, completed.

Are project conditions required? ☐ YES (see section V) ☐ NO **(Review Concluded)**

Comments: None.

Correspondence/Consultation/References:

I. Migratory Bird Treaty Act

☐ Project not located within a flyway zone. **(Review Concluded)**

☒ Project located within a flyway zone.

☒ Project does not have potential to take migratory birds.

Are project conditions required? ☐ Yes (see section V) ☒ No **(Review Concluded)**

☐ Project has potential to take migratory birds.

☐ Contact made with USFWS

Are project conditions required? ☐ YES (see section V) ☐ NO **(Review Concluded)**

Comments: None.

Correspondence/Consultation/References:

J. Magnuson-Stevens Fishery Conservation and Management Act

☒ Project not located in or near Essential Fish Habitat. **(Review Concluded)**

☐ Project located in or near Essential Fish Habitat.

☐ Project does not adversely affect Essential Fish Habitat.

Are project conditions required? ☐ Yes (see section V) ☐ No **(Review Concluded)**

☐ Project adversely affects Essential Fish Habitat (FEMA determination/USFWS/NMFS concurrence on file)

☐ NOAA Fisheries provided no recommendation(s)

Are project conditions required? ☐ Yes (see section V) ☐ No **(Review Concluded)**

☐ NOAA Fisheries provided recommendation(s)

☐ Written reply to NOAA Fisheries recommendations completed.

Are project conditions required? ☐ YES (see section V) ☐ NO **(Review Concluded)**

Comments: None.

Correspondence/Consultation/References:

K. Wild and Scenic Rivers Act

☒ Project is not along and does not affect Wild or Scenic River (WSR) - **(Review Concluded)**

☐ Project is along or affects WSR

☐ Project adversely affects WSR as determined by NPS/USFS. **FEMA cannot fund the action.**
(NPS/USFS/USFWS/BLM consultation on file) **(Review Concluded)**

☐ Project does not adversely affect WSR. (NPS/USFS/USFWS/BLM consultation on file)

Are project conditions required? ☐ YES (see section V) ☐ NO **(Review Concluded)**

Comments: None.

Correspondence/Consultation/References:

L. Other Relevant Laws and Environmental Regulations

None.

II. Compliance Review for Executive Orders

A. E.O. 11988 – Floodplains

- ☒ No Effect on Floodplains/Flood levels and project outside Floodplain - **(Review Concluded)**
- ☐ Located in Floodplain or Effects on Floodplains/Flood levels
- ☐ No adverse effect on floodplain and not adversely affected by the floodplain.
Are project conditions required? ☐ Yes (see section V) ☐ No **(Review Concluded)**
- ☐ Beneficial Effect on Floodplain Occupancy/Values **(Review Concluded)**
- ☐ Possible adverse effects associated with investment in floodplain, occupancy or modification of floodplain environment
- ☐ 8 Step Process Complete - documentation on file
Are project conditions required? ☐ YES (see section V) ☐ NO **(Review Concluded)**

Comments: Per Flood Insurance Rate Map (FIRM) panel 48439C0095K, dated 09/25/2009, the site is located outside the 500 year flood zone and the activity does not adversely affect floodplain values.

Correspondence/Consultation/References:

B. E.O. 11990 – Wetlands

- ☒ No Effects on Wetland(s) and project located outside Wetland(s) - **(Review Concluded)**
- ☐ Located in Wetland or effects Wetland(s)
- ☐ Beneficial Effect on Wetland - **(Review Concluded)**
- ☐ Possible adverse effect associated with constructing in or near wetland
- ☐ Review completed as part of floodplain review
- ☐ 8 Step Process Complete - documentation on file
Are project conditions required? ☐ YES (see section V) ☐ NO **(Review Concluded)**

Comments: A review of the National Wetland Inventory (NWI) online mapper, accessed on February 17, 2017, for the site indicates that the area is not located within nor does it affect a designated wetland.

Correspondence/Consultation/References:

C. E.O. 12898 - Environmental Justice For Low Income and Minority Populations

- ☐ No Low income or minority population in, near or affected by the project - **(Review Concluded)**
- ☒ Low income or minority population in or near project area
- ☒ No disproportionately high and adverse impact on low income or minority population- **(Review Concluded)**
- ☐ Disproportionately high or adverse effects on low income or minority population
Are project conditions required? ☐ YES (see section V) ☐ NO **(Review Concluded)**

Comments: None.

Correspondence/Consultation/References:

III. Other Environmental Issues

Identify other potential environmental concerns in the comment box not clearly falling under a law or executive order (see environmental concerns scoping checklist for guidance).

Comments:

Correspondence/Consultation/References:

IV. Extraordinary Circumstances

Based on the review of compliance with other environmental laws and Executive Orders, and in consideration of other environmental factors, review the project for extraordinary circumstances.

* A "Yes" under any circumstance may require an Environmental Assessment (EA). If the circumstance can be mitigated, please explain in comments. If no, leave blank.

Yes

- ☐ (i) A potentially significant effect on public health or safety.
- ☐ (ii) A potentially significant effect on species or habitats protected by the ESA, Marine Mammal Protection Act, Migratory Bird Treaty Act, Magnuson-Stevens Fishery Conservation and Management Act, or other law protecting a species or habitat.
- ☐ (iii) A potentially significant effect on historic properties (e.g., districts, sites, buildings, structures, or objects) that are listed in or eligible for listing in the National Register of Historic Places, affects traditional cultural properties or sacred sites, or leads to the loss or destruction of a significant scientific, cultural, or historical resource.
- ☐ (iv) A potentially significant effect on an environmentally sensitive area.
- ☐ (v) A potential or threatened violation of a Federal, State, or local law or requirement imposed to protect the environment. Some examples of other requirements to consider are: a local noise control ordinance; the requirement to conform to an applicable State Implementation Plan for air quality standards; Federal, Tribal, State, or local requirements to control hazardous or toxic substances; and environmental permits.
- ☐ (vi) An effect on the quality of the human environment that is likely to be highly controversial in terms of scientific validity, likely to be highly uncertain, or likely to involve unique or unknown environmental risks. This also includes effects that may result from the use of new technology or unproven technology. Controversy over, including public opposition to, a proposed action absent any demonstrable potential for significant environmental impacts does not itself constitute an extraordinary circumstance.
- ☐ (vii) Extent to which a precedent is established for future actions with significant effects.
- ☐ (viii) Significantly greater scope or size than normally experienced for this particular category of action.
- ☐ (ix) Potential for significant degradation of already existing poor environmental conditions. Also, initiation of a potentially significant environmental degrading influence, activity, or effect in areas not already significantly modified from their natural condition.
- ☐ (x) Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts.

Comments: None

V. Environmental Review Project Conditions

General comments: None

Project Conditions:

1. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
2. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.
3. If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.
4. Unusable equipment, debris and material shall be disposed of in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project, applicant shall handle, manage, and dispose of petroleum products, hazardous materials and toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies.

Monitoring Requirements: None



Bransford Rd

Services City Park St

Colleyville City Park

City of Colleyville Parks and Facilities

OPTION A

OPTION B

OPTION C

PROPOSED GENERATOR LOCATION

City of Colleyville

Casa Ln

Terra Cotta Way

Google

OPTION D



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-2

Agenda Date 07/02/2018

Type Presentation and Discussion

Department City Manager

Title

Discussion of the City of Colleyville Popular Annual Financial Report (PAFR) for Fiscal Year 2017

Strategic Plan

- 1.1 Actively involve and engage stakeholders
- 1.4 Communicate thoroughly and strategically
- 2.4 Demonstrate stewardship of public resources
- 6.2 Establish a culture of mutual trust and respect

Explanation

The Government Finance Officers Association (GFOA) established the Popular Annual Financial Reporting Awards Program (PAFR Program) in 1991 to encourage and assist state and local governments to extract information from their Comprehensive Annual Financial Report (CAFR) to produce high quality popular annual financial reports specifically designed to be readily accessible and easily understandable to the general public and other interested parties without a background in public finance and then to recognize individual governments that are successful in achieving that goal.

Fiscal year 2017 is the first year the City of Colleyville has participated in the program. More than 30 Texas organizations receive that award including the Texas Municipal Retirement System (TMRS), City of Arlington, City of Frisco, City of Southlake, City of Burleson, City of Waco and City of Plano.

Attachments

- 1. FY17 PAFR

City of Colleyville

Popular Annual Financial Report

For the fiscal year ended September 30, 2017



Dear Citizens of Colleyville,

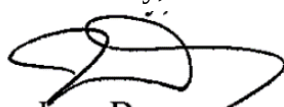
The City Council and Staff are pleased to present the City's first Popular Annual Financial Report (PAFR) for the year ended September 30, 2017. The PAFR represents another indication of the City's commitment to financial transparency and accountability. This report is intended to convey a selection of the primary government's information contained in the City's Fiscal Year 2017 Comprehensive Annual Financial Report (CAFR) in a simplified, more comprehensible format. The CAFR was prepared in accordance with Generally Accepted Accounting Principles (GAAP) and was independently audited by Pattillo, Brown & Hill, LLP. The audit received an unmodified opinion, the most favorable audit opinion an entity can receive. For a complete set of City financials, please refer to the CAFR, which is available on the City of Colleyville's website at <https://www.colleyville.com/finance.html>.

We hope you find the information herein useful. The City is committed to maintaining a strong financial position and acting as good stewards of public funds as evidenced by the City's AAA credit ratings, numerous public infrastructure improvements, and providing services that improve the quality of life of our residents.

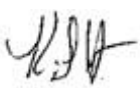
If you have questions about this report or need any additional information, contact the Finance department at 100 Main Street, Colleyville, Texas 76034 or call 817-503-1014.

Thank you for this opportunity to serve the City of Colleyville.

Sincerely;


Jerry Ducay
City Manager


Shereen Gendy
Chief Financial Officer


Karen Hines
Accounting Manager



Colleyville City Hall

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Mayor and Council



Richard Newton, Mayor

**Bobby Lindamood, Mayor
Pro Tem**

Tammy Nakamura, Place 1

Kathy Wheat, Place 3

George W. Dodson, Place 4

Nancy Coplen, Place 5

Mike Tavior, Place 6

The City of Colleyville has a Council-Manager form of government with policy making and legislative authority vested in a governing body consisting of a Mayor and six Council members. The Mayor and Council are responsible for passing ordinances, adopting the budget, appointing board and committee members, and hiring the City Manager. The City Manager is responsible for carrying out the policies and ordinances of the Mayor and Council, overseeing the day-to-day operations of the City, and appointing department directors upon confirmation by the City Council. The Mayor and six Council members are elected on an at large, non-partisan basis for three year terms. The three year terms are staggered so that the Mayor and City Council persons from Place 1 and 2 are elected in year one, City Council persons from Places 3 and 4 are elected in year two, and City Council persons from Places 5 and 6 are elected in year three. Per the City Charter, no one person can serve as a council member or mayor for more than two consecutive three year terms.

Our City



Downtown Colleyville

The City of Colleyville is a residential-oriented community located 11 miles northeast of the City of Fort Worth, 22 miles northwest of Dallas and 5 miles west of Dallas/Fort Worth International Airport in Northeast Tarrant County. Colleyville's city limits are contiguous with those of Grapevine and Euless on the east, Bedford and Hurst on the south, Keller and North Richland Hills on the west and Southlake on the north.



Situated in the heart of the Dallas/Fort Worth area, within minutes of DFW International Airport, Colleyville offers the best of both worlds—big city amenities and sophistication, coupled with the laid-back, friendly atmosphere of a small town. It's a combination that has made Colleyville a premier destination in which to live, work or play. This small community's big attributes have not gone unnoticed; Money magazine named Colleyville to its list of "100 Best Towns in America." The choice is easy to understand. Colleyville Center, the heart of the city's cultural community, boasts an array of artistic programs, while the city's extensive trail system is a beacon for those that like to hike or bike. And Colleyville's impressive amateur sports parks match any found outside a major league field. In addition, the city's shopping options are some of the best in the area. From upscale boutiques or luxurious spas to an epicurean oasis or a familiar farmers market, Colleyville has something for everyone. Proximity to Dallas and Fort Worth, providing easy access to world-class museums, bustling business centers and professional sports of every kind, completes the list of the city's attributes.

Our Strategic Plan

In January 2017, the City Council held a Visioning Workshop and created a new Strategic Plan, with support from an outside facilitator and senior staff. The Strategic Plan included an updated Vision, Mission, and Values. The Strategic Plan also articulated six overall goals and several strategies to achieve each, as shown below. For each strategy identified, one or more objectives were assigned. This included incorporating the original consensus priorities into the new Strategic Plan objectives.

OUR GOALS	OUR STRATEGY
Operate Transparently	1.1 Actively involve and engage stakeholders 1.2 Develop future community leaders 1.3 Assure convenient access to public information 1.4 Communicate thoroughly and strategically
Deliver High Quality Core Services	2.1 Provide responsive, efficient city services 2.2 Recruit and retain a highly-qualified workforce 2.3 Effectively leverage information technology 2.4 Demonstrate stewardship of public resources
Assure Adequate Infrastructure	3.1 Upgrade the condition of major roads and neighborhood streets 3.2 Ensure regular repair and replacement of water and wastewater facilities 3.3 Mitigate stormwater runoff and flooding risks 3.4 Thoroughly plan for future capital investments and associated costs
Enable Responsible Development	4.1 Protect Colleyville's semi-rural residential character 4.2 Encourage compatible commercial growth 4.3 Adopt best-practice planning and development processes
Safeguard Colleyville's Identity	5.1 Create and sustain an identifiable Colleyville brand 5.2 Support a variety of community events, concerts and celebrations 5.3 Provide attractive facilities for leisure and recreation 5.4 Actively seek public / private partnerships
Govern Effectively	6.1 Articulate a compelling vision and direction for the community 6.2 Establish a culture of mutual trust and respect 6.3 Ensure clarity of City Council and staff roles and responsibilities 6.4 Foster our shared values

City Wide Finances

The purpose of this report is to convey a selection of the primary government's information contained in the City's Fiscal Year 2017 Comprehensive Annual Financial Report (CAFR) in a simplified, more comprehensible format. The CAFR was prepared in accordance with Generally Accepted Accounting Principles (GAAP) and was independently audited by Pattillo, Brown & Hill, LLP. The audit received an unmodified opinion, the most favorable audit opinion an entity can receive. For a complete set of City financials, please refer to the CAFR, which is available on the City of Colleyville's website at <https://www.colleyville.com/finance.html>.

The **citywide financial statements** are designed to provide readers with a broad overview of the finances of the City in a manner similar to a private-sector business.

The **statement of net position** presents information on all of the City's assets, deferred outflows of resources, liabilities, and deferred inflows of resources with the difference reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating.

The **statement of activities** presents information showing how the City's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will not result in cash flows until future fiscal periods (e.g., uncollected taxes).

Key Terminology

Net position represents the City's assets less liabilities.

Net investment in capital assets consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of borrowings attributable to the acquisition, construction, or improvement of those assets.

Restricted net position consists of restricted assets reduced by liabilities and deferred inflows of resources related to those assets.

Unrestricted net position is the remaining net position of the City after subtracting net investment in capital assets and restricted net position.

Deferred outflows of resources represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then.

Deferred inflows of resources represents an acquisition of fund that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time.

Governmental activities are activities that are generally financed through taxes and other non-exchange revenues. It includes the general fund, debt service, capital projects and special revenues like grants and donations.

Business type activities are activities financed in whole or in part by fees charged to external customers for goods or services like water, wastewater and drainage and the related capital projects.



Main Street

City-Wide Statement of Net Position

	Governmental Activities		Business-type Activities		Totals	
	2017	2016	2017	2016	2017	2016
Current and other assets	\$ 44,138,502	\$ 44,128,921	\$ 20,613,149	\$ 18,131,916	\$ 64,751,651	\$ 62,260,837
Capital assets	112,067,401	111,178,574	44,698,792	45,067,040	156,766,193	156,245,614
Total assets	156,205,903	155,307,495	65,311,941	63,198,956	221,517,844	218,506,451
Deferred outflow of resources	3,354,608	4,730,558	496,362	723,084	3,850,970	5,453,642
Total deferred outflow of resources	3,354,608	4,730,558	496,362	723,084	3,850,970	5,453,642
Other liabilities	3,565,444	3,997,794	1,960,547	1,862,421	5,525,991	5,860,215
Long-term liabilities	13,393,803	15,158,243	534,348	780,000	13,928,151	15,938,243
Total liabilities	16,959,247	19,156,037	2,494,895	2,642,421	19,454,142	21,798,458
Deferred inflow of resources	28,414	38,650	3,783	5,171	32,197	43,821
Total deferred inflow of resources	28,414	38,650	3,783	5,171	32,197	43,821
Net position:						
Net investment in						
capital assets	99,881,334	97,982,160	44,123,735	44,010,618	144,005,069	141,992,778
Restricted	23,269,209	22,064,007	-	-	23,269,209	22,064,007
Unrestricted	19,422,307	20,797,199	19,185,890	17,263,830	38,608,197	38,061,029
Total net position	\$ 142,572,850	\$ 140,843,366	\$ 63,309,625	\$ 61,274,448	\$ 205,882,475	\$ 202,117,814

This year's net position increased by \$3,764,661. That represents the revenues collected over expenses in fiscal year 2017.

City-Wide Statement of Activities

	Governmental Activities		Business-type Activities		Totals	
	2017	2016	2017	2016	2017	2016
Revenues:						
Program revenues:						
Charges for services	\$ 4,296,470	\$ 4,459,223	\$ 16,941,965	\$ 16,453,801	\$ 21,238,435	\$ 20,913,024
Operating grants and contributions	507,616	514,845	-	-	507,616	514,845
Capital grants and contributions	1,302,174	319,541	481,413	43,104	1,783,587	362,645
General revenues:						
Ad valorem taxes	14,548,461	13,790,347	-	-	14,548,461	13,790,347
Sales taxes	7,304,507	7,252,963	-	-	7,304,507	7,252,963
Franchise taxes	2,105,881	2,206,890	-	-	2,105,881	2,206,890
Other taxes	263,587	106,607	-	-	263,587	106,607
Investment earnings	148,933	142,343	100,525	76,014	249,458	218,357
Miscellaneous	168,865	150,630	-	-	168,865	150,630
Gain on sale of capital assets	17,000	51,849	-	71,003	17,000	122,852
Total revenues	<u>30,663,494</u>	<u>28,995,238</u>	<u>17,523,903</u>	<u>16,643,922</u>	<u>48,187,397</u>	<u>45,639,160</u>
Expenses:						
General government	4,881,741	4,449,317	-	-	4,881,741	4,449,317
Community development and engineering	1,672,823	1,558,750	-	-	1,672,823	1,558,750
Fire and rescue	5,524,975	4,783,421	-	-	5,524,975	4,783,421
Leisure services	4,987,965	4,701,443	-	-	4,987,965	4,701,443
Maintenance	1,243,614	689,861	-	-	1,243,614	689,861
Municipal court	606,269	448,420	-	-	606,269	448,420
Police	6,093,309	5,734,116	-	-	6,093,309	5,734,116
Streets and drainage	3,578,365	5,150,390	-	-	3,578,365	5,150,390
Water and wastewater	-	-	14,779,262	13,995,038	14,779,262	13,995,038
Drainage	-	-	646,145	563,268	646,145	563,268
Interest on long-term debt	408,268	614,159	-	-	408,268	614,159
Total expenses	<u>28,997,329</u>	<u>28,129,877</u>	<u>15,425,407</u>	<u>14,558,306</u>	<u>44,422,736</u>	<u>42,688,183</u>
Increases in net position before transfers	1,666,165	865,361	2,098,496	2,085,616	3,764,661	2,950,977
Transfers	63,319	895,668	(63,319)	(895,668)	-	-
Change in net position	1,729,484	1,761,029	2,035,177	1,189,948	3,764,661	2,950,977
Net position, beginning	<u>140,843,366</u>	<u>139,082,337</u>	<u>61,274,448</u>	<u>60,084,500</u>	<u>202,117,814</u>	<u>199,166,837</u>
Prior period adjustments	-	-	-	-	-	-
Net position, ending	<u>\$ 142,572,850</u>	<u>\$ 140,843,366</u>	<u>\$ 63,309,625</u>	<u>\$ 61,274,448</u>	<u>\$ 205,882,475</u>	<u>\$ 202,117,814</u>

2017 Revenues:

In fiscal year 2017, the general fund revenues was more than \$900,000 above budget. The city wide revenues increased by \$2,548,237 from last year. Colleyville benefits from a strong residential base which helps mitigate the negative effects of economic fluctuations. Property values have experienced a 9.14% growth over the prior year's certified values. In 2017, the City's first hotel opened for business and the City collected about \$150,000 in hotel occupancy taxes. There was also an increase in capital contributions of about \$1 million primarily due to an increase in the street developer's contributions over the last year due to new construction.

Revenue Category	2017 Activity
Charges for services	\$21,238,435
Grants and contributions	2,291,203
Ad valorem taxes	14,548,461
Sales taxes	7,304,507
Franchise taxes	2,105,881
Other taxes*	263,587
Investment earnings*	249,458
Miscellaneous*	168,865
Gain on sale of capital assets*	17,000
TOTAL REVENUES	\$48,187,397

*Shown on the pie chart as "Other general revenues"

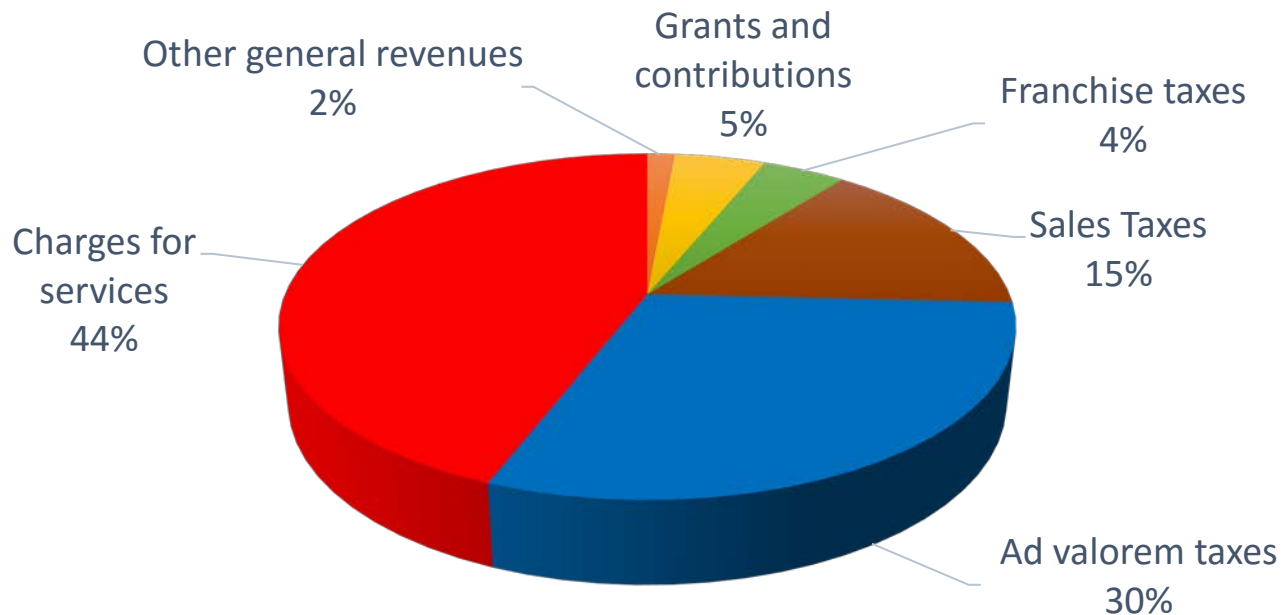
Key Terminology

Program Revenue: Revenue derived directly from the program itself or from parties outside the City's taxpayers or citizenry, as a whole. Program revenues reduce the net cost of the function to be financed from the City's general revenues.

General Revenue: All revenue that is not required to be reported as program revenue. All taxes, even those that are levied for specific purpose, are general revenues and should be reported by type of tax.

Ad valorem taxes: Property taxes collected from property owners based upon an assessed valuation and tax rate.

Franchise Taxes: Taxes imposed on corporations or business for using public property for private purposes.



2017 Expenses:

In fiscal year 2017, the general fund revenues exceeded the expenditures resulting in a \$1,033,100 increase in the general fund's fund balance and eliminated the need to use the budgeted strategic draw down of the general fund's fund balance of \$1,000,000. Due to the city's continuous efforts to cut down on expenditures and conduct business in the most efficient way, the city wide revenues exceeded its expenditures by \$3,764,661.

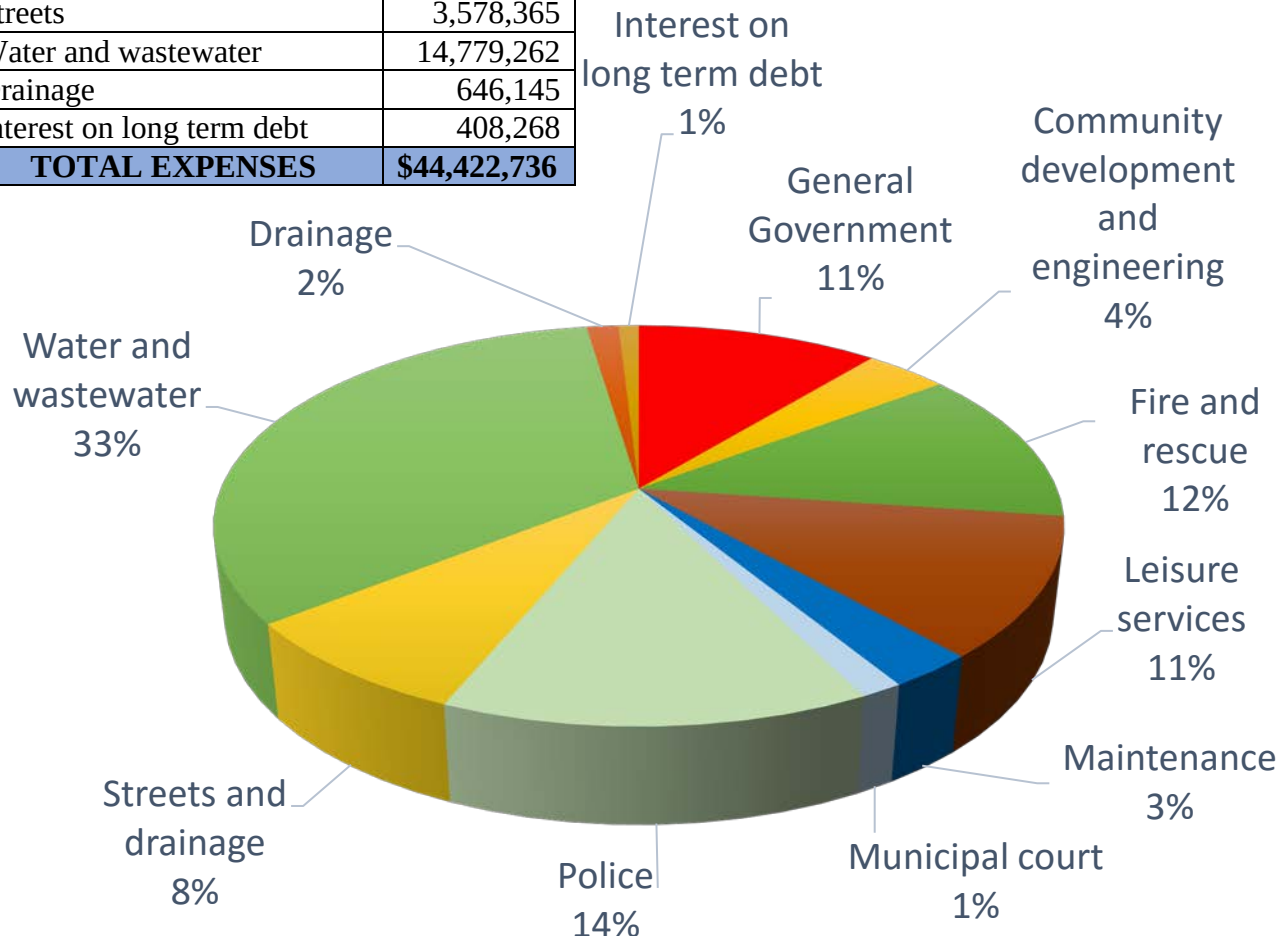
Expense Category	2017 Activity
General Government	\$4,881,741
Community development and engineering	1,672,823
Fire and rescue	5,524,975
Leisure services	4,987,965
Maintenance	1,243,614
Municipal court	606,269
Police	6,093,309
Streets	3,578,365
Water and wastewater	14,779,262
Drainage	646,145
Interest on long term debt	408,268
TOTAL EXPENSES	\$44,422,736

Key Terminology

Fund balance: represents the fund's assets less liabilities.



Colleyville Justice Center



Statistical Information

Fiscal year 2017 principal employers:

Employer	Number of employees
Grapevine Colleyville ISD	611
Market Street	345
Lifetime fitness	250
City of Colleyville	206
Covenant Christian Academy	130
Whole Foods Market	125
Albertsons	118
La Hacienda Ranch	100
Walmart Neighborhood Market	72
US Memory Care	60

Fiscal year 2017 principal property tax payers:

Tax Payer	Percent of taxable assessed value
Colleyville Downs (KRG Colleyville LLC)	0.75%
Town Center (Velocis Colleyville)	0.75%
Toll Dallas TX LLC	0.45%
Oncor Electric Delivery	0.36%
Lifetime Fitness Real Estate	0.30%
Standard Pacific of Texas Inc	0.27%
Memory Care Facility (Welltower Inc)	0.24%
Colleyville Lofts Venture LLC	0.21%
Mainvue TX LLC	0.17%
Atmos Energy/Mid Tex	0.16%
Walmart Real Estate Trust	0.16%

Income and population growth:

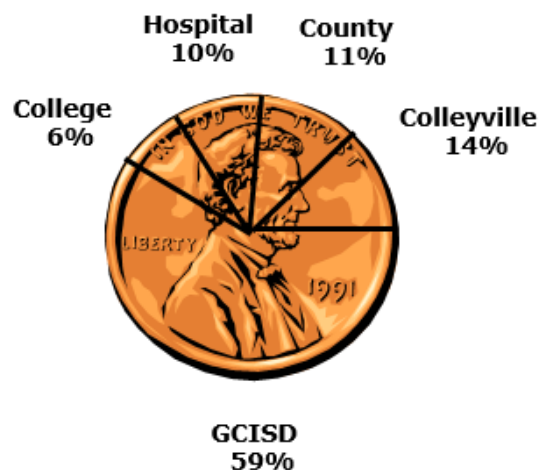
Year	Population	Personal Income
2008	22,500	\$173,853
2013	23,090	\$199,168
2017	24,630	\$207,438

Average residential property value: \$492,188

Overlapping property tax rate:

Taxing entity	Rate
City of Colleyville	\$0.33913
Grapevine Colleyville ISD	1.3967
Tarrant County	0.2540
Tarrant County College	0.14473
Tarrant County Hospital	0.227897
TOTAL	\$2.36

FY 2017



Shop, Dine, Play, and Stay

Huge milestone for Colleyville!



On December 2, 2016, Colleyville's first hotel, the Hampton Inn & Suites, located at 5300 State Highway 121, opened its doors for business. The hotel features 91 rooms, meeting space for up to 80 guests, a 10-guests boardroom, indoor pool, and fitness center. A modern design is carried throughout the hotel from the open-space lobby area, where complementary hot breakfast is served daily, and into the details of every room.

Before this hotel, people visiting Colleyville would stay in neighboring cities, but now they can shop, dine, play, and stay in Colleyville!

Give to the Community...Shop Colleyville!



Shopping locally gives back to the community! Every time you shop or dine in Colleyville, not only are you supporting local business, you are investing in your community. The sales tax generated by shopping local helps finance important community projects and programs that support a high quality of life for the community and the people who live here. Check out our business directory at <http://colleyvilleclosebuy.com/business-directory.htm>

Two pennies for every dollar spent on sales taxable goods purchased in Colleyville go towards funding community needs, including public safety, road repairs, park improvements and community events.

General Fund

Receives One Penny - Helps fund general operations of the city.

Colleyville Economic Development Corporation Fund (CEDC)

Receives Half-a-Penny - Promotes economic development programs and initiatives in the city and pay for park maintenance, Library programs, and special events.

Colleyville Crime Control & Prevention District Fund (CCPD)

Receives a Half-a-Penny - Assists in funding programs that help with policing and safety efforts in the community.

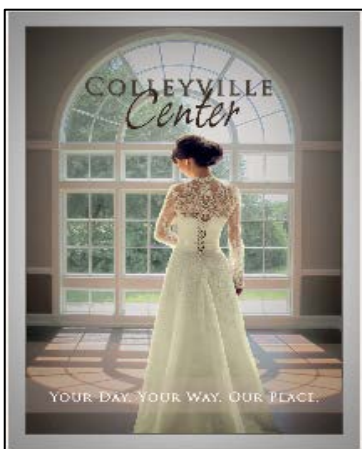
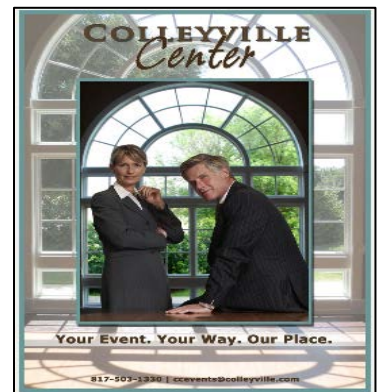
Your Day. Your Way. Our Place.



The City of Colleyville is proud to present an exceptional venue with the Colleyville Center. The Center opened January 10, 1998. A unique facility where you can create memories with the wedding or social event of your dreams or host an impressive business meeting. Choose your own vendors from caterers to coordinators and design an experience to fit your personality and budget. From the eight-acres of landscaped grounds with a garden plaza and ponds to the light-filled gallery which extends to a Grand Hall with four signature Palladian windows - it is all about the feel of the space.

With flexible meeting space and a full slate of amenities, Colleyville Center is the perfect site for business meetings, training seminars, luncheons and retreats.

- Flexible Meeting Space
- Free Parking
- Audio/Visual Equipment - Giant high definition rear screen projection system operable through your laptop
- Continental Breakfast, Lunch & Break Service Available
- Affordability and Efficiency



With beautifully arched windows and a landscaped plaza, Colleyville Center's grace and elegance make the perfect backdrop for your wedding or reception.

The landscaped grounds of the Center include a Garden Plaza "Balustrada" structure of cast stone which graces the front of the facility. The beds surrounding the Plaza bloom year-round with flowers and shrubs and the stately newel columns host climbing roses. Over 2,000 square feet of pavestone walkways can accommodate garden chairs for a ceremony. The nine-acres of grounds include two ponds with illuminated fountains and stunning plaza ground lighting for that special sparkle after dark!

Colleyville Community Events 2018



Red White Sousa 2017

Date	Event Name	Location	Time
Jan 26	Winter Ball	Colleyville Center	7:00 – 9:00 p.m.
Mar 16	Movies in the Village	The Village at Colleyville	8:00 – 10:00 p.m.
Mar 24	Farmer's Market	The Village at Colleyville	Saturdays
Mar 24	Bunny Brunch	Colleyville Center	10:00 a.m. – 12:00 p.m.
Apr 12	Concerts in the Village	The Village at Colleyville	7:00 p.m.
Apr 21	Texas Junior Anglers	Colleyville Nature Center	9:00 a.m. – 12:00 p.m.
Jun 15	Movies in the Village	The Village at Colleyville	8:45 – 11:45 p.m.
Jun 22	Red, White & Sousa	Colleyville Center	6:30 – 10:00 p.m.
Sep 7	Senior Health Fair	Senior Center	9:00 - 11:30 a.m.
Sep 13	Concerts in the Village	The Village at Colleyville	7:00 p.m.
Oct 2	National Night Out	City Park	6:00 – 9:00 p.m.
Oct 20	Haunted Trail Fest	Colleyville Nature Center	6:00 – 9:00 p.m.
Nov 30	Christmas Tree Lighting Celebration	City Hall / Library	5:00 – 8:00 p.m.
Dec 12	Senior Holiday Party	Senior Center	6:00 – 9:00 p.m.

Check out our visitor's guide at <https://www.colleyville.com/colleyville-visitors-guide.html>



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-3

Agenda Date 07/02/2018

Type Worksession

Department City Secretary

Title

Discussion of the July 2, 2018, 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 07/02/2018

Type Executive Session

Department City Secretary

Title

Section 551.071 - Legal - Consultation with attorney on legal issues raised by items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding contemplated and/or pending litigation, including:

- Glade Road eminent domain cases for Parcels 150 and 159

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

- Glade Road Project Phases 1B and 2
- Acquisition of real property along SH26

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-18-4279

**A RESOLUTION APPROVING COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF JULY 2, 2018**

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 2ND DAY OF JULY 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, 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 07/02/2018

Type Report

Department City Secretary

Title

Presentation of the City's second ambulance - Fire Chief Brian Riley

Proclamation in recognition of Parks and Recreation Month - Mayor Richard Newton
and Parks and Recreation Director Lisa Escobedo

Attachments

1. Proclamation in recognition of Parks and Recreation Month

Proclamation

CITY OF

Colleyville, Texas

WHEREAS: parks and recreation programs are an integral part of all communities, including the City of Colleyville; and

WHEREAS, our parks and recreation programs are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community and parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve air quality, provide vegetative buffers, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community, and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month.

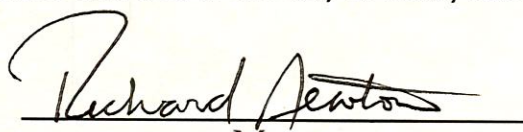
NOW, THEREFORE, I, RICHARD NEWTON, MAYOR OF THE CITY OF COLLEYVILLE, TEXAS, on behalf of the Colleyville City Council, do hereby proclaim the entire month of July as

PARKS AND RECREATION MONTH

and encourage all citizens to celebrate by participating in one of the many leisure pursuits available in our City and recognize the vital contributions of employees and volunteers in parks and recreation facilities.

IN WITNESS WHEREOF, I do hereby set my hand and seal of the City of Colleyville affixed this 2nd day of July 2018.




Mayor



RESOLUTION R-18-4280
A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
JULY 2, 2018

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 City Council meeting of June 19, 2018
 - b. Approval of the minutes of the City Council Worksession of June 20, 2018
 - c. Approval of the renewal for medical insurance to BlueCross BlueShield of Texas and dental insurance to CIGNA Dental; and renewal of a contract for the employee assistance program with Alliance Work Partners, and authorize the City Manager to execute the agreements
 - d. Approval of establishing a Health Reimbursement Arrangement (HRA), and authorizing the City Manager to execute the agreements

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 0 AYES, 0 NAYS AND 0 ABSTENTIONS ON THIS THE 2ND DAY OF JULY 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, 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, June 19, 2018

Council Chambers

Mayor Richard Newton called the Colleyville City Council Worksession to order on Tuesday, June 19, 2018, at 5:32 p.m.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley and Callie Rigney.

ALSO PRESENT: City Manager Jerry Ducay, Assistant City Manager Adrienne Lothery, Police Chief Michael Miller, Fire Chief Brian Riley, Community Development Director Ben Bryner, Library and Special Events Director Mary Rodne, Colleyville Center Manager Leslie Hill, Parks and Recreation Director Lisa Escobedo, Information Services Manager Chris Pena, City Attorney Whitt Wyatt, and City Secretary Christine Loven.

WS-1 Review and discussion of the City Council Rules of Procedure

Mayor Newton led the discussion regarding the City Council Rules of Procedure. City Council requested the following updates:

Section V. Agenda D. Add h. Financial Report and correct lettering system.

j. Discussion of items not for action – add (or earlier at the discretion of the Mayor or the majority of the Council).

Moving the financial report up on the agenda following the consent agenda.

City Council further directed staff to research having a permanent recording of Executive Sessions.

A resolution approving the changes to the Rules of Procedure will be brought forward at a future City Council meeting.

WS-2 Discussion and review of the City of Colleyville investment policy and proposed changes

Chief Financial Officer Shereen Gendy presented this item and explained the Audit Committee has reviewed the recommendations also.

WS-3 Discussion of possible disannexation request for certain real property along Chadwick Crossing

Mayor Newton discussed the history of this item and stated the residents who are seeking to disannex met with him and the City Manager. Mayor Newton stated the collective concerns of the residents centered on relating more to Southlake as they do not have residential access from Colleyville and they are in Southlake schools. During the meeting the Colleyville services: sewer, water, police, and fire were discussed and Mayor Newton stated Southlake was collecting sewer fees, but those fees have not been paid to Colleyville. City Manager Ducay stated it appears Southlake owes Colleyville approximately \$145,000, which they will pay after both cities work to reconcile the records.

Mayor Newton stated City Manager Ducay outlined what he felt would be a fair land and services swap if the disannexation were to occur. Both parties agreed to continue discussions and he will continue to keep the City Council apprised.

WS-4 Update and discussion on SH26 project phasing

Mayor Newton stated Phase II is ahead of schedule which is allowing the City to move forward with Phase III sooner, but there are contract dates and details which will need to be adjusted. Mayor Newton highlighted the next steps for Phase III of the project and noted the City and TxDOT will conduct an open house for residents and businesses at Colleyville Center on Wednesday, June 27, which will provide information regarding the phasing and Mr. Min Tran, TxDOT will be present at the next Council meeting to bring further updates.

Mayor Newton noted the City will be seeking to receive access to \$700,000 in TxDOT's budget for landscaping and the City will add to it and take ownership of the landscaping. Mayor Newton noted \$350,000 of the funding is from the Green Ribbon grant and there is a stipulation on the timeframe in which the funds must be spent. A resolution will be placed on the July 2, 2018 City Council Agenda.

Mayor Newton also advised the pedestals for the street lights west side of SH26, had been constructed without bolts, and the City has agreed to hire an independent engineer to assist with options for correction.

WS-5 Discussion of the June 19, 2018, City Council regular agenda items

Mayor Newton noted there were two resolutions on the agenda appointing members to the Planning and Zoning Commission and Tax Increment Finance District and asked City Council to review the corrections to the minutes which were distributed and consider them when making a motion on the consent resolution.

Mayor Newton also discussed item 5f on the agenda, noting the City is in the process of contracting with a snake abatement company to trap snakes along the creek.

Mayor Newton adjourned the worksession at 6:27 p.m.

Mayor Newton called the Executive Session to order at 6:28 p.m. and called the roll.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley and Callie Rigney.

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 items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding contemplated and/or pending litigation, including:

- Glade Road eminent domain cases for Parcels 150 and 159

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

- Glade Road Project Phases 1B and 2
- Acquisition of real property along SH26

Section 551.074 - Personnel - Deliberate the appointment, employment, evaluation and duties of the Director of Public Works

Section 551.074 - Personnel - Update regarding City personnel administration from the City Manager

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

Mayor Newton explained the Executive Session had been called in accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.071, Legal, Section 551.072, Real Estate, Section 551.074 - Personnel and Section 551.087, Economic Development. He further explained there would be no decisions made or action taken during this time. Executive Session was adjourned at 7:14 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Newton at 7:32 p.m.

INVOCATION: Pastor Katie Lewis, First United Methodist**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-18-4272**

Mayor Newton read Resolution R-18-4272 in its entirety.

Mayor Newton explained this resolution was for right of way for the Glade Road project.

Mayor Newton opened the public hearing at 7:37 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 7:37 p.m.

Mayor Pro Tem Lindamood made a motion to approve Resolution R-18-4272 and 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, Chuck Kelley and Callie Rigney.

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

Mayor Newton read a letter of thanks to the Colleyville Fire Department for their professional and courteous elevator rescue on Saturday, June 16. Mayor Newton thanked the fire department and recognized Chief Brian Riley, and the fire fighters who were in attendance.

Mayor Newton announced City Council interviewed a candidate put forth by the City Manager for the Public Works Director position, and they hope to have a formal announcement at the next City Council meeting. While searching for a new Director, City Manager Ducay and Assistant City Manager Wood have shared the duties of managing the Public Works Department.

Mayor Newton also announced Public Works staff recently completed shoreline stabilization of Little Bear Creek in the Tara Subdivision, noting the embankment presented a public safety concern and connects to Sparger Park. Mayor Newton

thanked the department and stated this is yet another example of the work completed by our talented team of professionals.

Mayor Newton stated SH26 is nearing completion of Phase II, with only the bridge work yet to be completed, and the City has discussed moving forward with the Phase III work ahead of schedule. On June 27 an open house will be held at Colleyville Center from 5-7 p.m. to review the SH26 construction transition to Phase III. City and TxDOT staff will be present to answer questions and review comments from the public, and at the July 2 City Council meeting representatives from TxDOT will provide an overview of the Phase III construction transition. A resolution seeking the transfer of jurisdictional control of the TxDOT funds allocated for landscaping enhancements as part of the SH26 construction, will also be brought forward at that time.

The next Q3P will be a \$10 gift card mailed to every residence which will provide for \$10 off any purchase of \$20 or more in any Colleyville business. The program begins July 1 and runs through September 30, 2018.

Mayor Newton said also in an effort to assist those businesses in the SH26 construction corridor, the City is relaxing the regulations on special event signs and waiving the \$50 permit fee.

Mayor Newton stated a Highway 26 business support team comprised of the Chamber of Commerce, CEO Organization, Colleyville Lions Club, the City, local businesses, organizations and citizens, will visit all of the businesses on SH26 by the end of July in an effort to show support, encourage shopping, and provide a connection to the City and TxDOT.

Mayor Newton reported the April sales tax report shows positive growth for the third consecutive month.

Mayor Newton reminded everyone of the Red, White, and Sousa concert with Asleep at the Wheel on June 22. The Texas Commission on the Arts approved a \$4,572 grant to the City of in support of the concert, and this is the fifth year the City has received grant support for Red, White and Sousa performers.

Mayor Pro Tem Lindamood announced there will be a Coffee with First Responders at Market Street, Thursday, June 28 and invited everyone to visit with Fire Chief Riley and Police Chief Miller, and their staffs.

In recognition of the Featured Business of the Month - Modish Boutique, 4400 Colleyville Boulevard, Morgan Fenton owner - Mayor Richard Newton

Mayor Newton and City Manager Ducay welcomed Featured Business of the Month owner Morgan Fenton, Modish Boutique. Ms. Fenton thanked the Mayor and

Council for the recognition and encouraged everyone to try the boutique, which is open seven days a week.

4. CONSENT: READING AND PUBLIC HEARING- RESOLUTION R-18-4273

- 4a** Approval of the minutes of the regular City Council meeting of June 5, 2018
- 4b** Approval of a construction contract with Ratliff Hardscape, Ltd. for the 2018 Miscellaneous Concrete Repair Contract, in an amount not to exceed \$400,000, and authorizing the City Manager to execute the contract

Mayor Newton read Resolution R-18-4273 in its entirety.

City Manager Jerry Ducay provided information regarding item 4b.

Mayor Newton opened the public hearing at 8:09 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 8:09 p.m.

Councilmember Wheat made a motion to approve Resolution R-18-4273, accepting the June 5, 2018 minutes as corrected and Councilmember Kelley 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, Chuck Kelley and Callie Rigney.

Councilmember Chuck Kelley stated he is recusing himself from items 5a through 6b as he served as Place 5 Commissioner on the Planning and Zoning Commission when these items were heard.

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

5a Ordinance O-18-2044

Consideration of an amendment to the PUD-C Planned Unit Development-Commercial zoning district to allow for a drive-through service on Lot 3, Block 11, Longwood Estates at Ross Downs, located at 7181 Colleyville Boulevard, Case ZC18-009

Mayor Newton read the caption of Ordinance O-18-2044.

Community Development Director Ben Bryner presented this item and answered questions of the City Council.

There was discussion regarding path of travel and speed, parking spaces, queuing of the cars, zoning, safety, entrances, and location of the drive through.

Pat and Dave Aistrup, 2201 Daniel Drive, could not be present and Mayor Newton read their opposition email for the record.

Mayor Newton opened the public hearing at 8:33 p.m.

David Dudziak, 2301 Wilkes Court, spoke in favor of this item, but encouraged there be signage and/or striping to help keep traffic on SH26 instead of the residential streets.

Amanda Pillai, 6900 Upland Lane, spoke in opposition to this item with concerns for the flow and U-turn traffic.

There were no others wishing to speak and Mayor Newton closed the public hearing at 8:36 p.m.

There was further discussion regarding traffic, distance between buildings, fire lanes, landscaping/hardscaping, and location of the collection window.

City Manager Ducay directed staff to bring forward a scenario of stacking plans, how cars would interact, type of distance along the building, and moving the building location.

Mike Sartain, 7113 Cedar Court, applicant, spoke regarding the path of travel and parking ratio. Mayor Newton asked Mr. Sartain if he could bring forward a different building plan and landscape plan if this item was tabled.

City Manager Ducay asked Mr. Sartain if he would rearrange the building with a large radius and place the window at the far north back of the building. Mayor Newton suggested considering placing a barrier, to which Manager Ducay stated would have to be masonry and not a landscape.

Councilmember Nakamura made a motion to table Ordinance O-18-2044 and amended the motion to a date certain of July 17, 2018, and Councilmember Dodson seconded the motion.

Mayor Newton asked Mr. Sartain how much time he would need. Mr. Sartain asked for at least three weeks, making July 17, 2018 workable.

The motion to table carried with the following vote:

Aye: 6 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

Recused: 1 – Councilmember Chuck Kelley

5b Ordinance O-18-2045

Consideration of a Special Use Permit to exceed the maximum number and total maximum size allowed by right for accessory buildings on Lot 1, Block 1, of the K Bar G Estates addition, located at 6401 Westcoat Drive, Case ZC18-010

Mayor Newton read the caption of Ordinance O-18-2045.

Community Development Director Ben Bryner presented this item, stating there were no updates, and answered questions of the City Council.

Mayor Newton stated this is a second hearing and this is a large estate and he has no additional questions from the previous meeting.

Mayor Newton open the public hearing at 8:56 p.m.

Kathy Hadley, 204 North Timberline, spoke in favor of this item, but expressed concerns of City Council setting a precedent regarding what is allowed in a residential neighborhood.

There were no others wishing to speak and Mayor Newton closed the public hearing at 8:58 p.m.

Mayor Newton thanked Ms. Hadley for her comments and said this is a large lot and the current policy is too limited.

Councilmember Dodson made a motion to approve Ordinance O-18-2045 and Councilmember Wheat seconded the motion.

The motion to approve carried with the following vote:

Aye: 6 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

Recused: 1 – Councilmember Chuck Kelley

5c Ordinance O-18-2046

Consideration of a zoning change from the AG-Agricultural zoning district to the R-40 Single Family Residential zoning district on a portion of Lot 1, Block 1, of the Wood Estates Addition, located at 411 McDonwell School Road E, Case ZC18-011

Mayor Newton read the caption of Ordinance O-18-2046.

Community Development Director Ben Bryner presented this item, noting there were no updates from the previous reading, and answered questions of the City Council.

Mayor Newton stated Mrs. Garrison owns all the land, Director Bryner concurred.

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

Kathleen Hennessey, 5013 Stonebridge Drive, spoke in opposition to this item with concerns for driving the area in the night.

Jeff Polk, 1904 Industrial, Suite 104, speaking on behalf of Mrs. Garrison advised the City Council the existing easement does not go through to her property.

There were no others wishing to speak and Mayor Newton closed the public hearing at 9:08 p.m.

There was general discussion regarding McDonwell School Road.

Councilmember Nakamura made a motion to approve Ordinance O-18-2046 and Councilmember Dodson seconded the motion.

The motion to approve carried with the following vote:

Aye: 6 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

Recused: 1 – Councilmember Chuck Kelley

5d Ordinance O-18-2047

Consideration of a Special Use Permit to exceed the total maximum size allowed by right for accessory buildings and for a Servants' or Caretakers' Quarters on Tract 5B02, Abstract 294, in the Robert Chowing Survey, located at 5810 Pool Road, Case ZC18-012

Mayor Newton read the caption of Ordinance O-18-2047.

Community Development Director Ben Bryner presented this item and answered questions of the City Council.

Mayor Newton reiterated the details of the second casita, trees, the intent for the use of the buildings for family, and what constitutes living quarters.

Mayor Newton open the public hearing at 9:17 p.m.

William Stearman, 2248 Bedford Circle, Bedford, property owner, advised he was present and would answer questions of the Council

Jeff Polk, 1904 Industrial, Suite 104, spoke in favor of this item and urged City Council to approve smaller detached buildings.

Kathy Hadley, 204 Timberline North, spoke in favor of this item.

There were no others wishing to speak and Mayor Newton closed the public hearing at 9:22 p.m.

Mayor Pro Tem Lindamood made a motion to approve Ordinance O-18-2047 and Councilmember Dodson seconded the motion.

The motion to approve carried with the following vote:

Aye: 6 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

Recused: 1 – Councilmember Chuck Kelley

5e Ordinance O-18-2048

Consideration of a zoning change from the AG-Agricultural and R-20 Single Family Residential zoning districts to the AG-Agricultural and R-20 Single Family Residential zoning districts on Lot 1, Block 1, of the Allzim Acres Addition, and Tracts 2A7B, 2A8C, & 2A9A, Abstract 533, in the Mary M. Freeman Survey, and Tract 4D02, Abstract 295, in the William E. Crooks Survey, located at 7209 & 7215 John McCain Road, Case ZC18-013

Mayor Newton read the caption of Ordinance O-18-2048.

Community Development Director Ben Bryner presented this item and answered questions of the City Council.

Mayor Newton recapped the discussion from the previous meeting. There was discussion regarding the entrances off John McCain, right-of-way, a 30-foot easement, tree preservation.

Councilmember Nakamura asked if the applicant was present and had he met and or talked with the neighbors who are in opposition of this item.

Wesley Dawson, 406 Pecan Drive, Irving, Developer, replied he has communicated with residents on Chanel Court, and with the only property affected by the zoning change, though he is not opposed.

Mayor Newton open the public hearing at 9:40 p.m.

Sharla Hermes, 7109 Vanguard Court, spoke in opposition to this item with concerns for who is going to police the tree easement and requested a PUD ordinance.

Heidi Hughes, 7305 Vanguard Court, spoke in opposition to this item with concerns regarding enforcement, tax revenue, and John McCain Road.

Christie Kimbell, 7201 Vanguard Court, spoke in opposition with concerns for the trees, traffic on John McCain, quality of the development, zoning, platting, and requested a PUD ordinance.

Al Zim, 7209 John McCain, spoke in support of this item and spoke regarding traffic speeds and the design of John McCain Road.

Wesley Dawson, 406 Pecan Drive, spoke in favor, stating this is one property affected by the zoning change and there are ten properties around the affected property, that there is no zoning change affecting those ten properties and the property has been zoned for eleven properties for over 20-years. Mr. Dawson stated the buffer which they are agreeing to is working with the neighbors and requested approval.

Christie Kimbell, 7201 Vanguard Court, asked City Council to clarify the zoning regulations on the property.

There were no others wishing to speak and Mayor Newton closed the public hearing at 10:04 p.m.

Mayor Newton further recapped the concerns:

1. Concerns regarding the buffer or ability to be developed as requested;
2. 30-foot tree easement and enforceability without the ordinance being a PUD;
3. Zoning; and
4. Traffic

There was continued discussion regarding the 30' buffer, zoning, enforcement, and conformance.

There was consultation with the City Attorney regarding Section 3 language for the ordinance which will tighten the restrictions.

During these discussions, the public hearing was not reopened, however, Ms. Hermes and Ms. Kimbell were asked questions and asked questions of the Council during the deliberations.

Mayor Pro Tem Lindamood made a motion to approve Ordinance O-18-2048 with Section 3 and Exhibit B amended by the City Attorney, and Councilmember Dodson seconded the motion.

The motion to approve carried with the following vote:

Aye: 6 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

Recused: 1 – Councilmember Chuck Kelley

Mayor Newton recessed the meeting at 10:42 p.m. and reconvened the meeting at 10:52 p.m.

5f Ordinance O-18-2049

Consideration of a zoning change from the AG-Agricultural zoning district to the RE Single Family 'Estate' Residential zoning district on Tracts 1B & 1B1A, Abstract 294, in the Robert Chowning Survey, located at 6900 Pool Road, Case ZC18-014

Mayor Newton read the caption of Ordinance O-18-2049.

Community Development Director Ben Bryner presented this item and answered questions of the City Council.

City Manager Ducay stated the City has contacted a contractor who can treat the snakes on the City property and work with residents for pricing and information for individual property owners.

Mayor Newton open the public hearing at 10:57 p.m.

David Dudziak, 2301 Wilkes Court, spoke in opposition of this item on behalf of himself and the Ross Downs HOA, he expressed his appreciation to the City Manager for researching the snake trapping, but stated he is concerned this is not

a solution and a PUD with added environmental enforcement and remediation is needed.

Michael Farrell, 2504 Twelve Oaks, spoke in opposition, stating he has killed 102 snakes over the last two years, another neighbor caught six, and another 62, and he believes the moving of dirt has caused the snakes to move and he would like to see a 30-foot angle of fencing along the creek.

Karen Actkinson, 2500 Twelve Oaks Lane, spoke in opposition of this item and stated the homeowners should not have to pay remediation.

Brian Stewart, 2502 Twelve Oaks Lane, spoke in opposition of this item and addressed the number of snakes on his property, and how this is out of control and stated there is an elementary school nearby.

Wendy Stewart, 2502 Twelve Oaks Lane, spoke in opposition of this item and addressed the number of snakes on their property, and felt homeowners should not have to pay remediation.

Kathleen Hennessey, 5013 Stonebridge Drive, spoke in support of this item, but suggested the food source needs to be investigated and suggested bringing in other natural predators such as king snakes or mongooses to help remediate the problem.

There were no others wishing to speak and Mayor Newton closed the public hearing at 11:21 p.m.

There was general discussion on possible causes and solutions to the snake infestation, and the affect this issue may have on home sales.

At 11:50 p.m. Mayor Newton polled the City Council for agreement to continue the City Council Meeting beyond midnight. All Councilmembers agreed.

Councilmember Dodson made a motion to approve Ordinance O-18-2049 and Councilmember Nakamura seconded the motion.

Councilmember Nakamura made a statement for the record that the City will continue to work toward solutions regarding the snakes even though the ordinance is being approved. Mayor Pro Tem Lindamood concurred and stated as the City receives more information he wants the City to go full force to correct the issues. Mayor Newton stated this has been an issue for several years and has gotten worse, therefore, he too agrees it needs to be addressed.

The motion to approve carried with the following vote:

Aye: 6 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

Recused: 1 – Councilmember Chuck Kelley

6. RESOLUTION(S): READING AND PUBLIC HEARING

6a Resolution R-18-4274

Consideration of a replat for Lot 1R, Block 1, Wood Estates Addition and Lot 1, Block 1, Westcoat Estate Addition, located at 406 & 411 McDonwell School Road E and 6605 Westcoat Drive, Case PC17-027

Mayor Newton read Resolution R-18-4274 in its entirety.

Community Development Director Ben Bryner presented this item and answered questions of the City Council.

Mayor Newton asked staff what the residential setbacks are on the exhibit. Director Bryner stated 40-foot east and west and 25-foot north and south.

Mayor Newton opened the public hearing at 11:57 p.m.

There was no one wishing to speak and Mayor Newton closed the public hearing at 11:57 p.m.

Mayor Pro Tem Lindamood made a motion to approve Resolution R-18-4274, and Councilmember Wheat seconded the motion.

6b Resolution R-18-4275

Consideration of a Preliminary Plat for the Oak Creek Addition, located at 7209 & 7215 John McCain Road, Case PC18-005

Mayor Newton read Resolution R-18-4275 in its entirety, adding Section 1 will be amended to read per the City Attorney's writing and based on the conditions approved in Ordinance O-18-2048.

City Council consulted with the City Attorney regarding the difference between the tree preservation easement and a tree ordinance

Community Development Director Ben Bryner presented this item and stated he will work with the City Attorney for the language for the plat.

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

The following did not wish to speak, but submitted speaker cards in opposition to this item: Sharla Hermes, 7109 Vanguard Court; Heidi Hughes, 7305 Vanguard Court; and Christie Kimbell, 7201 Vanguard Court.

Tom Matthews, Peaks Development, 2600 E. Southlake Blvd., Southlake, stated the wording has been tossed around several times this evening, however, he wanted to be sure everyone is aware we are proposing a tree preservation ordinance, not a landscape easement, there is a 25-foot building setback at the back of the lots that would prevail, but if there is a tree there which the builder says he has to remove to build a house, and it's outside that 30-feet, that he can do that but, would have to replace that on an inch by inch caliper, and we talked about where they would be placed, but I just want to be sure, the 25-foot building setback prevails, that it is tree preservation, so if there are no trees back there, there's not a requirement for a 30-foot landscape easement, this is a tree preservation, and that's what this is being set up for.

Mayor Newton stated what Mr. Matthews described is not really what had been discussed, that a 30-foot buffer had been discussed and Council was very specific. Mr. Matthews made reference to the language proposed by the developer and stated tree preservation is the intent, and he wanted to be sure this is tree preservation to preserve the existing trees.

Councilmember Dodson stated it also provides for a fill in of trees.

Mayor Newton and Mr. Matthews discussed the building line, preservation, and replacement of trees. Mayor Newton stated he is being very careful because the residents were very clear on their wants and City Council was very specific with everyone regarding the stipulations and zoning, and he felt a tree preservation as Mr. Matthews is discussing is not what the City Council just approved.

Mayor Pro Tem Lindamood stated the City Council very clearly discussed and stipulated we were preserving a 30-foot tree line.

Wesley Dawson, 406 Pecan Drive, Irving, developer, stated they have not changed the document. Mayor Newton agreed, but stated this is a difference in interpretation, however, the Council's interpretation and intent, is not what Mr. Matthews said. Mayor Newton stated he appreciates what the tree preservation ordinance says and this is why this had to be specific and is different than the tree preservation ordinance. Mayor Newton said he wishes the 25-foot setback had been discussed sooner.

Mayor Newton recessed the City Council Meeting at 12:08 a.m. to reconvene in Executive Session. Executive Session was adjourned at 12:35 a.m. and the City Council Meeting was reconvened at 12:40 a.m.

Councilmember Wheat made a motion to table Resolution R-18-4275, and Councilmember Nakamura seconded the motion.

The motion to table carried with the following vote:

Aye: 6 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

Recused: 1 – Councilmember Chuck Kelley

Councilmember Chuck Kelley returned to the dais.

6c Resolution R-18-4276

Consideration of appointing a member to the Planning and Zoning Commission

Mayor Newton read Resolution R-18-4276 in its entirety.

Mayor Newton opened the public hearing at 12:45 a.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 12:45 a.m.

Mayor Pro Tem Lindamood made a motion to approve Resolution R-18-4276, appointing Matt Koch to the Planning and Zoning Commission to fill an unexpired term to September 2019, and Councilmember Kelley 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, Chuck Kelley and Callie Rigney.

6d Resolution R-18-4277

A resolution appointing members to the Tax Increment Financing (TIF) District Board to fill unexpired terms

Mayor Newton read Resolution R-18-4277 in its entirety.

Mayor Newton opened the public hearing at 12:50 a.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 12:50 a.m.

Mayor Newton made a motion to approve Resolution R-18-4277, appointing Councilmember Wheat and Councilmember Dodson to the Tax Increment Financing District Board, and 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, Chuck Kelley and Callie Rigney.

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

Kathleen Hennessey, 5013 Stonebridge Drive, gave a presentation on wild Post Oaks on Cherry Lane.

8. REPORTS

Monthly Financial Report - May 31, 2018

Discussion of the City of Colleyville Popular Annual Financial Report (PAFR) for Fiscal Year 2017

Planning and Zoning Commission Minutes - March 26, 2018

Mayor Newton directed staff to move the Monthly Financial Report and discussion of the City of Colleyville Popular Annual Financial Report for Fiscal Year 2017 to the July 2, 2018 City Council Agenda.

There was no discussion of the Planning and Zoning Commission minutes.

9. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR JUNE 19, 2018 - READING AND PUBLIC HEARING - RESOLUTION R-18-4278

This resolution was not needed.

10. ADJOURNMENT

There being no further business before the City Council, Mayor Newton adjourned the City Council meeting at 1:01 a.m. on Wednesday, June 20, 2018.

APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE 2ND DAY OF JULY 2018.

Minutes taken and prepared by:

*Christine Loven, TRMC
City Secretary*



City of Colleyville City Council Worksession Minutes - Draft

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

Wednesday, June 20, 2018

4:00 p.m.

Mayor Richard Newton called the Colleyville City Council Worksession to order on June 20, 2018 at 4:04 p.m. p.m.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

ABSENT: Councilmember Chuck Kelley.

City Manager Jerry Ducay, Assistant City Manager Adrienne Lothery, Police Chief Michael Miller, and City Secretary Christine Loven.

2. PRESENTATION AND DISCUSSION

2a Presentation and discussion of preliminary budget projections for FY 2019

Assistant City Manager Adrienne Lothery reviewed the Fiscal Year 2019 (FY2019) budget projections and budget process.

Assistant City Manager Lothery reviewed the budget history for the last two years, highlighted the FY2019 projections, reviewing the absorption of health insurance increases, creation of an HRA, leaner staffing model, and agency agreements.

There was discussion regarding personnel, service levels, and an effective tax rate.

3. ADJOURNMENT

There being no further business before the City Council, Mayor Newton adjourned the worksession at 4:40 p.m.

APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE 2ND DAY OF JULY 2018.

Minutes taken and prepared by:

*Christine Loven, TRMC
City Secretary*



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4c

Agenda Date 07/02/2018

Number Resolution R-18-4280

Type Resolution

Department Human Resources

Title

Approval of the renewal for medical insurance to BlueCross BlueShield of Texas and dental insurance to CIGNA Dental; and renewal of a contract for the employee assistance program with Alliance Work Partners, and authorize the City Manager to execute the agreements

Strategic Plan

2.2 Recruit and retain a highly-qualified workforce

2.4 Demonstrate stewardship of public resources

Explanation

Reading and Public Hearing

In April and May of each year, the City evaluates employee health insurance for the upcoming fiscal year to ensure it is remaining competitive on insurance plans and premiums. This year, staff instructed the City's benefits broker/consultant, IPS Advisors, to seek competitive proposals using the City's current plan designs. During the June 19, 2018 City Council work session, IPS Advisors presented information and discussed with City Council the employee health insurance bid results and recommendations for Fiscal Year 2019 (FY19).

Summary of Bid Results

The City of Colleyville offers the following insurance benefits to employees:

- medical
- dental
- vision
- life and accidental death and dismemberment (AD&D)
- long term disability
- flexible spending account
- employee assistance program, and
- pricing transparency.

All plans are effective October 1 of each year.

This year we solicited bids for medical only, as the other benefits are in a rate guarantee. City staff, IPS Advisors, and the employee Benefits and Wellness Committee evaluated the bids for proposed benefit levels, plan designs and premiums.

Medical Insurance: The City's current medical provider, BlueCross BlueShield of Texas (BCBSTX), typically provides the initial renewal rates to the City in May of each year; however, the City went out to bid for our current medical plan designs in April. Carriers were asked to bid on the current two medical plans as well as other plan options in order to evaluate various alternatives. We received quotes from Aetna, BCBSTX, CIGNA, and United HealthCare (UHC). The bids ranged from +15 to +23 percent increases to the City's current premiums, with the two top competitive bids being from BCBSTX and CIGNA. CIGNA submitted a competitive bid of +16 percent increase and BCBSTX bid a +15 percent increase. The City's insurance broker named BCBSTX and CIGNA as the finalists and entered into the negotiation phase for best and final offers from both carriers. Aetna and United Healthcare were not able to submit competitive bids and therefore not recommended by the broker. The best and final from BCBSTX was +7 percent increase to current insurance premiums compared to the best and final from CIGNA which was at +10 percent. The recommendation was to remain with BCBSTX for another year. With the +7 percent rate change, the budgetary impact for FY19 would result in an increase of \$147,666 to the current premiums.

Insurance Plans Not Bid for FY19

Since the medical plan listed above was not in a rate guarantee for more than one year, the City solicited bids for that product. Other City benefits were in a rate guarantee so they were not bid for the upcoming year. These are listed below.

Dental: The dental plan has a \$50 individual deductible and a \$150 family deductible with \$1,000 orthodontia lifetime maximum and \$1,500 annual maximum. The dental plan with CIGNA is in line with normative data. The plan covers:

- preventative services at 100%
- basic services at 80%
- major and orthodontia services at 50%

When the City contracted with CIGNA on October 1, 2017, there was not an increase or decrease to premiums for year one and for year two, there was a rate cap of +5 percent. The rate cap was in place to provide protection for the City if claims continued to run high into the next plan year. The City has experienced high claims this year, therefore, IPS Advisors projected a +10 percent increase to dental premiums had the City went out to bid. IPS Advisors recommended to remain with CIGNA for year two of the contract. The City currently funds 100 percent of the employee only cost and 0 percent for dependent coverage, which is in line with other cities in the area. It was recommended to continue this funding structure into the FY19 plan year. The budgetary impact for FY19 would be an increase of \$2,806.

Vision: The vision plan covers annual eye exams at \$10, and employees pay a \$25 materials copay. Employees receive a \$130 frame allowance and a \$160 contact lens allowance. The Vision Plan with Superior Vision is currently in a rate guarantee until

October 1, 2020. This means that the rates are locked in until this date. No changes are recommended at this time as the current plan of benefits are in line with like entities.

Basic Life and AD&D: The current life and AD&D options through Dearborn National are in a rate guarantee until October 1, 2019. The plan offers employer paid Basic Life Insurance with a 1 x Base Annual Earnings to \$50,000. No changes are recommended at this time as the current plan of benefits are in line with like entities.

Supplemental Life and AD&D: In addition to the Basic Life policy, employees may purchase Supplemental Life Insurance separately up to an employee maximum of \$500,000. This benefit is competitive with other benchmark agencies and no changes are recommended to Supplemental Life Insurance at this time.

Long Term Disability: The current long term disability option through Dearborn National is in a rate guarantee until October 1, 2019. Long Term Disability premiums are paid 100 percent by the City in case an employee becomes too sick or injured to work. In the event an employee goes on long term disability, this policy pays 60 percent of an employee's salary to a maximum of \$7,500 per month until they reach Social Security Normal Retirement Age. This benefit is competitive with other benchmark agencies and no changes are recommended to Long Term Disability at this time.

Flexible Spending Account: The City provides Flexible Spending Accounts to employees who use pre-tax dollars to pay for out-of-pocket healthcare and dependent care expenses. This benefit is provided through Discovery Benefits and no changes are recommended at this time.

Employee Assistance Program (EAP): The City currently provides an EAP to employees and their families for counseling, guidance, training and resources. This program assists employees with substance/alcohol abuse, family issues, and financial or emotional problems. No changes are recommended to this benefit at this time. Overall, the City has seen over \$22,000 in estimated cost savings for 2017. Furthermore, Colleyville's EAP utilization (10 percent) is above national average of 2 to 4 percent this plan year. Alliance Work Partners (AWP) will be decreasing the City's rate by 6 percent for FY19. This will result in a savings of \$528. This plan renews on an annual basis unless cancelled by the City.

Pricing Transparency/Concierge Services: Compass Professional Services provides concierge-type services to employees in helping them navigate the complexities of the healthcare system by providing better information and smarter alternatives that can save time, money and frustration. These type of programs allow employees to call a toll-free number to speak to someone who can walk them through different cost options for prescriptions, medical procedures (such as pricing MRIs or CT scans), and questions about medical bills. When employees are empowered with information, they are better

able to make healthcare decisions and save themselves, and the plan, money. This plan renews on an annual basis unless cancelled by the City.

Summary

The City's annual insurance renewal process provides an opportunity for the City to strategically evaluate available options for all lines of coverage and optimize its benefit offerings to employees. IPS Advisors works closely with staff and the Benefits and Wellness Committee to formulate the most beneficial and cost-effective recommendations that are then brought forward to the City Council for consideration. The following summarizes the recommendations resulting from the meetings with staff, IPS Advisors, and the Benefits and Wellness Committee. The first table covers those costs that will affect the City's budget.

Cost Impact for City-Paid Benefits:

Plan	Cost Diff	Recommendations
Medical	\$147,666	Renew with BCBS with the same plan designs and +7% increase to rates.
Dental	\$2,806	Renew with Cigna Dental with same plan design and +5% increase to employee only rates.
Employee Assistance Program	-\$528	Renew with AWP with a -6%, or \$528 decrease.
TOTAL ANNUAL	\$149,944	

If the recommendations are approved, the total budgetary impact to the City of Colleyville would be an increase of \$149,944 in FY19.

The table below reflects how these recommended changes will affect employees.

Cost Impact for Employee-Paid Benefits:

Plan	Cost Diff	Recommendations
Medical	\$0	Renew with BCBS with the same plan designs and employee rates currently in place.
Dental	\$2,835	Renew with Cigna with same plan design and +5% increase to dependent rates.
Vision	\$0	No changes to current plan or rates
Supplemental Life and AD&D	\$0	No changes to current plan or rates.
TOTAL ANNUAL	\$2,835	

If the recommendations are approved, the total impact to employees would be an increase of \$2,835 in dependent premiums for dental in FY19.

Financial Impact

Impact to FY19 budget is \$149,944.

Recommendation

Approve

Attachments

1. Benefits renewal presentation
2. Attachment A - BCBS Conflict of Interest Forms
3. Attachment B - Cigna Conflict of Interest Forms
4. Attachment C - AWP Conflict of Interest Forms

FY 2019 BENEFITS RENEWALS

Total Cost to the City FY19



Plan	Cost Diff	Recommendations
Medical	\$147,666	Renew with BCBS with the same plan designs with a +7% increase to rates.
Dental	\$2,806	Renew with Cigna Dental with same plan design and +5% increase to employee only rates.
Employee Assistance Program	(\$528)	Renew with AWP with a -6%, or \$528 decrease.
Total City Cost Change FY19	\$149,944	Additional Cost to City

Total Cost to Employees FY19



Plan	Cost Diff	Recommendations
Medical	\$0	Renew with BCBS with the same plan designs and employee rates currently in place.
Dental	\$2,835	Renew with Cigna with same plan design and +5% increase to dependent rates.
Vision	\$0	No changes to current plan or rates
Supplemental Life and AD&D	\$0	No changes to current plan or rates
Total Employee Cost Change FY19	\$2,835	

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

OFFICE USE ONLY CERTIFICATION OF FILING

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

Blue Cross and Blue Shield of Texas, a Division of HCSC, a Mutual Legal Reserve Company
Richardson, TX United States

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

City of Colleyville

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

RFP #HR-2017-01
Health and Welfare Request for Proposal

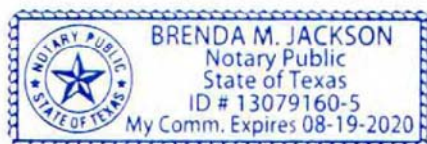
4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.



6 AFFIDAVIT

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



AFFIX NOTARY STAMP / SEAL ABOVE

Darrell Beckwith

Signature of authorized agent of contracting business entity

Sworn to and subscribed before me, by the said Darrell Beckwith, this the 3rd day of May, 2017, to certify which, witness my hand and seal of office.

Brenda Jackson
Signature of officer administering oath

Brenda Jackson
Printed name of officer administering oath

Notary
Title of officer administering oath

CONFLICT OF INTEREST QUESTIONNAIRE**FORM CIQ**

For vendor doing business with local governmental entity

OFFICE USE ONLY

Date Received

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session. This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

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

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

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

Blue Cross and Blue Shield of Texas (BCBSTX), a Division of Health Care Service Corporation, a Mutual Legal Reserve Company *SEE BELOW

2

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

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

Not applicable.
Name of Officer

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

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

☐ Yes ☐ No Not applicable.

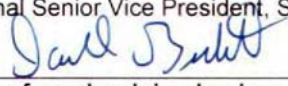
B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No Not applicable.

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

* BCBSTX has no knowledge of officers, employees, or agents who have an employment or other business relationship with local government officers or relatives of local government officers of the City of Colleyville. BCBSTX does not currently ask this question of officers, employees, or agents.

If selected, BCBSTX would conduct a diligent inquiry annually to ensure no conflict exists that would impact its ability to perform its obligations under the contract.

6	☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).
7	Signed for Blue Cross and Blue Shield of Texas By: Darrell Beckett Title: Divisional Senior Vice President, Sales and Marketing, Texas  _____ Signature of vendor doing business with the governmental entity May 8, 2017 _____ Date

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

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

OFFICE USE ONLY

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

Glana Health & Life Insurance Company

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

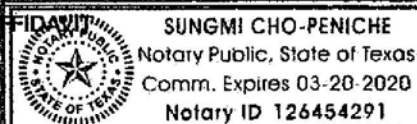
City of Colleyville

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

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

5 Check only if there is NO interested Party.



6 AFFIDAVIT

 SUNGMI CHO-PENICHE
 Notary Public, State of Texas
 Comm. Expires 03-20-2020
 Notary ID 126454291

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

Andrea Woodworth

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Andrea Woodworth, this the 22 day of June, 2017, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

ADD ADDITIONAL PAGES AS NECESSARY

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

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

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

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

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

OFFICE USE ONLY

Date Received

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

Cigna Health & Life Insurance Company

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

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

CITY of COLLEYVILLE

Name of Officer

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

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

☐ Yes

☒ No

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

☐ Yes

☒ No

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

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

7

Andrea Woodworth
Signature of vendor doing business with the governmental entity

6/22/17
Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

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

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

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

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

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

(2) the vendor:

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

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

or

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

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

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

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

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

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

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

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

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

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

(1) the date that the vendor:

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

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

(2) the date the vendor becomes aware:

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

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

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

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
2017-229271

Date Filed:
06/27/2017

Date Acknowledged:

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

Alliance Work Partners
Austin, TX United States

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

City of Colleyville

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

N/A
Full Service Employee Assistance Program (EAP) Services

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

5 Check only if there is NO Interested Party.



6 AFFIDAVIT

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



AFFIX NOTARY STAMP / SEAL ABOVE

Scott J. Terras
Signature of authorized agent of contracting business entity

Sworn to and subscribed before me, by the said Scott J. Terras, this the 27th day of June, 2017, to certify which, witness my hand and seal of office.

France Marie Alston France Marie Alston Notary
Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

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

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

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

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

OFFICE USE ONLY

Date Received

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

Alliance Work Partners, a DBA of Workers Assistance Program

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

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

N/A

Name of Officer

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

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

☐

Yes

☒

No

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

☐

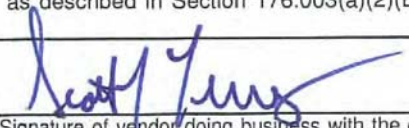
Yes

☒

No

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

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

7 
Signature of vendor doing business with the governmental entity

6/28/2017

Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

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

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

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

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

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

(2) the vendor:

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

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

or

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

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

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

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

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

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

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

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

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

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

(1) the date that the vendor:

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

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

(2) the date the vendor becomes aware:

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

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

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



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4d

Agenda Date 07/02/2018

Number Resolution R-18-4280

Type Resolution

Department City Secretary

Title

Approval of establishing a Health Reimbursement Arrangement (HRA), and authorizing the City Manager to execute the agreements

Strategic Plan

2.2 Recruit and retain a highly-qualified workforce

2.4 Demonstrate stewardship of public resources

Explanation

Reading and Public Hearing

In April and May of each year, the City evaluates employee health insurance for the upcoming fiscal year to ensure it is remaining competitive on insurance plans and premiums. This year, staff instructed the City's benefits broker/consultant, IPS Advisors, to seek competitive proposals using the City's current plan designs. During the June 19, 2018 City Council work session, IPS Advisors presented information and discussed with City Council the employee health insurance bid results and recommendations for Fiscal Year 2019 (FY19) as well as establishing a health reimbursement arrangement (HRA).

A Health Reimbursement Arrangement is a deductible sharing account between the City and employees. Should the employee need to meet the individual deductible (i.e., through hospitalization); the employee would pay the first \$750 of the deductible and then be reimbursed from the city up to \$1,250 for employee only coverage and up to \$2,500 for family coverage. This arrangement was previously in place but was discontinued two years ago.

The following table outlines an example of the employee and family deductible under the two current plan options:

Base Plan Example	Employee	Family
Total In-Network Deductible	\$4,000	\$8,000
Annual HRA allocation for the in-network deductible (Funded by the City)	\$1,250	\$2,500
Employee Responsibility (In-Network Deductible)	\$750	\$1,500
Buy-Up Plan Example	Employee	Family
Total In-Network Deductible	\$2,000	\$4,000
Annual HRA allocation for the in-network deductible (Funded by the City)	\$1,250	\$2,500
Employee Responsibility (In-Network Deductible)	\$750	\$1,500

IPS Advisors estimates allocation of \$101,625 for the first year of the HRA and then adjust it accordingly each year based on utilization. Discovery Benefits, the City's flexible spending account provider, will administer the HRA at a cost of \$10,500 annually.

Summary

The City's annual insurance renewal process provides an opportunity for the City to strategically evaluate available options for all lines of coverage and optimize its benefit offerings to employees. IPS Advisors works closely with staff and the Benefits and Wellness Committee to formulate the most beneficial and cost-effective recommendations that are then brought forward to the City Council for consideration. The following summarizes the recommendations resulting from the meetings with staff, IPS Advisors, and the Benefits and Wellness Committee.

Cost Impact for City-Paid Benefits:

Plan	Cost	Recommendations
Health Reimbursement Arrangement (HRA) funding	\$101,625	Establish the HRA to assist with offsetting the cost of the high deductible plan options currently in place.
Health Reimbursement Arrangement (HRA) Administration Fee	\$10,500	Annual cost to administer the HRA through Discovery Benefits
TOTAL ANNUAL FY19	\$112,125	

If the recommendations are approved, the total budgetary impact to the City of Colleyville for implementation of the health reimbursement arrangement (HRA) would be an increase of \$112,125 in FY19.

Financial Impact

Impact to FY2019 budget is \$112,125.

Recommendation

Approve

Attachments

1. HRA presentation
2. Attachment A - Discovery Conflict of Interest Forms

FY 2019

HEALTH REIMBURSEMENT ARRANGEMENT

Health Reimbursement Arrangement



Plan	Cost	Recommendations
Health Reimbursement Arrangement (HRA) funding	\$101,625	Establish the HRA to assist with off setting the cost of the high deductible plan options currently in place.
Health Reimbursement Arrangement (HRA) Administration Fee	\$10,500	Annual cost to administer the HRA through Discovery Benefits
Total Cost FY19	\$112,125	Additional Cost to City

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
2018-373225

Date Filed:
06/27/2018

Date Acknowledged:

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

Discovery Benefits, Inc.
Fargo, ND United States

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

City of Colleyville

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

2015-01
Flexible Benefits Administrative Services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	State Bankshares, Inc.	Fargo, ND United States	X	

5 Check only if there is NO Interested Party. ☐

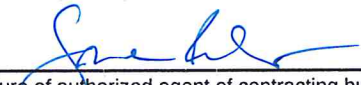
6 UNSWORN DECLARATION

My name is Suzanne Rehr, CCO/ERP, and my date of birth is 9-5-54.

My address is 4321 20th Avenue S, Fargo, ND, 58103.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in CASS County, State of ND, on the 27 day of June, 20 18.
(month) (year)



Signature of authorized agent of contracting business entity
(Declarant)

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

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OFFICE USE ONLY

Date Received

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Discovery Benefit, Inc.

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Name of Officer

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N/A

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☐ No

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N/A

7

Signature of vendor doing business with the governmental entity

6-26-18

Date



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5b

Agenda Date 07/02/2018

Number

Type Report

Department Finance

Title

Monthly Financial Report - May 31, 2018

Strategic Plan

2.4 Demonstrate stewardship of public resources

Explanation

General Fund

As of May 31, 2018, the General fund earned \$21,270,369 in revenues and incurred \$14,971,208 in expenditures.

Ad Valorem taxes, franchise fees and sales taxes account for more than 84% of the General fund's budgeted revenues.

- **Ad Valorem Taxes:**

The city collected \$14,473,876 out of the \$14,322,575 budgeted for ad valorem taxes, including penalty and interest. The reported revenue is 8.13% above the revenue reported for the same period last year.

- **Franchise Fees Revenue:**

The city collected \$1,946,669 out of the \$2,070,000 budgeted for franchise fees. The reported revenue is 2.44% above the revenue reported for the same period last year.

- **Sales Tax Revenue:**

The city collected \$2,017,131 out of the \$3,800,000 budgeted sales tax revenue. The reported revenue is 2.94% above the revenue reported for the same period last year. The reported amount represents the mixed beverage taxes and the sales taxes received to date.

Utility Fund

As of May 31, 2018, the utility fund earned \$8,960,656 in revenues and incurred \$6,126,061 in expenditures.

Water and wastewater sales account for more than 98% of the utility fund's budgeted revenues.

- **Water Sales:**

The city earned \$5,863,288 out of the \$11,195,957 budgeted for water sales. The reported revenue is 4.06% below the revenue reported for the same period last year.

- **Wastewater Sales:**

The city earned \$2,814,406 out of the \$4,024,060 budgeted for wastewater sales. The reported revenue is 10.60% above the revenue reported for the same period last year.

Debt Service Fund

As of May 31, 2018, the Debt service fund earned \$1,975,386 out of the budgeted revenues and transfers from other funds of \$1,854,412 and expended \$1,852,259 out of the budgeted expenditures of \$1,979,412.

Drainage Fees Fund

As of May 31, 2018, the Drainage fees fund spent \$484,736 out of its \$1,481,362 expense budget and earned \$679,411 in revenues which is 70.63% of the budgeted revenue of \$961,880.

Attachments

1. May 2018 Monthly Financial Report
2. REPORTS May 2018 - Monthly Financial Report Presentation

City of Colleyville
General Fund Monthly Financial Report
As of 5/31/2018 - End of 66.67% of the Fiscal Year

GENERAL FUND	ACTIVITY	
	FY 2018	FY 2018 YTD
SUMMARY	BUDGET	AS OF
		5/31/2018
		PERCENT
		OF BUDGET
		USED
Revenues	23,934,566	21,270,369
Expenditures	23,694,811	14,971,208
Revenues over expenditures	\$239,755	\$6,299,161

GENERAL FUND	RECEIVED	PERCENT	AVERAGE ACTUAL	RECEIVED	PERCENT
	FY 2018	FY 2018 YTD	YTD BALANCE	FY 2017 YTD	OF BUDGET
REVENUE SOURCE	BUDGET	AS OF	AS A PERCENT OF	AS OF	OF BUDGET
		5/31/2018	YEAR END BAL	5/31/2017	RECEIVED
					CHANGE OVER
					PRIOR YEAR
Current Taxes	14,242,575	14,360,055	98.02%	13,330,569	7.72%
Delinquent Taxes	25,000	60,917	243.67%	12,684	380.27%
Penalty & Interest	55,000	52,905	96.19%	42,908	23.30%
TOTAL AD VALOREM TAXES	14,322,575	14,473,876	101.06%	13,386,161	8.13%
Oncor Electric	885,000	890,388	100.61%	889,222	0.13%
Tri-County Electric	100,000	105,858	105.86%	101,311	4.49%
Atmos Gas	325,000	401,952	123.68%	334,570	20.14%
AT&T	60,000	42,271	70.45%	46,931	-9.93%
Verizon/Others	65,000	54,973	84.57%	57,090	-3.71%
Refuse/Recycling	160,000	110,045	68.78%	109,822	0.20%
Cable TV	475,000	341,181	71.83%	361,345	-5.58%
TOTAL FRANCHISE TAXES	2,070,000	1,946,669	94.04%	1,900,291	2.44%
Sales Tax	3,700,000	1,929,894	52.16%	1,873,553	3.01%
Mixed Beverage Tax	100,000	87,237	87.24%	85,887	1.57%
TOTAL SALES TAXES	3,800,000	2,017,131	53.08%	1,959,440	2.94%
Building	625,000	556,907	89.11%	433,201	28.56%
Plumbing	72,000	43,787	60.81%	39,295	11.43%
Mechanical	48,000	32,130	66.94%	29,477	9.00%
Electrical	51,000	47,323	92.79%	38,229	23.79%
City License	26,000	32,500	125.00%	40,000	-18.75%
Building Plan Review Fee	88,000	70,037	79.59%	63,464	10.36%
New Business	7,400	4,400	59.46%	4,910	-10.39%
Sign Permit	8,000	5,575	69.69%	6,635	-15.98%
Fence Permit	15,000	9,676	64.51%	13,025	-25.71%
Fire Permits	8,000	5,545	69.31%	8,240	-32.71%
Irrigation Permit	20,000	9,912	49.56%	17,181	-42.31%
TOTAL LICENSES & PERMITS	968,400	817,791	84.45%	693,657	17.90%

GENERAL FUND - CONTINUED		RECEIVED		AVERAGE ACTUAL	RECEIVED	
REVENUE SOURCE	FY 2018 BUDGET	FY 2018 YTD AS OF 5/31/2018	PERCENT OF BUDGET RECEIVED	YTD BALANCE AS A PERCENT OF YEAR END BAL	FY 2017 YTD AS OF 5/31/2017	PERCENT CHANGE OVER PRIOR YEAR
Court Fines	850,000	425,195	50.02%	61.77%	521,121	-18.41%
Alarm Fees	53,000	35,292	66.59%	61.09%	32,597	8.27%
Library Fines	17,460	11,612	66.51%	56.58%	12,436	-6.63%
TOTAL FINES	920,460	472,099	51.29%	61.49%	566,154	-16.61%
Re-zoning	9,000	9,767	108.52%	68.00%	6,410	52.37%
Plat Fee/Site Plan/Landscaping Plan Fee	8,200	7,098	86.55%	64.36%	6,873	3.27%
Board of Adjustment	2,000	1,300	65.00%	60.00%	2,500	-48.00%
Sale of Material	100	268	267.95%	50.68%	21	1175.95%
Weed Mowing	7,000	300	4.29%	71.94%	13,538	-97.78%
Ambulance	320,000	230,791	72.12%	68.14%	196,175	17.65%
Recreation Program	193,500	177,082	91.52%	57.03%	143,840	23.11%
Credit Card Fee Revenue	-	9,600	0.00%		-	0.00%
Non-Resident Fee Parks	40,000	43,355	108.39%	99.53%	44,240	-2.00%
Field Use Charge	21,500	21,930	102.00%	93.93%	22,585	-2.90%
Engineering & Inspection	20,000	4,826	24.13%	55.08%	59,800	-91.93%
Material Testing	10,000	2,823	28.23%	82.86%	16,774	-83.17%
Colleyville Center Rental	240,000	131,185	54.66%	66.05%	156,525	-16.19%
Lot Drainage Insp Fee	15,000	14,625	97.50%	65.25%	12,500	17.00%
Transfer from Utility Fund	196,920	196,920	100.00%		-	0.00%
Transfer from TIF	210,377	210,377	100.00%		-	0.00%
TOTAL CHARGES FOR SERVICE	1,293,597	1,062,248	82.12%	43.17%	681,781	55.80%
SRO Officer Reimb	98,996	98,996	100.00%	100.00%	-	0.00%
Keller Court	260,538	130,269	50.00%	50.00%	119,734	8.80%
TOTAL INTERGOVERNMENTAL	359,534	229,265	63.77%	64.32%	119,734	91.48%
Sale of Surplus Property	5,000	34,396	687.93%	81.36%	-	0.00%
Interest Income	45,000	47,214	104.92%	31.68%	37,114	27.21%
Miscellaneous	60,000	48,650	81.08%	72.19%	57,787	-15.81%
Antenna Lease	90,000	79,181	87.98%	75.72%	78,779	0.51%
Grant Proceeds	-	41,850	0.00%		-	0.00%
TOTAL MISCELLANEOUS	200,000	251,291	125.65%	63.41%	173,680	44.69%
TOTAL GENERAL FUND REVENUES	23,934,566	21,270,369	88.87%	80.03%	19,480,898	9.19%

	FY 2018 BUDGET	THROUGH 5/31/2018	THROUGH 5/31/2017	TOTAL INCREASE (DECREASE)	PERCENT INCREASE (DECREASE)
RESIDENTIAL BLDG PERMITS	115	114	114	0	0.00%
COMMERCIAL BLDG PERMITS	7	0	5	(5)	100.00%
CITATIONS ISSUED	10,500	4,625	5,624	(999)	-17.76%

GENERAL FUND EXPENDITURES		EXPENDED	PERCENT	PERCENT OF	BUDGET	EXPENDED
	FY 2018 BUDGET	THROUGH 5/31/2018	OF BUDGET EXPENDED	FISCAL YEAR COMPLETE	REMAINING	FY 2017 YTD AS OF 5/31/2017
Personnel services	15,048,648	9,420,630	62.60%	66.67%	5,628,018	8,994,726
Contractual Services	5,341,951	3,159,274	59.14%	66.67%	2,182,677	3,004,725
Supplies	1,275,506	369,082	28.94%	66.67%	906,424	599,782
Capital Outlay	14,000	7,516	53.69%	66.67%	6,484	41,947
Transfer to other fund	2,014,706	2,014,706	100.00%	66.67%	-	2,853,706
TOTAL EXPENDITURES	23,694,811	14,971,208	63.18%	66.67%	8,723,603	15,494,886

City of Colleyville
Utility Fund Monthly Financial Report
As of 5/31/2018 - End of 66.67% of the Fiscal Year

UTILITY FUND		ACTIVITY	
	FY 2018	FY 2017 YTD	PERCENT
SUMMARY	BUDGET	AS OF	OF BUDGET
		5/31/2018	USED
Revenues	15,540,017	8,960,656	57.66%
Expenditures	15,526,542	6,126,061	39.46%
Revenues over expenditures	\$13,475	2,834,595	

UTILITY FUND		RECEIVED	PERCENT	AVERAGE ACTUAL	RECEIVED	EXPENDED
	FY 2018	AS OF	OF BUDGET	YTD BALANCE	AS OF	CHANGE OVER
REVENUE SOURCE	BUDGET	5/31/2018	RECEIVED	AS A PERCENT OF	5/31/2017	PRIOR YEAR
Water Sales	11,195,957	5,863,288	52.37%	50.32%	6,111,202	-4.06%
Sewer Sales	4,024,060	2,814,406	69.94%	66.54%	2,544,704	10.60%
Sewer Installation	15,000	11,600	77.33%	62.97%	9,900	17.17%
Water Installation	42,000	33,910	80.74%	64.70%	24,410	38.92%
Engineering Charges	5,000	11,542	230.83%	81.97%	24,071	-52.05%
Penalties	200,000	137,032	68.52%	64.24%	148,770	-7.89%
Sale of Material	-	7,008	0.00%	89.17%	3,137	123.39%
Miscellaneous	13,000	15,685	120.65%	62.28%	29,908	-47.56%
TOTAL OPERATING INCOME	15,495,017	8,894,470	57.40%	54.76%	8,896,102	-0.02%
Sale of Surplus Property	-	8,418	0.00%	100.00%	-	0.00%
Interest Income	45,000	57,768	128.37%	28.63%	31,008	86.30%
TOTAL NON-OPERATING INCOME	45,000	66,186	147.08%	50.77%	31,008	113.45%
TOTAL INCOME	15,540,017	8,960,656	57.66%	54.82%	8,927,110	0.38%

	THROUGH	THROUGH	TOTAL	PERCENT
	5/31/2018	5/31/2017	INCREASE	INCREASE
			(DECREASE)	(DECREASE)
GALLONS OF WATER SOLD	1,176,387,800	1,247,180,000	(70,792,200)	-5.68%
NUMBER OF WATER CUSTOMERS	10,223	9,927	296	2.98%

UTILITY FUND EXPENSES		EXPENDED	PERCENT	PERCENT OF	BUDGET	EXPENDED
	FY 2018	THROUGH	OF BUDGET	FISCAL YEAR	REMAINING	FY 2017 YTD
	BUDGET	5/31/2018	EXPENDED	COMPLETE		AS OF
						5/31/2017
Personnel Services	1,983,307	1,168,237	58.90%	66.67%	815,070	1,055,926
Contractual services*	12,717,635	4,368,787	34.35%	66.67%	8,348,848	5,638,710
Supplies	245,969	101,425	41.23%	66.67%	144,544	110,963
Debt Service	157,325	156,913	99.74%	66.67%	413	356,475
Capital Outlay	100,000	8,394	8.39%	66.67%	91,606	61,288
Transfers to other funds**	322,306	322,306	100.00%	66.67%	-	7,034,262
TOTAL EXPENSES	15,526,542	6,126,061	39.46%	66.67%	9,400,481	14,257,623

Notes: Budgeted transfers of \$322,306 as follows: \$44,286 for an internal loan for vector truck; \$81,100 for Vehicle and Equipment Replacement Fund; \$196,920 for 12.4% payment to General Fund for internal service personnel.

* Includes \$1,713,953 in settle up refunds from TRA (\$1,688,008 for water and \$25,945 for sewer)

City of Colleyville
Debt Service Fund Monthly Financial Report
As of 5/31/2018 - End of 66.67% of the Fiscal Year

DEBT SERVICE FUND		ACTIVITY	
	FY 2018	FY 2017 YTD	PERCENT
SUMMARY	BUDGET	AS OF	OF BUDGET
		5/31/2018	USED
Revenues	1,854,412	1,975,386	106.52%
Expenditures	1,979,412	1,852,259	93.58%
Revenues over expenditures	(125,000)	123,127	
Budgeted use of fund balance	125,000		
Revenues & use of fund balance over expenditures	-	123,127	

DEBT SERVICE FUND		RECEIVED		AVERAGE ACTUAL	RECEIVED	
	FY 2018	FY 2018 YTD	PERCENT	YTD BALANCE	FY 2017 YTD	PERCENT
REVENUE SOURCE	BUDGET	AS OF	OF BUDGET	AS A PERCENT OF	AS OF	CHANGE OVER
		5/31/2018	RECEIVED	YEAR END BAL	5/31/2017	PRIOR YEAR
Current taxes	683,367	810,434	118.59%	98.04%	713,182	13.64%
Delinquent taxes	5,000	4,787	95.74%	64.10%	852	461.73%
Penalty & interest	5,000	3,813	76.25%	59.46%	2,388	59.68%
Interest Income	5,000	308	6.15%	59.46%	5,155	-94.03%
TOTAL AD VALOREM TAX & INTEREST	698,367	819,341	117.32%	97.52%	721,577	13.55%
Transfer from CCPD	501,845	501,845	100.00%	100.00%	503,862	-0.40%
Transfer from TIF*	654,200	654,200	100.00%	100.00%	655,781	-0.24%
TOTAL TRANSFERS	1,156,045	1,156,045	100.00%	100.00%	1,159,643	-0.31%
Use of Fund Balance	125,000	-	0.00%	0.00%	-	0.00%
Bond proceeds & Premium		-	0.00%	0.00%	-	0.00%
TOTAL REVENUE & USE OF FUND BAL	1,979,412	1,975,386	99.80%	98.40%	1,881,220	5.01%

DEBT SERVICE FUND		EXPENDED	PERCENT	PERCENT OF	BUDGET	EXPENDED
	FY 2018	THROUGH	OF BUDGET	FISCAL YEAR	REMAINING	FY 2017 YTD
	BUDGET	5/31/2018	EXPENDED	COMPLETE		AS OF
						5/31/2017
Bond & Interest Payments	1,639,088	1,559,435	95.14%	66.67%	79,653	1,534,708
Leases (Fire Engine & Ambulance)	340,324	292,824	86.04%	66.67%	47,500	335,654
TOTAL EXPENSES	1,979,412	1,852,259	93.58%	66.67%	127,153	1,870,363

*Transfer takes place at the balance sheet level for the principal portion of the debt without affecting the income statement accounts.

City of Colleyville
Drainage Fee Fund Monthly Financial Report
As of 5/31/2018 - End of 66.67% of the Fiscal Year

DRAINAGE FEE FUND		ACTIVITY	
	FY 2017	FY 2017 YTD	PERCENT
SUMMARY	BUDGET	AS OF	OF BUDGET
		5/31/2018	USED
Revenues	961,880	679,411	70.63%
Expenditures	1,481,362	484,736	32.72%
Revenues over expenditures	(519,482)	194,675	
Budgeted use of fund balance	519,482		
Revenues & use of fund balance over expenditures	-	194,675	

DRAINAGE FEE FUND		RECEIVED		AVERAGE ACTUAL	RECEIVED	
	FY 2018	FY 2018 YTD	PERCENT	YTD BALANCE	FY 2017 YTD	PERCENT
REVENUE SOURCE	BUDGET	AS OF	OF BUDGET	AS A PERCENT OF	AS OF	CHANGE OVER
		5/31/2018	RECEIVED	YEAR END BAL	5/31/2017	PRIOR YEAR
Drainage Revenues	950,880	656,347	69.03%	66.44%	645,509	1.68%
Other revenues (Interest, penalty,...)	11,000	23,064	209.68%	69.01%	5,316	333.89%
TOTAL REVENUES	961,880	679,411	70.63%	66.47%	650,825	4.39%

DRAINAGE FEE FUND		EXPENDED	PERCENT	PERCENT OF	BUDGET	EXPENDED
	FY 2018	THROUGH	OF BUDGET	FISCAL YEAR	REMAINING	FY 2017 YTD
	BUDGET	5/31/2018	EXPENDED	COMPLETE		AS OF
						5/31/2017
Personnel Services	424,005	265,816	62.69%	66.67%	158,189	235,645
Contractual Services	134,826	51,249	38.01%	66.67%	83,577	47,056
Supplies	47,957	28,924	60.31%	66.67%	19,033	11,269
Debt Service	124,574	119,716	96.10%	66.67%	4,858	122,261
Transfers to other funds	750,000	19,032	2.54%	66.67%	730,969	19,032
TOTAL EXPENSES	1,481,362	484,736	32.72%	66.67%	996,627	435,264



Agenda Item - Reports

Monthly Financial Report May 2018

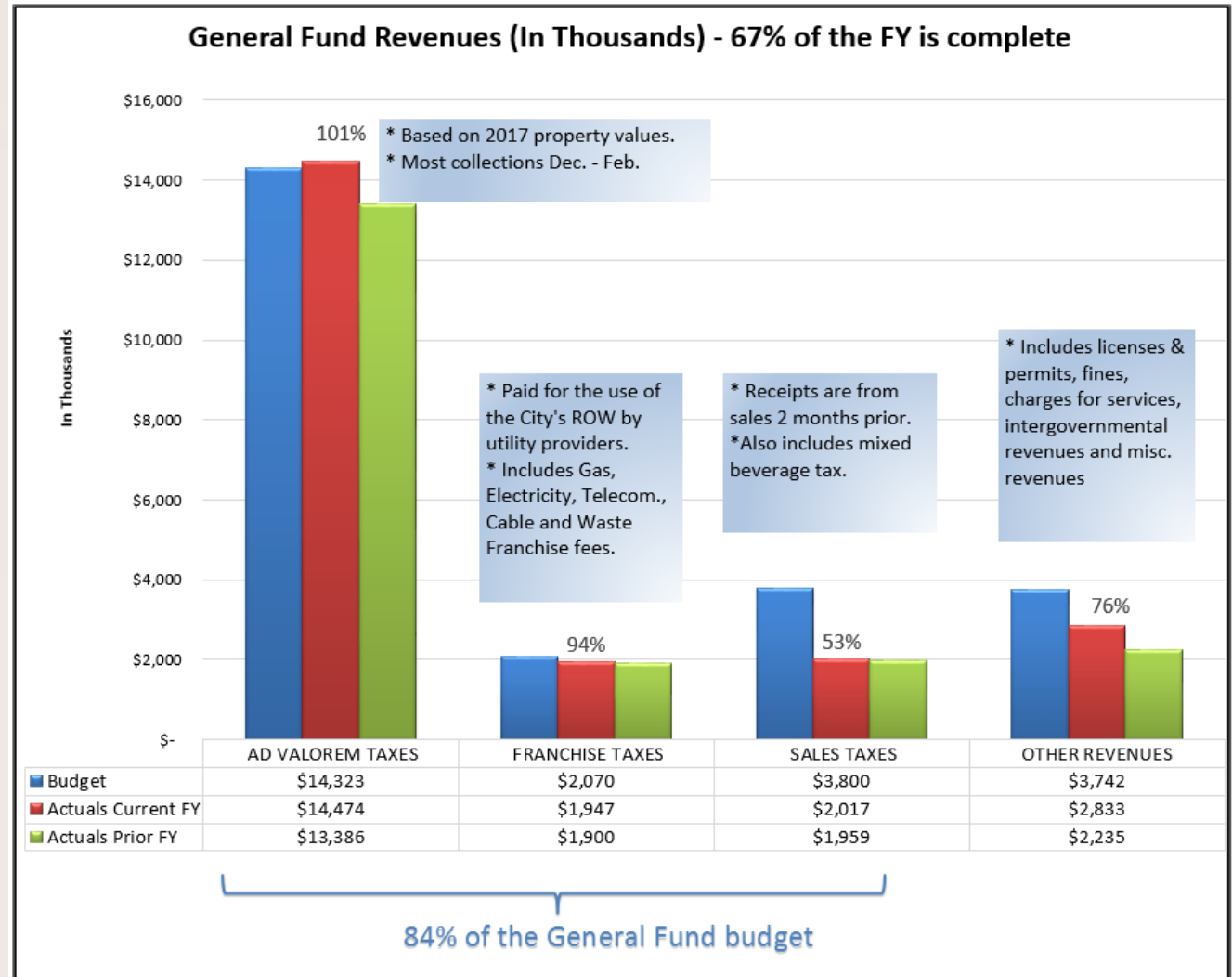
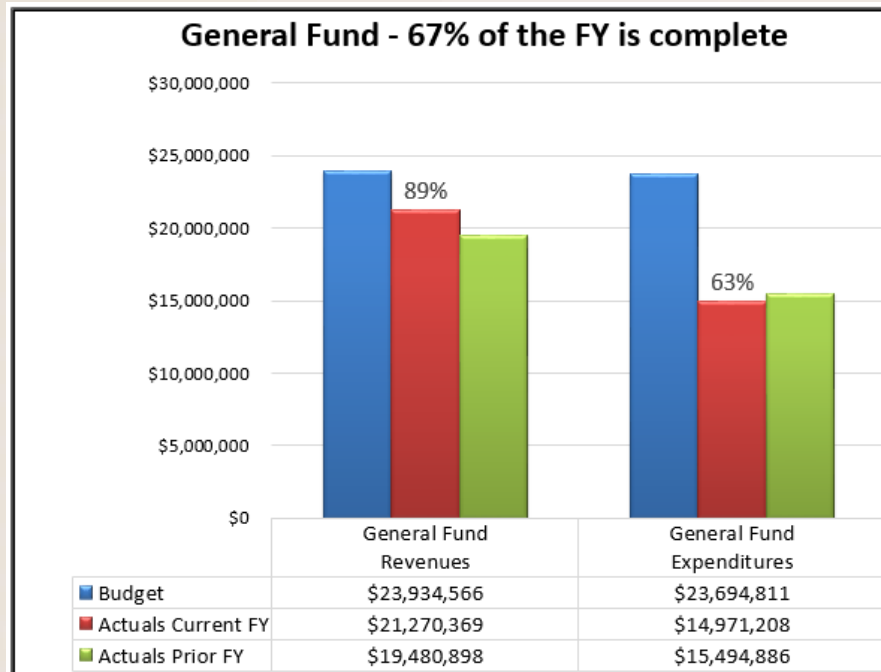
City Council Meeting
June 19, 2018

General Fund



Highlights:

- Total revenues: Up 9.19%
 - 1 cent sales tax: Up 3.01%
 - Ambulance revenues: Up 17.65%
 - Recreation program revenues: Up 23.11%
 - Licenses & permits revenues: Up 17.90%
- Expenditures on track with budget

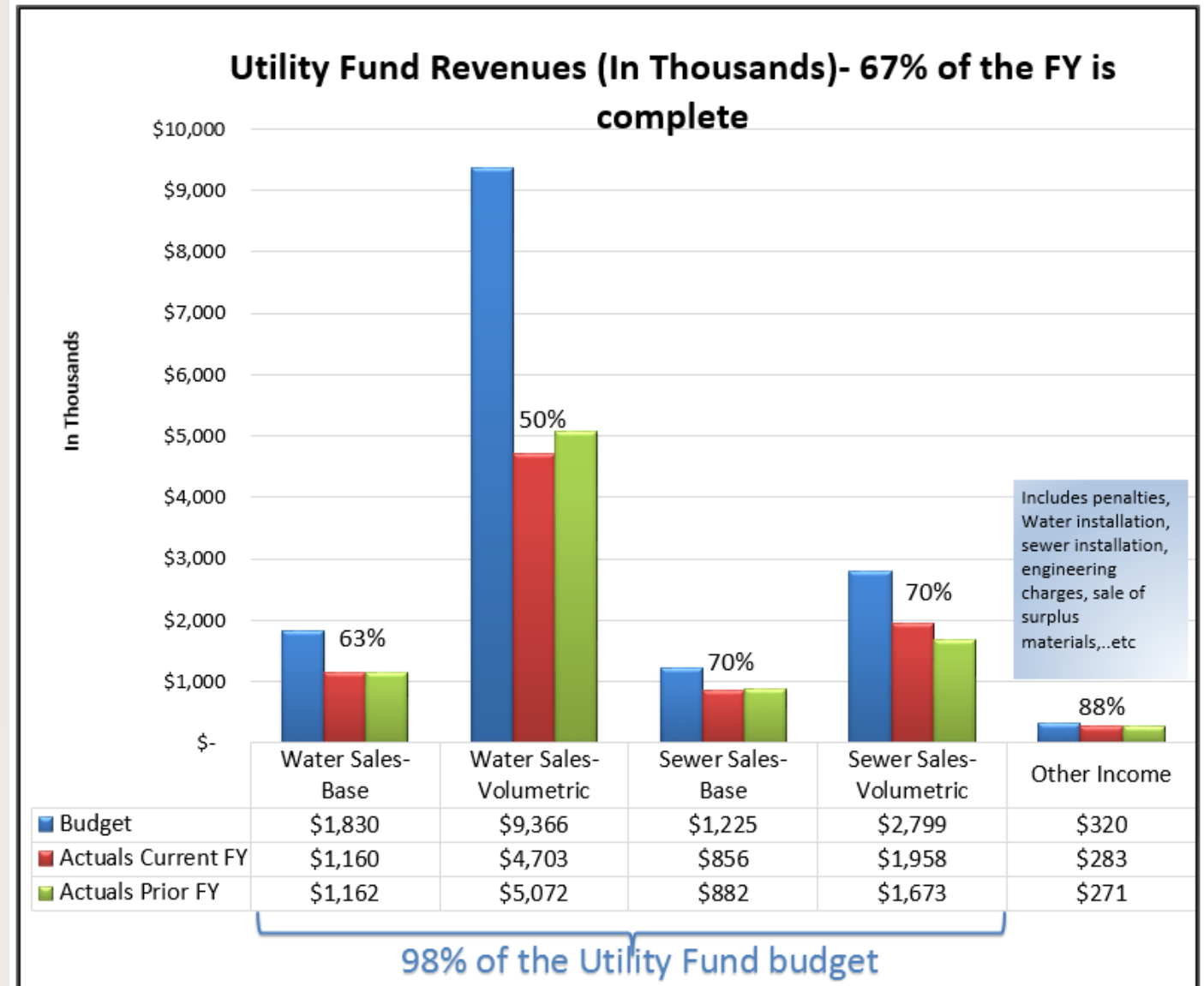
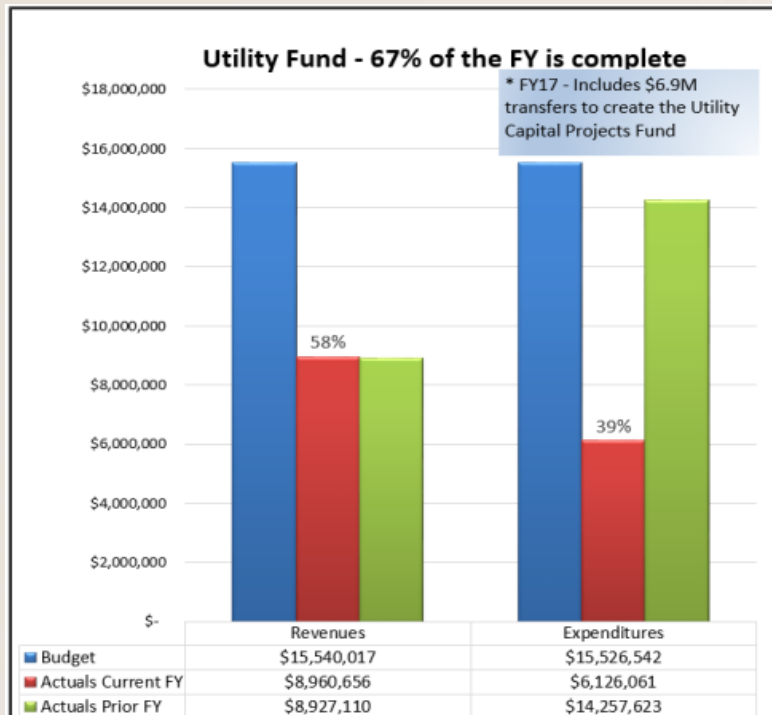


Utility Fund



Highlights:

- Total revenues: Up 0.5%
- Number of customers: Up 2.98%
- Water Consumption: Down 5.68%
- 2017 TRA true up received: \$1.7M
- Revenues are tracking as expected → summer irrigation drives more costs and revenue than non-peak months

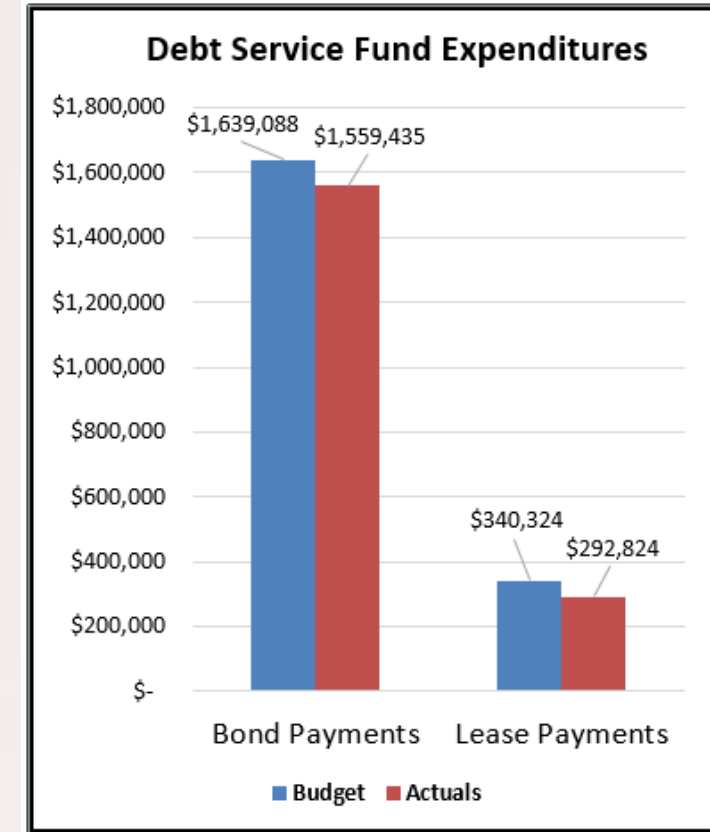
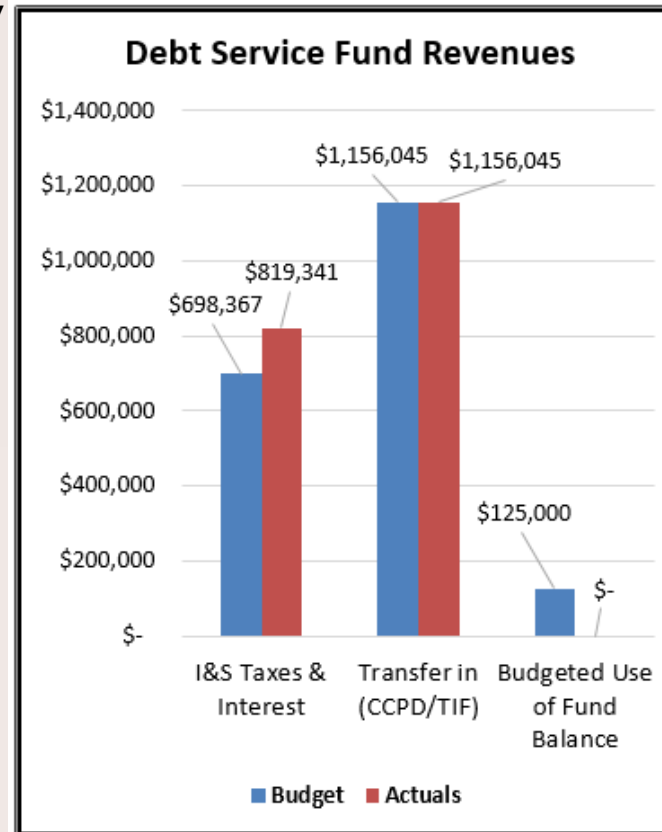
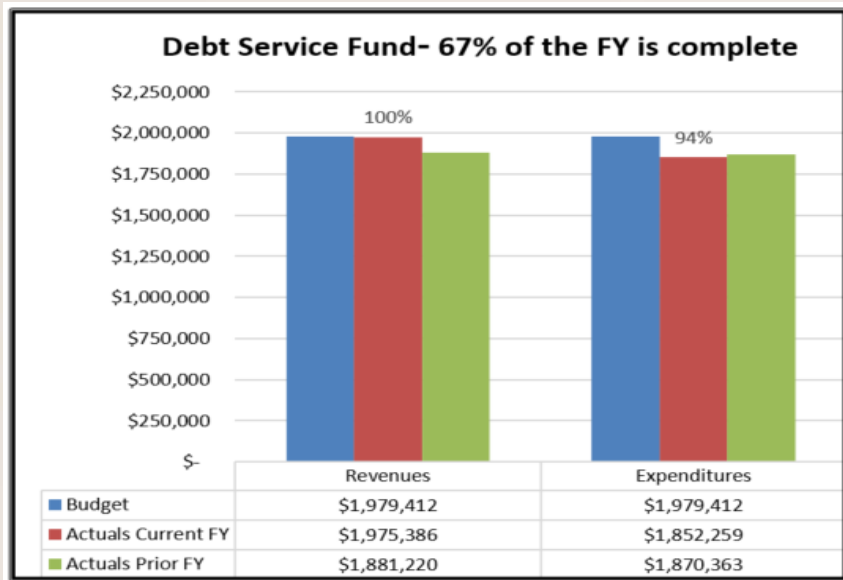


Debt Service Fund



Highlights:

- YTD revenues are \$123K over expenditures
- Budgeted use of Fund Balance likely not necessary
- Bond payments:
 - February principal & interest payment made
 - August interest payment remaining
- Lease-purchase payments:
 - Fire engine payment made
 - Ambulance payment made in May

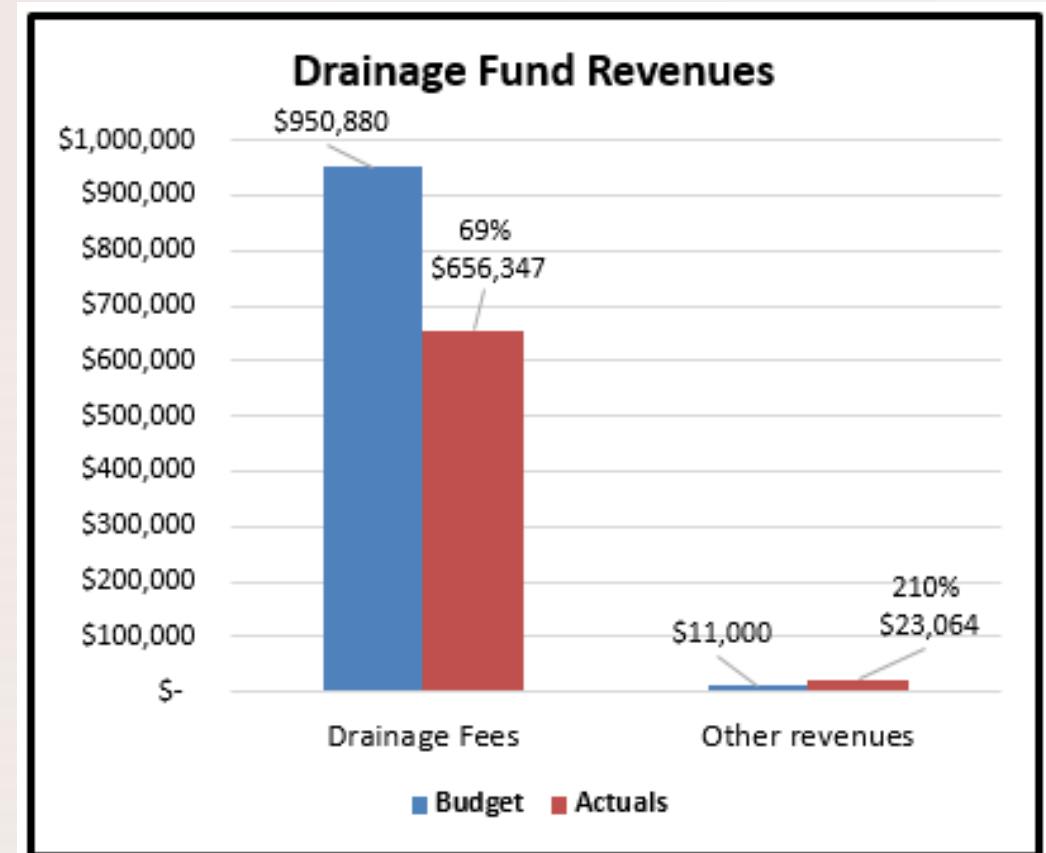
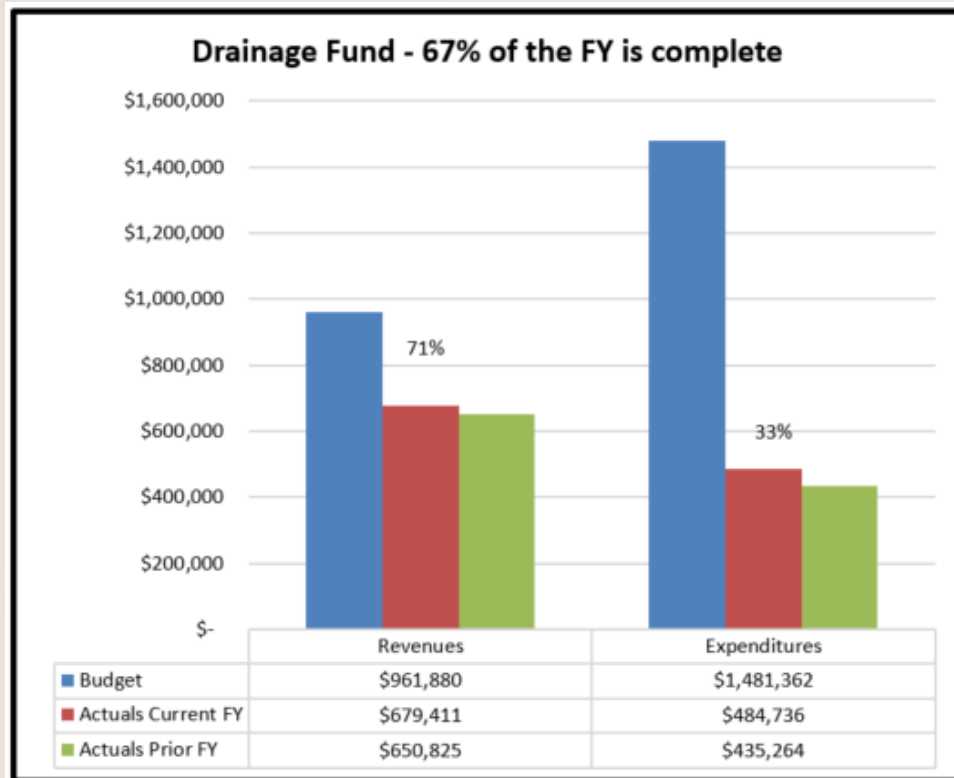


Drainage Fund



Highlights:

- YTD revenues are \$194K over expenditures
- Drainage fee revenues: Up 1.7%
- Expenditures YTD are low due to remaining major expenses:
 - \$500,000 Drainage Master Plan
 - \$250,000 Street sweeper replacement





City of Colleyville City Council Agenda Briefing

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

Agenda Number 6a

Agenda Date 07/02/2018

Number Ordinance O-18-2050

Type Ordinance

Department Community Development

Title

Consideration of a Special Use Permit for Alcoholic Beverage Sales – On-Premise Consumption on Lot 1R1, Block 1, of the Market Addition, located at 5005 Colleyville Boulevard, Suite 240, Case ZC18-015

Strategic Plan

4.2 Encourage compatible commercial growth

Explanation

First Reading and Public Hearing

Chalermwong Sukpanishakul, of NAPA Restaurant, has submitted a request for a Special Use Permit (SUP) to allow alcoholic beverage sales for on-premise consumption at 5005 Colleyville Boulevard, Suite 240. The subject property was previously occupied by Sai Thai & Asian Bistro. Alcoholic beverage sales for on-premise consumption are allowed in the CC-1-Village Retail district with the approval of an SUP.

Existing Conditions/Background: The subject property is zoned CC-1 Village Retail district and generally located on the east side of Colleyville Boulevard, north of Old Glade Road. The subject property is a platted lot and currently developed with a multi-tenant commercial building. Suite 240, the proposed location of NAPA Restaurant, was previously occupied by a restaurant known as Sai Thai & Asian Bistro which was granted approval of an SUP for the sale of alcoholic beverages for on-premise consumption by Ordinance O-17-2007. However, the SUP expired upon the change of ownership and renaming of the restaurant.

Proposed Special Use Permit:

Request – The applicant is requesting approval of an SUP to allow alcoholic beverage sales for on-premise consumption in conjunction with a new restaurant. The applicant is requesting to sell and serve alcohol as part of the NAPA Restaurant menu and proposes the following hours of operation as a component to the SUP request:

Sunday - Saturday: 11:00 a.m. –10:00 p.m.

Ordinance – There are four components of procedure a business must complete to sell and serve alcohol for on-premise consumption in Colleyville: (1) a Special Use Permit (SUP) approval by the City Council for alcohol sales (on-premise consumption) (2) submission of draft Texas Alcoholic Beverage Commission (TABC) License paperwork to

the City Secretary's Office for review and approval, (3) submission of completed TABC License paperwork to the TABC, (4) the issuance of an Alcoholic Beverage License through the City Secretary's Office.

- Section 3.25 of the Land Development Code states that an SUP is to "allow a use not normally allowed in a zoning district which could be of benefit in a particular case to the general welfare, provided adequate development standards, and special requirements are imposed to protect surrounding uses or to preserve the character of the neighborhood." SUPs automatically expire upon the abandonment of the business, change in the use, a change in ownership, or upon termination of the Certificate of Occupancy.
- Section 6-3 of the Code of Ordinances requires businesses that serve alcoholic beverages to be located at least 300 feet from a church, school, or public hospital. The distance is measured from property line to property line for schools, and from front door to front door along the street front property lines for churches and hospitals.
- Section 6-5 of the Code of Ordinances which states that the restaurant's alcohol sales must be incidental and secondary to the sale of food for human consumption (further clarified in the Code as non-alcohol and food sales must comprise at least 60 percent of gross receipts).

Analysis: The requested SUP is consistent with previously approved SUPs on the subject property and is permitted by the Land Development Code with City Council approval. The applicant proposes to operate the business in a similar manner to the previous restaurant at this location. The requested location is in compliance with the distance requirements of the Code of Ordinances, and the applicant is proposing to comply with the 60/40 incidental sales requirements as stated above. Approval of an SUP at this location for this user should not adversely impact surrounding uses or the character of the neighborhood.

Surrounding Development: The properties to the north, south, east and west are zoned CC-1-Village Retail district and developed with commercial buildings. One property to the northeast is zoned R-20 Single Family Residential and developed with one single family home.

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, identifies the subject property as located within the Central Sector of the Colleyville Boulevard Corridor. This area has been identified as having the greatest potential to become a true center of activity by tying together major commercial and entertainment centers along the Corridor.

Public Notification: Staff mailed notices to all property owners within 500 feet, as well as any Homeowners Associations within 500 feet of the subject property regarding this request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by State law and the Land Development Code. To date, one correspondence has been received in opposition.

Staff Recommendation: Staff recommends approval of the Special Use Permit (SUP) to authorize the sale of alcoholic beverages for on-premise consumption for the NAPA Restaurant at 5005 Colleyville Boulevard, Suite 240. The proposed business is consistent with the previous uses on the subject property and should not adversely impact surrounding uses.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of the request at their June 11, 2018 meeting by a vote of 5-0.

Financial Impact

There is no financial impact for this item.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Floor Plan
6. Notification Map
7. Notification List
8. Property Owner Notification Letter
9. Letter of Opposition
10. Ordinance O-18-2050

Aerial Map



ZC18-015

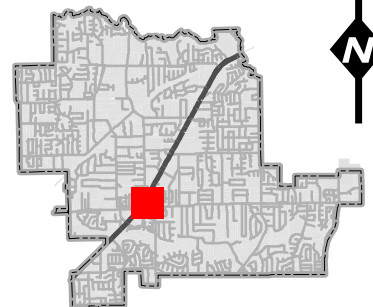
5005 Colleyville Boulevard, Suite 240

DISCLAIMER:

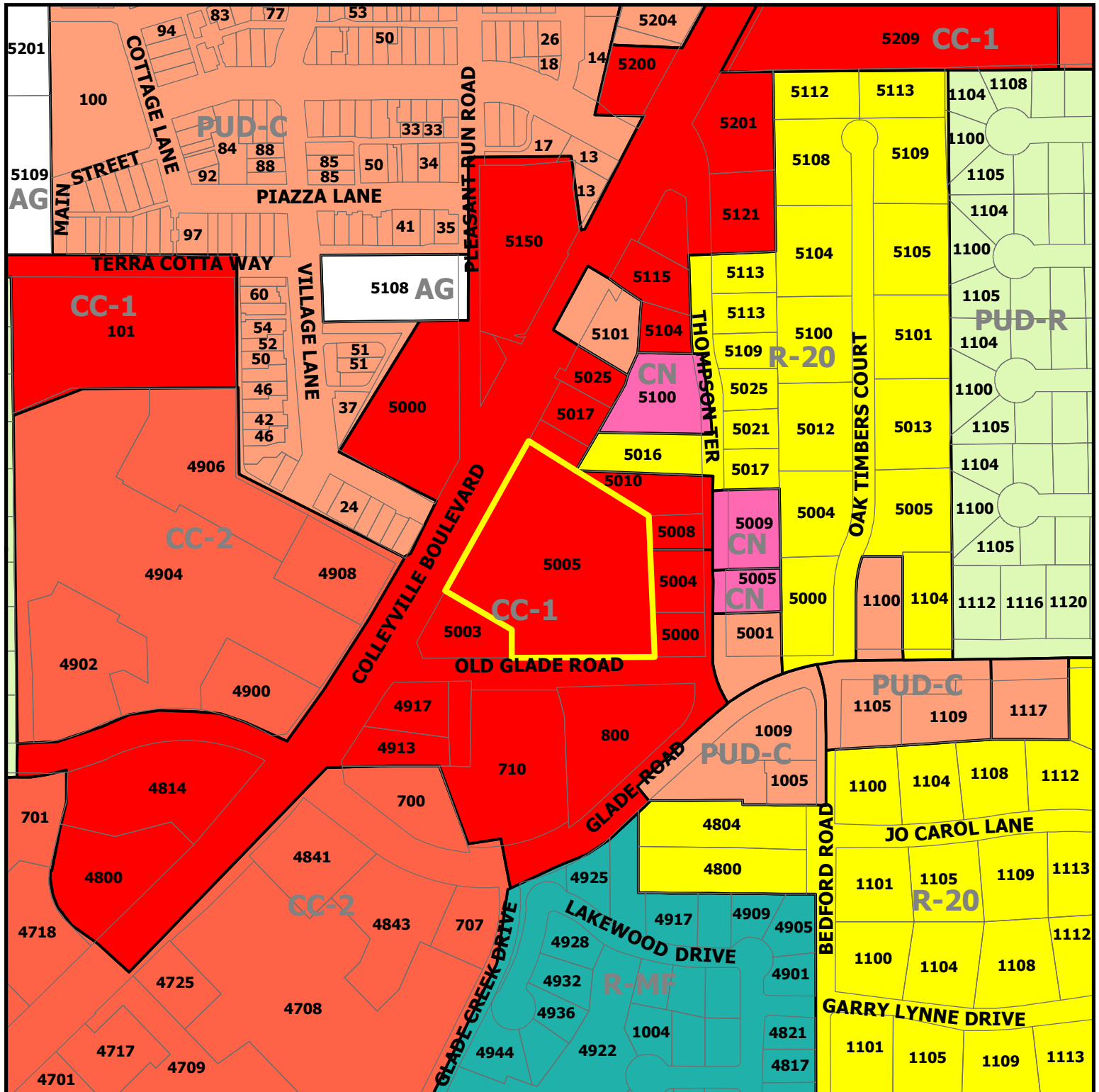
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Subject Property



Zoning Map



ZC18-015



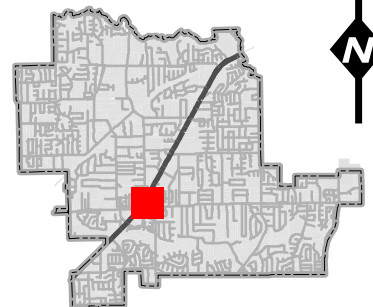
5005 Colleyville Boulevard, Suite 240

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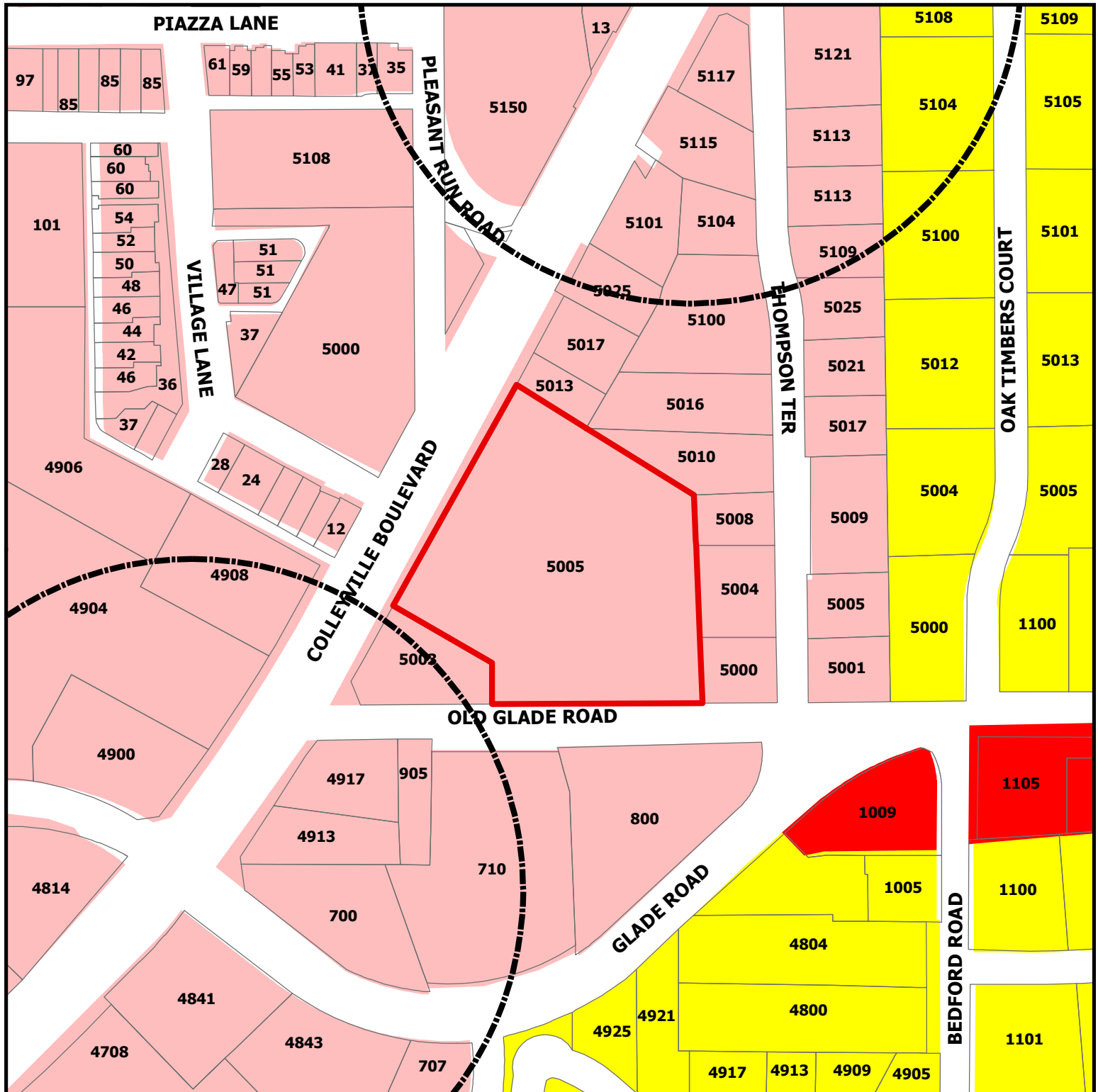
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Subject Property



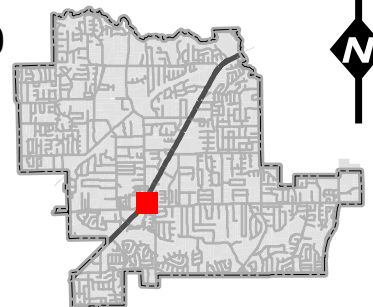
Future Land Use Map



ZC18-015

5005 Colleyville Boulevard, Suite 240

- Subject Property
- Sales Tax Preferred Intersection
- Residential
- Commercial
- Colleyville Blvd Corridor



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Statement of Planning Objectives

NAPA Restaurant

Thai Asian Cuisine

5005 Colleyville Blvd Suite 240, Colleyville TX 76034

March 22, 2018

To whom it may concern,

My name is Chalermwong Sukpanishakul. I am currently the owner of Thai restaurant in Denton, Texas. I've recently acquired the restaurant space at [5005 Colleyville Blvd Suite 240, Colleyville TX](#). The space was formerly Thai & Asian restaurant with a full bar that sell alcohols called "Sai" owned by the well-known Chef Eddy. I am, however, planning to open a neighborhood Thai/Asian restaurant called "NAPA Thai Asian Cuisine" and will also sell alcohols on premise only. The operating hours will be from 11am to 10pm daily. I am asking for your consideration for a Special Use Permit in order for me to get TABC License before I can officially reopen the restaurant. I am very excited to be a part of Colleyville business community. Please do not hesitate to contact me for any other information. My contact number is **(940) 594-7568**. Thank you for your time and consideration.

Sincerely Yours,

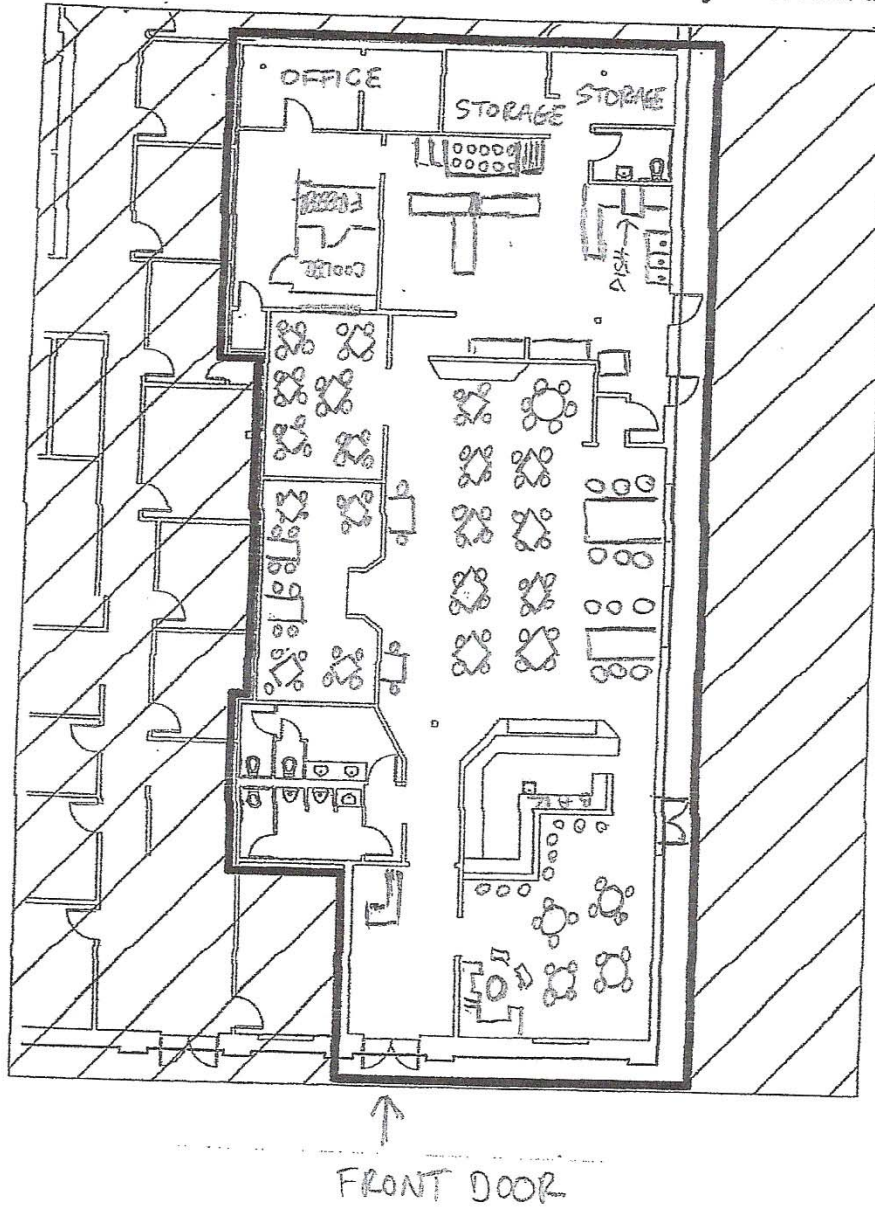
Chalermwong Sukpanishakul (aka FIRST)

Floor Plan

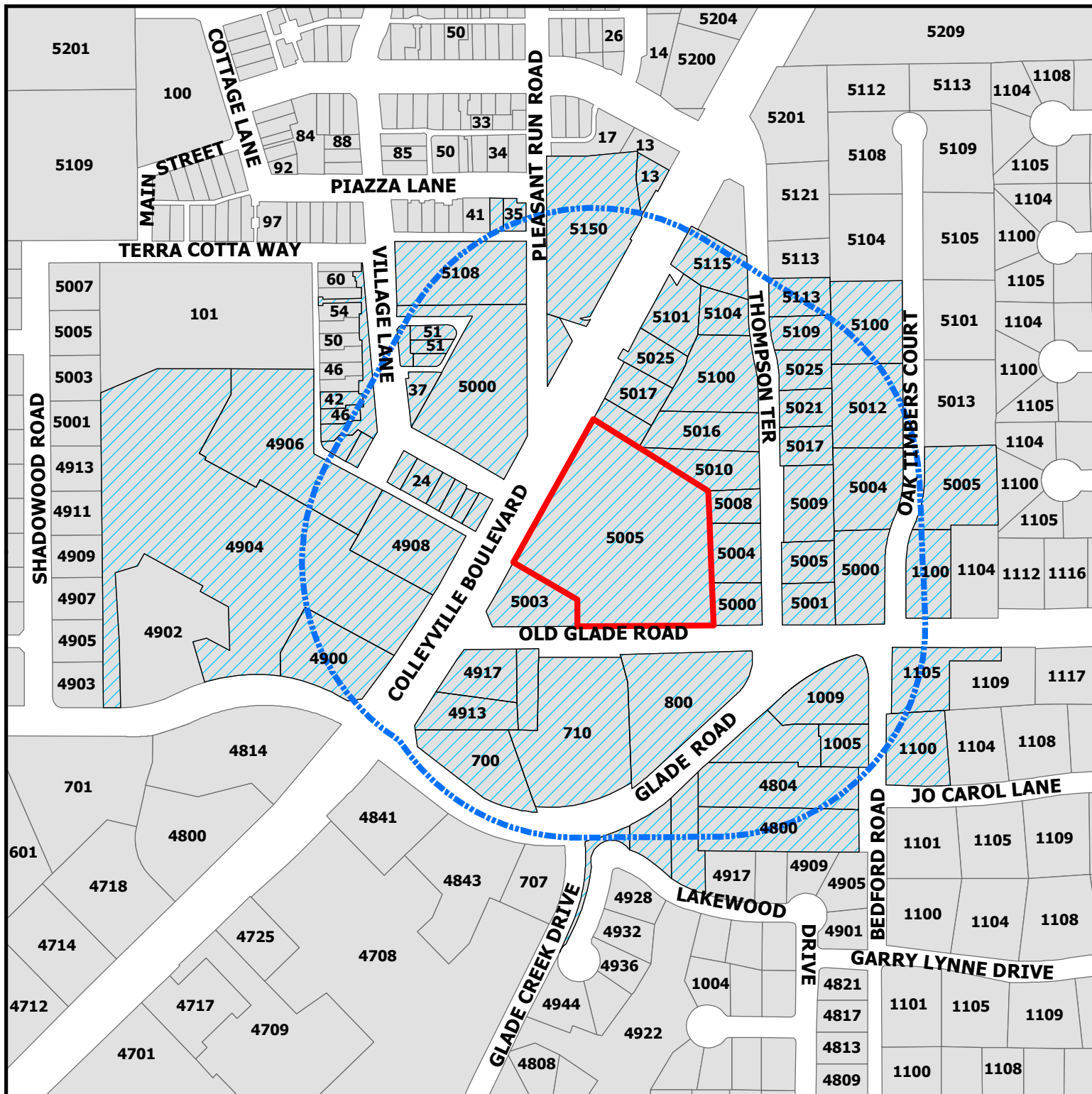
EXHIBIT A-1

FLOOR PLAN OF PREMISES

4540 sq/ft Restaurant Space - 5005 Colleyville Blvd



Notification Map



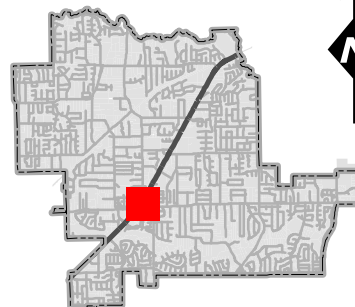
ZC18-015

5005 Colleyville Boulevard, Suite 240

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-  Subject Property
-  500ft Buffer
-  Properties within 500ft



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
SC 16 VILLAGE LANE INVESTMENT	505 PECAN ST STE 101	FORT WORTH, TX	76102	16 VILLAGE LN
HOA - LAKEWOOD ESTATES	6707 BRENTWOOD STR RD	FORT WORTH, TX	76112	4921 LAKEWOOD DR
COLLEYVILLE PLAZA LP	580 DECKER DR STE 203	IRVING, TX	75062	4900 COLLEYVILLE BLVD
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	5100 COLLEYVILLE BLVD
DUIC, KIMBERLY	37 PIAZZA LN	COLLEYVILLE, TX	76034	37 PIAZZA LN
SIDES, JOSEPH D	2911 COMPTON RD	NASHVILLE, TN	37215	5109 THOMPSON TERR
SIDES, JOSEPH D	2911 COMPTON RD	NASHVILLE, TN	37215	5113 THOMPSON TERR
GLADE RD CAPITAL LLC	PO BOX 1821	COLLEYVILLE, TX	76034	1005 VILLAGE PARK DR
BUCHWALD, RUDOLPH W	1309 ASHFORD CT	COLLEYVILLE, TX	76034	5025 COLLEYVILLE BLVD
COLLEYVILLE PLAZA LP	580 DECKER DR STE 203	IRVING, TX	75062	4908 COLLEYVILLE BLVD
COLLEYVILLE PLAZA LP	580 DECKER DR STE 203	IRVING, TX	75062	4906 COLLEYVILLE BLVD
VILLAGE OWNERS ASSOCIATION INC	1024 S GREENVILLE AVE STE 230	ALLEN, TX	75002	12 VILLAGE LN
O'BRIEN, PETE	609 CHEEK SPARGER RD STE 120	COLLEYVILLE, TX	76034	5004 THOMPSON TERR
BUCHANAN LUBBOCK PROPERTIES	3410 LAKE CREEK TR	MANSFIELD, TX	76063	51 VILLAGE LN
BUCHANAN LUBBOCK PROPERTIES	3410 LAKE CREEK TR	MANSFIELD, TX	76063	51 VILLAGE LN
BREWER, GLADYS L	5012 OAK TIMBERS CT	COLLEYVILLE, TX	76034	5012 OAK TIMBERS CT
MCNOSKY, ANTHONY T	5108 PLEASANT RUN RD	COLLEYVILLE, TX	76034	5108 PLEASANT RUN RD
BUCHANAN LUBBOCK PROPERTIES	3410 LAKE CREEK TR	MANSFIELD, TX	76063	51 VILLAGE LN
QUENICHET, JOHN WAYNE	5005 OAK TIMBERS CT	COLLEYVILLE, TX	76034	5005 OAK TIMBERS CT
GLADE ROAD CAPITAL LLC	PO BOX 1821	COLLEYVILLE, TX	76034	1009 GLADE RD
BOJKU, AFRIM	5309 COLLYVILLE BLVD	COLLEYVILLE, TX	76034	5150 COLLEYVILLE BLVD
Y2KITCHEN PROPERTIES LLC	4500 DARTMOORE LN	COLLEYVILLE, TX	76034	5003 COLLEYVILLE BLVD
HAYWORTH, WARD O	2757 MESQUITE LN	GRAPEVINE, TX	76051	5016 THOMPSON TERR
FRUSHER, DONALD	35 PIAZZA LN # 38110	COLLEYVILLE, TX	76034	35 PIAZZA LN # 38 111
RAJU, SESHU	3816 APPLETON LN	FLOWER MOUND, TX	75022	5004 OAK TIMBERS CT
BUCHWALD, RUDOLPH W	1309 ASHFORD CT	COLLEYVILLE, TX	76034	5101 COLLEYVILLE BLVD
JPMORGAN CHASE BANK	PO BOX 2558	HOUSTON, TX	77252	5000 COLLEYVILLE BLVD
DUNN, REX A	312 MARSEILLE DR	HURST, TX	76054	5010 THOMPSON TERR
THOMPSON BENJAMIN ETUX YEE-PIN	1100 GLADE RD	COLLEYVILLE, TX	76034	1100 GLADE RD
GIBSON, NORMAN C	113 TIMBERLINE DR S	COLLEYVILLE, TX	76034	5115 COLLEYVILLE BLVD
GULICK, CYLDE E	5100 OAK TIMBERS CT	COLLEYVILLE, TX	76034	5100 OAK TIMBERS CT
MODERN HOLDINGS LLC	PO BOX 92083	SOUTHLAKE, TX	76092	5100 THOMPSON TERR
BONEY, TRAVIS	4925 LAKEWOOD DR	COLLEYVILLE, TX	76034	4925 LAKEWOOD DR
BOJKU, HAJRI	5309 COLLYVILLE BLVD	COLLEYVILLE, TX	76034	5017 THOMPSON TERR
COCANOUGH ASSET NO 3 LTD	6851 NE LOOP 820 STE 200	NORTH RICHLAND HILLS, TX	76180	5005 COLLEYVILLE BLVD
HANNA, MAGY H	5021 THOMPSON TERR	COLLEYVILLE, TX	76034	5021 THOMPSON TERR
Y2KITCHEN PROPERTIES LLC	5003 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	710 GLADE RD
VILLAGE OWNERS ASSOCIATION INC	1024 S GREENVILLE AVE STE 230	ALLEN, TX	75002	47 VILLAGE LN
RYAN WAYNE PROPERTIES LLC	16 VILLAGE LN STE 180	COLLEYVILLE, TX	76034	5017 COLLEYVILLE BLVD
ACROPOLIS INC	15233 VENTURA BLVD SUITE 1160	SHERMAN OAKS, CA	91403	5001 THOMPSON TERR
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	24 VILLAGE LN
ESCOBAR, ROSA	4804 BEDFORD RD	COLLEYVILLE, TX	76034	4804 BEDFORD RD
THOMPSON, JOHN E	5017 MONTCLAIR DR	COLLEYVILLE, TX	76034	905 OLD GLADE RD
NOBLIT, DON	PO BOX 820895	FORT WORTH, TX	76182	4913 COLLEYVILLE BLVD
TMI INTERNATIONAL LLC	5013 COLLEYVILLE BLVD SUITE 20	COLLEYVILLE, TX	76034	5013 COLLEYVILLE BLVD
DUNN, REX A	312 MARSEILLE DR	HURST, TX	76054	5008 THOMPSON TERR
DELGADO, MARK ETAL	5000 THOMPSON TERR	COLLEYVILLE, TX	76034	5000 THOMPSON TERR
SC 16 VILLAGE LANE INVESTMENT	505 PECAN ST STE 101	FORT WORTH, TX	76102	16 VILLAGE LN
HOA - LAKEWOOD ESTATES	12700 PARK CTRL DR STE 600	DALLAS, TX	75251	4935 LAKEWOOD DR
SEHAT, MAJID	4800 BEDFORD RD	COLLEYVILLE, TX	76034	4800 BEDFORD RD
VILLAGE OWNERS ASSOCIATION INC	1024 S GREENVILLE AVE STE 230	ALLEN, TX	75002	13 MAIN ST
ACROPOLIS INC	15233 VENTURA BLVD SUITE 1160	SHERMAN OAKS, CA	91403	5005 THOMPSON TERR
HAMIDI, CAMERON S	17858 BENCHMARK DR	DALLAS, TX	75252	37 VILLAGE LN
WAL-MART REAL ESTATE BUS TRUST	PO BOX 8050	BENTONVILLE, AR	72716	4904 COLLEYVILLE BLVD
NOBEL SOURCE COMPANY LLC	640 S HILL ST STE 341	LOS ANGELES, CA	90014	800 GLADE RD
GIBSON, NORMAN C	113 TIMBERLINE DR S	COLLEYVILLE, TX	76034	5104 THOMPSON TERR
SC 16 VILLAGE LANE INVESTMENT	505 PECAN ST STE 101	FORT WORTH, TX	76102	16 VILLAGE LN
RICHARD FAMILY LIMITED PARTNER	5009 THOMPSON TERR STE 102	COLLEYVILLE, TX	76034	5009 THOMPSON TERR
LG COLLEYVILLE LLC	3500 MAPLE DR STE 1600	DALLAS, TX	75219	4917 COLLEYVILLE BLVD
SOUMPHONPHAKDY, ANOULONE	5025 THOMPSON TERR	COLLEYVILLE, TX	76034	5025 THOMPSON TERR
HEA21 LLC	6406 CUTTER RIDGE CT	COLLEYVILLE, TX	76034	28 VILLAGE LN
KING, DALE L	PO BOX 371	COLLEYVILLE, TX	76034	5000 OAK TIMBERS CT
ZELL THREE INC	1190 EXPLORER ST	DUNCANVILLE, TX	75137	700 GLADE RD
VILLAGE OWNERS ASSOCIATION INC	1024 S GREENVILLE AVE STE 230	ALLEN, TX	75002	36 VILLAGE LN
HAMIDI, CAMERON S	17858 BENCHMARK DR	DALLAS, TX	75252	37 VILLAGE LN
HAMIDI, CAMERON S	17858 BENCHMARK DR	DALLAS, TX	75252	37 VILLAGE LN
JAMES, DUSTIN	40 VILLAGE LN	COLLEYVILLE, TX	76034	46 VILLAGE LN
GRIFFIN, REGINAL	42 VILLAGE LN	COLLEYVILLE, TX	76034	42 VILLAGE LN
ADVENIAT REGNUM TUUM, LLC.	1203 S WHITE CHAPEL BLVD STE 2	SOUTHLAKE, TX	76092	1105 GLADE RD
HOLLAND, AXEL	1100 JO CAROL ST	COLLEYVILLE, TX	76034	1100 JO CAROL LN
LAKEWOOD ESTATES	213 MILL CROSSING WEST	COLLEYVILLE, TX	76034	COURTESY NOTICE
SUKPANISHAKUL, CHALERMWONG	6024 GOLDEN DRIVE	DENTON, TX	76208	APPLICANT
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOOD AVE	GRAPEVINE, TX	76051	STATE REQUIRED

Public hearing notices were mailed on Friday, May 25, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-015
Applicant: Chalermwong Sukpanishaku
Owner: Cocanougher Asset No. 3, Ltd
Location: 5005 Colleyville Boulevard, Suite 240
Property Description: Lot 1R1, Block 1, of the Market Addition
Present Zoning: CC-1 Village Retail District
Request: Consideration of a Special Use Permit for Alcoholic Beverage Sales – On-Premises Consumption. The purpose is to allow for the sale of alcohol at the proposed NAPA restaurant.

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

Planning and Zoning Commission Meeting: Monday, June 11, 2018 at 7:00 p.m.
City Council Meetings: Tuesday, July 2, 2018 & Tuesday, July 17, 2018 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 500 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

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

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

If the property owners of 20% or more of the land within a 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. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/zoning.html>. 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

Letter of Opposition



From:
Seshu Raju
3816 Appleton Ln,
Flower Mound, TX 75022.

To:
Community Development Department,
City of Colleyville, 100 Main Street,
Colleyville, TX 76034.

May 28th 2018

Dear Sir/Madam:

Regarding ZC18-015 (use permit for alcohol beverage sales) zone change public hearing notice, I would like to express written opinion against the requested change as it will impact my residential property of 5004 Oak Timbers Ct. The zoning change if approved, going to have negative impact and security implications of school age children living nearby residential properties. I would like to protest against the zoning change with this letter as I am unable to attend the scheduled public hearing.

Sincerely,

A handwritten signature in purple ink, appearing to read "Seshu Raju", with a stylized flourish underneath.

Seshu Raju.

ORDINANCE O-18-2050

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP BY CHANGING THE ZONING ON LOT 1R1, BLOCK 1 OF THE MARKET ADDITION, LOCATED AT 5005 COLLEYVILLE BOULEVARD, SUITE 240, BY AUTHORIZING A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for on-premise consumption of alcohol under Case No. ZC18-015; and

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

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

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

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

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices

by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on Lot 1R1, Block 1, of the Market Addition, located at 5005 Colleyville Boulevard, Suite 240, by authorizing a Special Use Permit for the sale of alcoholic beverages for on-premise consumption, as depicted on Exhibit "A" and Exhibit "B".
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the 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 sale of alcoholic beverages for on-premise consumption in conjunction with a restaurant use only.
- b. The name of the business authorized for on-premise consumption alcohol sales by this Special Use Permit shall be called "NAPA Restaurant".

- c. The Special Use Permit shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.
- d. All requirements of the Land Development Code shall be met, except where amended herein.

2. HOURS OF OPERATION

- a. The hours of operation shall not exceed the following schedule:

Sunday - Saturday: 11:00 a.m. – 10:00 p.m.

- Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 6. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 2nd day of July 2018.

The second reading and public hearing being conducted on the 17th day of July 2018.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____
ABSTENTIONS ON THIS THE 17TH DAY OF JULY 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt L. Wyatt
City Attorney

Exhibit "A" – Zoning Map

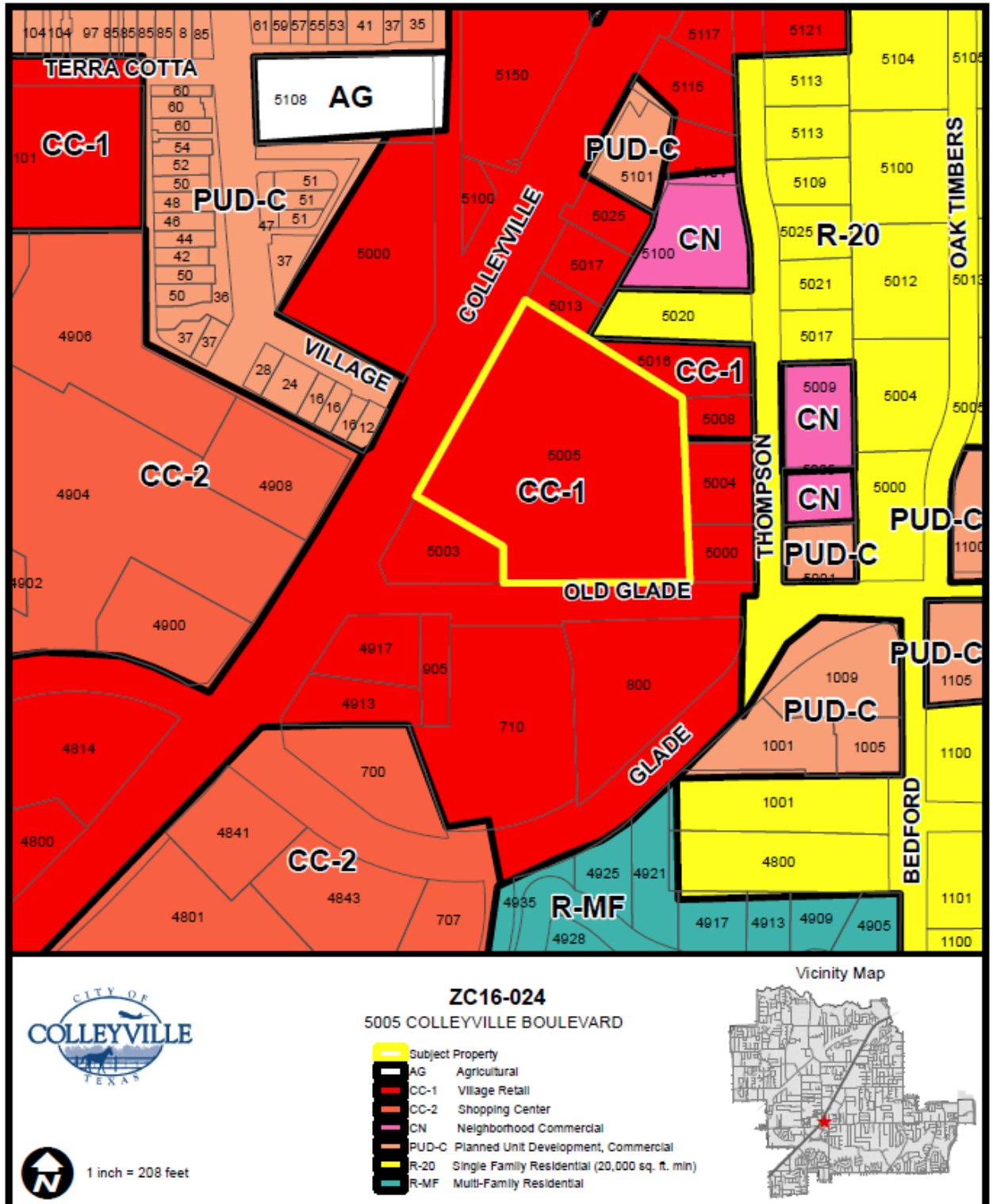


Exhibit "B" – Aerial Map





City of Colleyville City Council Agenda Briefing

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

Agenda Number 6b

Agenda Date 07/02/2018

Number Ordinance O-18-2051

Type Ordinance

Department Community Development

Title

Consideration of a Special Use Permit for Package Store and Alcoholic Beverage Sales – Off-Premise Consumption on Lot 3, Block 2, of the Lavaca Trail Addition, located at 8070 Precinct Line Road, Case ZC18-016

Strategic Plan

4.2 Encourage compatible commercial growth

Explanation

First Reading and Public Hearing

Payal Brahmbhatt, the applicant, has submitted a request for a Special Use Permit (SUP) to allow alcoholic beverage sales for a Package Store at 8070 Precinct Line Road, called Fossil Creek Spirits. Mark Stacy previously owned Fossil Creek Liquor and received an SUP in 2011. Package stores are allowed in the CC-2-Shopping Center district with the approval of an SUP.

Existing Conditions/Background: The subject property is zoned CC-2 Shopping Center district and generally located on the east side of Precinct Line Road, south of Lavaca Trail. The subject property is a platted lot and is the location of Fossil Creek Spirits. This site has operated as a package store since 2011 under Ordinance O-11-1795, and the applicant would like to continue the same operation under the same name. However, the SUP expires upon the change of ownership.

Proposed Special Use Permit:

Request – The applicant is requesting approval of an SUP to allow a Package Store at an existing location, Fossil Creek Spirits, which currently operates as a package store. The operation is changing ownership which voids the existing SUP. The applicant proposes to operate the package store as it currently operates.

Ordinance – There are four components of procedure that a business must complete to sell beer and wine for off-premise consumption in Colleyville: (1) a Special Use Permit (SUP) approval by the City Council for beer and wine sales (off-premise consumption); (2) submission of draft Texas Alcoholic Beverage Commission (TABC) License paperwork to the City Secretary's Office for review and approval; (3) submission of completed TABC License paperwork to the TABC; and, (4) the issuance of an Alcoholic Beverage License through the City Secretary's Office.

- Section 3.25 of the Land Development Code states that an SUP is to “allow a use not normally allowed in a zoning district which could be of benefit in a particular case to the general welfare, provided adequate development standards, and special requirements are imposed to protect surrounding uses or to preserve the character of the neighborhood.” SUP’s for alcohol sales automatically expire upon the abandonment of the business, change in the use, a change in ownership, or upon termination of the Certificate of Occupancy.
- Section 6-3 of the Code of Ordinances requires businesses that sell alcoholic beverages to be located at least 300 feet from a church, school, or public hospital. The distance is measured from property line to property line for schools, and from front door to front door along the street-front property lines for churches and hospitals.

Analysis: The requested SUP is consistent with previously approved SUPs on the subject property and is permitted by the Land Development Code with City Council approval. The applicant proposes to operate the business in a similar manner to the previous package store at this location. The requested location is in compliance with the distance requirements of the Code of Ordinances. Approval of an SUP at this location, for this user, should not adversely impact surrounding uses or the character of the neighborhood.

Surrounding Development: All of the property to the north and south of this location, on the east side of Precinct Line Road, has been designated for commercial development in the City’s comprehensive plan, *Destination Colleyville*. Most of that property has been zoned for commercial development, with some parcels maintaining residential zoning. The only new development along Precinct Line Road has been commercial and office development. The property across Precinct Line Road, to the west, resides in North Richland Hills and has predominately developed residential, with significant commercial development further to the north. To the east resides a variety of different Colleyville residential neighborhoods.

Comprehensive Plan: The City’s comprehensive plan, *Destination Colleyville*, designates the subject property for commercial development. The requested SUP does not conflict with the comprehensive plan.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request. Keller ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by State law and the Land Development Code. To date, no correspondence has been received.

Staff Recommendation: Staff recommends approval of the Special Use Permit (SUP)

to authorize a package store at 8070 Precinct Line Road in the Fossil Creek Spirits location. The proposed business is consistent with the previous uses on the subject property and should not adversely impact surrounding uses.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of the request at their June 11, 2018 meeting by a vote of 5-0.

Financial Impact

There is no fiscal impact with this item.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Site Plan Exhibit
5. Notification Map
6. Notification List
7. Property Owner Notification Letter
8. Ordinance O-18-2051

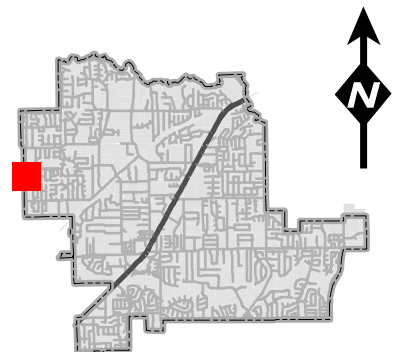
Aerial Map



ZC18-016

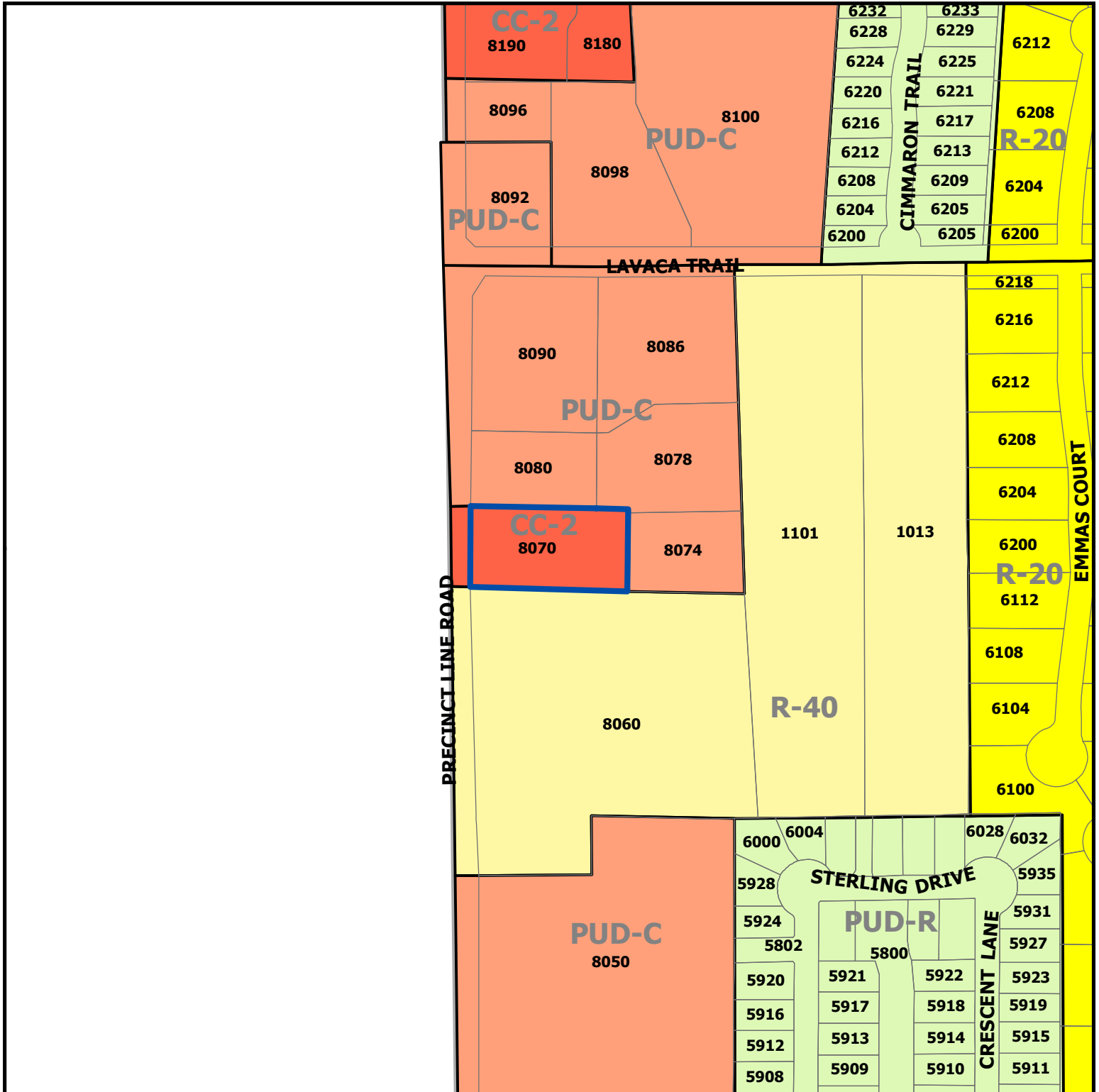
8070 Precinct Line Road

 Subject Property



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

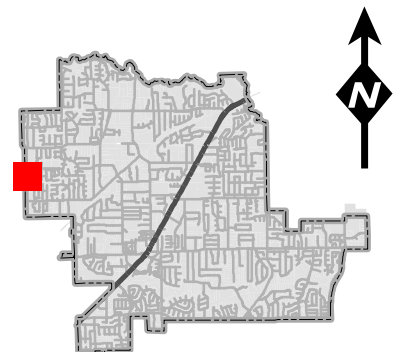
Zoning Map



ZC18-016
8070 Precinct Line Road

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 Subject Property

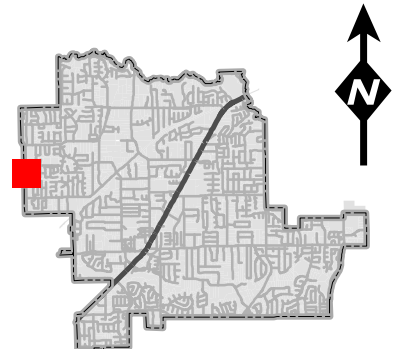


Future Land Use Map



ZC18-016 8070 Precinct Line Road

- Subject Property
- Sales Tax Preferred Intersection
- Residential
- Commercial
- Open Space; Parks



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Classic Design Group
 Environmental • Architectural Design
 1417 Sullivan Court
 Grand Prairie, TX 76048
 Office 972-861-4422
 Fax 972-861-4441
 e-mail: classic_design_group@aol.com

[illegible]

PRICE CHAPMAN COMMERCIAL
REAL ESTATE, LLC
10020 NORTH DALLAS PARKWAY
SUITE 125
DALLAS, TEXAS 75248

Source No. O. Graham	Field 1-28-47
Entered by	Project Number
Start Date	Sheet Of
April 6, 2015	A1
Worksheet Name	

SITS SUMMARY TABLE	
Current Zoning	MC
Proposed Zoning	P.U.O. - C22 &
Prepament Use	Percentage Store
Lot Area	1.181 Acrep (50,579.73 Sq. Ft.)
Building Area	7,000 Square Feet
Building Height	25'-0" (Approximate)
Building Volume	2 Stories (35'-0" Maximum)
Lot Coverage	75 Percent
Open Space Area	3,579.73 Sq. Ft.
Open Space Ratio	5,897.4 Sq. Ft.
	0.1821
Off-Street Parking	1 Space Per 200 Sq. Ft. Floor Area
Total Spaces Required	25 Spaces Required
1/4C Spaces Provided	3 Spaces Provided
1/2C Spaces Provided	10 Spaces Provided
3/4C Spaces Provided	12 Spaces Provided
1/4C Spaces Required	4 Spaces Required
Indication: Parking is Provided in Accordance With 1/4C = 1 Space Required 1/2C = 2 Spaces Required 3/4C = 3 Spaces Required 1C = 4 Spaces Required	

1. Signs require separate review process, separate approval and separate permit.
2. Paving to be poured and striped, applied and screened per City of Covington city ordinance.
3. Front yards shall remain open and unobstructed. No structure or building shall be allowed in a required front yard.
4. Miscellaneous landscape elements must be constructed (barrier, fence, etc.) for the building, however, not for the lot. The City property requires approval of Department of Public Works.
5. Utility easements, must remain open and unobstructed. No

STREET TREES
TOTAL OF 16.2' LINEAL FEET OF FRONTAGE
1 TREE PER 40 LINEAL FEET REQUIRED
4 (4.04) TREES REQUIRED

20 PERCENT OF TOTAL LAND AREA SHALL BE LANDSCAPED
50 PERCENT TOTAL LAND AREA SHALL BE IN STREET WARD
50/50/73 TOTAL LAND AREA = 20 PERCENT
10,116 SQ. FT. PROVIDED

10,116 @ 50 PERCENT = 5,058 SQ. FT. PROVIDED
5,058 SQ. FT. PROVIDED

SHAWDUS
1. SHAWDUS WITH A LINEAL FEET REQUIRED
5. SHAWDUS = 161' 2" LINEAL FEET = 33 SHAWDUS REQUIRED
33 SHAWDUS PROVIDED

A map showing the location of the Project Site. The site is a rectangular area located between Highway 101 and Highway 102. Highway 101 runs horizontally across the top of the map, and Highway 102 runs horizontally across the bottom. Highway 103 runs vertically along the right side of the map. The Project Site is situated between Highway 101 and Highway 102, to the left of Highway 103. A north arrow is located in the bottom right corner of the map.

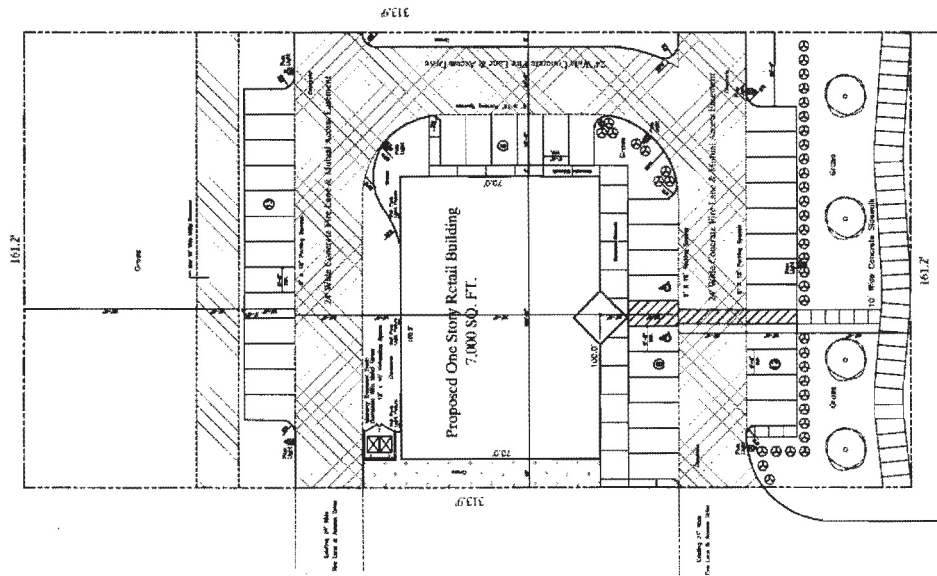
ZONING EXHIBIT FOR ZONING CHANGE
REQUEST FROM R-40 TO PUD C02

ALL LABOR-CAPTED ARTISTS SHALL BE NEGOTIATED WITH AN NEGOTIATION SYSTEM CAPABLE OF MEETING THE PROPOSED ALGENT OF WATER FOR THE PARTICULAR TYPE OF PLANTING USED. NEGOTIATION WILL BE FACILITATED BY AN UNDERSTANDING SINKER/STEWART OR A SUBSTANTIAL NEARBY SYSTEM AS APPROVED BY THE CITY AGENCIES.

2. AUTOMATIC UNDERGROUND SPRINKLER SYSTEMS SHALL BE EQUIPPED WITH A BACKFLOW PREVENTER AND FREEZE GUARD AT ALL 1/2" OR GREATER DIAMETERS.

DEVELOPER
MR. WILLIAM D. SOUTHER
305 BROOKSIDE CT.
HURST, TEXAS 76054

PRECISE LAND SURVEYING, INC.
4825 EASTON DRIVE
MESQUITE, TEXAS 75149
OFFICE: 972-681-7072
FAX: 972-279-1508

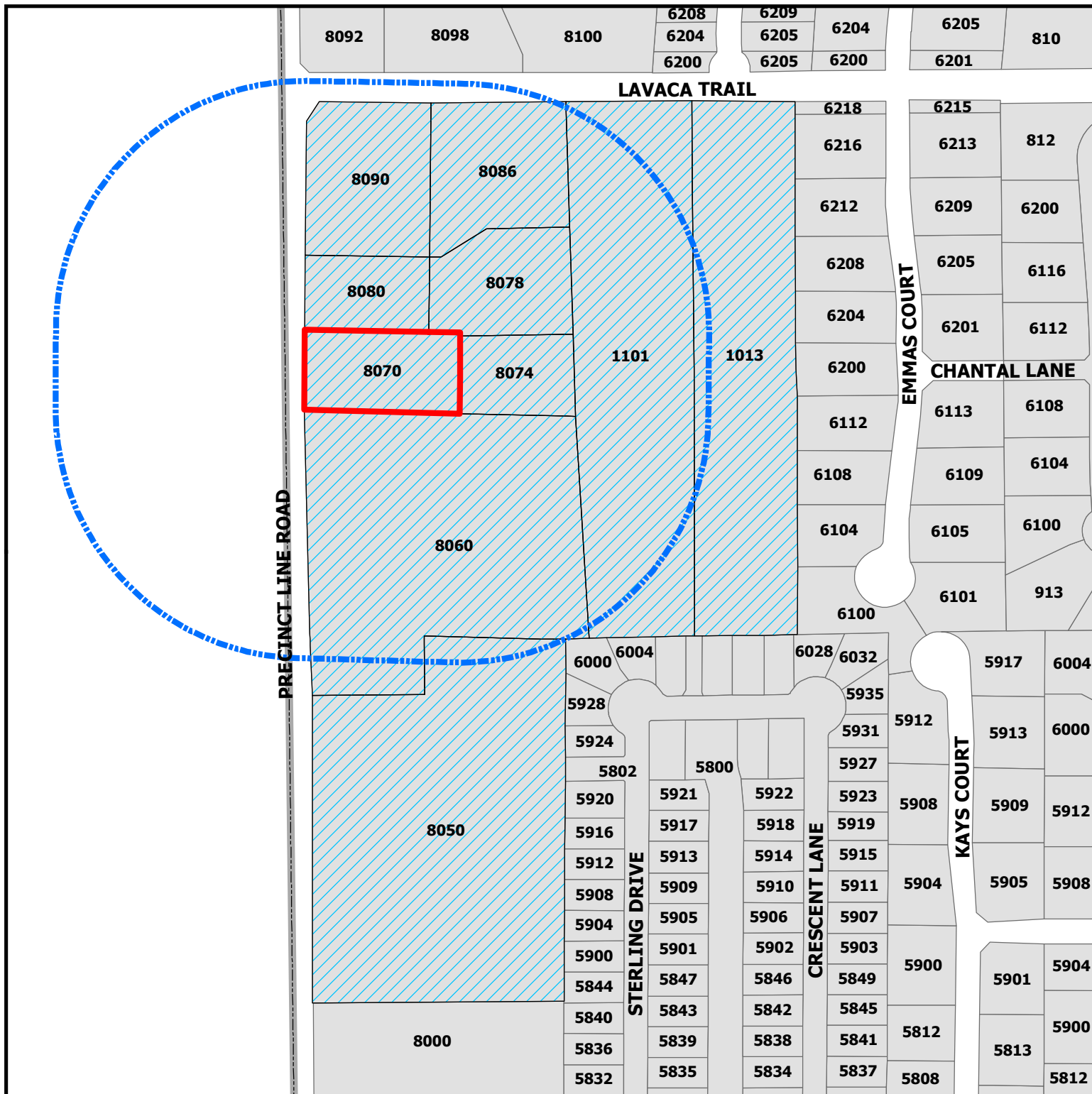


PRECINCT LINE ROAD

04 Site Plan

RECEIVED
APR 11 2011
Per _____

Notification Map



ZC18-016

8070 Precinct Line Road



Subject Property



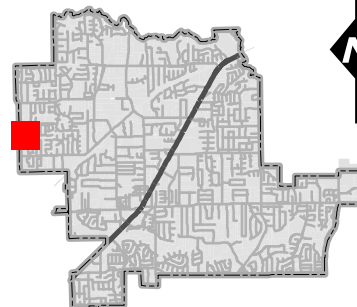
500ft Buffer



Properties within 500ft

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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
TOV VENTURE LTD	16950 DALLAS PKWY STE 120	DALLAS, TX	75248	8070 PRECINCT LINE RD
SL2 SALON SUITES LLC	7600 QUARTERING	NORTH RICHLAND HILLS, TX	76182	8080 PRECINCT LINE RD
JONES, JERRELL W	11111 ABBEYWOOD	OKLAHOMA CITY, OK	73170	8050 PRECINCT LINE RD
WILLIAM D SOUDER INVESTMENTS	2729 CRYSTAL RIDGE CIR	HURST, TX	76054	8060 PRECINCT LINE RD
STANLEY, LARRY J EST	1101 LAVACA TR	COLLEYVILLE, TX	76034	1101 LAVACA TR
RAVENWOOD DEVELOPMENT LLC	131 QUEST CT	KELLER, TX	76248	8078 PRECINCT LINE RD
FEGAN, DENNIS J	1303 BELLEFONTE LN	COLLEYVILLE, TX	76034	1013 LAVACA TR
LINLES PROPERTIES LTD	2601 HIGHLAND MEADOW DR	COLLEYVILLE, TX	76034	8090 PRECINCT LINE RD
RAVENWOOD DEVELOPMENT LLC	131 QUEST CT	KELLER, TX	76248	8086 PRECINCT LINE RD
RAVENWOOD DEVELOPMENT LLC	131 QUEST CT	KELLER, TX	76248	8074 PRECINCT LINE RD
EMERALD PARK ADDITION -COLLEY	5837 CRESCENT	COLLEYVILLE, TX	76034	COURTESY NOTICE
BRAHMBHATT, PAYAL	957 PARK RIDGE DRIVE	ALLEN, TX	75013	APPLICANT
KELLER ISD	350 KELLER PKWY	KELLER, TX	76248	STATE REQUIRED

Public hearing notices were mailed on Friday, May 25, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-016
Applicant: Payal Brahmabhatt
Owner: Tov Venture, Ltd
Location: 8070 Precinct Line Road
Property Description: Lot 3, Block 2, of the Lavaca Trail Addition
Present Zoning: CC-2 Shopping Center District
Request: Consideration of a Special Use Permit for Package Store and Alcoholic Beverage Sales – Off-Premises Consumption. The purpose is to allow for the continued sale of alcohol at the Fossil Creek Liquor store. The SUP request is due to a change of ownership.

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

Planning and Zoning Commission Meeting: Monday, June 11, 2018 at 7:00 p.m.
City Council Meetings: Tuesday, July 2, 2018 & Tuesday, July 17, 2018 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 500 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

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

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

If the property owners of 20% or more of the land within a 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. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/zoning.html>. 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

ORDINANCE O-18-2051

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP BY CHANGING THE ZONING ON LOT 3, BLOCK 2 OF THE LAVACA TRAIL ADDITION, LOCATED AT 8070 PRECINCT LINE ROAD, BY AUTHORIZING A SPECIAL USE PERMIT FOR PACKAGE STORE AND ALCOHOLIC BEVERAGE SALES – OFF-PREMISE CONSUMPTION; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for off-premise consumption of alcohol under Case No. ZC18-016; and

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

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

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

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

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices

by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on Lot 3, Block 2 of the Lavaca Trail Addition, located at 8070 Precinct Line Road, by authorizing a Special Use Permit for Package Store and Alcoholic Beverage Sales – Off-Premises Consumption, as depicted on Exhibit “A” and Exhibit “B”.
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the 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 only apply to use of a package store and the sale of alcoholic beverages for off-premises consumption.
- b. The name of the business authorized for on-premise consumption alcohol sales by this Special Use Permit shall be called “Fossil Creek Spirits”.

- c. The Special Use Permit shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.
- d. All requirements of the Land Development Code shall be met, except where amended herein.

Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 6. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 2nd day of July 2018.

The second reading and public hearing being conducted on the 17th day of July 2018.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 17TH DAY OF JULY 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

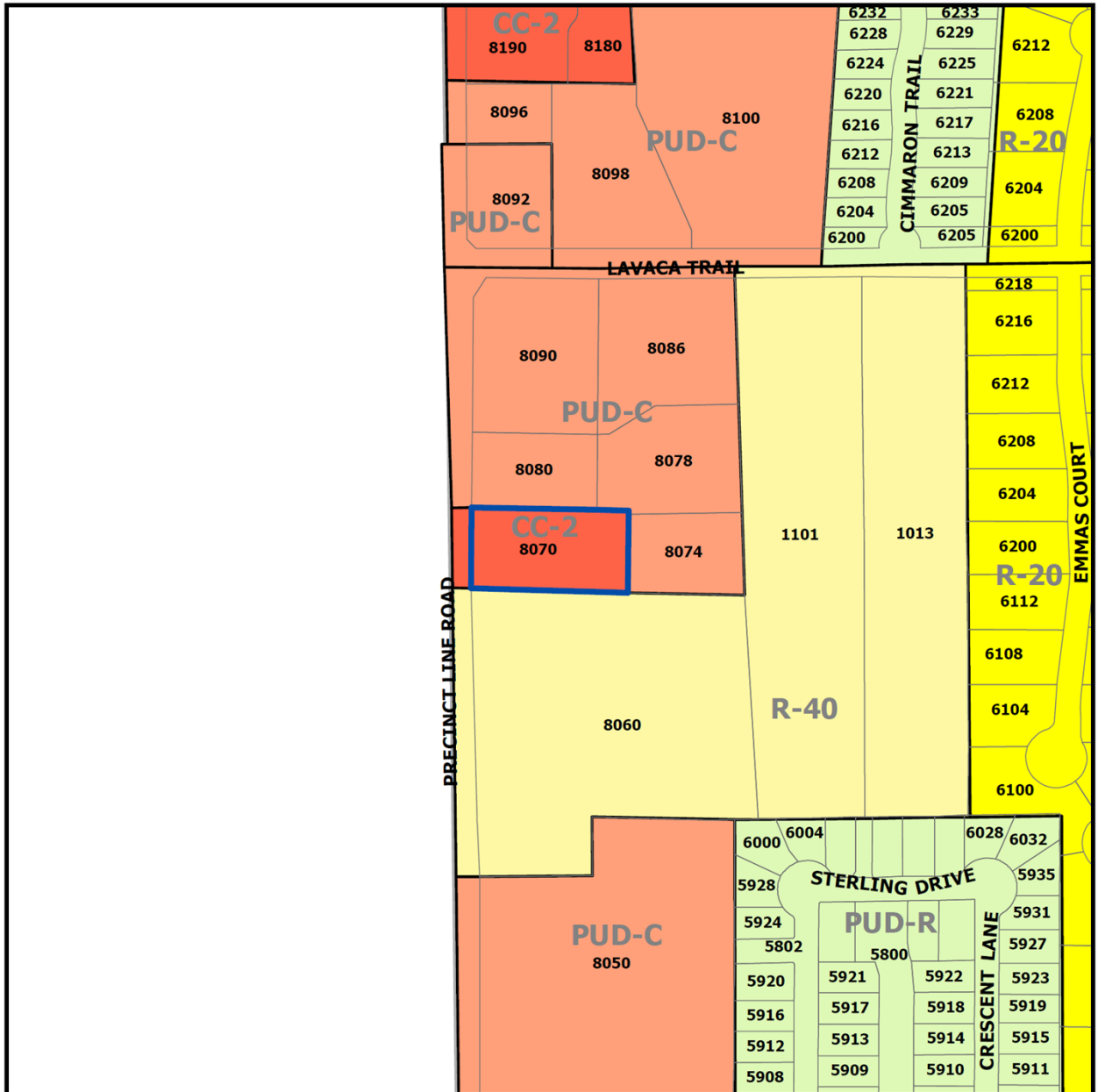
Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt L. Wyatt
City Attorney

Exhibit "A" – Zoning Map



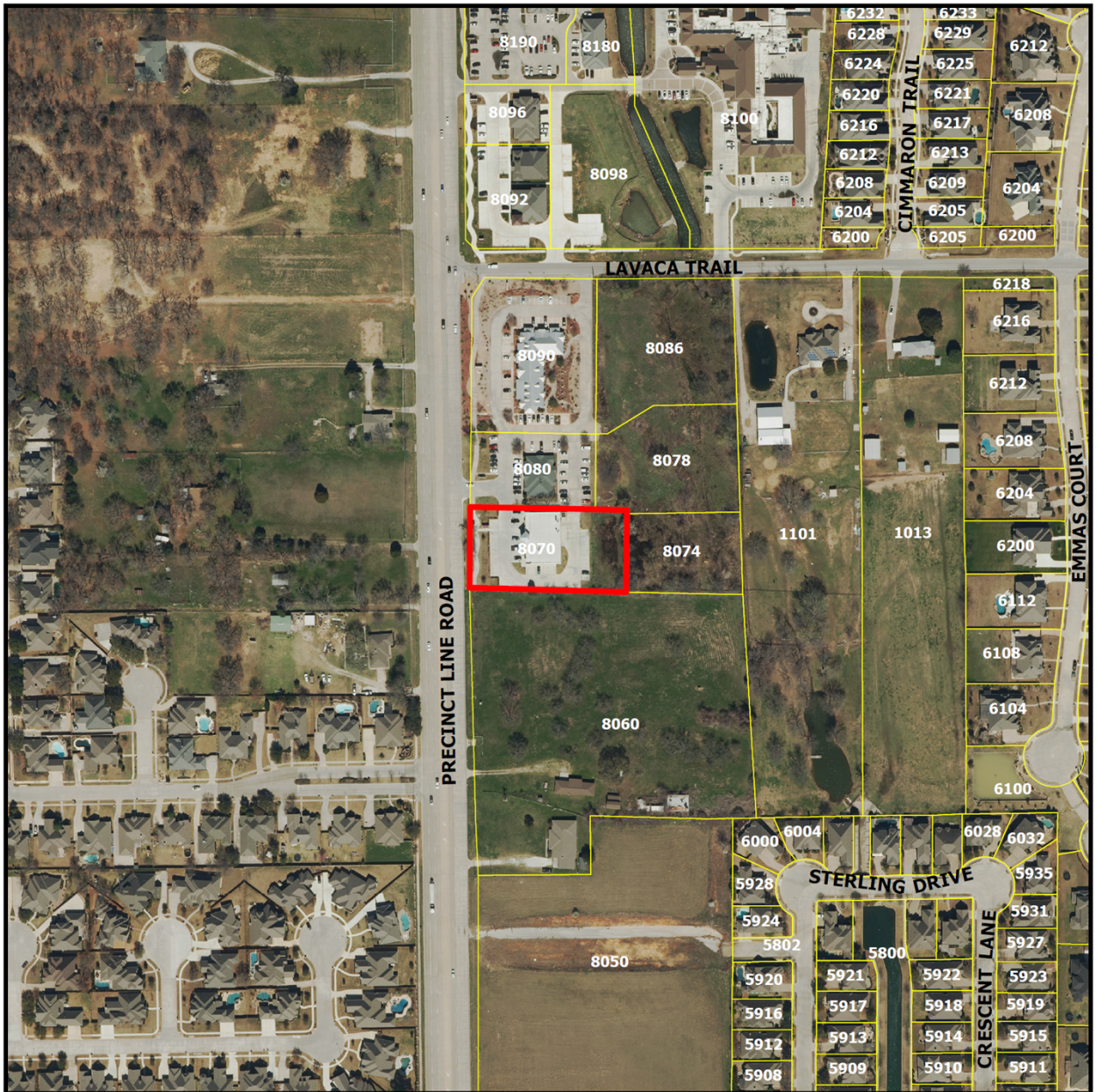
ZC18-016
8070 Precinct Line Road

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 Subject Property



Exhibit "B" – Aerial Map



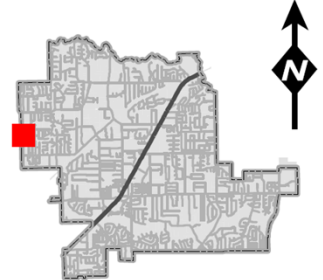
ZC18-016

8070 Precinct Line Road

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 Subject Property





City of Colleyville City Council Agenda Briefing

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

Agenda Number 6c

Agenda Date 07/02/2018

Number Ordinance O-18-2052

Type Ordinance

Department Community Development

Title

Consideration of an amendment to the PUD-C Planned Unit Development-Commercial zoning district to allow for maximum square footage for a restaurant on Lot 1RA2, Block 1, of the Tropicana Fuels Addition, located at 7101 Colleyville Boulevard, Case ZC18-017

Strategic Plan

4.2 Encourage compatible commercial growth

Explanation

First Reading and Public Hearing

Bradley Mayhall, the applicant, has submitted a request for an Amendment to the PUD-C (Planned Unit Development – Commercial) ordinance in order to allow for an increase to the maximum square footage allowed for a restaurant, from 1,500 square feet to 2,400 square feet. The current use of the property is a package store called "Bear Creek Spirits & Wine". The proposed amendment is for a Domino's restaurant.

Existing Conditions/Background. The subject property is zoned PUD-C and generally located on the east side of Colleyville Boulevard, across from the John McCain Road intersection. The subject property is a platted lot and is the location of "Bear Creek Spirits & Wine". This site has operated as a Package Store since 2010 under Ordinance O-10-1769.

Proposed PUD-C Amendment. With the approval of the package store, the PUD-C ordinance allowed for other uses to include 'restaurant and catering' use. This use was limited to 1,500 square feet. The applicant is proposing to locate a Domino's restaurant which will utilize approximately 2,400 square feet of the main building. All other elements of the existing PUD-C ordinance will remain in effect.

Analysis. The requested PUD-C amendment is consistent with the previously approved zoning on the subject property and the use is permitted by the zoning. The applicant proposes to operate a restaurant business as allowed at this location. The request is to increase the allowed square footage for the use from 1,500 square feet to 2,400 square feet. Approval of the amendment should not adversely impact surrounding uses or the character of the neighborhood.

Surrounding Properties. The surrounding properties are primarily developed as retail and residential uses. The property to the west across Colleyville Boulevard is zoned CC-2 Shopping Center and is undeveloped. The property to the south along SH26 is zoned CC-1 Village Retail and PUD-C Planned Unit Development – Commercial and is undeveloped. The property to the north along Colleyville Boulevard is zoned ML Light Manufacturing and is currently developed as a dry cleaner. The property to the east is zoned PUD-C Planned Unit Development – Commercial and is developed as single-family residential.

Comprehensive Plan. The City's comprehensive plan, *Destination Colleyville*, designates the subject property for commercial development as part of the Colleyville Boulevard commercial corridor. The use of the property as a package store with restaurant use complies with the plan.

Public Notification. Staff mailed notices to all property owners within 200 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by State law and the Land Development Code. To date, no correspondence has been received.

Staff Recommendation. Staff recommends approval of the PUD-C amendment to authorize an increase in square footage allowed for restaurant use at 7101 Colleyville Boulevard in the Bear Creek Spirits & Wine location. The proposed Domino's business is consistent with the allowed uses on the subject property and should not adversely impact surrounding uses.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of the amendment at their June 11, 2018 meeting by a vote of 5-0.

Financial Impact

There is no fiscal impact with this item.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Site Plan
6. Building Exhibits
7. Existing PUD-C Ordinance O-10-1769

8. Notification Map
9. Notification List
10. Property Owner Notification Letter
11. Ordinance O-18-2052

Aerial Map



ZC18-017

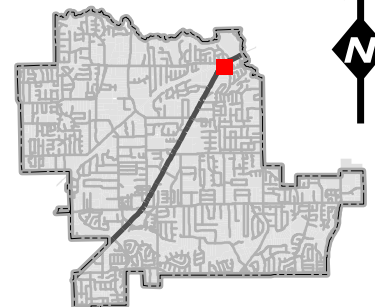
7101 Colleyville Boulevard

DISCLAIMER:

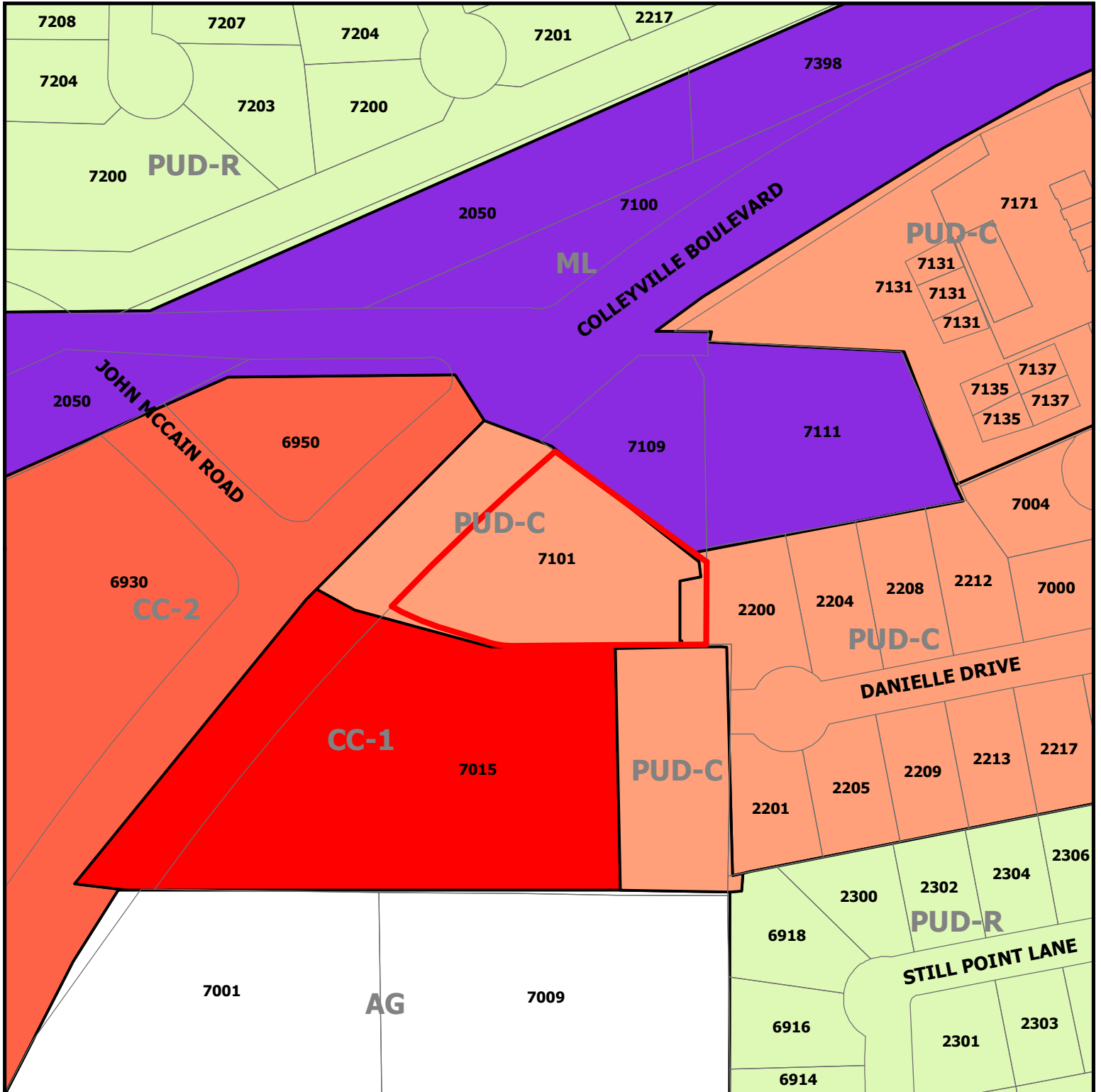
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Subject Property



Zoning Map

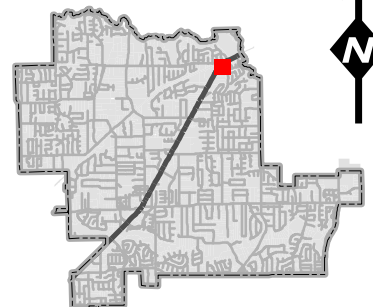


ZC18-017

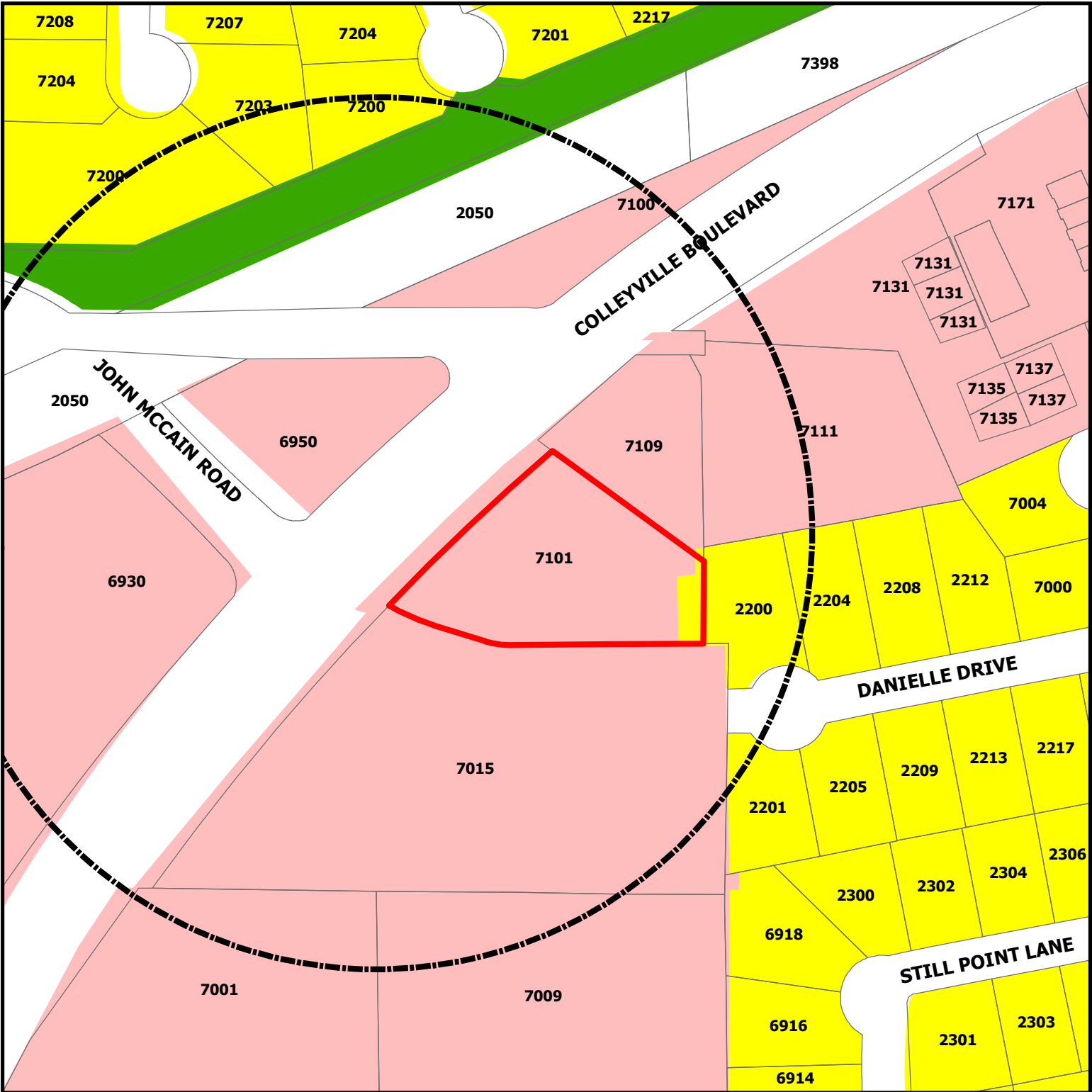
7101 Colleyville Boulevard

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 Subject Property



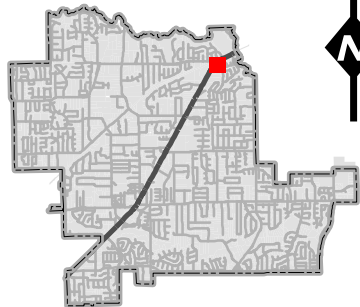
Future Land Use Map



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ZC18-017 7101 Colleyville Boulevard

-  Subject Property
-  Sales Tax Preferred Intersection
-  Residential
-  Colleyville Blvd Corridor
-  Open Space; Parks



Statement of Planning Objectives



Statement of Planning Objective and Business Description

Suite A of 7101 Colleyville Blvd. at John McCain Rd. consisting of 2,310 square feet will become the newest Domino's location for Mark of Excellence Pizza Co., the operating franchise of Domino's in the Tarrant county area, by December 15, 2018 pending application and permit approvals. Amendment of the current PUD-C for allowable maximum square footage for a restaurant from 1,500 square feet to 2,400 square feet at this location would allow Domino's to relocate from Ira E. Woods and Pool Rd. in Grapevine and continue to serve Colleyville, S. Southlake and SW Grapevine areas. In its current location the store generated \$73,654.31 in sales tax and \$2,593.18 in Ad Valorem taxes in 2017. The relocation of the store from Grapevine to Colleyville is expected to generate an estimated 20% increase in YTD sales, from \$956,509.22 to \$1,147,811.06.

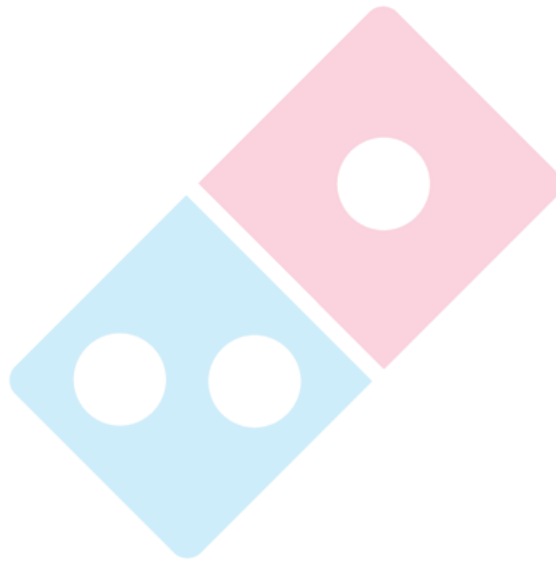
The Colleyville Blvd. and John McCain Rd. intersection provides for a safe and easy property ingress and egress with a turn signal from the intersection. The addition of Domino's to the property will include an estimated increase of 50 customers per day to the location with an additional estimated 65 customers per day opting for delivery from this location, this is in addition to the estimated 330 customers a day visiting the package store, Bear Creek Wine and Spirits. The 115 daily orders will bring a \$27.50 average ring up during the 363 days per year the store is open, with approximately 60% of the orders will be placed online.

The hours of operation as mandated by Domino's will be 10:30am to 12am Sunday thru Thursday and 10:30am to 1am Friday and Saturday. The store will be closed on Thanksgiving and Christmas days each year. This location will employ as many as 20 employees with at least 3 on staff at all times.

Construction of this location will start September 15, 2018 pending permit approval and be completed and open for business by December 15, 2018. Construction of suite A will include closing in the demising wall between Suite A and the warehouse portion of Suite B and the addition of double aluminum and glass store front doors that match the existing store front windows already put in place by the property owner. Nationally branded Domino's signage will be added to the exterior walls of the building and interior improvements, an additional restroom and expansion of the current restroom to meet ADA regulations, a lobby with seating for 22 customers, new pizza ovens and food storage equipment, including a walk in cooler and separate dry storage and clean up areas. The existing 810 square foot catering

Statement of Planning Objectives

kitchen will be removed, the square footage, with the other 1,500 square feet of Suite A to allow for production, preparation, storage and support areas for the operation of a Domino's store. A burglar alarm, fire suppression system over the pizza ovens and security cameras paced through out the suite will be added as well. The pergola located at the front of the building will be closed in with a decorative fence or large platters to separate the parking lot and sidewalks and include outdoor furniture for Domino's customers utilize while visiting the location. The relocation of the dumpster bay to the southeast corner of the property will allow for the necessary gain of additional parking spaces required for operation of a 2,310 square foot restaurant, bringing the total number of parking spaces to 59 with re-striping. When complete, a 2,310 square foot suite will be a Domino's, show casing a new and updated concept with ties to the Colleyville community, not just another chain restaurant.



Domino's™

Site Plan

APPLICANT: BRADLEY MAYHALL
Mark of Excellence Plaza Co.
1808 Harwood Court
Hurst, TX 76064
817-466-2839

OWNER: QUANTUM BEVERAGE HOLDING LLC
7401 BRAEMAR TERRACE
COLLEEVILLE, TX 76034
817-917-5689

SURVEYOR: FULTON SURVEYING, INC.
115 ST. LOUIS AVENUE
FORT WORTH, TX 76104
817-335-3625

LAND USE TABLE			
DESCRIPTION	AREA	PCT. OF SITE	
BUILDING AREA	9,010 S.F.	13.1 PCT.	
MAIN BUILDING	6,700 S.F.		
DOMINO'S	2,310 S.F.		
PAVED AREA	30,029 S.F.	53.0 PCT.	
OPEN SPACE	19,203 S.F.	33.9 PCT.	
TOTAL AREA	56,650 S.F.	100 PCT.	

SPACES REQUIRED:
BUILDING AREA (MAIN) = 6,700 S.F.
1 SPACE PER 200 S.F. = 34 SPACES
BUILDING AREA (DOMINO'S) = 2,310 S.F.
2 SPACES PER 100 S.F. = 23 SPACES

TOTAL REQUIRED: 57 SPACES
TOTAL PROVIDED: 59 SPACES

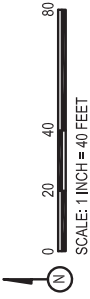
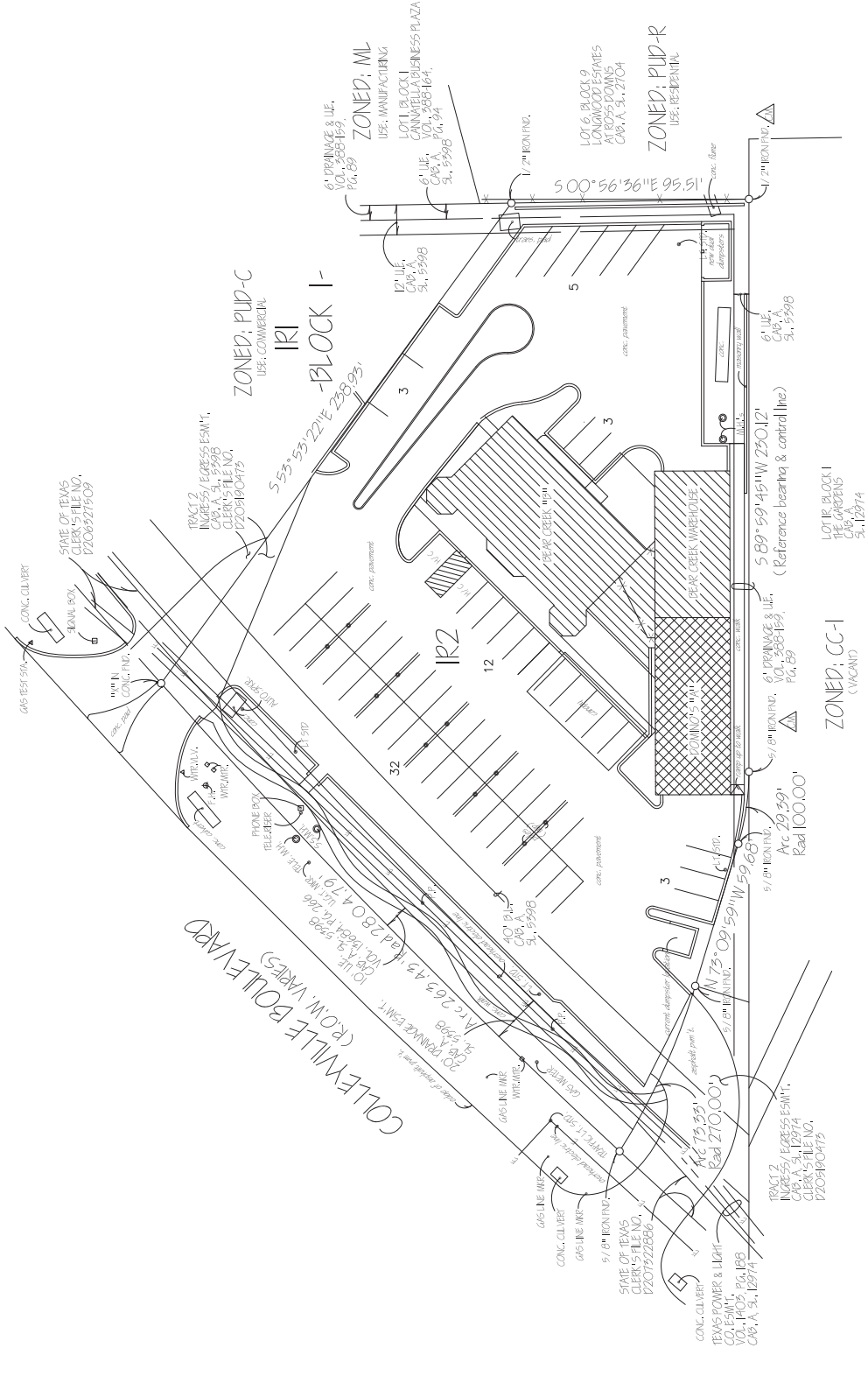
VICINITY MAP - N.T.S.

NOT FOR CONSTRUCTION

Oculus Inc.

ARCHITECTURE | STRATEGIC PLANNING |
INTERIORS | MOVE MANAGEMENT

1 S. MEMORIAL DRIVE | SUITE 1500 | ST. LOUIS, MO
63102 | (314) 367-6100



ZONING EXHIBIT FOR ZONING CHANE FOR ZONING AMENDMENT REQUEST
FROM PUD-C SUP FOR 1500 sq.ft. RESTAURANT TO PUD-C SUP 2400 sq.ft.
RESTAURANT

Building Exhibits



Building Exhibits



Building Exhibits



ORDINANCE O-10-1769

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOT 1R2, BLOCK 1, OF THE TROPICANA FUELS ADDITION LOCATED AT 7101 COLLEYVILLE BOULEVARD FROM THE ML-LIGHT MANUFACTURING ZONING DISTRICT TO A PUDC-PLANNED UNIT DEVELOPMENT COMMERCIAL ZONING DISTRICT AND AUTHORIZING A SPECIAL USE PERMIT FOR A PACKAGE STORE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case No. ZC10-020; and

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

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

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

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

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in

the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending the official zoning map by changing the zoning from the ML-Light Manufacturing zoning district to a PUDC-Planned Unit Development Commercial zoning district and authorizing a Special Use Permit for a package store on Lot 1R2, Block 1, of the Tropicana Fuels Addition located at 7101 Colleyville Boulevard, as depicted on Exhibits "A" and "C" and described in 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 the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUDC is for retail uses as specified below.
- b. A Special Use Permit is hereby granted for a package store as depicted on Exhibit "A" and described in Exhibit "B" and depicted on Exhibit "C".
- c. In addition to the package store use allowed by Special Use Permit, the following secondary uses shall be permitted as described below:
- | | |
|---|---------------------------|
| Restaurant and catering: | 1,500 square foot maximum |
| Wholesale warehousing and distribution of liquor: | 1,328 square foot maximum |
| Office/Customer education and training facility: | 1,500 square foot maximum |
- d. The package store and secondary uses authorized by this PUD and Special Use Permit shall not exceed a combined gross floor area of 9,010 square feet.

2. OPEN SPACE AND LANDSCAPING

- a. This development shall contain a minimum of 21% of open space.
- b. All landscaping and buffering shall meet the minimum requirements of Chapter 4-Landscaping and Buffering in the Land Development Code.

3. SIGNAGE

- a. All signs advertising the package store shall meet the following conditions: (1) all signage, at a minimum, shall meet the minimum requirements of Chapter 7-Sign Regulations in the Land Development Code; (2) Section 108.52 of the Texas Alcoholic Beverage Code is hereby adopted by reference of which all requirements pertaining to signage shall apply to this Special Use Permit; (3) Upon abandonment of the business authorized by this Special Use Permit, all signage advertising the package store shall be removed in its entirety at the expense of the business and/or property owner within thirty days of abandonment.
- b. Any drive-through windows associated with this development are hereby prohibited.

4. GENERAL DEVELOPMENT REQUIREMENTS

- a. The package store authorized by this Special Use Permit shall be required to comply with all provisions of the attached Exhibits "B", "C", and "E".
- b. The building design for the principle structures shall be generally consistent with elevations shown on the attached Exhibit "D".
- c. This Special Use Permit shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.
- d. All requirements of the Land Development Code shall be met, except where amended herein.

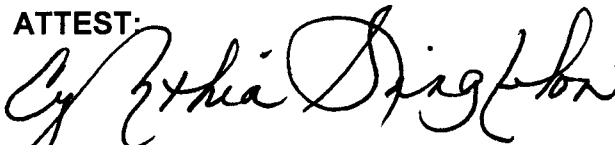
Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

- Sec. 6. THAT 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.

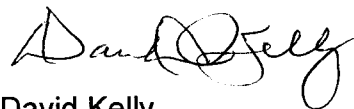
AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 4th day of September 2010.

The second reading and public hearing being conducted on the 21st day of September 2010.

ATTEST:

Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A" - Location and Zoning Map

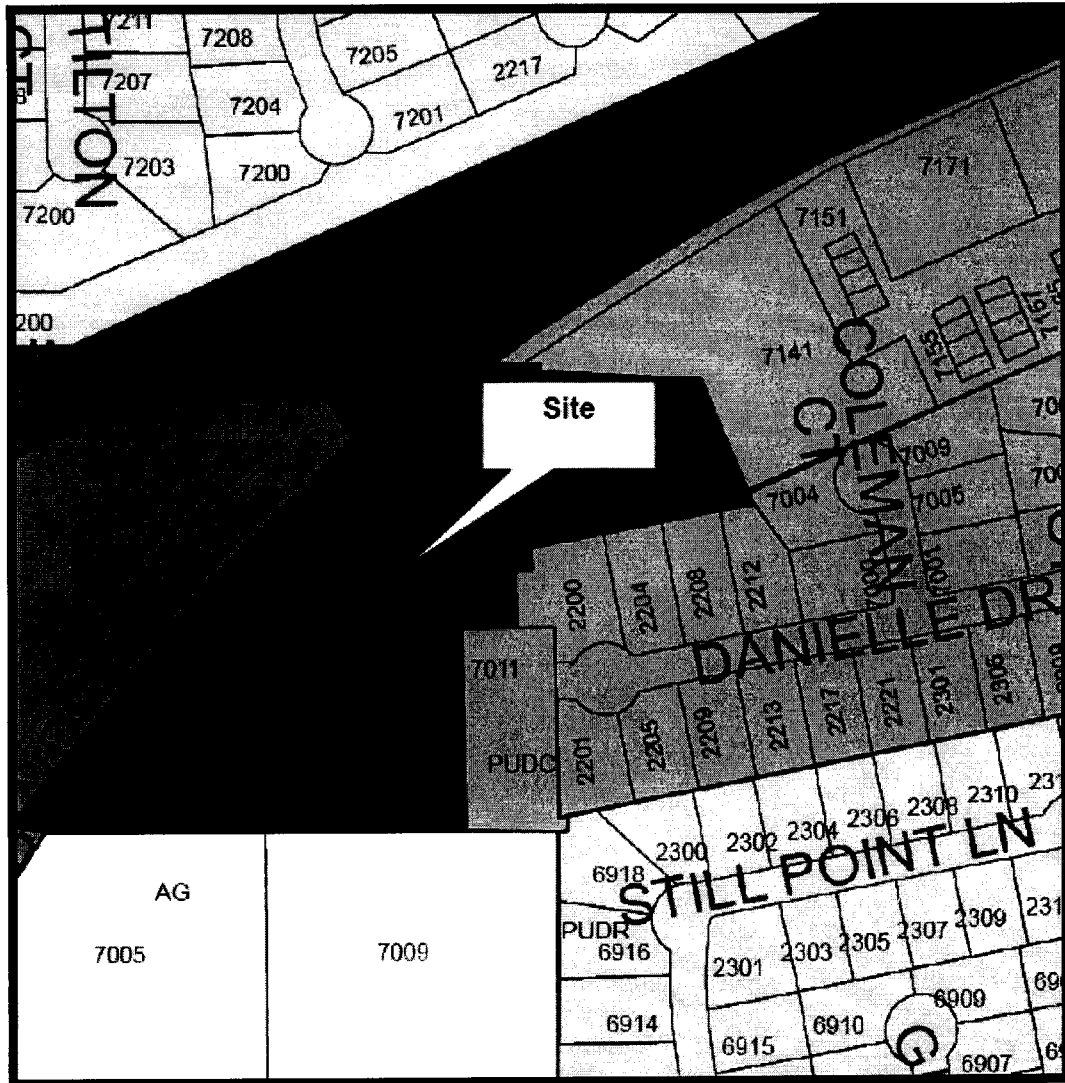


Exhibit "B" – Statement of Planning Objectives

BEAR CREEK SPIRITS & WINE

Statement of Planning Objectives and Business Description

The property and main building located at 7101 Colleyville Boulevard at John McCain will become a fine wine and spirits store by December 17, 2010 pending application and permit approvals. Bear Creek Spirits & Wine will service consumers from the West side of Colleyville and pull from Grapevine, Southlake and the surrounding area. The business will generate an estimated \$313,500 in sales taxes and \$6,062 in Ad Valorem taxes and \$38,000 in property taxes during the first twelve months.

The intersection provides for safe and easy property ingress and egress with a turn signal from the intersection of Colleyville Blvd & John McCain. A comprehensive traffic study will be provided in order to better determine the traffic impact. The business plan includes an estimated 330 customers per day and a \$37.15 average ring up during the 310 days per year the store is open.

The hours of operation as mandated by the state will be 10am to 9pm Monday through Saturday. The store will be closed on all Sundays, Thanksgiving, Christmas and New Years day or the following Monday if these holidays fall on a Sunday. The store will employ as many as seven people with three on staff at all times.

Phase I construction will start October 25, 2010 pending permits and completed by December 17, 2010. This will include combining building A and building B as shown on the floor plan by adding a new 782sf addition between the buildings. All exterior improvements will be completed in phase I which include the enclosure of the front car wash bay door, adding a beer and wine cooler to the back of the main building, demolition of the gas pump awning, removal of all exterior car wash equipment, adding stone on the new addition and front of building B to match building A, adding an awning over the new door and windows, a new patio with a wood arbor (in front of the new addition between the buildings) and new parking lot stripes with a minimum of 50 spaces provided. When phase I is completed, the exterior building will be as shown in the revised elevation drawing. Phase I will also include the interior build out of the main building with a temperature controlled wine cellar, a custom built wood wine cove, tasting bar and a new cash register counter with a drop safe. A new security system with 24 hour digital surveillance cameras strategically placed throughout the interior and exterior building will be added. One wall sign placed on the front of building B and a monument sign will be erected near the property entrance. When complete, phase I will provide 4,325sf of retail space.

Phase II of the build out plan is scheduled to begin April 1, 2011 pending liquidation of the car wash equipment and completed by July 30, 2011. Interior finish out will begin sooner if the car wash equipment is sold prior to April 2011. Plans include building out the interior space between the two buildings and the interior of the car wash bay which will include 1,328sf of storage, 1,857sf of new retail space and 1,500sf of office and an education conference room.

The combined square footage when both phase I and II are completed will be 9,010 of which 6,182sf will be retail space, 1,328sf of storage and 1,500sf for office and the education conference room. No immediate plans are in place for a restaurant. Future plans may include converting the 1,500sf office space into a food concept that compliments the wine & spirits store such as honey glazed hams, smoked turkeys and deli with party platters and appetizers. A small LD wholesale business for servicing local restaurants and bars will be operated out of the store. Some inventory will be stored in the 1,328sf back room which will be used to replenish the retail store and service the on premise accounts. Deliveries will be made out of the back of a Tahoe with a cartage permit. The business may purchase a van for future deliveries. The operation will not require forklifts. No semi-trailer trucks will be allowed in the back of the store.

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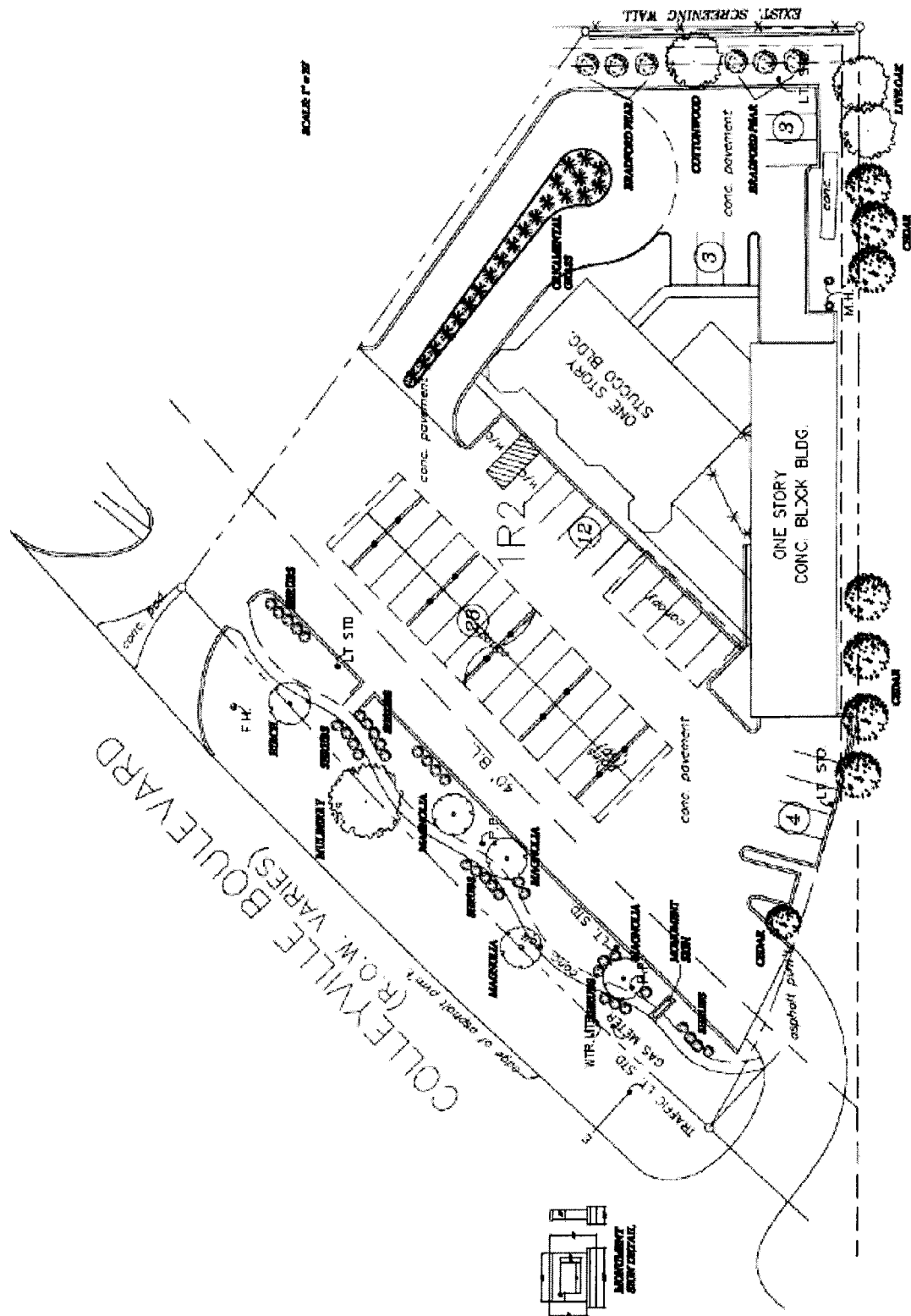


Exhibit "D" – Building Elevations

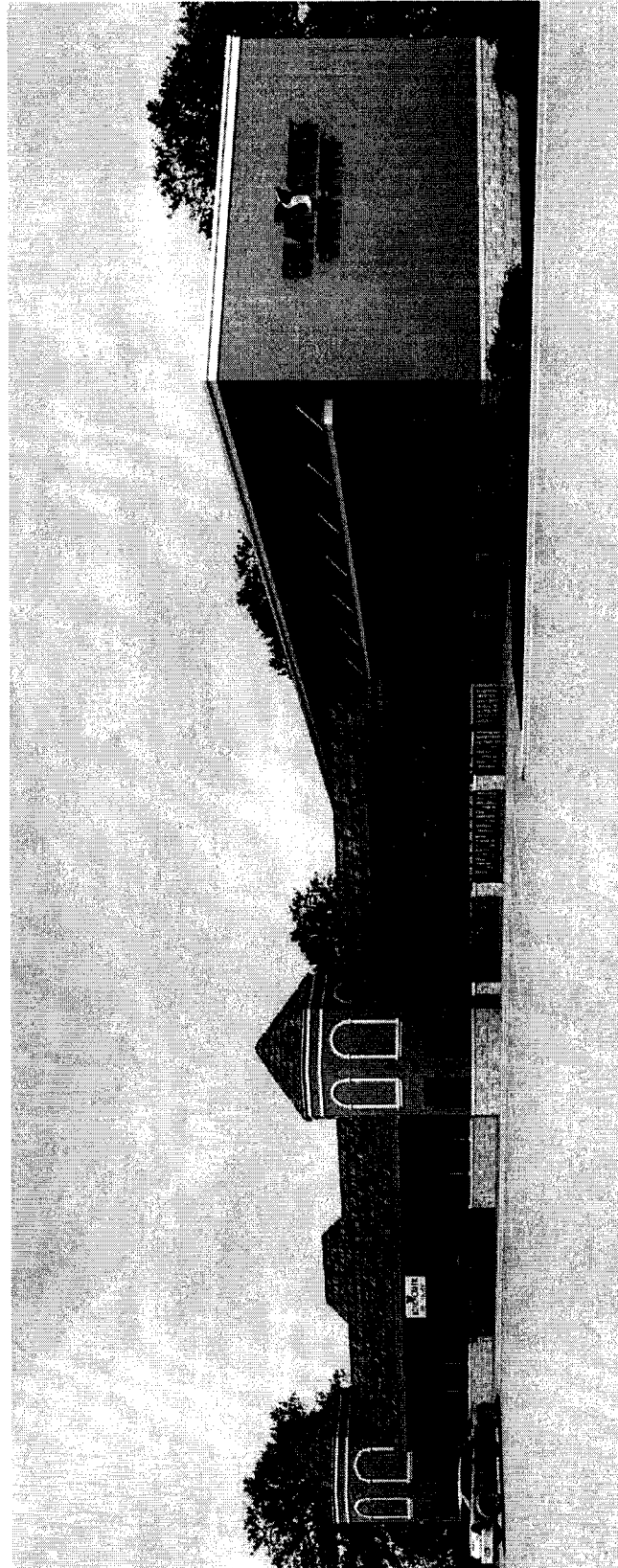


Exhibit "E"

CRIME PREVENTION RECOMMENDATIONS FOR CONVENIENCE STORES AND PACKAGE STORES

Purpose

The purpose of these recommendations are to protect the health, safety, and welfare of the citizens of the City of Colleyville by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that may occur in a convenience store or package store in the City. To this end, these recommendations address best practices in crime prevention through environmental design including height markers, visibility into and around the business, alarm systems, physical security, drop safes, surveillance camera systems, and minimum staffing requirements.

Definitions

Unless otherwise expressly stated, the following terms shall, for the purposes of these recommendations, have the meanings indicated in this section:

"Convenience Store" means an establishment designed, intended, adapted or used primarily to provide for consumer shopping of a brief duration, characterized by a limited product mix (generally emphasizing prepared and snack foods, beverages, tobacco products or gasoline/motor vehicle fuel), close-in parking, and limited retail space.

"Drop Safe" means a cash management device in which money can be deposited without the depositor having access to the contents.

"Employee" means any person listed on the payroll of a convenience store or package store as an employee, whether part-time, full-time, permanent, or temporary. The term does not include a person providing only janitorial or security services to the store.

"Height Marker" means a measuring strip that is attached on or near the door frame of doors used for ingress and egress to the store to aid in identifying the height of a person suspected of committing a crime.

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

"Manager" means the person designated as the supervisor or person in charge of the operations of the store.

"Owner" means the person or persons who hold title to, leases or has a possessory interest in property for the purpose of operating a convenience/package store.

Height markers

A convenience/package store shall have height markers posted at all public exits to aid in obtaining a physical description on any suspicious person or suspect in a criminal offense.

Visibility

- A) A convenience/package store shall maintain an unobstructed line of sight allowing a clear view of and from the cash register and sales transaction area through all windows and public access doors. Such windows and doors must be clear of all items that would obstruct a clear view including, but not limited to, tinting, signage, advertisements, shelving, and merchandise. Such unobstructed line of sight must, at a minimum, extend from three feet above the ground to at least six feet above the ground.
- B) Landscaping shall be maintained in a manner that allows an unobstructed view of all windows and doors in an attempt to prevent blind spots or places of concealment.

Alarm system

- A) A convenience/package store shall have a silent panic or holdup alarm system for which a permit has been issued by the City. This system shall, at a minimum, include a panic button located within reach of the cash register and out of view of the customer. Such panic button will generate an alarm signal indicating a holdup or other life-threatening emergency requiring a police department response.
- B) A convenience/package store shall have posted at all public exits and entrances signs or decals indicating that a security alarm system is in use.

Entrances and Exits

- A) All doorways shall be secured with a deadbolt lock. Deadbolt locks within 40 inches of a breakable surface must be a double cylinder lock.

- B) Service or delivery entrances shall be equipped with an exterior, high resolution digital video camera or a “peep hole”, which enables employees to visually observe the area immediately outside the door.

Drop safe

- A) A convenience/package store shall have a drop safe on the premises to keep the amount of cash available to employees to a minimum. A drop safe must be bolted to the floor and may have a time-delay mechanism to allow small amounts of change to be removed.
- B) A convenience/package store shall have a written cash accountability policy mandating the maximum amounts of cash that can be kept in cash registers.
- C) A convenience/package store shall have posted, at or near the point(s) of sale, decals or signs indicating that employees cannot open the safe and that employees have minimum cash on hand.

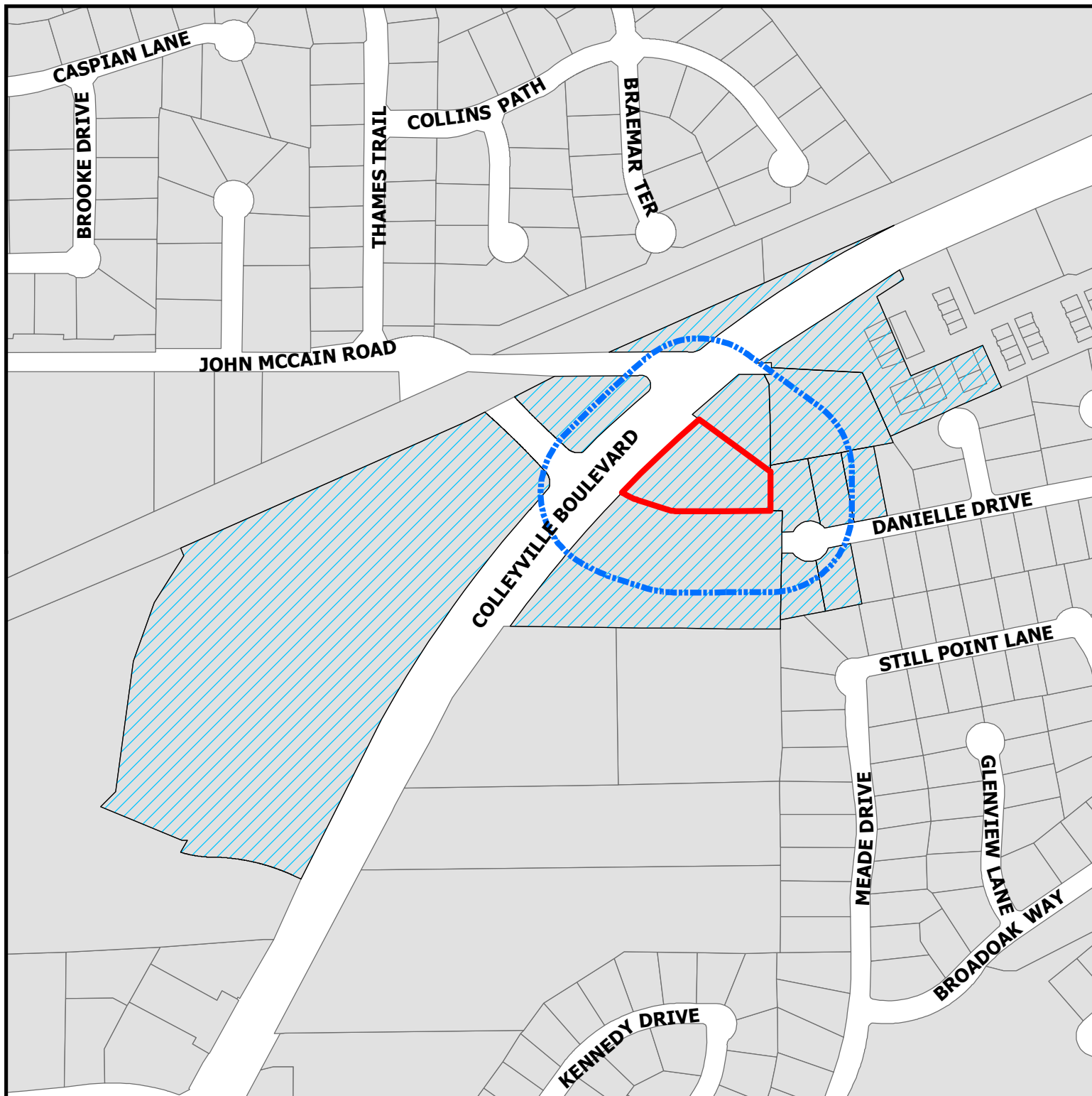
Surveillance camera system

- A) A convenience/package store shall have a minimum of two, color digital high-resolution surveillance cameras. One camera must have an overall view of the counter/register area and the other camera a view of the main entrance/exit area and both shall display the correct date and time of the recording.
- B) The entrance/exit area camera shall be placed to provide a clear and identifiable full frame of the filmed individual's face.
- C) The cameras shall be operated at all times including hours when the store is not open for business.
- D) The owner or manager shall provide the police department, upon request, digital color images in connection with any criminal investigation.
- E) The owner or manager shall maintain a library of the recorded digital images for not less than 30 days.
- F) A convenience/package store shall have posted, at or near the point(s) of sale, signs or decals indicating that surveillance cameras are in use.

Minimum Staffing

- A) A convenience/package store will maintain a minimum staffing of at least two (2) employees on-site at all times when the business is open.

Notification Map



ZC18-017

7101 Colleyville Boulevard

DISCLAIMER:
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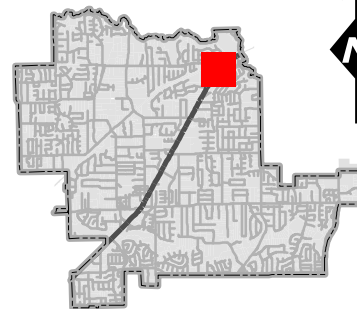
Subject Property



200ft Buffer



Properties within 200ft



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
JARWAN, ESAM	2208 DANIELLE DR	COLLEYVILLE, TX	76034	2208 DANIELLE DR
KUHN, ALYCE	2204 DANIELLE DR	COLLEYVILLE, TX	76034	2204 DANIELLE DR
CUSTOMER SOLUTIONS INC	906 LAGUNA TR	KELLER, TX	76248	7109 COLLEYVILLE BLVD # B
THOMAS-AISTRUP, PATRICIA	2201 DANIELLE DR	COLLEYVILLE, TX	76034	2201 DANIELLE DR
HALE EQUITY LLC	7131 COLLEYVILLE BLVD STE 101	COLLEYVILLE, TX	76034	7131 COLLEYVILLE BLVD UNIT 101
CASTRO, CHRIS	2205 DANIELLE DR	COLLEYVILLE, TX	76034	2205 DANIELLE DR
PECAN CREEK VILLAGE CNTR PRTN	8231 E PRENTICE AVE	GREENWOOD VILLAGE, CO	80111	6930 COLLEYVILLE BLVD
QUANTUM BEVERAGE HOLDINGS LLC	7401 BRAEMAR TERR	COLLEYVILLE, TX	76034	7101 COLLEYVILLE BLVD
UNIQUE LANDSCAPING DESIGN	7111 COLLYVILLE BLVD	COLLEYVILLE, TX	76034	7111 COLLEYVILLE BLVD
SOLORZANO, KEONA	2200 DANIELLE DR	COLLEYVILLE, TX	76034	2200 DANIELLE DR
GARDENS COMM PARTNERS LTD	101 NW NEWTON DR	BURLESON, TX	76028	7015 COLLEYVILLE BLVD
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	6950 COLLEYVILLE BLVD
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	7100 COLLEYVILLE BLVD
TIMARRON-CASCADES AT TIMARRON	700 WENTWOOD DRIVE	SOUTHLAKE, TX	76092	COURTESY NOTICE
MAYHALL, BRADLEY	1808 HARWOOD COURT	HURST, TX	76054	APPLICANT
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOOD AVE	GRAPEVINE, TX	76051	STATE REQUIRED

Public hearing notices were mailed on Friday, May 25, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-017
Applicant: Bradley Mayhall
Owner: Randy Johnson
Location: 7101 Colleyville Boulevard
Property Description: Lot 1RA2, Block 1, of the Tropicana Fuels Addition
Present Zoning: PUD-C Planned Unit Development Commercial
Request: Consideration of a request to amend the PUD-C Planned Unit Development Commercial zoning district for Lot 1RA2, Block 1, of the Tropicana Fuels Addition. The purpose is to allow for an increase in the square footage allowed for a restaurant, the restaurant being Domino's. The proposed amendment will increase the square footage from 1,500 square feet to 2,400 square feet.

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, May 14, 2018 at 7:00 p.m.
City Council Meetings: Tuesday, June 5, 2018 & Tuesday, June 19, 2018 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 500 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

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

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

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

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/zoning.html>. For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Ben Bryner
Community Development Director
bbryner@colleyville.com

ORDINANCE O-18-2052

AMENDING ORDINANCE O-10-1769 CONDITIONS; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council approved Ordinance O-10-1769 on September 21, 2010, to establish the zoning to allow for a Package Store use and secondary uses to include restaurant and catering, wholesale warehousing and distribution of liquor, and office/customer education and training for Lot 1RA2, Block 1, of the Tropicana Fuels Addition located at 7101 Colleyville Boulevard; and

WHEREAS, the City of Colleyville has received a request for an amendment to Ordinance O-10-1769, under Case Z-18-017; and

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

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

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

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

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on Lot 1RA2, Block 1, of the Tropicana Fuels Addition, located at 7101 Colleyville Boulevard, 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".
- Sec. 3. THAT the above described tract of land shall be subject to the following conditions:

1. General

- a. The following amendments to Ordinance O-10-1769 are hereby authorized:
- i. Section 4.1.c of Ordinance O-10-1769 is hereby amended to revise the square footage maximum for the Restaurant and Catering use from 1,500 square feet to 2,400 square feet.
 - ii. Ordinance O-10-1769 hereby remains valid and all provisions of Ordinance O-10-1769 shall remain in full force and effect except where amended herein.

- Sec. 4. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 2nd day of July 2018.

The second reading and public hearing being conducted on the 17th day of July 2018.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____
ABSTENTIONS ON THIS THE 17TH DAY OF JULY 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

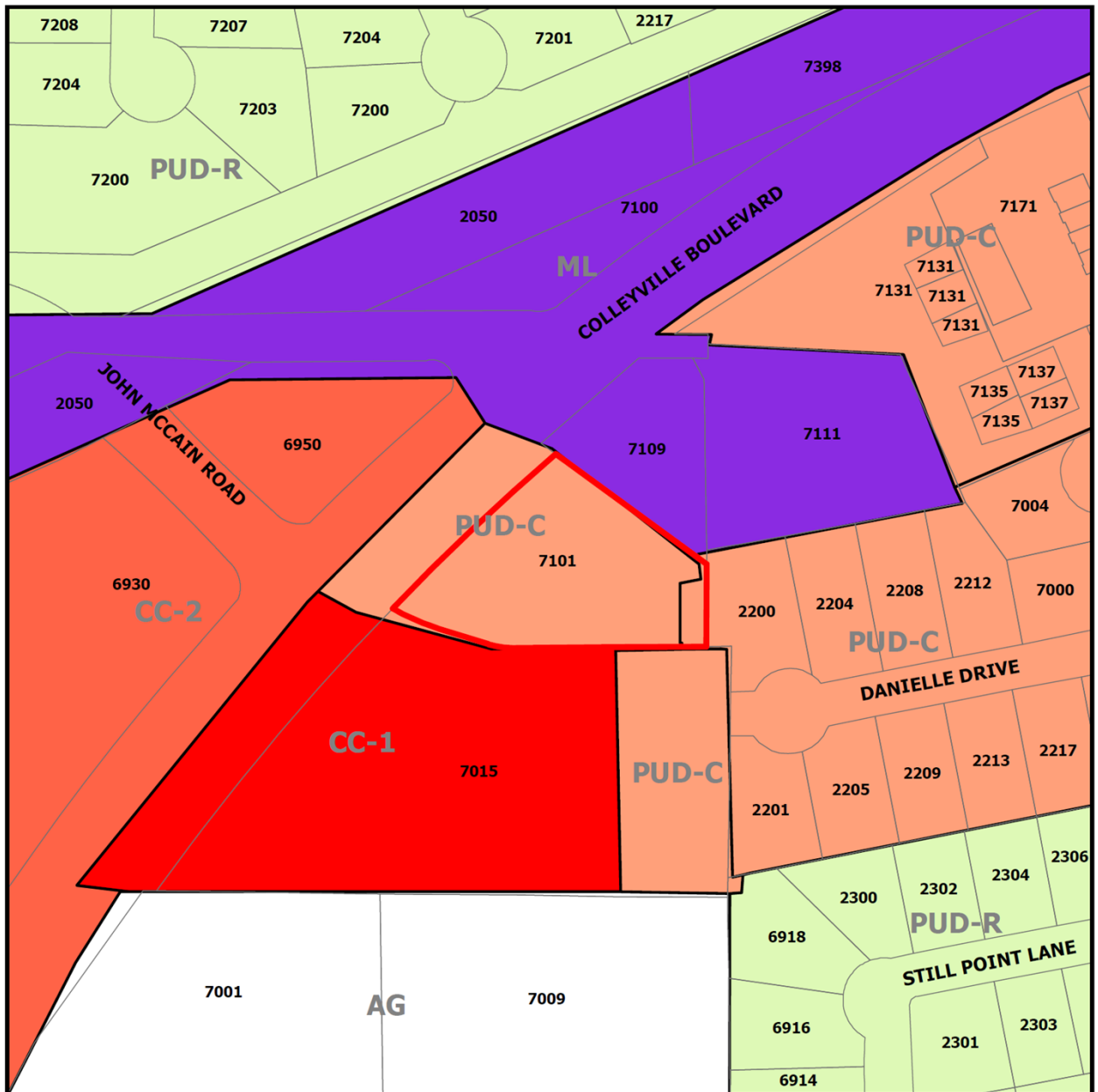
Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt L. Wyatt
City Attorney

Exhibit "A"- Zoning Map

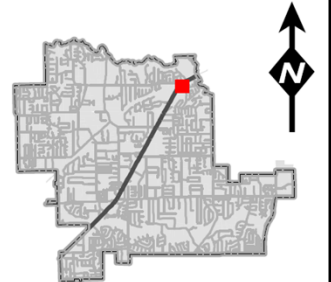


ZC18-017

7101 Colleyville Boulevard

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 Subject Property





City of Colleyville City Council Agenda Briefing

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

Agenda Number 6d

Agenda Date 07/02/2018

Number Ordinance O-18-2053

Type Ordinance

Department Community Development

Title

Consideration of amendments to the Land Development Code, specifically Chapter 1 – General Provisions and Chapter 4 – Landscaping and Buffering

Strategic Plan

4.3 Adopt best-practice planning and development processes

Explanation

First Reading and Public Hearing

The City Council had instructed staff to review and propose amendments to each chapter within the City's Land Development Code (LDC). City staff has already reviewed the attached chapters with the City Council at their recent worksession meetings. The process for adopting amendments to the LDC include formal review and recommendation by the Planning and Zoning Commission followed by formal review and approval by the City Council.

The attached chapters are the beginning of the formal adoption process. The remaining chapters will be brought forward over the next several months until the entire Land Development Code has been reviewed.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of the amendments with modifications at their June 11, 2018 meeting by a vote of 5-0.

Financial Impact

There is no fiscal impact for this item.

Recommendation

Approve

Attachments

1. Attachment "A" - Ch. 01 General Provisions - Redline v4 (06.22.18)
2. Attachment "B" - Ch. 04 Landscaping and Buffering - Redline v3 (06.22.18)
3. Ordinance - O-18-2053 Amendments to Chapter 1 & Chapter 4

Chapter 1 General Provisions

Rev. 05/04/2010

Section 1.1 Title

This document shall be known and may be cited as the Land Development Code of the City of Colleyville, Texas.

Section 1.2 Applicability

The provisions of this Land Development Code shall apply to all lots, parcels of land, rights-of-way, buildings and structures located within the Corporate Limits of the City of Colleyville.

Section 1.3 Authorization for Adoption of This Land Development Code

The regulations contained in the various chapters of this Land Development Code have been adopted upon approval of an ordinance, after public hearing, by the City Council of the City of Colleyville in accordance with the authority described within each chapter and the following:

1. *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; and.
2. *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 1.4 Purpose of the Land Development Code

The purpose of this Land Development Code is to promote the health, safety, and general welfare of the community and to:

1. combine zoning, subdivision and other regulations into a single document that can be used for development of property and public facilities in Colleyville, Texas;
2. establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions of subdivided land;
3. provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract and that the cost of improvements which primarily benefit the entire community be borne by the community as a whole; and
4. avoid overlapping, conflicting or inconsistent regulations found in land use control systems consisting of separate zoning, subdivision, and other ordinances.

Section 1.5 Purpose of This Chapter

The purpose of this Chapter is to:

1. establish rules, regulations and procedures for the administration of this Land Development Code and to establish the process for amending this Code;

2. establish regulations which describe the process for considering waivers, variances and appeals regarding this Land Development Code; and
3. establish specific boards and commissions responsible for considering requests for a waiver or variance from a regulation or to hear an appeal of a decision of an Administrative Official authorized to enforce and administer this Land Development Code.

Section 1.6 Administration and Enforcement

The provisions of the Land Development Code shall be administered, interpreted and enforced by the City Manager, his designee, or by the administrator designated within this Code.

Section 1.7 Fees

The schedule of fees and charges associated with application filing, processing, plan review, or any other fee required by provisions of this Land Development Code, shall be established by the City Council. Furthermore, until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal authorized by this Land Development Code. Fees required by this Land Development Code shall not be refundable, except where a specific provision provides for refunding.

Section 1.8 Compliance Required

All land, buildings, structures or appurtenances thereon located within the City which are hereafter occupied, used, erected, altered or converted shall be used, placed and erected in conformance with the regulations prescribed herein. In their interpretation and application, the provisions of these regulations shall be construed to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, morals and general welfare. Land used in meeting the requirements of this Land Development Code with respect to a particular use or building shall not be used to meet the requirements for any other use or building. No approval, authorization to proceed, or issuance of any certificate or permit shall be construed as an approval of a violation of the provisions of this document or of other ordinances of the City of Colleyville. Certificates presuming to give authority to violate or cancel the provisions of this document or of other ordinances of the jurisdiction shall be void.

Section 1.9 Certificate of Occupancy Required

Certificate of Occupancy requirements shall be in accordance with the currently adopted Building Code(s) in effect at such time.

~~1.9.A CERTIFICATE REQUIRED PRIOR TO OCCUPANCY~~

~~No building, or portion thereof, or parcel of land shall be occupied or used until a certificate of occupancy has been issued by the City. Furthermore, no non-residential building, or portion thereof, or parcel of land shall change in use or occupancy until a certificate of occupancy has been issued by the City. A current certificate of occupancy is required on all land, buildings, or portions thereof except non-habitable accessory buildings. Failure to comply with this provision may result in the issuance of a citation and/or constitute basis for denial of or disconnection from City utilities or to require a franchised utility company to do likewise.~~

~~1.9.B CONNECTION TO UTILITIES~~

~~No connection to the City utility systems shall be allowed unless and until a certificate of occupancy has~~

Commented [EW1]: The International Building Code (IBC) and International Residential Code (IRC) contain provisions for CO's and this language is contradictory or otherwise in conflict

been issued by the City Inspector. However, temporary connection of utilities for a specified duration may be authorized by the City Inspector for the purpose of clean up, construction or other such purposes.

1.9.C – RECORDS

The Building Inspection Office shall maintain a record of all buildings or parcels of land for which a Certificate of Occupancy has been issued.

1.9.D – CERTIFICATE OF OCCUPANCY APPLICATION

Application for a certificate of occupancy shall be made to the Building Inspection Office. No application for a certificate of occupancy shall be approved which does not, at a minimum, contain the following information: business name, business address, business phone number, type of proposed use, business owner, business owner's address, business owner's phone number and emergency phone number, applicant's driver's license number, applicant's date of birth, and applicant's signature.

1.9.E – DISPLAY AND STATUS OF CERTIFICATE OF OCCUPANCY

1. All non-residential occupancies shall display a certificate of occupancy on the site and in a conspicuous place.
2. The holder of a certificate of occupancy for a non-residential occupancy is required to notify the Building Inspection Office of any change of address, name changes, or other pertinent information listed on the certificate of occupancy application.

Section 1.10 Project Under Construction at Time of Code Adoption

DELETE THIS SECTION

Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction within the city on the effective date of this document and which entire building shall be completed within one (1) year from the effective date of the document or which building shall be maintained under continuous construction even though not completed within one (1) year. Nothing herein contained shall require any change in plan, construction or designated use of a building for which a building permit has been heretofore issued while such permit is valid and provided the building shall have been started within 180 days of the date of issuance of the permit and which entire building shall be maintained under continuous construction even though not completed within one (1) year.

Commented [EW2]: Time limitations are already addressed in the currently adopted building codes

Section 1.11 Compliance Required for Building Permits & Utility Services

DELETE THIS SECTION

No building or structure may be erected, constructed or installed on any lot, tract or parcel of land and public utilities shall not be extended or connected to a building or structure unless the lot, tract or parcel of land is in compliance with the provisions and requirements of this Land Development Code and all applicable Building Permits and authorizations to proceed are first obtained.

Commented [EW3]: Language is stating the obvious and utility connections are addressed by current codes and/or policies

Section 1.12 Waivers and Appeals - Generally

Any person seeking approval of a development as required by this Land Development Code may request a waiver of or a variance from a requirement contained in this Code, or appeal a decision of an Administrative Official by submitting a request using the procedures described in this Chapter. Due to the unique arrangement and statutory organization of this Land Development Code, provisions for waivers, variances and appeals of administrative decisions vary from chapter to chapter. The following table shows the approval authority for waiver, variance and appeal requests for the specific chapters of this Land Development Code.

Approval Authority for Waiver, Variance and Appeal Requests					
Chapter Title	City Council	P & Z Commission	ZBA	Sign Board	Staff
Chapter 2 – Definitions	N/A	N/A	See Section 1.16	N/A	N/A
Chapter 3 – Land Use	See Section 1.13	N/A	See Section 1.16	N/A	N/A
Chapter 4 – Landscaping & Buffering	N/A See Section 4.4	N/A See Section 4.4	N/A	N/A	See Section 4.6 N/A
Chapter 5 – Tree Preservation	See Section 1.13	See Section 1.14	N/A	N/A	N/A
Chapter 6 – Building Design	See Section 1.13	See Section 1.14	N/A	N/A	N/A
Chapter 7 – Sign Regulations	See Section 1.13	N/A	N/A	See Section 1.15	N/A
Chapter 8 – Platting Procedures (except perimeter streets)	See Section 1.13	See Section 1.14 & 7.2	N/A	N/A	N/A
Perimeter streets	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 9 – Subdivision Design & Required Facilities	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 10 – Private Streets & Entrance Gates	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 11 – Park Land Dedication	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 12 – Erosion Control	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 13 – Impact Fees	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 14 – Engineering Design	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 15 – Public Works Construction Details	See Section 1.13	N/A	N/A	N/A	N/A

Note to table above: N/A – Not Authorized

Section 1.13 Waivers and Appeals – City Council

- A. Where specifically provided for in this Land Development Code, the City Council shall have the authority to consider requests for a waiver or to hear and decide an appeal from an administrative decision on a regulation. The City Council may approve, disapprove or modify such a request provided that such approval or modification will not be detrimental to the public safety, health, or welfare or injurious to other property. The applicant shall provide information to support a claim that there are extraordinary hardships or practical difficulties which may result from strict compliance with the regulation or that the public interest may be better served by an alternative proposal.
- B. Notwithstanding any provision of this Land Development Code relating to waiver procedures contained herein, and to the extent not otherwise prohibited by State law, the City Council shall have the authority to directly consider requests for a waiver to any regulation contained herein in connection with the construction of a mutual access easement/drive adjacent to a Major Arterial as defined in the Master Thoroughfare Plan. The City Council may approved, disapprove or modify such a request provided that such approval or modification will not be detrimental to the public safety,

health, or welfare or injurious to other property. The applicant shall provide information to support a claim that there are extraordinary hardships or practical difficulties which may result from strict compliance with the regulation or that the public interest may be better served by an alternative proposal.

Section 1.14 Waivers and Appeals – Planning and Zoning Commission

Where specifically provided for in this Land Development Code, the Planning and Zoning Commission shall have the authority to consider a waiver or to hear and decide an appeal from an administrative decision on a regulation. The Planning and Zoning Commission may approve, disapprove or modify such a request provided that such approval or modification will not be detrimental to the public safety, health, or welfare or injurious to other property. The applicant shall provide information to support a claim that there are extraordinary hardships or practical difficulties which may result from strict compliance with the regulation or that the public interest may be better served by an alternative proposal.

Section 1.15 Waivers and Appeals – Sign Board of Appeals

Note: Section 1.15 replaced in its entirety. (Ord. 0-03-1414 / 09-02-2003)

- A. Creation of Sign Board of Appeals – There is hereby created a Sign Board of Appeals consisting of five (5) members and two (2) alternate members, each to be appointed by the Council for a two year term, or until a successor is appointed. Three members of the Board and one (1) alternate member shall be selected in even numbered years and two members and one (1) alternate member in odd numbered years. In the event of a vacancy, the Council shall appoint a member to serve for the unexpired term. Alternate Board members shall serve in the absence of regular members. The Sign Board of Appeals shall consist of the same members and officers as the Zoning Board of Adjustment.
- B. Authority of the Sign Board of Appeals – The Sign Board of Appeals shall have the authority to hear and decide on requests for a variance from the requirements contained in *Chapter 7 – Sign Regulations* of this Land Development Code. The Sign Board of Appeals shall also have the authority to hear and decide an appeal of an administrative decision on a regulation contained in *Chapter 7 – Sign Regulations* of this Land Development Code. The authority established under this paragraph shall be applicable to a definition contained in *Chapter 2 – Definitions* of this Land Development Code required for the administration and enforcement of the provisions of *Chapter 7 – Sign Regulations*.
- C. Quorum and Organization – Four members of the Sign Board of Appeals shall constitute a quorum. In the event of the absence of the Chairman and Vice-Chairman, the four members constituting the quorum shall elect for that meeting a member to preside as Acting Chairman and to assume all duties of the Chairman.
- D. Meetings, Hearings and Rules of Procedures – The Board shall adopt rules of procedure for the conduct of its meetings. Meetings shall be held at the call of the Chairman or at such times as the Board may determine. All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and the rules of procedure adopted by the Sign Board of Appeals. Such rules of procedure may be amended by the Sign Board of Appeals membership. The minutes of the meetings shall be recorded, showing the vote of each member upon the question, and shall be made a matter of public record. The concurring vote of four members of the Board shall be necessary to render a decision on any matter before the Board. The Sign Board of Appeals shall meet monthly, provided there has been an appeal or request for variance filed with the Building Administrative Official on or before the last date to receive applications prior to the scheduled meeting date. The Building Official shall publish a calendar establishing such final application dates.
- E. Variance – A person may request a variance from a requirement contained in *Chapter 7 – Sign Regulations* by filing said request with the building official Administrative Official. A request for a variance shall be accompanied by a non-refundable filing fee. The filing fee shall be established by separate ordinance by the City Council. A request for variance shall be referred for consideration to the Sign Board of Appeals. In considering a request for a variance, the Sign Board of Appeals shall consider,

Commented [EW4]: Provision should not list a specific position

Commented [EW5]: Provision should not list a specific position

among other things, the degree of variance, the reason for the variance requested, the location of the variance request, the duration of the requested variance, the effect on public safety, the protection of neighborhood property, the degree of hardship or injustice involved, and the effects of the variance on the general plan of regulation of signs within the City.

- F. **Fees** – No action shall be taken on any application submitted to the Sign Board of Appeals until all applicable fees have been paid in full. No refund of any application fee shall be made after the request has been advertised and scheduled for consideration by the Board.
- G. **Public Hearing and Written Notification** – No action to approve or deny any application shall be taken until the Board has held a public hearing and received comment, and only after written notice of the public hearing of the date, time and place where the variance request is to be considered has been sent to the owners of real property lying within ~~two hundred five hundred (200500)~~ feet of the property and all Home Owner's Associations (HOA's) lying within one thousand (1,000) feet of the property where the application is being considered. Such notice shall be given to each property owner as listed on the last approved tax roll not less than fifteen (15) days before the date set for hearing by depositing letters properly addressed and postage paid in the United States Post Office.
- H. **Appeal to City Council** – The decision by the Sign Board of Appeals shall be final, unless the applicant submits a written notice of appeal within ten (10) days from the date of the action by the Board. The enforcement official shall re-notify all property owners lying within ~~two hundred five hundred (500) feet of the property and all Home Owner's Associations (HOA's) lying within one thousand (1,000) feet of the property (200) feet of the area~~ being considered and place the applicant's appeal request on the next available agenda for consideration by the City Council.

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Section 1.16 Variances & Appeals – Zoning Board of Adjustment

The Zoning Board of Adjustment shall have the authority to consider requests for a variance of a zoning regulation or to hear an appeal from an administrative decision on a regulation in *Chapter 3 – Land Use Regulations*; *Chapter 4 – Landscaping and Buffering*; and *Chapter 6 – Building Design (except for requests regarding tree mitigation requests which are considered by the Planning and Zoning Commission)*. The Zoning Board of Adjustment shall additionally have the authority to consider requests for an interpretation of any regulation or definition contained in this Land Development Code. The rules and procedures contained in this section shall be applicable to such request.

Commented [BB8]: Authority for Chapter 6 is the P&Z Commission

1.16-A. A **ZONING BOARD OF ADJUSTMENT ESTABLISHED**

A Zoning Board of Adjustment is hereby established, which shall consist of five (5) members and two (2) alternates, each to be appointed for a two (2) year alternate term by the City Council. All vacancies occurring on the Zoning Board of Adjustment shall be filled by appointment by the City Council. Each year after a new term begins members shall elect a Chairman and Vice-Chairman, a new term beginning at the first meeting in October. Members of the Zoning Board of Adjustment may be removed from office by the City Council for cause upon written charges and after a public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of the member affected. The City Council shall appoint two (2) alternate Board members to serve in the absence of regular members.

1.16-B. B **PROCEEDINGS**

The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman or Vice-Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

Said Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other

official actions, all of which shall be made a matter of public record and be immediately filed in the office of the City and maintained by the person acting as City Secretary.

1.16.C **HEARINGS; APPEALS; NOTICE**

Appeals to the Zoning Board of Adjustment concerning interpretation or administration of a regulation may be taken by any person aggrieved or by any officer, agency, department or commission of the governing body of the City affected by any decision of the Administrative Official. Such appeals shall be taken within a reasonable time, not to exceed fifteen (15) days or such lesser period as may be provided by the rules of the Board, by filing with the Administrative Official on behalf of the Zoning Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board shall fix a reasonable time for the hearing of an appeal, give public notice thereof as well as written notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by an agent or attorney.

1.16.D **STAY OF PROCEEDINGS**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Official from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal is filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a court of record on application, on notice to the Administrative Official from whom the appeal is taken and on due cause shown.

1.16.E **JURISDICTION OF ZBA**

When in its judgment the public convenience and welfare will be substantially served, the Board of Adjustment may issue appropriate orders to the Administrative Official to guard against future error; and to promulgate appropriate procedure in addition to that under which the Administrative Official already operates. When the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may in specific cases, after public notice and public hearing, (subject to appropriate conditions and safeguards and in accordance with Section 211.009, Local Government Code, V.T.C.A.), authorize the following variances and special exceptions to the regulations herein established and take action relative to the continuance or discontinuance of a nonconforming use. Thus, the Board has jurisdiction to:

1. Hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination made by the Administrative Official in the enforcement of this code.
2. Interpret the intent of the Zoning District Map where uncertainty exists because the physical features, on the ground vary from those on the Zoning District Map and none of the rules set forth in *Chapter 3 – Land Use, Section 3.5.C - "Rules For Interpretation of District Boundaries"* apply.
3. Approve the use of a lot or lots in a residential district contiguous to (even if separated by a street or alley) an apartment, office, retail, commercial or industrial district for off-street parking of passenger vehicles subject to such standards and safeguards as are appropriate for the protection of adjacent residential uses.
4. Initiate on its motion or cause presented by interested property owners an action to bring about the discontinuance of a nonconforming use in accordance with the following:
 - a. Require the discontinuance of a nonconforming use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance.

5. Permit the change of occupancy of a nonconforming use to another nonconforming use in accordance with the provisions of *Chapter 3 – Land Use* of this Land Development Code.
6. Permit the enlargement of a nonconforming use in accordance with the provisions of *Chapter 3 Land Use* of this Land Development Code.
7. Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgment of the Board, prevent the return of such property to a conforming use or increase the nonconformity of a nonconforming structure and provided that such actions conform to the non-conforming provisions of *Chapter 3 – Land Use* of this Land Development Code.
8. Require the vacation and demolition of a nonconforming structure, which is deemed to be obsolete, dilapidated or substandard.
9. Vary the provisions and conditions required for the development of off-street parking facilities when such variations are found to be in the interest of the area and necessary to secure reasonable parking use of a specific parcel of land.
10. Permit such variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum sidewalk or setback standards, off-street parking or off-street loading or visibility obstruction regulations where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of the standards established by this ordinance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district.
11. Permit such variances of fence heights when in the opinion of the Board such fence will not adversely affect neighboring property.

1.16.F SPECIAL EXCEPTIONS; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES

A special exception shall not be granted by the Board of Adjustment unless and until:

1. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is required.
2. Notice shall be given at least fifteen (15) days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by certified mail. Notice of such hearings shall be posted at the City Hall; and one time in the official publication of the City, stating the time, place and nature of such hearing, at least fifteen (15) days prior to the public hearing. All property owners within ~~two hundred five hundred (500) feet of the property and all Home Owner's Associations (HOA's) lying within one thousand (1,000) feet of the property (200) feet of the property~~ shall be notified by mail not less than fifteen (15) days prior to the date of the public hearing.
3. The public hearing shall be held. Any party may appear in person, or by an agent or attorney.
4. The Zoning Board of Adjustment shall make a finding that it is empowered to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
5. In granting a special exception, the Zoning Board of Adjustment may also prescribe a time limit for which the special exception may continue. Failure to comply with this requirement stipulated

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by the Board shall void the special exception permit issued.

6. Violation of any reasonable provisions, conditions and safeguards that are made a part of the terms under which the special exception permit granted shall be deemed in violation of this ordinance and punishable under the penalty section of this Land Development Code.

1.16.G VARIANCES; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES

The Zoning Board of Adjustment may authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Zoning Board of Adjustment unless and until:

1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c. That the special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
 - e. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
2. Notice shall be given at least fifteen (15) days in advance of public hearing. The owner of the property for which requested variance is sought or his agent shall be notified by certified mail. Notice of such hearings shall be posted at the City Hall; and one time in the official publication of the City, stating the time, place and nature of such hearing, at least fifteen (15) days prior to the public hearing. All property owners within ~~two hundred five hundred (500) feet of the property~~ and all Home Owner's Associations (HOA's) lying within one thousand (1,000) feet of the property ~~(200) feet of the property~~ shall be notified by mail not less than fifteen (15) days prior to the date of the public hearing.
3. The public hearing shall be held. Any party may appear in person, or by an agent or by attorney.
4. The Zoning Board of Adjustment shall make findings that the applicant has met the requirements of paragraph 1 above.
5. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
6. The Zoning Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Zoning Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under the penalty section of this Land Development Code.

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Under no circumstances shall the Board grant a variance to allow a use not otherwise permissible under this section in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

1.16.H DECISION OF ZONING BOARD OF ADJUSTMENT

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Land Development Code, or to effect any variation in the application of this ordinance.

1.16.I APPEAL PROCEDURES - ZBA

1. Any person or persons, or any board, taxpayer, department, commission or agency of the City aggrieved by any decision of the Zoning Board of Adjustment may seek review by a court of record of such decision, and under the time limit specified in Section 211.011, Local Government Code, V.T.C.A. If no appeal has been taken from the Zoning Board of Adjustment ruling within the time limit specified under the above mentioned Article, the Board's ruling shall be final.
2. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Zoning Board of Adjustment only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Zoning Board of Adjustment shall be to the courts as provided by law.
3. It is further the intent of this ordinance that the duties of the City Council in connection with this section shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this ordinance the City Council shall have only the duties of considering and adopting or rejecting proposed amendments, or the repeal of this ordinance, as provided by law.
4. Conditions: The Board or City Council, as may apply, is empowered to impose upon any variance or special exception any condition reasonably necessary to protect the public interest and community welfare.

Section 1.17 Reserved

Section 1.18 Amending the Land Development Code

The regulations and restrictions imposed by this Land Development Code and the districts and boundaries created by the Official Zoning Map may be amended from time to time using the procedures provided in this section.

1.18.A AMENDING A SUBDIVISION PLAT REGULATION

A subdivision plat regulation as contained in Chapters 8, 9, 10, 11, 12, 14 & 15 of this Land Development Code, may be amended upon adoption of an ordinance approved by the City Council after public hearing. Notice of said public hearing to be given in a newspaper having general circulation in the city not less than ~~ten~~ fifteen (15) days prior to the hearing. The City Council may request the recommendation of the Planning and Zoning Commission on any proposed amendment to a plat regulation. Said amendment shall be additionally subject to the standard rules, regulations and procedural requirements established in Chapter 212 – Local Government Code and Article VI – Charter of the City of Colleyville.

Commented [BB11]: Current practice is 15 days

1.18.B AMENDING A ZONING REGULATION OR THE OFFICIAL ZONING MAP

The City Council may from time to time amend, supplement, change, modify or repeal the regulations and restrictions imposed in *Chapter 1 – General Provisions*; *Chapter 2 – Definitions*; or *Chapter 3 – Land Use*, of this Land Development Code, and the districts and boundaries described on the Official Zoning Map, using the procedures described in this section. Such amendment shall additionally be subject to the rules and procedures in *Chapter 211 – Local Government Code*, and *Article VI of the Charter of the City of Colleyville*.

1. **Zoning Regulation Amendments**– Any person or corporation may petition the City Council for a change or amendment to the provisions of these regulations; or the Planning and Zoning Commission or City Council may, on its own motion, initiate study and proposal for changes or amendments to a zoning regulation in the public interest.
2. **Zoning District Boundary Changes**– Any person or corporation having a proprietary interest in a parcel of land may request a change in zoning on such property; or the Planning and Zoning Commission or City Council may, on its own motion, initiate proceedings to consider a change in zoning on a parcel of land. All requests for a change in zoning shall be submitted, together with the required fee, to the Administrative Official, which officer shall cause notices to be sent and the request placed on the Planning and Zoning Commission agenda. Only one application for a zoning change will be considered at any one time on a parcel of land. No additional rezoning application on a parcel of land will be considered until final action of any pending application has been completed, subject to the time limits imposed elsewhere in these regulations.
3. **Fees**– Until all applicable fees, charges, expenses and delinquent city, county, and school taxes have been paid in full, no action shall be taken on any zoning application. No refund of any application fee shall be made after the request has been scheduled for consideration by the Commission.
4. **Commission Public Hearing and Written Notification** - Before making report of an application for a planned development, special use permit, or proposed amendment to a zoning regulation or zoning district boundary, the Planning and Zoning Commission shall hold a public hearing and receive comment in accordance with the following:
 - a. No less than ~~ten~~ **fifteen (15)** days notice of the time, place and nature of the public hearing shall be published in publication having general circulation in the city of Colleyville.
 - b. When a proposed change affects a specific tract of land, written notice of the public hearing shall be sent to all owners of real property lying within ~~two hundred five hundred (500) feet of the property and all Home Owner's Associations (HOA's) lying within one thousand (1,000) feet of the property~~ **(200) feet of the area** being considered. Such notice to be given to each property owner as listed on the last approved tax roll not less than ~~ten~~ **fifteen (15)** days before the day set for hearing by depositing letters properly addressed and postage paid in the United States Post Office. The applicant will be sent notice by certified mail. ~~The land area within 200 feet of the proposed request shall be used to calculate whether a protest against the request would require a super-majority vote of the City Council to approve the request.~~
 - i. **Alcohol and Package Store SUP Requests**– When a rezoning application includes a provision for a Special Use Permit for the sale of alcoholic beverages or a package store, the written notification of the public hearing stated in the preceding paragraph shall be sent to all owners of real property lying within five hundred (500) feet of the area being considered. The land area within 200 feet of the proposed Special Use Permit shall be used to calculate whether a protest against the request would require a super-majority vote of the City Council to approve the Special Use Permit. (Ord. O-03-1399 / 04-15-2003).
5. **Sign Posting** - The Administrative Official is directed to cause a sign to be placed upon the property clearly visible to passersby, which states that the property is the subject of a rezoning application (or words of like intent). The sign shall be posted at least ten (10) days prior to the hearing and shall remain posted until the hearing. Failure to perform this particular notice

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Commented [BB14]: Current practice is 15 days; same as ZBA notice

Commented [BB15]: Similar practice as outlined for Alcohol & Package Store SUP Requests in the paragraph below.

provision shall, however, in no way prevent the Planning and Zoning Commission from hearing the application and disposing of the issues involved on the hearing date.

6. Report of Commission – After a public hearing, the Planning and Zoning Commission shall vote on the proposal and report its recommendation to the City Council. The proposal, as recommended by the Commission, shall be placed on the next available City Council agenda, provided proper notice has been given.
 - a. Amended Proposals: The Planning and Zoning Commission may consider a request from the applicant to amend the proposal without additional notification of adjacent property owners, provided that the amended request is determined by the Commission as being more restrictive than the initial request and the boundary or content of the amended request is not expanded.
 - b. Notice of Appeal: Denial of the proposal by the Planning and Zoning Commission shall be final, unless the applicant submits a written notice of appeal within ten (10) days from the date of the action by the Commission. The Administrative Official shall re-notify all property owners lying within five hundred (500) feet of the property and all Home Owner's Associations (HOA's) lying within one thousand (1,000) feet of the property ~~two hundred (200) feet of the area~~ being considered and place the applicant's rezoning request on the next available agenda for consideration by the City Council.
 - c. Failure to Act Provision: Failure by the Commission to act on an amendment within sixty (60) days of the first date of public hearing shall be considered a recommendation for denial of the amendment.
7. City Council Public Hearing and Newspaper Notice - A zoning regulation or a zoning district boundary may be amended by the City Council upon adoption of an ordinance, but no amendment shall be made without public hearing before the City Council. No less than fifteen (15) days notice of the time, place and nature of such hearing shall be published in publication having general circulation in the City of Colleyville. No amendment to a regulation or to a district boundary shall be considered by the City Council until a report of the proposed amendment has been made by the Planning and Zoning Commission. Unless denied by the Planning and Zoning Commission, every rezoning request receiving final approval of the Commission shall be forwarded to the City Council for consideration, unless the applicant has requested the proposal be withdrawn. The City Council may refer any amended rezoning request back to the Planning and Zoning Commission for further study and recommendation.
8. Special City Council Voting Requirements - No change of which the Planning and Zoning Commission has recommended denial or in case of a protest against such change, signed by the owners of twenty (20) percent or more of either the area of lots or land included in such proposed change, or lots or land immediately adjoining same and extending two hundred (200) feet therefrom, filed with the City Secretary, shall be passed except by a favorable vote of three-fourths (3/4) of all members of the City Council. In computing the percentage of land area, the area of streets and alleys shall be included in the computation.
9. Withdrawal – Any proposal or application that is withdrawn by the applicant before a vote is considered by the City Council shall not be subject to the time limit for submittal of a new application.
10. Time Limit for Re-submittal - No one shall request a zoning change on the same parcel of property more often than once every twelve (12) months. However, a request for a change of zoning of a parcel of property to a different zoning classification than that previously requested may be filed as frequently as desired.
11. Submittal Requirements for Zoning District Change - Every petition for a zoning district change shall be accompanied by supporting documents of the area petitioned for a zone change. In general the petitioners shall submit a drawing and supporting documents as follows:

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- a. ~~Scale – No smaller than $\frac{1}{4}$ " = 100'~~
- b. ~~Zoning and use of adjacent property~~
- c. ~~Vicinity Map – showing location of the land within the community~~
- d. ~~Physical features – The location of existing streets, water courses, railroads, etc., on and adjacent to the subject property~~
- e. ~~100-year flood plain limits within the subject property~~
- f. ~~Legal description (metes and bounds) of the total site area proposed for rezoning, development, or special use permit to be included on the Zoning Exhibit and submitted on a separate letter or legal size single page.~~

Concept Plan – The Concept Plan, which may be conceptual and general in nature, but in sufficient detail appropriate for the type of development being proposed and shall at a minimum include the following items, where applicable:

- a. Proposed layout indicating the approximate size and dimensions of all residential lots
- b. Proposed land uses and building locations
- c. Landscaping, lighting, fencing and screening of common areas
- d. General locations of existing tree clusters
- e. Location and construction type of perimeter fencing
- f. Design of ingress and egress with description of any special pavement treatments
- g. Location and description of subdivision signs and landscaping at entrance areas
- h. Street names on all proposed streets
- i. Drainage Analysis – The applicant shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities. The Preliminary Drainage Analysis shall be prepared in accordance with drainage analysis requirements contained in Chapter 14 – Engineering Design Standards of the Land Development Code.
- j. For properties with significant slope, cross section exhibits shall be required showing the impact of the proposed development with adjacent properties.

Exception: A change of zoning application may be submitted and approved without a Concept Plan if the scale of the request does not justify preparation of the plan.

g. Preliminary drainage study.

12. Special Application Requirements - Site Plan and Supporting Documents Required - Every petition for a zoning district change to R-D, R-MF, MH, C-PO, CN, C-C and M-L and all Special Use Permit requests shall additionally be accompanied by a site plan and supporting documents of the area petitioned for a zone change. The purpose of the site plan is to illustrate the logical arrangement of the elements on the land and to show relationships of elements to each other.

The petitioner is encouraged to meet with the appropriate city staff member in an informal work session to ascertain the ~~exact~~ extent of plans and documents required, if any, prior to the City initiating the advertisement for public hearing on the petition. The Administrative Official may waive the site plan requirement altogether when appropriate.

The general type and extent of site plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to:

- a. Site Plan, meeting all of the requirements of a "Preliminary Plat" Section 3.31.D Site Plan Approval Required as described in the City's subdivision regulations and Use chapter, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the

Commented [BB17]: New regulation for Concept Plan & Preliminary Drainage Study requirement

Commented [BB18]: Added per Council direction

Commented [BB19]: In rare situations a site plan may not be warranted based on the limited scale of the zoning request

necessary evaluation of the project petition. Additional site plan drawing information which the reviewing body may require include:

1. Existing and proposed zoning district classifications and boundaries;
2. General outline of extensive tree cover areas;
3. Drainage ways and 100-year flood plain limits;
4. Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use where required;
5. Proposed internal non-vehicular circulation linkages, such as: pedestrian paths and hike trails; bike trails; and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict;
6. A graphic illustration showing the location of proposed buildings, driveways and all physical elements and a tabular summary schedule indicating:
 - a) The gross acreage and percent of each type of zoning category proposed;
 - b) The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single family, two-family, multifamily, townhouse, etc., including the total gross project acreage;
 - c) The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half of any abutting street, only;
 - d) The quantitative number of dwelling units proposed for each residential dwelling type, i.e., single family, two-family, etc.;
 - e) Proposed maximum lot coverage by building types (i.e., one-family, multifamily, commercial, office, industrial, etc.) expressed in terms of percent or floor area ratio of the lot or site.
- b. Architectural Drawings, such as elevations, concept sketches or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.
- c. Written Documents, in narrative form on 8-1/2" X 11" sheets, including:
 1. Statement(s) on planning objectives to be achieved in the land use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, etc.
 2. Legal description of the total site area proposed for rezoning, development or special use permit.
 3. A development schedule, if any, indicating the approximate date(s) when construction of the proposed development, and subsequent stages or phases can be expected to begin and be completed, to the best of the applicant's knowledge and belief.
 4. A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application.

5. Statement(s) as to how and when the applicant proposes to provide water and sewer to the development.
 6. Signature(s) and title(s) of the applicant(s) and preparer(s) of the written documents certifying the information presented in all of the plans and supporting documents reflect a reasonably accurate portrayal of the general nature, character and feasibility of the applicant's proposals. All signatures will be dated.
13. **Traffic Impact Analysis** - When a proposed development is projected to generate more than 1000 vehicle trips per day, a traffic impact analysis shall be required with the rezoning request. The traffic impact analysis shall be prepared in accordance with the requirements of the Director of Public Services. 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.

1.18.C RESERVED

1.18.D AMENDING ALL OTHER REGULATIONS

A regulation contained in any of the other Chapters of this Land Development Code that have not been previously mentioned may be amended upon adoption of an ordinance approved by the City Council after public hearing. Notice of said public hearing to be given in a newspaper having general circulation in the city not less than ~~ten~~ fifteen (15) days prior to the hearing. The City Council may request the recommendation of the Planning and Zoning Commission on any proposed amendment. Amendments shall be additionally subject to the standard rules, regulations and procedural requirements established in Chapter 51 – Local Government Code and Article VI of the Charter of the City of Colleyville.

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Section 1.19 Violations and Penalties

Any person, firm or corporation violating any of the provisions of this Land Development Code shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed two thousand dollars (\$2,000.00), unless a lesser fine is provided for in the section of the Code so violated. Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, engineer, planner, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Section 1.20 Relationship to Other Laws and Restrictions

It is not intended by this Land Development Code to interfere with or abrogate or annul any other resolution or rule, regulation or permit, previously adopted or issued or which shall be adopted or issued, not in conflict with any of the provisions contained herein; nor is it intended by this Land Development Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Land Development Code imposes a greater restriction upon land, buildings, or structures than is imposed by other ordinances, covenants, restrictions or agreements, then the provisions of this Code shall govern. If other ordinances are more strict than this Code, then the more strict provisions shall prevail.

Section 1.21 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

Section 1.22 Severability Clause

It is hereby declared to be the intention of the City Council of the City of Colleyville, that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Code since the same would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 1.23 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-03-1399	04/15/2003	500 foot notification for alcohol SUP requests
O-03-1414	09/02/2003	Sign Board of Appeals authority
O-10-1750	05-04-2010	Addition of Package Store SUP Requirements
O-17-2006	02/21/2017	Council approval for certain Mutual Access Easements

Chapter 4 Landscaping and Buffering

Rev. July 15, 2003

Section 4.1 Purpose of This Chapter

The purpose of this Chapter is to establish rules and regulations for the minimum placement of landscaping materials in certain zoning districts.

Section 4.2 Authorization for Adoption of This Chapter

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

Section 4.3 Applicability of This Chapter

The provisions of this Chapter shall be applicable as follows:

1. For all new construction; or,
2. When an existing building is proposed for remodeling, alteration, addition, or expansion, and the proposed construction value exceeds fifty (50%) percent of the current appraised value of the existing structures, excluding the value of the land; or,
3. When an existing building is proposed for an addition that will increase the square footage of the existing building by twenty (20%) percent or greater; or,
4. As a requirement of the approval of a Special Use Permit or Planned Unit Development.
5. For purpose of this regulation, the value shall be that shown on the most recent tax roll of the Tarrant Appraisal District.

Section 4.4 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in Chapter 1 of this Land Development Code to the Administrative Official. The City Council, after review and recommendation by the Planning and Zoning Commission, shall have the authority to consider requests for a waiver or to hear and decide an appeal from an administrative decision on a regulation. The City Council may approve, disapprove or modify such a request provided that such approval or modification will not be detrimental to the public safety, health, or welfare or injurious to other property. The applicant shall provide information to support a claim that there are extraordinary hardships or practical difficulties which may result from strict compliance with the regulation or that the public interest may be better served by an alternative proposal.

Commented [BB1]: Currently the ZBA; proposing authority to the P&Z Commission and Council.

Section 4.5 Definitions

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

Code.

Section 4.6 Required Landscaping

For zoning districts "CPO, CN, CC1, CC2, CC3, ML, PUD-C, PUD-I" and institutional uses including churches, schools and governmental facilities ~~in any district~~.

Commented [BB2]: Clarification to applicability

1. Intent - The intent of this ordinance is that landscaping shall not be limited to only the application of turf or grass, but landscaping shall include the coordinated planting (or retention) of grass, shrubs, ground cover, flowering plants, and trees and the grading or moving of earth to form a visually aesthetic and pleasing environment. The review of all site plans will consider the applicant's efforts in coordinating a variety of plant materials with the physical features of the property.
2. Landscaping Completed Prior to Issuance of Certificate of Occupancy - All landscaping shall be installed prior to the issuance of a Certificate of Occupancy. A permanent Certificate of Occupancy will be issued only when it is determined by the building official that all landscaping has been installed in accordance with the approved landscape plan. If it is determined, by the Building Official that planting of live material is hindered by adverse weather conditions, a temporary Certificate of Occupancy may be issued for a period up to three months.
3. Required Landscape Mixture - Twenty percent (20%) of the total land area in any proposed development shall be landscaped. At least fifty percent (50%) of the total landscaped area shall be located in the street yard(s) (Exhibit "4-A"). In order to insure for a variety of plant materials the following minimum requirements for grass, shrubs, and trees shall be provided:
 - a. All ground surfaces not used for buildings, sidewalks, roadways or other impermeable surfaces shall be covered with live grass, turf, shrubbery, trees, ground cover, flowering plants or appropriate mulching.
 - b. Shrubs: Shrubs shall be provided such that one 18" in height plant or five (5) gallon plant shall be planted on-site for each five (5) ~~linear~~ feet of public street rights-of-way located adjacent to the property.
 - c. Trees: Landscaping shall include the retention or planting of one (1) three (3) inch caliper tree per each forty (40) feet of street frontage on collector streets, or larger, as shown on the Master Thoroughfare Plan, which shall be included in the twenty (20) percent required landscaping. These trees are to be planted ~~on~~ along the street frontage.
 - d. Landscape Plans Required: Prior to the issuance of a building permit for any non-residential use, a Landscape Plan shall be submitted, as an element of the required site plan, to the City Manager or his appointed designee. The City Manager or his appointed designee, which may be either a staff member or other official body of the City, shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in accordance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.
 - e. Content of Landscaping Plans: Landscaping Plans shall be prepared by a Texas Licensed landscape architect. Landscape Plans shall contain the following information:
 1. Minimum scale of one inch equals 40 feet except as approved by the City Manager or his approved designee;
 2. Location of all trees to be preserved;
 3. Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscape features;
 4. Species of all plant material to be used;
 5. Size of all plant material to be used;
 6. Quantity and spacing of plant material where appropriate;
 7. A general layout and description of irrigation, sprinkler or water systems, including placement

- of water sources as designed by a licensed irrigator;
 8. Description of maintenance provisions for the Landscape Plan;
 9. All Landscape Plans to be sealed by a Texas Licensed Landscape Architect;
 10. Provide planting and irrigation specifications as part of the Landscape Plan;
 11. Provide name and address of the owner, location of the subject property, surrounding zoning, utility lines, water mains and easements, public or private streets and drives;
 12. Provide a general grading and drainage plan.
- f. Description of Planting Material: Landscape plant material may be selected from the following list, however the applicant may use other plant material not listed if it is determined to be an appropriate and functional element of the landscape plan.

1. Over-story Trees (Range from 30 to 60 feet)

Common Name	Botanical Name
Bald Cypress	<i>Taxodium distichum</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Pecan	<i>Carya illinoensis</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Bur Oak	<i>Quercus macrocarpa</i>
Red Oak	<i>Quercus shumardii</i>
Sweet Gum	<i>Liquidambar styraciflua</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
Live Oak	<i>Quercus virginiana</i>

Common Name	Botanical Name
Western soapberry	<i>Sapindus drummondii</i>
Post Oak	<i>Quercus stellata</i>
Black Jack Oak	<i>Quercus marilandica</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Southern magnolia	<i>Magnolia grandiflora</i>
Slash pine	<i>Pinus elliotii</i>
Japanese black pine	<i>Pinus thunbergii</i>
Austrian pine	<i>Pinus nigra</i>
Afgan pine	<i>Pinus eldarica</i>

2. Accent Trees (Range from 10 to 20 feet)

Common Name	Botanical Name
Redbud	<i>Cercis canadensis</i>
Crape myrtle	<i>Lagerstroemia indica</i>
Yaupon holly	<i>Ilex vomitoria</i>
Bradford pear	<i>Pyrus calleryana</i>
Texas sophora	<i>Sophora affinis</i>
Wild plum	<i>Prunus americana</i>

Common Name	Botanical Name
Crab apple	<i>Malus angustifolia</i>
Deciduous holly	<i>Illex decidua</i>
Flameleaf sumac	<i>Rhus copallina</i>
Cherry-laurel	<i>Prunus caroliniana</i>
Chase tree	<i>Vitex angust-castus</i>

3. Shrubs (Range from 3 to 5 feet)

Common Name	Botanical Name
Dwarf crape myrtle	<i>Lagerstroemia indica nana</i>
Dwarf buford holly	<i>Illex cornuta 'barfordii Nana'</i>
Dwarf Chinese holly	<i>Illex cornuta 'rotunda'</i>
Dwarf yaupon holly	<i>Illex vomitoria 'nana'</i>
Fraser's photinia	<i>Photinia Fraseri</i>
Purple sage	<i>Leucophyllum frutescens</i>

Common Name	Botanical Name
Purple leaf japanese barberry	<i>Berberis thunbergii 'atropurpurea'</i>
Pampus grass	<i>Cortaderia selloana</i>
Nandina	<i>Nandina domestica</i>
Juniper	<i>Juniperus chinensis spp</i>
Fountain grass	<i>Pennisetum spp</i>

4. Ground Cover (Ranges from 18 inches)

Common Name	Botanical Name
Juniper supp.	<i>Juniperus horizontalis</i> or <i>procumbens</i>
Periwinkle	<i>Vinca major</i>
Monkey Grass	<i>Liriope muscaria</i> spp
Asian jasmine	<i>Trachelospermum asiaticum</i>
Confederate Star Jasmine	<i>Trachelospermum jasminoides</i>
Monkey grass	<i>OP hipogon</i>

5. Vines

Common Name	Botanical Name
Coral honeysuckle	<i>Lonicera sempervirens</i>
Carolina yellow jasmine	<i>Gelsemium semper</i>
Lady banksia rose	<i>Rosa banksiae</i>
Cross vine	<i>Bignonia capreolata</i>
Sweet autumn clematis	<i>Clematis paniculata</i>
Virginia creeper	<i>Parthenocissus quinquefolia</i>
Boston ivy	<i>Parthenocissus tricuspidata</i>

6. Perennial and Annual Flowers

Common Name	Botanical Name
Chrysanthemum	<i>Chrysanthemum</i> spp
Canna	<i>Canna generalis</i>
Copper leaf	<i>Acalypha Wilkesiana</i>
Periwinkle	<i>Catharanthus roseus</i>
Iris	<i>Iris</i> supp.
Lantana	<i>Lantana Camera</i>
Daffodil	<i>Narcissus Jonquil,</i> <i>Tazetta, & King Alfred</i>

Common Name	Botanical Name
Petunia	<i>Petunia hybrida</i>
Marigold	<i>Tagetes</i> spp
Tulip	<i>Tulipa</i> spp
Zinnia	<i>Zinnia</i> spp
Caladium	<i>Caladium hortulanum</i> <i>'candidum' 'pink beauty'</i>
Moss rose or portulaca	<i>Portulaca grandiflora</i>
Wild Flowers	

- g. Landscaping Credit: Landscape credits may be applied to the overall landscape requirement, as indicated in Section ~~4.54.6.3~~ *Required Landscape Mixture*. However, in no instance shall the credits reduce the total amount of landscaping on a lot to less than fifteen (15) percent of the total land area. Credits will only be allowed if they are maintained as a permanent element of the landscape plan. Credits may be obtained as follows:

- For each two (2) square foot of area that is landscaped in the public street right-of-way, one (1) square foot of landscape credit will be applied to the overall landscaping requirement.
- For each one (1) square foot of area that is landscaped with flowering seasonal color, two (2) square foot of landscape credit will be applied to the overall landscaping requirement.
- Over and above the required shrub planting, for each newly planted shrub 18" in height or contained in a five (5) gallon container, which is maintained in a living and growing condition, fifteen (15) square feet of landscape credit will be applied to the overall landscape requirement.

Commented [BB3]: Corrected cross-reference

4. Over and above the required tree planting, for each newly planted or existing tree of at least three (3) inches in trunk diameter, measured twelve (12) inches above grade, which is maintained in a living and growing condition, one hundred (100) square feet of landscape credit will be applied to the overall landscape requirement. Planting of two (2) ornamental trees of eight (8) feet in height shall receive the same landscape credit as one (1) three (3) inch caliper tree.
5. Over and above the required tree planting, for each newly planted or existing tree of at least six (6) inches in trunk diameter, measured twelve (12) inches above grade, which is maintained in a living and growing condition, two hundred fifty (250) square feet of landscape credit will be applied to the overall landscape requirement. Each additional one (1) inch diameter of tree over twelve (12) inches shall receive twenty (20) square feet of landscape credit.
- h. Maintenance of Landscaping: All landscaping maintenance shall be the responsibility of the property owner. The following minimum standards shall be required:
 1. All landscaping shall be permanently maintained and shall have an underground irrigation system installed by a licensed irrigator and must meet all applicable requirements of the City.
 2. Irrigation systems may be buried on public street rights-of-way. The City or any franchised utility will not be responsible for damage to any landscaping material or equipment while performing repairs of maintenance to its system. However, landscaped right-of-ways shall be irrigated;
 3. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping;
 4. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year; ~~and~~
 5. Plant materials which die shall be replaced with plant material of similar variety and size within a six (6) month period; ~~and~~
 6. The maintenance requirement contained in this section shall be applicable regardless of the tenant occupancy status of any buildings on the property. (Ord. O-03-1408 / 07/15/03)
- i. Landscaping of Parking Lots: it is the intent of this section to encourage design and construction of parking areas in a manner whereby areas within the parking lot are landscaped as well as areas considered unusable for parking or maneuvering space. The following minimum requirements shall be observed:
 1. Parking lots shall contain a minimum of one hundred forty (140) square feet of landscaped island per each eighteen (18) contiguous parking spaces required. This landscape island is to include one (1) three (3) inch caliper tree. ~~In any case, no parking space shall be located further than ninety (90) feet to a tree within a landscaped island.~~
 2. Landscaped islands shall be irrigated by an underground system as indicated in Paragraph h - Maintenance of Landscaping. Irrigation of all landscaped areas adjacent to any parking and/or driving surfaces shall be accomplished such that a minimum amount of water is applied to parking and/or driving surfaces.
 3. All shrubbery, flowering plants, and trees planted in parking lot islands or adjacent to parking lots shall be set back three (3) feet from any curb and that provides for "head-in" automobile parking (Exhibit "4-B").

Commented [BB4]: Recommendation of the P&Z Commission

4. Landscape material in parking lots shall include shrubs and trees or a combination thereof, which in turn may be planted with a combination of grass, ground cover, and/or flowering plants.
5. All landscaping within the parking lot shall be located within a landscape island or module, delineated from the surrounding paved area by a curb or barrier, constructed of masonry or concrete, of not less than six (6) inches in height around the perimeter of the island or module.
6. ~~For new trees at the time of planting, At at least three-fourths (3/4) of the tree drip line area must be in permeable area (See Exhibit "4-C").~~
7. For larger existing trees located in the parking area, which are being retained and incorporated into the landscape plan, an appropriate aeration system or an alternative method of protecting the tree must be provided and detailed in the landscape plan.
- j. ~~Landscaping Adjacent to Residential Districts: For any development in "C-PO", "CN", "CC1", "CC2", "CC3", "ML", "PUD-C", "PUD-I" and institutional uses including churches, schools, and governmental facilities (which includes all zoning) except residential districts and "AG" used for residential and pure agricultural uses, zoning districts which abut districts zoned residential or mobile home there shall be a minimum twenty (20) foot wide green belt of "live plant material of the evergreen variety" which is expected to grow to six (6) feet height in two (2) years, a minimum of three (3) feet in height at the time of installation and planted on six (6) foot centers, for the entire distance along which the development abuts the residential district. Where a fire lane is required, the green belt may be reduced to five (5) feet (Exhibit "4-CD"). Exception: When adjacent to institutional uses in residential districts and "AG" used for residential and pure agricultural uses.~~
- k. Landscaping Adjacent to Colleyville Boulevard: For any development which abuts Colleyville Boulevard there shall be a minimum twenty (20) foot wide landscaped green belt of "live plant material", exclusive of access drives. On corner lots, the twenty feet (20') wide landscaping green belt will wrap around to the depth of the property. This area may be planted with trees and shrubs required at the front of the site noted elsewhere in this Chapter. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard. (O-01-1295 / 08/21/01)
- l. Special Permits, Appeals, Exceptions: Any person aggrieved by this ordinance may appeal its effect to the ~~Zoning Board of Adjustment~~ City Council per Section 4.4 of this chapter on the basis of hardship.
- m. Existing Non-Conforming Uses and/or Structures: All uses that are in existence at the time of this Landscape ordinance, which do not meet the requirements provided herein, will be considered as being nonconforming to these landscape requirements. These nonconforming uses/structures will be subject to the non-conforming provisions of *Chapter 3 – Land Use* of this Land Development Code, unless otherwise provided for in this Section. A variance to landscaping requirements may be granted, regardless of areas of noncompliance, upon completion of the following:
 1. Provide the City Manager or his appointed designee with a landscape plan prepared by the landscape architect for review and approval.
 2. Said landscape plan will illustrate a plan to landscape area as available, provide for irrigation, and provide for completing the plan.
 3. The installation of landscaping as indicated by the landscape plan is completed and approved by the city manager or his appointed designee.

Commented [BB5]: Recommendation of the P&Z Commission

Commented [BB6]: Reworded paragraph to clarify intent

Commented [BB7]: Give authority to P&Z Commission and City Council

Section 4.7 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-01-1296	08/21/01	Landscaping adjacent to Colleyville Boulevard
O-03-1408	07/15/03	Maintenance regarding building vacancy

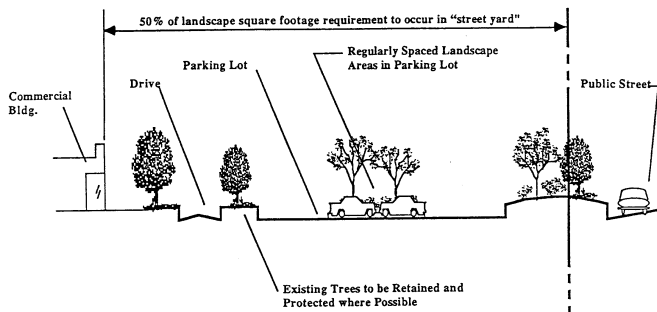


Exhibit "4-A" - Street Yard Landscaping Requirements

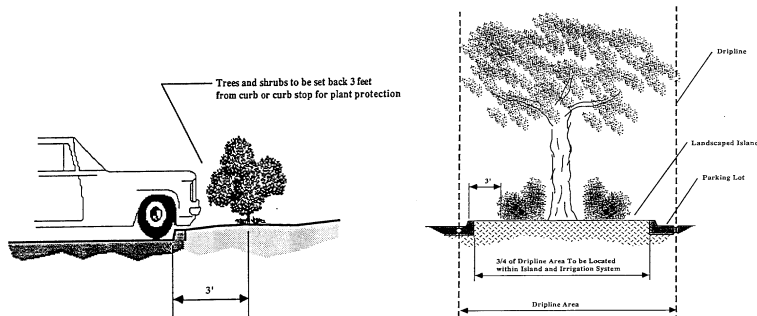


Exhibit "4-B"
Landscape Requirement for Head-in Parking

Exhibit "4-C"
Description of Dripline

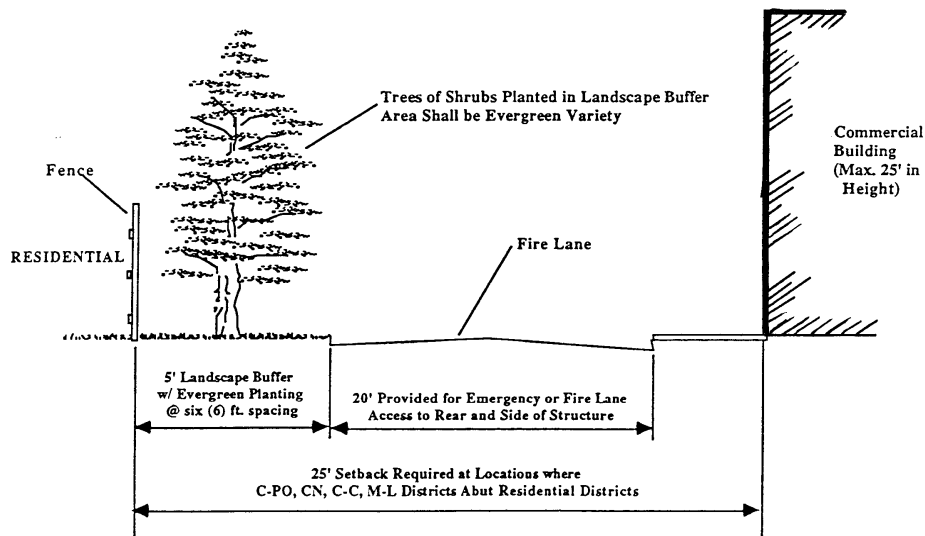


Exhibit "4-D"
Rear and Side Landscape Buffer Requirements
With Fire Lane Provided

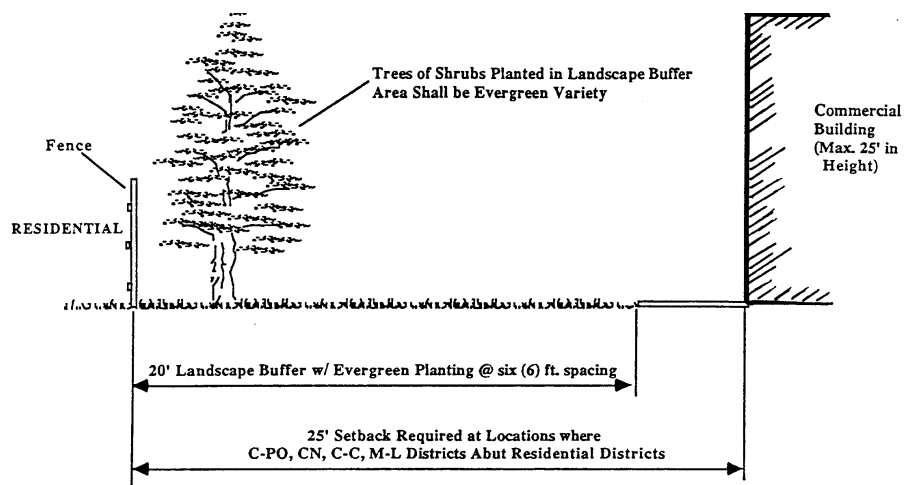


Exhibit "4-E"
Rear and Side Landscape Buffer Requirement
Without Fire Lane Provided

ORDINANCE O-18-2053

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 1 – GENERAL PROVISIONS AND CHAPTER 4 – LANDSCAPING AND BUFFERING 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 Chapter 1 – General Provisions and Chapter 4 – Landscaping and Buffering of the Land Development Code as part of a comprehensive review of the Land Development Code; 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 1 – General Provisions and Chapter 4 – Landscaping and Buffering* of the Land Development Code are hereby amended to read as depicted in the attached Exhibits “A” & “B”.
- 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 2nd day of July 2018.

The second reading and public hearing being conducted on the 17th day of July 2018.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 17TH DAY OF JULY 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt L. Wyatt
City Attorney

Exhibit “A”

{Chapter 1}

Exhibit “B”

{Chapter 4}



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7a

Agenda Date 07/02/2018

Number Resolution R-18-4281

Type Resolution

Department City Manager

Title

A resolution approving the City Manager to seek jurisdictional control of the Texas Department of the Transportation (TxDOT) funds allocated for landscaping enhancements as part of the SH26 Construction Project

Strategic Plan

5.1 Create and sustain an identifiable Colleyville brand

Explanation

The City of Colleyville is looking to take over the design, installation, and maintenance of the right-of-way and median landscaping related to the SH26 reconstruction project. In support of this effort, the City has requested TxDOT convey jurisdictional control of any funds allocated to the construction project as part of the program budget. Such funds would include the \$730,000 +/- outlined in the bid proposal approved as part of the project contract approval.

The attached resolution is intended to formally notify TxDOT of Colleyville's intent to utilize the project landscaping funds as part of a larger community landscape/hardscape project.

Financial Impact

The funds would be dedicated to the SH26 medians

Recommendation

Approve

Attachments

1. Resolution R-18-4281

RESOLUTION R-18-4281

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SEEK JURISDICTIONAL CONTROL OF TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) FUNDS ALLOCATED FOR LANDSCAPING ENHANCEMENTS AS PART OF THE SH26 CONSTRUCTION PROJECT

WHEREAS, it is the desire of the City Council to direct the design, materials, and installation of landscaping and hardscaping in the medians and rights-of-way within the City of Colleyville; and

WHEREAS, the City Council wishes to submit a request to TxDOT, that TxDOT convey jurisdictional control of any funds allocated to the State Highway 26 (SH26) construction project as part of the program budget, to the City of Colleyville; and

WHEREAS, such funds would include the \$730,000 +/- outlined in the bid proposal approved as part of the project contract approval; and

WHEREAS, the City Council is committed to the best interests of the health, safety, and welfare of the citizens of Colleyville; 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 all of the above findings are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Sec. 2. THAT the City Council hereby directs the City Manager to make a request to TxDOT to convey jurisdictional control of any funds allocated to the State Highway 26 (SH26) construction project as part of the program budget, to the City of Colleyville.

Sec. 3. THAT such funds would include the \$730,000 +/- outlined in the bid proposal approved as part of the project contract approval.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 0 AYES, 0 NAYS AND 0 ABSTENTIONS ON THIS THE
2ND DAY OF JULY 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST: **CITY OF COLLEYVILLE**

Christine Loven, TRMC	Richard Newton
City Secretary	Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7b

Agenda Date 07/02/2018

Number Resolution R-18-4282

Type Resolution

Department City Manager

Title

Approval of the Sidewalk Policy as reviewed by the Colleyville Sidewalks Ad Hoc Committee and revised through the City Council Worksession process

Strategic Plan

- 1.1 Actively involve and engage stakeholders
- 5.3 Provide attractive facilities for leisure and recreation

Explanation

Reading and Public Hearing

In the summer of 2017, the Colleyville City Council appointed a Sidewalk Ad Hoc Committee (established by Resolution R-17-4133) to assist in the establishment of a policy relating to sidewalk installation and placement. The City Council reviewed the committee's recommendation at the January 16, 2018 and May 15, 2018 worksessions. The attached Policy reflects the Committee's recommendations, and clarifies the requirements for the placement of sidewalks within the City.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Sidewalk Policy Presentation July 2, 2018
2. Sidewalk Policy
3. Resolution R-18-4282

Sidewalk Policy Updated Draft

**City Council Agenda
July 2, 2018**

Sidewalk Policy



History

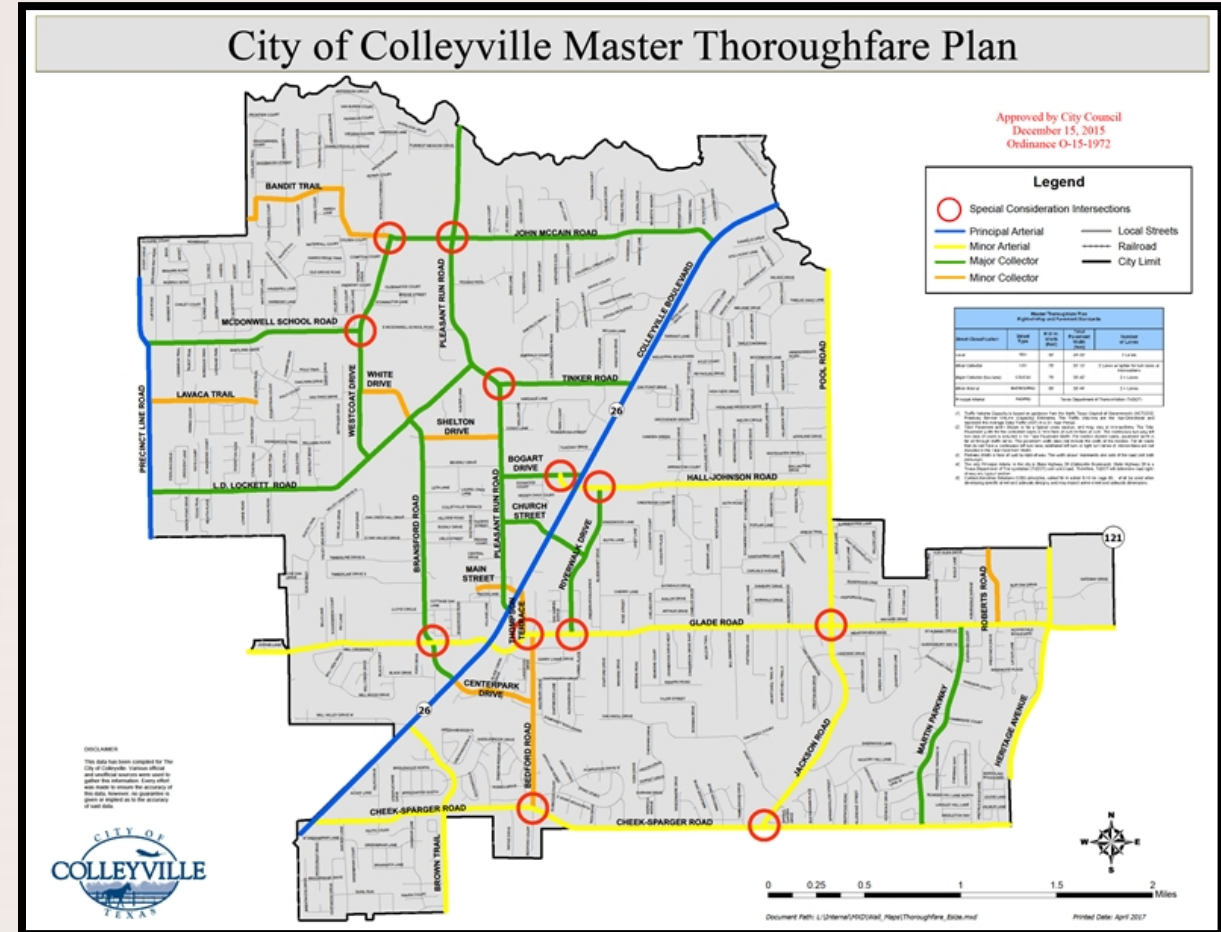
- Colleyville Sidewalk Ad Hoc Committee established (R-17-4133)
Committee Meeting Dates:
 - August 28, 2017 – 1st meeting of Committee
 - September 18, 2017
 - October 2, 2017
 - October 16, 2017
 - October 30, 2017
- 1/16/18 & 5/15/18 - Council Worksession Review

Sidewalk Policy



Policy Parameters

- Sidewalks should be installed or cash-in-lieu payment made.
 - New development/new road – sidewalks on both sides (exception = single loaded residential roadway).
 - New development adjacent to existing road – required by Master Thoroughfare Plan or Supplemental Sidewalk System Map.
 - Existing Development/Single Family Home - required by Master Thoroughfare Plan, Supplemental Sidewalk System Map, 300' If frontage, or on a street with 50% or more existing sidewalks.
 - Non-local street frontage – sidewalks required



Sidewalk Policy



Design Standard

- Residential – Minimum 4' width
- Collector Street – Minimum 5' width
- 1' off abutting property line
- Director of Public Works may approve a plan to alter the location and size of a sidewalk to preserve a tree or for aesthetic purposes.
- One additional foot of width shall be added to a sidewalk that abuts a street curb.

Sidewalk Policy



Waiver/Variance

- Factors that may be considered:
 - Cost prohibitive
 - Severe topography
 - Adverse to pedestrian activity (noise, traffic, etc.)
 - Applicant can show justifiable cause
- Approval determination by City Manager
- Appealed to City Council
- Cash-in-lieu paid for all variances

Sidewalk Policy



Remediation (removal)

- Conditions considered for removal:
 - Uniquely isolated (sidewalk to nowhere)
 - “Not Required” on Supplemental Sidewalk System Map
 - Cost of removal and restoration paid by property owner
- Cash-in-lieu paid for all remediation (exception= sidewalk “not required” on SSS Map).

Questions and Discussion

CITY OF COLLEYVILLE SIDEWALK POLICY

Purpose

The purpose of this policy is to provide for the adequate construction of, or funding for, pedestrian walkways within the City in order to promote the health, safety and general welfare of the community.

Objective

This policy is intended to bridge the divide between the *Supplemental Sidewalk System Map* (November, 2008) and the haphazard installation of sidewalks in isolated locations devoid of the connectivity the Map extols. Allowing for fees in lieu of isolated or incongruent sidewalk construction seeks to serve two objectives: (1) avoidance of disjointed application of sidewalk installation; and (2) funding for community-wide pedestrian walkway construction.

Background

For the purposes of this policy the Master Thoroughfare Plan (MTP) refers to the plan adopted by Ordinance O-15-1972. The *Supplemental Sidewalk System Map* refers to the "Colleyville Pathways Plan" map adopted by Resolution R-08-3031. *Non-local Streets* refer to all streets indicated as Minor Collectors and larger.

Sidewalk Requirements

Sidewalk installation shall be determined using the standards outlined herein.

New Development: requiring a new roadway

Residential: both sides of roadway; Exception = single-loaded roadway (houses/ development on one side of the street only)

Commercial: both sides of roadway

New Development: adjacent to existing roadway

Residential: (1) required if fronting a roadway designated on the Master Thoroughfare Plan as a non-local street; or (2) on a street designated for sidewalk placement on the Supplemental Sidewalk System Map (2008). Exception = large lot with more than 300' of frontage

Commercial: along frontage of all roadways

Existing Development/Single Family Home Construction

Residential: (1) required if fronting a roadway designated on the Master Thoroughfare Plan as a non-local street; (2) on a street designated for sidewalk placement on the Supplemental Sidewalk System Map (2008); or (3) on a street where sidewalks exist on 50% or more of the properties on the block face; Exception = large lot with more than 300' of frontage

Commercial: along frontage of all roadways

Master Thoroughfare Plan

Sidewalks required on both sides of roadway on non-local streets; Exception = Roadway project listed on CIP 5-year list and planned for full reconstruction, must be installed by City. Developments along these roadways shall contribute cash-in-lieu funds to the City equivalent to the cost of installation at the time of development.

Repairs/Replacement/Maintenance

The City shall be responsible for the maintenance and replacement of sidewalk segments congruent with this policy. This is to ensure a safe and well connected network. In the event a sidewalk segment is damaged by misuse or neglect, the adjacent property owner shall be responsible for the cost of appropriate maintenance or replacement.

Design Standards

All sidewalks shall be a minimum of four (4') feet in width, except a sidewalk located within or abutting a collector street, or larger, as shown on the Master Thoroughfare Plan, which shall not be less than five (5') feet in width. All sidewalks and pathways shall be constructed in the area between the curb or grade line of the public street and the abutting property line unless the pathway is situated within a dedicated pathway easement or right-of-way. The edge of the sidewalk or pathway shall generally be parallel with the curb line and be situated no more than one (1') foot from the abutting property line. The Director of Public Works may approve a plan to alter the location and size of a sidewalk to preserve a tree or for aesthetic purposes. One additional foot of width shall be added to a sidewalk that abuts a street curb.

Waivers/Variances

A complete waiver of the requirement for the construction of sidewalks for a specific development should be rare and allowed only where there are unusual factors. The City Manager or designee shall make a determination as to whether or not the waiver should be granted, and document that determination with supporting data

that states the basis for the decision. The waiver must be reviewed by both the Director of Community Development and the Director of Public Works and a recommendation provided to the City Manager or designee. Regardless of the reason for the waiver grant, payment shall be collected by the City for the cash-in-lieu value of the sidewalk improvements waived. The City shall use said funds for the maintenance and installation of pedestrian sidewalks and trails throughout the community and in keeping with the Master Plan.

Unusual factors include:

- (1) Projects where the cost of establishing sidewalks or walkways would be unreasonably disproportionate to the cost of the associated roadway construction or overall project costs (however a partial waiver may be granted in lieu of a full waiver to reduce the cost of required sidewalks such that the costs will not be unreasonably disproportionate),
- (2) Areas with severe topography or other natural constraints that will constrain proper implementation of this plan,
- (3) Situations inherently adverse to pedestrian activity, such as harmful noise, dust creation, and high volume truck traffic, in certain areas, such as agricultural, heavy commercial, and industrial developments, or
- (4) Situations where an applicant can show other factors or circumstances amounting to reasonably justifiable good cause to support such waiver.

A denial of a request for a waiver of these requirements may be appealed to the City Council.

- (1) A written appeal must be filed with the Director of Public Works within ten (10) days of the denial.
- (2) The appeal must provide justification for the requested waiver based on the criteria described in (1), (2), (3), and (4) above.
- (3) The Council must make findings based on these criteria in order to approve a waiver. If substantial new information, not provided as part of the original request, is provided by the applicant within 14 days of the City Council meeting, or during the City Council meeting, the item shall be referred back to the Director of Community Development and Director of Public Works for reconsideration prior to a decision by the City Council.

Remediation (local streets only)

The City recognizes the existence of disjointed/disconnected sidewalk segments throughout the city that serve little purpose in furthering the welfare or walkability of the community. Where such sidewalks exist, the City should pursue funding

options to complete the segment, block or area sidewalk installation. Requests to remove existing sidewalks within the segments identified in the Supplemental Sidewalk System Map (2008) should only be permitted as the exception rather than the rule. Unless specifically identified on the Supplemental Sidewalk System Map as “sidewalks NOT required,” sidewalk removal shall require cash-in-lieu equivalency payment to the City for the value of the removed sections. In cases where removal is deemed appropriate, the property owner shall be responsible for all removal and restoration.

Funding

The City Council should develop a multi-year plan for the installation of sidewalks in compliance with the Supplemental Sidewalk System Map (2008). Such plans should include a funding source and annual allocation to specific projects.

RESOLUTION R-18-4282

ADOPTING A NEW SIDEWALK POLICY FOR THE CITY OF COLLEYVILLE AND RESCINDING ALL PREVIOUS SIDEWALK POLICIES

WHEREAS, it is the desire of the citizens of Colleyville to have a walkable community; and

WHEREAS, sidewalks and trails are an inherent part of a walkable community; and

WHEREAS, the City Council appointed a Colleyville Sidewalk Ad Hoc Committee by Resolution R-17-4133, and

WHEREAS, the Colleyville Sidewalk Ad Hoc Committee and City staff developed the attached City of Colleyville Sidewalk Policy and presented the policy to City Council; and

WHEREAS, the City Council is committed to the best interests of the health, safety, and welfare of the citizens of Colleyville; 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 all of the above findings are found to be true and correct and are incorporated herein by reference as if copied in their entirety.
- Sec. 2. THAT the City of Colleyville Sidewalk Policy, attached as Exhibit "A", is hereby adopted.
- Sec. 3. THAT all previous Sidewalk Policies are hereby rescinded.
- Sec. 4. THAT this resolution and the Sidewalk Policy shall become effective immediately from and after its passage.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 0 AYES, 0 NAYS AND 0 ABSTENTIONS ON THIS THE
2ND DAY OF JULY 2018.

Mayor Richard Newton
Place 1, Tammy Nakamura
Place 4, George Dodson
Place 6, Callie Rigney

_____	Mayor Pro Tem Bobby Lindamood	_____
_____	Place 3, Kathy Wheat	_____
_____	Place 5, Chuck Kelley	_____

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

Exhibit "A"

CITY OF COLLEYVILLE SIDEWALK POLICY

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Unusual factors include:

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City of Colleyville City Council Agenda Briefing

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

Agenda Number

Agenda Date 07/02/2018

Number Resolution R-18-4275

Type Resolution

Department Community Development

Title

Consideration of a Preliminary Plat for the Oak Creek Addition, located at 7209 & 7215 John McCain Road, Case PC18-005

Strategic Plan

4.3 Adopt best-practice planning and development processes

Explanation

Update:

This resolution was tabled at the June 19, 2018 City Council Meeting. The resolution has been updated with language provided by the City Attorney.

Reading and Public Hearing - Tabled from the June 19, 2018 City Council meeting

Wesley Dawson, the applicant, has submitted a request for a Preliminary Plat for Oak Creek Addition, being Lot 1, Block 1, of the Allzim Acres, and Tracts 2A7B, 2A8C, & 2A9A, Abstract 533, in the Mary M. Freeman Survey, and Tract 4D02, Abstract 295, in the William E. Crooks Survey, being approximately 12.038 acres, and zoned R-20 Single Family Residential and AG Agricultural. The purpose is to subdivide the three properties into 10 Single Family Residential lots and one large agricultural lot.

Existing Conditions/Background: The subject property currently has a mix of R-20 Single Family Residential minimum 20,000 square foot lots and AG Agricultural zoning. John McCain Road currently provides the only frontage to the property. The property has some flood plain stretching from southwest to northeast. The preliminary plat for consideration proposes to divide the R-20 area into 10 lots while maintaining a large single lot within the AG zoning.

Lot Dimensions and Setbacks:

Per the Land Development Code Section 3.24.G, Schedule of District Regulations, the R-20 zoning regulations require the following standards:

Minimum Lot Area: 20,000 square feet

Minimum Lot Width: 100 feet

Minimum Lot Depth: 125 feet

Minimum Front Yard Setback: 30 feet

Minimum Side Yard Setbacks: 10 feet
Minimum Rear Yard Setback: 25 feet

And the AG zoning regulations require the following standards:

Minimum Lot Area: 130,680 square feet
Minimum Lot Width: 200 feet
Minimum Lot Depth: 300 feet
Minimum Front Yard Setback: 40 feet
Minimum Side Yard Setbacks: 25 feet
Minimum Rear Yard Setback: 40 feet

As submitted, the proposed plat meets all of the requirements of the R-20 and AG zoning in the Land Development Code.

Surrounding Development: All of the surrounding property has developed with single-family residences using a variety of zoning classifications including: R-20, PUD-R, R-30, R-40, and AG.

Analysis: The property previously had a plat which created 9 lots in the existing R-20 area. It was subsequently platted into a single lot. The applicant proposes to adjust the zoning (ZC18-013) and re-subdivide the property and reconfigure the lots to better accommodate the drainage in the area. The new configuration would move many of the R-20 lots further away from John McCain Road to the back of the cul-de-sac and shift more of the larger AG lot towards John McCain Road. The proposed plat increases the number of R-20 lots from 9 to 10 while also increasing the amount of AG zoned property.

Fees: Park Land Dedication fees are required in the amount of \$1,802 per residential lot. Park Land Dedication fees are due prior to filing the plat for record. Impact Fees are also required per Chapter 13 (Impact Fees) of the Land Development Code and are due prior to the issuance of a Building Permit.

Tree Preservation: Any 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 of the subject property on Friday, April 27, 2018. Notice was published in the Fort Worth

Star-Telegram as required by State law and the Land Development Code on Saturday, April 28, 2018. To date, no formal correspondence has been received for this item.

Staff Recommendation: The proposed Preliminary Plat will meet the requirements of the Land Development Code if the zoning is approved. Staff recommends approval.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of the Preliminary Plat with a condition that a 30-foot landscape easement shall be provided along the western and northern boundary lines at their May 14, 2018 meeting by a vote of 6-1.

Financial Impact

There is no fiscal impact with this item.

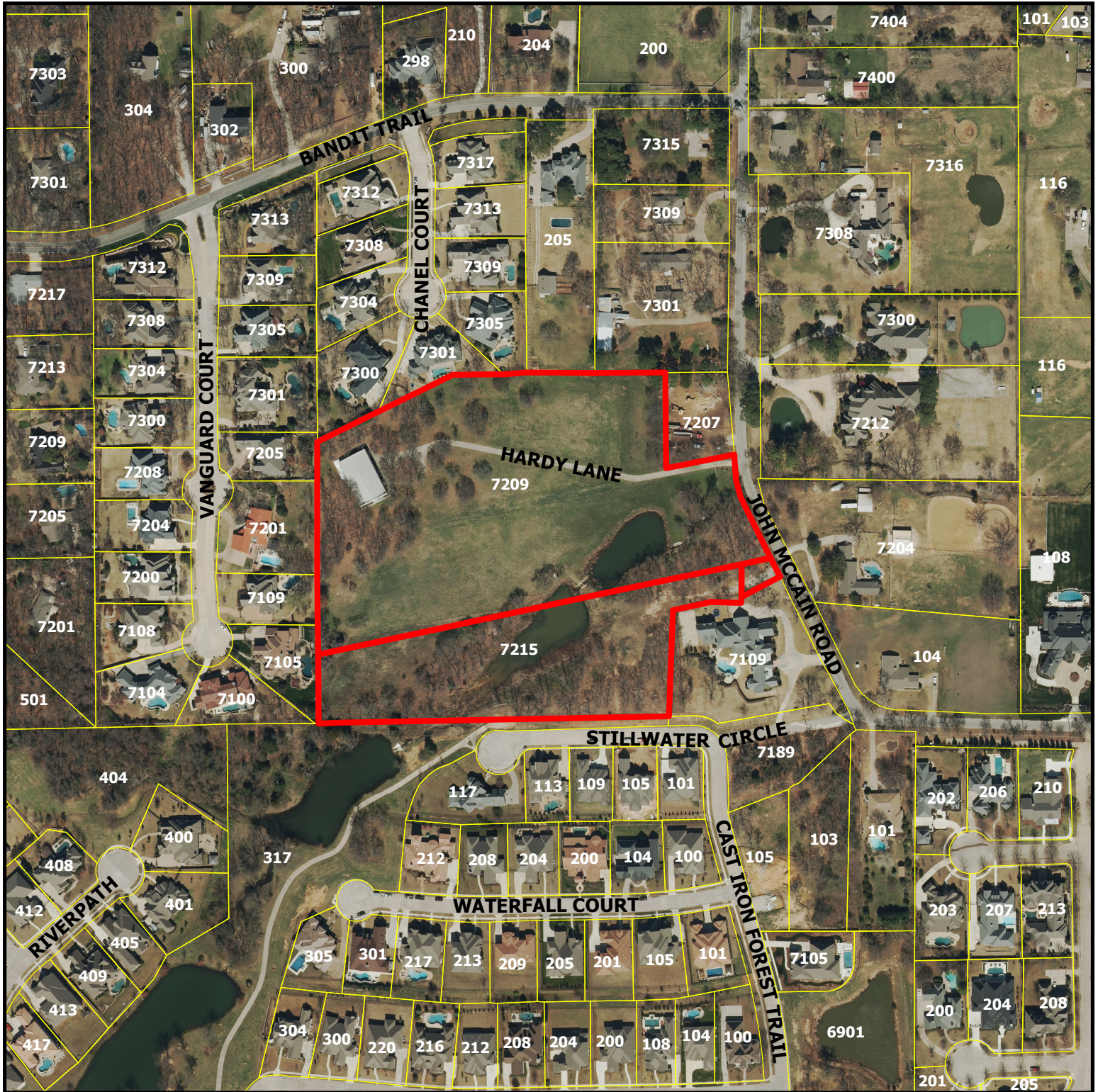
Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Plat Exhibit
5. Tree Survey
6. Drainage Plan
7. Utility Plan
8. Resolution R-18-4275

Aerial Map



PC18-005

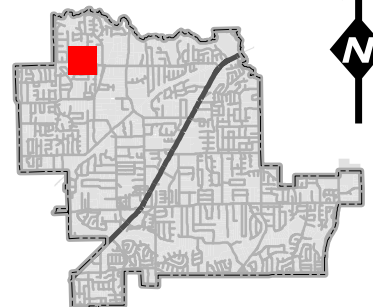
7209 and 7215 John McCain Road



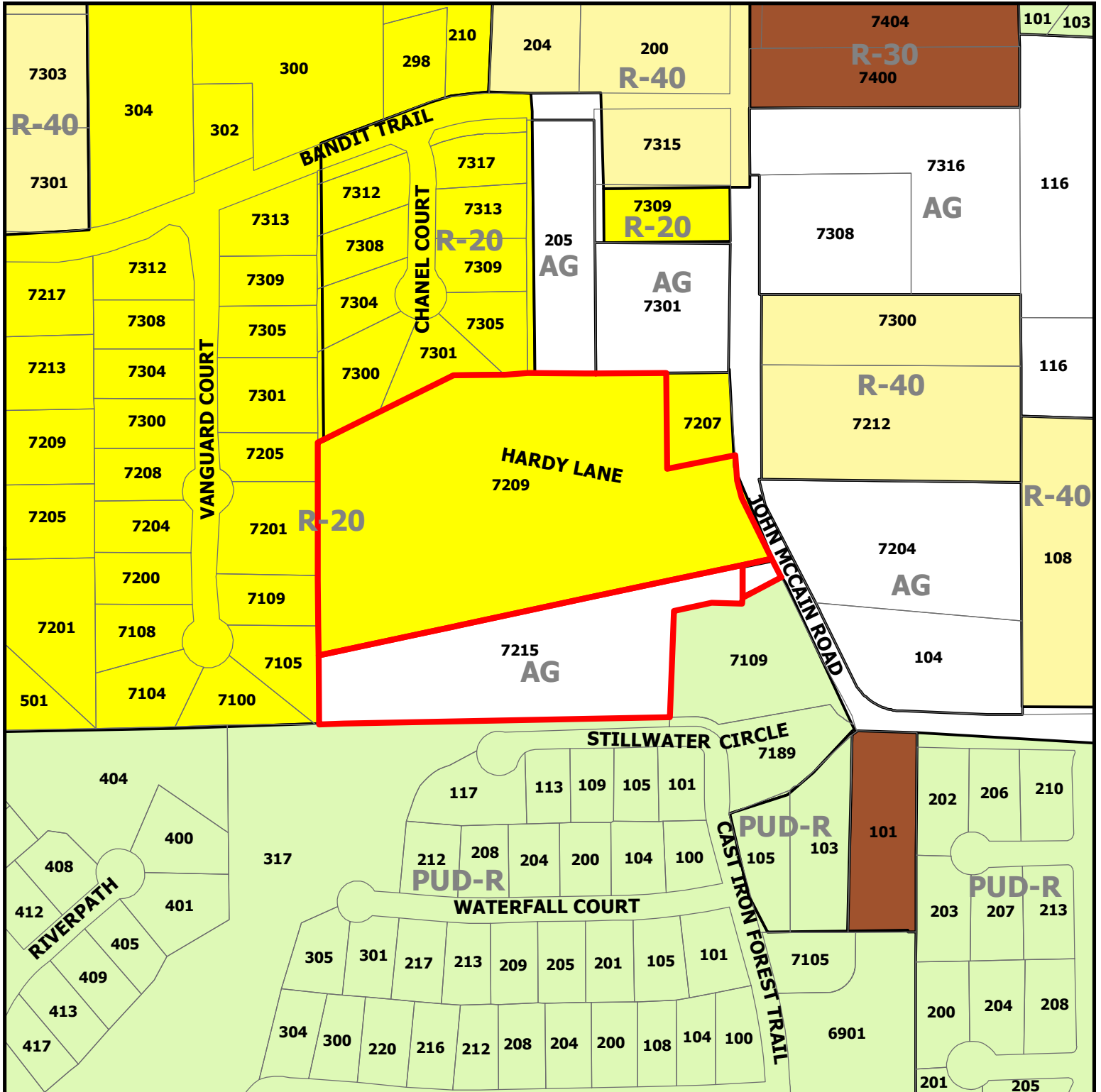
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Subject Property



Zoning Map



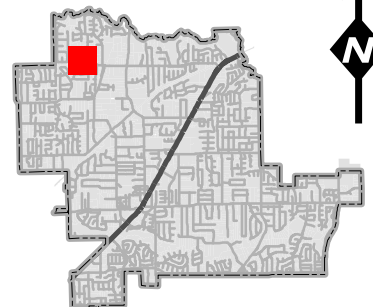
PC18-005

7209 and 7215 John McCain Road

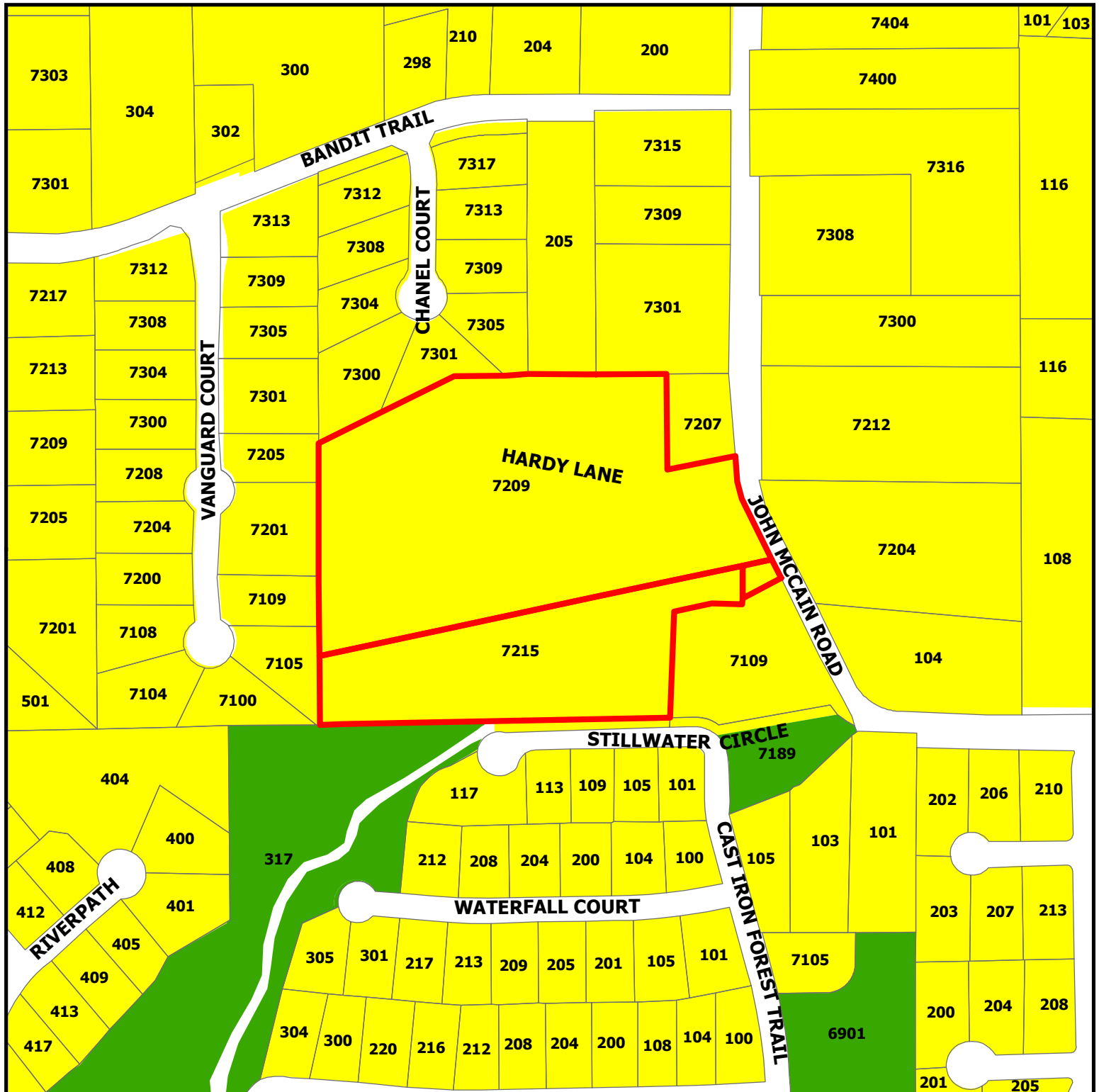


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 Subject Property



Future Land Use Map

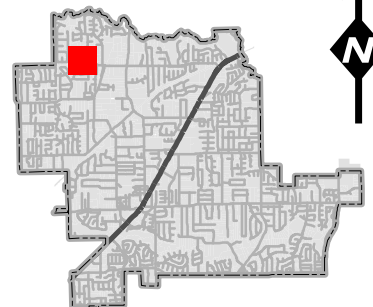


PC18-005

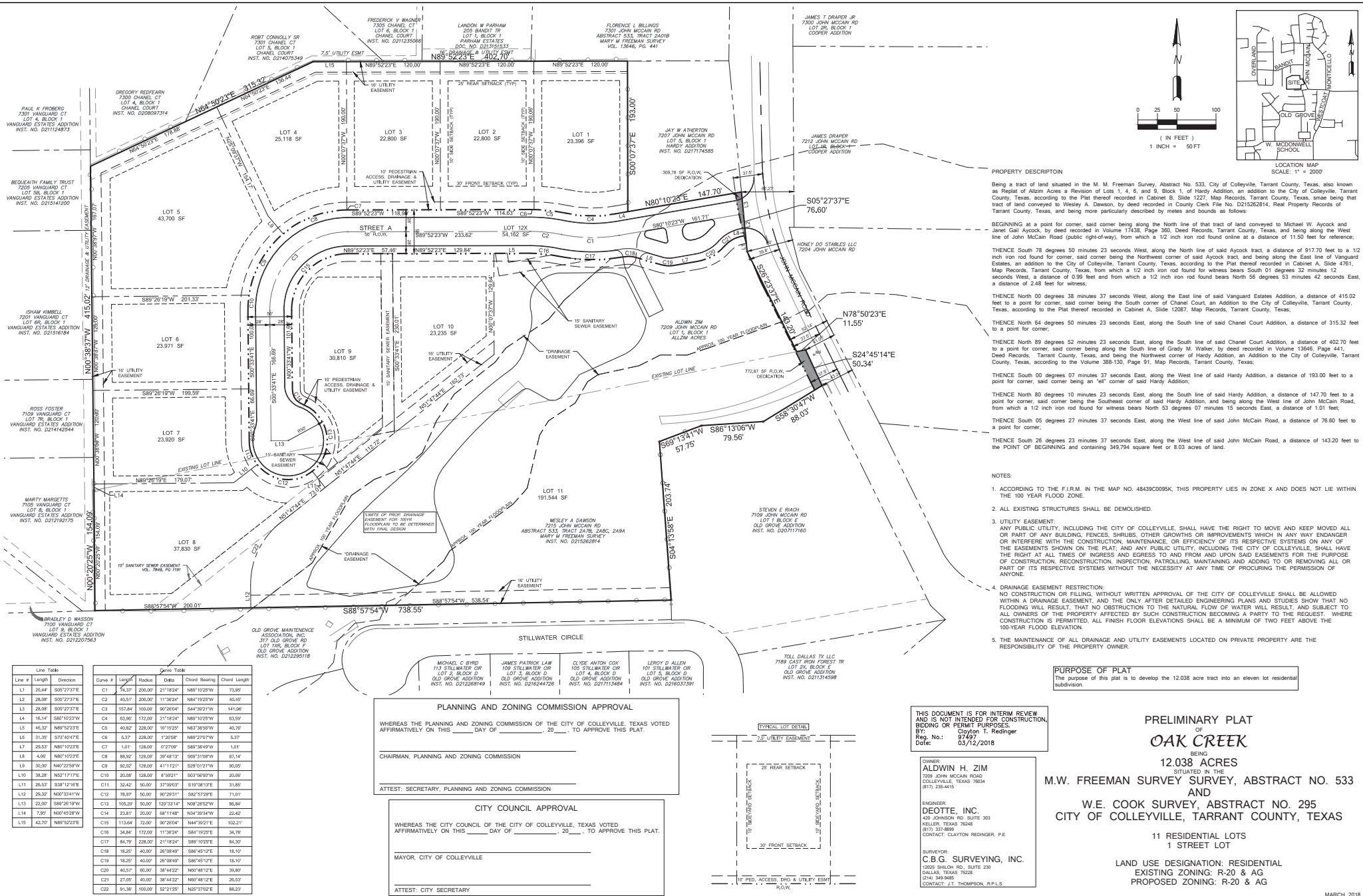
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- Subject Property
- Residential
- Open Space; Parks



Plat Exhibit



PROPERTY DESCRIPTION
Being a tract of land situated in the M. M. Freeman Survey, Abstract No. 533, City of Colleyville, Tarrant County, Texas, also known as Replat of Altiz Acres a Revision of Lots 1, 4, 6, and 9, Block 1, of Hardy Addition, an addition to the City of Colleyville, Tarrant County, Texas, according to the Plat thereof recorded in Cabinet E, Slide 1227, Map Records, Tarrant County, Texas, same being that tract of land conveyed to Wesley A. Dawson, by deed recorded in County Clerk File No. D21528214, Real Property Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING At a point for corner, said corner being along the North line of that tract of land conveyed to Michael W. Aycock and Janet Gail Aycock, by deed recorded in Volume 17438, Page 360, Deed Records, Tarrant County, Texas, and being along the West line of John McCain Road (public right-of-way), from which a 1/2 inch iron rod found on line at a distance of 11.50 feet for reference. The section North 78 degrees 50 minutes 23 seconds West, along the North line of said Aycock tract, a distance of 917.70 feet to a 1/2 inch iron rod found for corner, said corner being the Northwest corner of said Aycock tract, and being along the East line of Vanguard Estates, an addition to the City of Colleyville, Tarrant County, Texas, according to the Plat thereof recorded in Cabinet A, Slide 4761, Map Records, Tarrant County, Texas, from which a 1/2 inch iron rod found for witness bears South 01 degrees 32 minutes 12 seconds West, a distance of 0.99 feet and from which a 1/2 inch iron rod found bears North 56 degrees 53 minutes 42 seconds East, a distance of 2.48 feet for witness;

THENCE North 00 degrees 38 minutes 37 seconds West, along the East line of said Vanguard Estates Addition, a distance of 415.02 feet to a point for corner, said corner being the South corner of Chapel Court, an Addition to the City of Colleyville, Tarrant County, Texas, according to the Plat thereof recorded in Cabinet A, Slide 12087, Map Records, Tarrant County, Texas;

THENCE North 64 degrees 50 minutes 23 seconds East, along the South line of said Chapel Court Addition, a distance of 315.32 feet to a point for corner;

THENCE North 89 degrees 52 minutes 23 seconds East, along the South line of said Chapel Court Addition, a distance of 402.70 feet to a point for corner, said corner being along the South line of Grady M. Walker, by deed recorded in Volume 13645, Page 441, Deed Records, Tarrant County, Texas, and being the Northwest corner of Hardy Addition, an Addition to the City of Colleyville, Tarrant County, Texas, according to the Volume 388-130, Page 91, Map Records, Tarrant County, Texas;

THENCE South 00 degrees 07 minutes 37 seconds East, along the West line of said Hardy Addition, a distance of 193.00 feet to a point for corner, said corner being an "el" corner of said Hardy Addition;

THENCE North 80 degrees 10 minutes 23 seconds East, along the South line of said Hardy Addition, a distance of 147.70 feet to a point for corner, said corner being the Southeast corner of said Hardy Addition, and being along the West line of John McCain Road, from which a 1/2 inch iron rod found for witness bears North 53 degrees 07 minutes 15 seconds East, a distance of 1.01 feet;

THENCE South 05 degrees 27 minutes 37 seconds East, along the West line of said John McCain Road, a distance of 76.60 feet to a point for corner;

THENCE South 26 degrees 23 minutes 37 seconds East, along the West line of said John McCain Road, a distance of 143.20 feet to the POINT OF BEGINNING and containing 349,794 square feet or 8.03 acres of land.

- NOTES:**
1. ACCORDING TO THE F.I.R.M. IN THE MAP NO. 48439C0095K, THIS PROPERTY LIES IN ZONE X AND DOES NOT LIE WITHIN THE 100 YEAR FLOOD ZONE.
 2. ALL EXISTING STRUCTURES SHALL BE DEMOLISHED.
 3. **UTILITY EASEMENT:**
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 GROUNDS 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.
 4. **DRAINAGE EASEMENT RESTRICTION:**
NO CONSTRUCTION OR FILLING, WITHOUT WRITTEN APPROVAL OF THE CITY OF COLLEYVILLE SHALL BE ALLOWED WITHIN A DRAINAGE EASEMENT, AND THE 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 FINISH FLOOR ELEVATIONS SHALL BE A MINIMUM OF TWO FEET ABOVE THE 100-YEAR FLOOD ELEVATION.
 5. THE MAINTENANCE OF ALL DRAINAGE AND UTILITY EASEMENTS LOCATED ON PRIVATE PROPERTY ARE THE RESPONSIBILITY OF THE PROPERTY OWNER.

PURPOSE OF PLAT
The purpose of this plat is to develop the 12.038 acre tract into an eleven lot residential subdivision.

Line Table			Curve Table				
Line #	Length	Direction	Curve #	Length	Radius	Delta	Chord Bearing
L1	26.44	S05°17'37"E	C1	74.37	206.00	21°18'24"	N88°10'25"W
L2	26.59	S05°27'37"E	C2	40.51	206.00	11°36'24"	N84°19'25"W
L3	26.68	S05°27'37"E	C3	157.84	109.00	90°26'04"	S44°39'13"W
L4	16.34	S80°10'23"W	C4	63.99	172.00	21°18'24"	N88°10'25"W
L5	46.32	N80°10'23"E	C5	40.82	226.00	10°10'23"	N80°10'23"E
L6	31.30	S77°40'47"E	C6	5.37	228.00	1°20'56"	N80°27'07"W
L7	26.53	N80°10'23"E	C7	1.01	128.00	0°27'00"	S80°38'49"W
L8	4.89	N80°10'23"E	C8	88.92	128.00	30°48'13"	S60°31'09"W
L9	30.00	N80°22'59"W	C9	82.02	128.00	41°11'21"	S20°01'01"W
L10	38.28	N02°17'17"E	C10	20.08	128.00	8°19'21"	S00°56'00"W
L11	26.53	S38°12'16"E	C11	32.42	90.00	37°09'03"	S10°08'12"E
L12	26.52	N00°33'14"W	C12	78.97	90.00	90°29'31"	S82°57'20"E
L13	22.00	S80°30'19"W	C13	109.28	90.00	109°33'14"	N00°28'52"W
L14	7.99	N00°00'00"W	C14	23.81	90.00	90°11'48"	N00°00'00"W
L15	42.70	N80°10'23"E	C15	113.64	12.00	90°26'04"	N44°39'13"E
			C16	34.84	172.00	11°36'24"	S84°19'25"W
			C17	84.79	228.00	21°18'24"	S80°10'23"E
			C18	18.25	40.00	25°08'49"	S86°45'12"E
			C19	18.25	40.00	25°08'49"	S86°45'12"E
			C20	40.57	60.00	38°44'22"	N00°48'12"E
			C21	27.05	40.00	38°44'22"	N00°48'12"E
			C22	91.38	109.00	92°21'25"	N25°07'02"E

PLANNING AND ZONING COMMISSION APPROVAL

WHEREAS THE PLANNING AND ZONING COMMISSION OF THE CITY OF COLLEYVILLE, TEXAS VOTED AFFIRMATIVELY ON THIS _____ DAY OF _____, 20____, TO APPROVE THIS PLAT.

CHAIRMAN, PLANNING AND ZONING COMMISSION

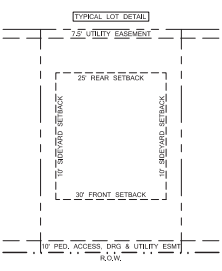
ATTEST: SECRETARY, PLANNING AND ZONING COMMISSION

CITY COUNCIL APPROVAL

WHEREAS THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS VOTED AFFIRMATIVELY ON THIS _____ DAY OF _____, 20____, TO APPROVE THIS PLAT.

MAYOR, CITY OF COLLEYVILLE

ATTEST: CITY SECRETARY



THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.

BY: Clayton T. Redinger
Rep. No.: 57447
Date: 03/12/2018

OWNER:
ALDWIN H. ZIM
7209 JOHN MCCAIN RD
COLLEYVILLE, TEXAS 76034
(817) 235-4515

ENGINEER:
DEOTTE, INC.
420 JOHNSON RD, SUITE 303
MILLER, TEXAS 76248
(817) 337-8889
CONTACT: CLAYTON REDINGER, P.E.

SURVEYOR:
C.B.G. SURVEYING, INC.
420 JOHNSON RD, SUITE 220
DALLAS, TEXAS 75228
(214) 345-9800
CONTACT: J.T. THOMPSON, R.P.L.S.

PRELIMINARY PLAT
OF
OAK CREEK
BEING
12.038 ACRES
SITUATED IN THE
M.W. FREEMAN SURVEY SURVEY, ABSTRACT NO. 533
AND
W.E. COOK SURVEY, ABSTRACT NO. 295
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS

11 RESIDENTIAL LOTS
1 STREET LOT

LAND USE DESIGNATION: RESIDENTIAL
EXISTING ZONING: R-20 & AG
PROPOSED ZONING: R-20 & AG

MARCH 2018

Tree Survey



DEOTTE, INC.
CIVIL ENGINEERING, SURVEYING & LAND
10000 N. MONTICELLO, SUITE 100
DALLAS, TEXAS 75243
PHONE: (214) 343-1000
FAX: (214) 343-1001
WWW.DEOTTEINC.COM
CONTACT: WENDY DAVISON

TREE SURVEY
OAK CREEK
COLLEVILLE, TX

BENCHMARKS:

BM1	780
LEV. =	780
BM2	780
LEV. =	780

▲

▲

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AND IS NOT INTENDED FOR CONSTRUCTION,
BIDDING OR PERMIT PURPOSES.
Res. No.: 97497
Date: 4/22/2018

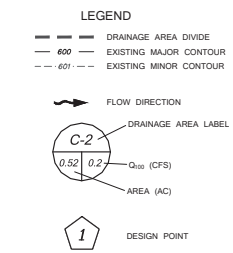
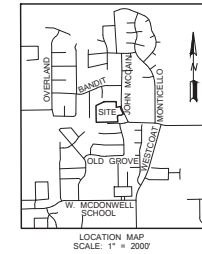
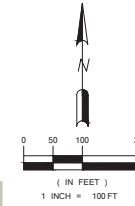
Printed by: Clayton Redinger
Apr. 22, 2018 - 11:00am

DOI No. 201810100

Drainage Plan

DESIGN POINT	AREA DESIGNATION	AREA (ACRES)	RUNOFF COEFF. (EXIST/PROP)	TIME OF CONC. (MIN)	I(2) (IN/HR)	Q2 (EX) (CFS)	Q2 (PR) (CFS)	I(5) (IN/HR)	Q5 (EX) (CFS)	Q5 (PR) (CFS)	I(10) (IN/HR)	Q10 (EX) (CFS)	Q10 (PR) (CFS)	I(25) (IN/HR)	Q25 (EX) (CFS)	Q25 (PR) (CFS)	I(100) (IN/HR)	Q100 (EX) (CFS)	Q100 (PR) (CFS)
-	OS-1	3.1	0.60	0.60	15	3.90	7	4.86	9	9	5.53	10	10	6.46	12	12	7.98	15	15
-	A-1	3.5	0.36	0.6	15	3.90	5	4.86	6	10	5.53	7	12	6.46	8	14	7.98	10	17
-	A-2	4.9	0.375	0.6	15	3.90	7	4.86	9	14	5.53	10	16	6.46	12	19	7.98	15	23
-	A-3	3.4	0.3	0.6	15	3.90	4	4.86	5	10	5.53	6	11	6.46	7	13	7.98	8	16
-	A-4	3.2	0.4	0.6	15	3.90	5	4.86	6	9	5.53	7	11	6.46	8	12	7.98	10	15
1	See hydrology																		
2		4.9	0.375	0.6	15	3.90	7	4.86	9	14	5.53	10	16	6.46	12	19	7.98	15	23
3		3.2	0.4	0.6	15	3.90	5	4.86	6	9	5.53	7	11	6.46	8	12	7.98	10	15

Existing area A-1 is 20% developed; A-2 is 25%; A-3 is 0%; A-4 is 33%



	4%	2%	1%	0.20%
EXISTING	356.2	527.6	638.1	1007.7
POST-PROJ	392.8	526.8	637.9	1003.4
DELTA	-3.4	-0.8	-0.2	-5.8

HALF ASSOCIATES, INC. HEC-HMS MODEL DATA OBTAINED THROUGH CITY OF COLLEYVILLE. EXISTING CONDITION CALCULATED ASSUMING OPEN SPACE AND PERMANENT WATER. POST-PROJECT CONDITION CALCULATED ACCORDING TO ORIGINAL TSON PARAMETERS. FINAL DRAINAGE CONFIGURATION MAY VARY SLIGHTLY DURING FINAL CONSTRUCTION PROJECT DESIGN.

DEOTTE, INC.
CIVIL ENGINEERING ARCHITECTURE LANDSCAPE ARCHITECTURE
10000 W. McCarroll Rd., Suite 100
Dallas, Texas 75241
Tel: (214) 343-1100
Fax: (214) 343-1101
www.deotte.com
PREPARED FOR: HALF ASSOCIATES, INC.
10000 W. McCarroll Rd., Suite 100
Dallas, Texas 75241
CONTACT: WES DAVISON

PRELIMINARY DRAINAGE ANALYSIS
OAK CREEK
COLLEYVILLE, TX

BENCHMARKS:

BM1	100	100
BM2	100	100
BM3	100	100

CLV = 100

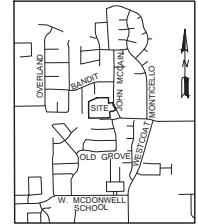
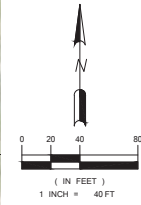
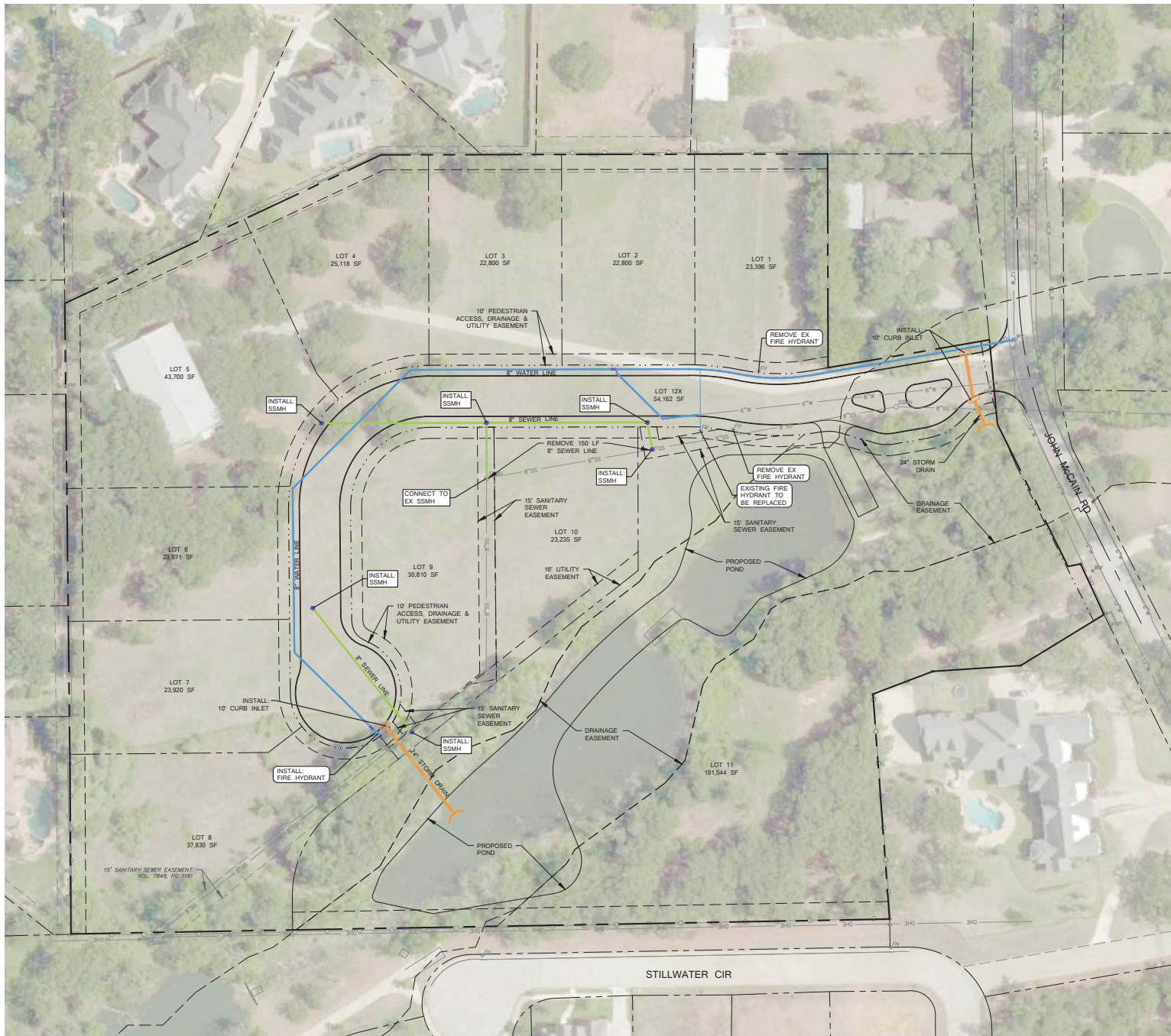
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Res. No.: 97497
Date: 4/22/2018

Printed by: Clayton Redinger
Apr 22, 2018 - 10:57am

DOI No. 201810100 - OAK CREEK - PRELIMINARY PLAT - COLLEYVILLE, TX

2

Utility Plan



LEGEND

- 8" WATER LINE
 8" SANITARY SEWER LINE
 STORM DRAIN LINE

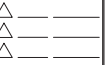
NOTES:

1. FINAL CALCULATIONS TO BE PROVIDED WITH FINAL ENGINEERING PLANS.
2. FINAL ENGINEERING REVIEW AND COORDINATION MAY RESULT IN SOME MINOR ADJUSTMENTS TO THIS PLAN.
3. ALL PUBLIC UTILITY CONSTRUCTION SHALL COMPLY WITH NCTCOG SPECIFICATIONS (LATEST EDITION) AS AMENDED BY THE CITY OF COLLEEVILLE.
4. VALVES SHALL BE PLACED AT ALL WATERLINE INTERSECTIONS AND SUFFICIENT TO PROPERLY ISOLATE HYDRANTS.
5. WATER LINES SHALL BE 8" ANNUA-C200 WATER PIPE OR APPROVED EQUIV.
6. FIRE HYDRANTS AT CUL-DE-SACS SHOULD ALIGN WITH COMMON PROPERTY LINES.
7. ALL WATER LINE STUBS MUST HAVE 2 JOINTS OF PIPE PAST THE VALVE WITH A 2" BLOW OFF PER CITY STANDARDS.
8. MINIMUM SIZE FOR SANITARY SEWER IS 8".
9. SANITARY SEWER SERVICE LINES SHALL CONNECT TO PUBLIC SANITARY SEWER SYSTEM SUBJECT TO CITY STANDARDS.

BENCHMARKS:

M1
TD
EV = TBD

M2
TD
EV = TBD



THIS DOCUMENT IS FOR INTERIM REVIEW
AND IS NOT INTENDED FOR CONSTRUCTION,
BIDDING OR PERMIT PURPOSES.
BY: Clayton T. Readinger
Reg. No.: 97497
Date: 4/02/2018

Printed by
ClaytonRedinger
Apr 02, 2018 - 11:23am

DOI No. 201810100

RESOLUTION R-18-4275

A RESOLUTION APPROVING A PRELIMINARY PLAT FOR THE OAK CREEK ADDITION

WHEREAS, the Planning and Zoning Commission recommended approval of the Preliminary Plat for the Oak Creek Addition on May 14, 2018.

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

- Sec. 1. THAT the Preliminary Plat for Oak Creek Addition on approximately 12.038 acres, attached as Exhibit "A" - Plat Exhibit, is hereby approved with the following conditions:
1. A 30-foot landscape preservation/conservation easement shall be provided along the western and northern boundary lines on the Final Plat.
 2. THAT any final plat filed for the Subject Property, or any portion thereof, shall contain a note describing the landscape preservation/conservation easement which shall be in conformance with all applicable landscape regulations, tree preservation regulations, and any other conditions required by the City Manager to ensure the landscape buffer within the landscape preservation/conservation easement will be developed, maintained, and preserved in a manner that will ensure preservation of existing trees along adjacent properties are adequately buffered from any light and noise originating from the Subject Property as a result of the subdivision of the Subject Property.
 3. The foregoing tree preservation regulations shall include, at a minimum, a requirement that any tree removed from within the landscape easement shall be replaced with one or more trees sufficient to ensure the same number of caliper inches removed are replaced within the landscape preservation/conservation easement, or in a City park, or in a City right-of-way, at the discretion of the City Manager. Removal of trees shall be limited to those deemed "dead", "dying" or a "public safety concern" by the City arborist.

AND IT IS SO RESOLVED.

TABLED JUNE 19TH 2018.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS
THE 2ND DAY OF JULY 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

[illegible]



City of Colleyville City Council Agenda Briefing

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

Agenda Number 10

Agenda Date 07/02/2018

Number

Type Report

Department City Secretary

Title

Library Advisory Board Minutes - April 9, 2018

Attachments

1. Library Board Minutes - April 19, 2018



City of Colleyville

Colleyville Library Board

MINUTES

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

Monday, April 9, 2018
6:00 p.m.

Colleyville Public Library
110 Main Street

1. CALL TO ORDER

Chair Molly Skinner called the meeting of the Colleyville Library Board to order at 6:05 p.m.

Present Board members: Chairperson Molly Skinner, Kay Newton, Gary McPherson, Billie Tuttle, Merry Graves, Seanna Billinger, Cecilia Sublette, Mike Sexton, Ex-Officio Joan Roberts; City Staff: Library Director Mary Rodne, Library Community Events Coordinator Kristi Isbell

Absent Board members: Pat Jones

2. APPROVAL OF MINUTES

February 12, 2018

A motion was made by Joan Roberts and seconded by Kay Newton to approve the February 12, 2018 minutes. The motion was approved unanimously.

3. REGULAR AGENDA ITEMS

3a Overview of the 2018 Summer Reading Program

Director Mary Rodne provided an update on the 2018 Summer Reading Program logo, prize room décor, balloon décor, and additional balcony features. Rodne further provided an update on Library story time programming and brochure.

3b Update on Library Spatial Reconfiguration Project

Rodne reminded the Board that all components of the Library renovation would need to follow a formal bid process and that Hidell Associates Architects would finalize the documents and follow the City's posting and timing requirements. Rodne stated that the goal would be to have the documents posted in May and the project completed in, or near, October 2018.

3c Discussion of Items for Future Agendas

The next regularly scheduled meeting was tentatively set for Monday, June 11, 2018.

4. REPORTS

4a Librarian's Report

A. Monthly Statistics:

Director Rodne provided an overview of the statistics for the months of February through March 2018. Discussion ensued and Rodne was asked to provide new board members with information on the various funding sources of the Library. Rodne provided an overview of the materials and programming budget and their respective funding from the City of Colleyville's general fund and the Library and Recreation Voluntary Fund.

B. Donations:

Rodne stated that the Library did not receive any monetary donations February through March, 2018.

C. Library Programs:

Rodne described some of the STEM (Science, Technology, Engineering, and Math) items on display at the recent Texas Library Association conference and that this feature would be included in the youth services component of the Library Renovation Project. Rodne explained that the Colleyville Woman's Club recently awarded the Library a \$5,000.00 grant to purchase circulating STEM kits for patrons and additional STEM kits to be used in the Library.

Rodne stated that Winter Reading Program concluded and was well received by the children. Rodne described the Pete the Cat prizes given to the children for attending programs and checking out books and the grand prizes given as a prize drawing.

4b Friends of the Colleyville Public Library Report

Joan Roberts reported that the Friends have been assessing all of the Library's withdrawn books to determine how to get funding for the items. Roberts stated that the Friends' annual book sale (featuring many of the withdrawn items, general donations, and a donation from Barnes & Noble) was scheduled for Saturday, May 8.

4c Colleyville Public Library Foundation Report

Director Mary Rodne reported that the Foundation's next meeting was scheduled for May 14.

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

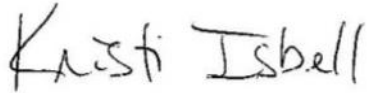
There were no citizen comments/presentations regarding items not on the agenda.

6. ADJOURNMENT

A motion was made by Kay Newton and seconded by Joan Roberts to adjourn the meeting of the Colleyville Library Board at 6:28 p.m. The motion was approved unanimously.

APPROVED BY A VOTE OF 6 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 11th DAY OF June, 2018.

Minutes taken and prepared by:

A handwritten signature in dark ink that reads "Kristi Isbell". The signature is written in a cursive, slightly informal style.

Kristi Isbell
Library Community Events Coordinator

RESOLUTION R-18-4283

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF
JULY 2, 2018**

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:

a. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _ AYES, _ NAYS AND _ ABSTENTIONS ON THIS THE 2ND DAY OF JULY 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor