



**CITY OF THE COLONY  
CITY COUNCIL MEETING AGENDA  
TUESDAY, JANUARY 5, 2016  
6:30 PM**

**TO ALL INTERESTED PERSONS:**

Notice is hereby given of a **REGULAR SESSION** of the **CITY COUNCIL** of the City of The Colony, Texas to be held at **6:30 PM** on **Tuesday, January 5, 2016** at **CITY HALL, 6800 MAIN STREET, THE COLONY, TEXAS**, at which time the following items will be addressed:

**1.0. ROUTINE ANNOUNCEMENTS, RECOGNITIONS AND PROCLAMATIONS**

- 1.1. Call to Order
- 1.2. Invocation
- 1.3. Pledge of Allegiance to the United States Flag
- 1.4. Salute to the Texas Flag
- 1.5. Introduction of New Shelter Manager and Animal Control Board Members (Councilmember Terre)
- 1.6. Items of Community Interest
  - 1.6.1 Presentation from the Library Director regarding current and upcoming programs, events, and service improvements (Library, Sveinsson)
- 2.0. WORK SESSION** - The Work Session is for the purpose of exchanging information regarding public business or policy. No action is taken on Work Session items. Citizen input will not be heard during this portion of the agenda.
  - 2.1. Discuss possible locations for the Metro Relief Community Garden (General Admin, Perez)
  - 2.2. Discuss and provide direction to staff regarding the revisions to the solicitors ordinance (Police, Coulon)
  - 2.3. Discuss and provide direction to staff regarding a possible ordinance relating to cell phone use while driving (General Admin, Shallenburger)
  - 2.4. Council to provide direction to staff regarding future agenda items (Council)

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<sup>1</sup> These items are strictly public service announcements. Expressions of thanks, congratulations or condolences; information regarding holiday schedules; honorary recognition of city officials, employees or other citizens; reminders about upcoming events sponsored by the City or other entity that are scheduled to be attended by a city official or city employee. No action will be taken and no direction will be given regarding these items.

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**CITIZEN INPUT**

3. CITIZEN INPUT - This portion of the meeting is to allow up to five (5) minutes per speaker with a maximum of thirty (30) minutes for items not posted on the current agenda. The council may not discuss these items, but may respond with factual data or policy information, or place the item on a future agenda. Those wishing to speak shall submit a Request Form to the City Secretary.

**4.0. CONSENT AGENDA** - The Consent Agenda contains items which are routine in nature and will be acted upon in one motion. Items may be removed from this agenda for separate discussion by a Council member.

4.1. Consider approving city council meeting minutes for December 15, 2015 (City Secretary, Wilson)

4.2. Consider ratifying Denton County's appointments to Places 8 and 9 of the Tax Increment Reinvestment Zone Number One Board of Directors for 2016-17 (Council)

4.3. Consider approving a resolution authorizing the city manager to execute a contract amendment with Halff Associates, Inc. for review of Development Construction Plans (Engineering, Scruggs)

4.4. Consider approving a resolution authorizing the city manager to execute an engineering services contract with Kimley-Horn and Associates, Inc. for the purpose of updating the Roadway Impact Fee Study, and approve an ordinance amending the 2015-16 Roadway Impact Fees budget (Engineering, Scruggs)

4.5. Consider approving a resolution authorizing the city manager to execute an engineering services contract with Kimley-Horn and Associates, Inc. for the purpose of updating the Drainage Impact Fee Study, and approve an ordinance amending the 2015-16 Drainage Impact Fee budget (Engineering, Scruggs)

**5.0. REGULAR AGENDA ITEMS**

5.1. Discuss and consider an ordinance approving a Development Plan for Austin Waters Amenity Center. A 2,225 square foot facility with associated open spaces, located on 2600 Barton Creek Boulevard within Austin Waters subdivision, in Austin Ranch Planned Development (PD-22) zoning district (Development Services, Joyce)

5.2. Discuss and consider approving an ordinance amending the Code of Ordinances, Chapter 18, Section 18-24(10) entitled "Construction and Maintenance," to require the burying of wires and cables in public right-of-ways within ten (10) days (Development Services, Joyce)

5.3. Conduct a public hearing, discuss and consider an ordinance amending the Code of Ordinances, Appendix A, Section 10B-1100, entitled "Standards for Swimming Pools

and Hot Tubs,” by adding a new subsection (i) to address the demolition of swimming pools and hot tubs (General Admin, Perez)

5.4 Discuss and consider approving a city council meeting schedule for 2016 (City Council)

**6.0. EXECUTIVE SESSION**

6.1. A. Council shall convene into a closed executive session pursuant to Section 551.071 of the TEXAS GOVERNMENT CODE to seek legal advice from the city attorney regarding a contract with Atlantic Hotels.

B. Council shall convene into a closed executive session pursuant to Section 551.071 of the TEXAS GOVERNMENT CODE to consult with the city attorney regarding an agreement with the Texas Department of Transportation (TxDOT) and the City of The Colony concerning construction of utilities on FM 423.

C. Council shall convene into a closed executive session pursuant to Section 551.071 of the TEXAS GOVERNMENT CODE to consult with the city attorney regarding magistration of prisoners, setting of bonds, and personal recognizance bond issues.

Pursuant to the Texas Open Meeting Act, Government Code Chapter 551 one or more of the above items may be considered in executive session closed to the public, including but not limited to consultation with attorney pursuant to Texas Government Code Section 551.071 arising out of the attorney’s ethical duty to advise the city concerning legal issues arising from an agenda item. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session.

**ADJOURNMENT**

Persons with disabilities who plan to attend this meeting who may need auxiliary aids such as interpreters for persons who are deaf or hearing impaired, readers or, large print are requested to contact the City Secretary’s Office, at 972-624-3105 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

**CERTIFICATION**

I hereby certify that above notice of meeting was posted outside the front door of City Hall by 5:00 p.m. on the 31<sup>st</sup> day of December, 2015.



*Christie Wilson*  
Christie Wilson, TRMC, City Secretary

**TO:** Mayor, City Council, and City Manager

**DATE SUBMITTED:** December 30, 2015

**MEETING DATE:** 1/5/2016

**SUMMARY OF REQUEST:** Introduction of New Shelter Manager and Animal Control Board Members (Councilmember Terre)

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**Background:**

**Purpose:**

**Issues:**

**Alternatives:**

**Recommendations:**

**Attachments:**

**TO:** Mayor, City Council, and City Manager

**DATE SUBMITTED:** December 30, 2015

**MEETING DATE:** 1/5/2016

**SUMMARY OF REQUEST:** Presentation from the Library Director regarding current and upcoming programs, events, and service improvements (Library, Sveinsson)

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**Background:**

**Purpose:**

**Issues:**

**Alternatives:**

**Recommendations:**

**Attachments:**

**TO:** Mayor, City Council, and City Manager

**DATE SUBMITTED:** December 30, 2015

**MEETING DATE:** 1/5/2016

**SUMMARY OF REQUEST:** Discuss possible locations for the Metro Relief Community Garden (General Admin, Perez)

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**Background:**

**Purpose:**

**Issues:**

**Alternatives:**

**Recommendations:**

**Attachments:**

**TO:** Mayor, City Council, and City Manager

**DATE SUBMITTED:** December 30, 2015

**MEETING DATE:** 1/5/2016

**SUMMARY OF REQUEST:** Discuss and provide direction to staff regarding the revisions to the solicitor ordinance (Police, Coulon)

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**Background:**

**Purpose:**

**Issues:**

**Alternatives:**

**Recommendations:**

**Attachments:**

Suggestions are highlighted

**CITY OF THE COLONY, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING THE CODE OF ORDINANCES BY REPEALING IN ITS ENTIRETY CHAPTER 15, SECTIONS 15-1 TO 15-12, ENTITLED "PEDDLERS AND SOLICITORS," AND REPLACING IT WITH A NEW CHAPTER 15, SECTIONS 15-1 TO 15-12, ENTITLED "PEDDLERS AND SOLICITORS," BY REQUIRING A LICENSE TO ENGAGE IN SOLICITATIONS; PROVIDING EXCEPTIONS TO THE LICENSE REQUIREMENTS; PROVIDING FOR THE INVESTIGATION AND REVIEW OF APPLICATIONS FOR A LICENSE; PROHIBITING CERTAIN HOURS OF OPERATION; PROHIBITING SOLICITATIONS ON CERTAIN HOLIDAYS; REQUIRING THE CARRYING OF THE LICENSE TO SOLICIT; PROVIDING FOR THE REVOCATION OF A LICENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of The Colony, Texas, has discussed and considered such revisions and has determined that it is in the best interest of the City to amend the current Chapter 15, Sections 15-1 to 15-12, to address solicitations within the City of The Colony, Texas, in accordance with law; and

**WHEREAS**, the City Council of the City of The Colony, Texas, has determined that the following regulation is necessary in order to protect public health, safety, and welfare of the citizens of the City of The Colony, Texas.

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

**SECTION 1.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2.** That the Code of Ordinances of the City of The Colony, Texas be, and the same is, hereby amended by repealing Chapter 15, Sections 15-1 to 15-12, entitled "Peddlers and Solicitors," in its entirety and replacing it with a new Chapter 15, Sections 15-1 to 15-12, entitled "Peddlers and Solicitors," which shall read as follows:

**"Chapter 15. PEDDLERS AND SOLICITORS**

**Sec. 15-1. - Definitions.**

As used in this chapter, the following terms shall have the respective meanings ascribed to them:

*Chief of police:* The chief of police of the city or his designee.

*City-based organization:* Any group maintaining an organizational structure within the city, and which may be either registered with the state as a certified nonprofit organization or nationally chartered as a service or professional organization and which is working for the betterment of the entire city.

*Canvasser:* Any person who attempts to make personal contact with a person at a residence without a prior specific invitation or appointment from the resident for the purpose of attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against the cause.

**Comment [DC1]:** Added definition for canvasser to differentiate solicitors and those political activities.

*Commerce:* Soliciting, selling or taking orders for or offering to take orders for, any goods, wares, merchandise or other personal property or services.

**Comment [DC2]:** Current version excludes local businesses. Local businesses will still not be charged but will have a license.

*Itinerant vendor:* Any person in person or by agents, servants and employees, who or which engages in the temporary or transient business of selling, exhibiting or offering for sale in the city, any goods, wares, merchandise, services, photographs, produce or other personal property, or offers for sale or exhibits the same for sale, or exhibits the same for the purpose of taking orders or subscriptions for the sale thereof.

*Local youth organization:* Any participant in a local youth organization that operates within the city limits of The Colony. This includes local school sports and academic teams and organizations such as girl and boy scouts, or similar organizations.

**Comment [DC3]:** Added definition so we can exclude them from the need for a license.

*Nonprofit organization:* Any organization which is either registered with the state as a certified nonprofit organization or nationally chartered as a service or professional organization and which is working for the betterment of the entire city.

*Peddler, solicitor and itinerant vendor:* Any person engaged in the soliciting, selling or taking orders for, or offering to take orders for, any goods, wares, merchandise or other personal property or services, including but not limited to, produce and photographs, in the city.

*Solicit funds or solicitation of funds:* Any request for money, property or anything of value; or the pledge of future money, property or anything of value; or the selling or offering for sale of any property, real or personal tangible or intangible, whether of value or not, including, but not limited to, goods, books, pamphlets, tickets, publications or subscriptions, or for any paid service. Soliciting includes the posting of any handbills for such goods or services.

**Comment [DC4]:** Currently those who go door to door and post flyers do not have to obtain a license or go through any background check.

*Temporary business:* Any business transacted or conducted in the city in, upon, through or from any private premises or space upon any private property for which no definite arrangement for legal right of occupancy thereof, for the purpose of conducting such business therein or thereon for a period of at least one month, has been made in advance of such use and occupancy.

*Transient business:* The business of an itinerant vendor as may be operated or conducted by any person, or his agents, servants or employees, who resides or is domiciled away from the city

or who has a fixed place of business or business headquarters outside of the city, or who moves stocks of goods, wares, merchandise or other personal property or samples thereof into the city with the purpose or intention of removing them or the unsold portion thereof away from the city before the expiration of six months.

**Sec. 15-2. Registration—Engaging in commerce; required; information.**

It shall be unlawful for persons engaged in commerce to go from house to house or place to place in the city soliciting, selling or taking orders for, or offering to take orders for any goods, wares, merchandise, or other personal property or services, without first having registered with the chief of police. Each person so registering shall give the following information:

- (1) The name, home address and local address and local address, if any, of the registrant.
- (2) Home address of all addresses lived in the past twelve (12) months.
- (3) The name and address of the person, if any, whom the registrant represents or for whom or through whom orders are to be solicited or cleared.
- (4) The nature of the articles or things which are sold or for which orders are to be solicited.
- (5) Whether the registrant, upon the sale or order, shall demand, receive or accept payment or deposit of money in advance of final delivery.
- (6) The period of time during which the registrant wishes to solicit or sell in the city.

**Sec. 15-3. - Same—Identity of registrant.**

At the time of registration as provided for above, the registrant shall furnish the chief of police written proof, under oath, of such person's identity, verified by the person for whom or through whom orders are to be solicited or cleared.

**Sec. 15-4. - Same—Charitable organizations, salespersons, etc.**

It shall be the duty of all charitable organizations and their representatives, commercial agents dealing with local business establishments in the usual course of business, insurance salespersons, real estate salespersons and or others licensed by the state to follow the same registration procedures as outlined above for persons engaged in interstate commerce.

**Sec. 15-5. - License—Required; exception.**

- (a) It shall be unlawful for any person not engaged in commerce, and not within the provisions of section 15-4, to pursue the occupation of a peddler, solicitor or itinerant vendor of goods, wares, merchandise, produce, photographs or other personal property in the city, or for any such person to go from house to house, or from place to place in the city, soliciting, selling or taking orders for any goods, wares, merchandise, produce,

photographs or other personal property without first having applied for and obtained a license to do so from the chief of police.

(b) Local youth organization members are not required to obtain a permit if they are attired in uniforms of the local youth organization or display a picture id from the local youth organization on their person.

**Comment [DC5]:** No license will be needed if they are identifiable as being a local youth organization.

(c) A canvasser is not required to obtain a permit.

#### **Sec. 15-6. - Same—Application.**

Application for a license shall be made upon forms furnished by the chief of police and shall be in writing under oath and shall set out the following:

- (1) Name of applicant, with applicant's permanent residence, and home address of all addresses lived in the past twelve (12) months.
- (2) Name and address of the person applicant represents, if any.
- (3) The kind, type and character of goods applicant will offer for sale.
- (4) Names and addresses of five (3) persons as references.
- (5) How often the applicant will solicit during the course of the year.
- (6) The names of the cities where applicant has worked in the previous thirty (30) days.
- (7) Whether or not applicant has ever been convicted of a felony, a misdemeanor involving moral turpitude, or has been arrested for any offense within the last 12 months.

**Comment [DC6]:** Add previous addresses to aid in running a background check.

#### **Sec. 15-7. - Investigation; term; fee; denial.**

- (a) It shall be the duty of the chief of police to investigate each applicant for a permit or license before issuance of such permit or license. Such permit, if granted, shall be issued after payment of fee established by resolution of the City Council.
- (b) Within ten (10) working days of the receipt of the application, the police chief shall either issue a license, as provided by this chapter, or notify the person applying that the application does not comply with the requirements of this chapter.
- (c) The application shall be accompanied by a nonrefundable license fee. An additional application and fee will be required for each person soliciting, make home solicitations and distributing commercial handbills. Such fees shall be established by resolution of the

City Council. A fee is not required for charitable solicitations, soliciting for charitable purposes or for a city based organization.

- (d) A license pursuant to this chapter shall expire at the termination of the solicitation period specified in the permit application or one hundred and eighty (180) days from the date of issuance, whichever is less.
- (e) The chief of police may refuse to issue such permit if it is found that the applicant has been convicted of a felony, or of a misdemeanor involving a crime of moral turpitude, or any arrest within the past twelve (12) months, or if any of the information furnished on the application blank is found to be false, if the applicant fails or refuses to furnish the information required, or if the type of business or goods to be sold will violate some law of this state or ordinance of the city. Any applicant who has been refused issuance of a permit or license under this section shall have the right of appeal to the city manager. The city manager's decision regarding an appeal shall be final. Any applicant who has been refused issuance of a permit or license under this section shall not be entitled to reapply for a period of six months from the date of the refusal.

**Sec. 15-8. - Carrying license, permit and photographic identification.**

It shall be unlawful for any person to engage in any activity for which a permit or license is required by this chapter without carrying such permit or license on the person while so engaged. It shall further be unlawful for any person to engage in any activity for which registration or a permit or license is required by this chapter without wearing a photographic identification badge issued by the chief of police on the person so as to be visible at all times while so engaged. A fee of \$10.00 shall be charged for every photographic identification badge issued.

**Sec. 15-9. - Revocation of license or permit.**

If after a permit or license has been issued it is found that the permit or license was obtained by false representation in the application or if any of the other grounds for refusal becomes known, the permit or license may be revoked by the chief of police. Any holder of a permit or license which is revoked shall not be entitled to reapply for a period of one (1) year from the date of the revocation.

**Sec. 15-10. - Prohibited hours of operation.**

- (a) It shall be unlawful for any person to pursue the occupation of peddler, solicitor or itinerant vendor within the city except during the time that [s within one-half (1/2) hour after sunrise and one-half (1/2) hour before sunrise.]
- (b) **It shall be unlawful for any person to participate in the direct solicitation, sale or offer for sale of any goods, wares, merchandise or other personal property or services from, or through the use of, a motor vehicle within 300 feet of a school zone during**

**Comment [DC7]:** Currently it is 9 P.M. to 9 A.M.

school zone hours. For purposes of this section, the term "direct" shall mean in person or face-to-face contact.

- (c) [It shall be unlawful for any person to pursue the occupation of peddler, solicitor or itinerant vendor at any time on New Year's Day, Memorial Day, July Fourth, Labor Day, Veteran's Day, Thanksgiving Day, or Christmas Day.]

**Comment [DC8]:** No current prohibition on holidays.

**Sec. 15-11. - Solicitation and handbill distribution.**

- (a) It shall be unlawful for any person or organization to solicit upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position, near the entrance thereof, a sign giving notice indicating in any manner, that the occupants of such premises do not desire to be solicited.

- (b) [It shall be unlawful for any person or organization to attach or attempt to attach handbills to the door or window of any residence in any manner except by the use of rubber bands. No handbills may be tacked, glued or taped to the premise of a residence.]

**Comment [DC9]:** No tape pulling finish off.

- (c) [It shall be unlawful for any person or organization to attach or place any handbill on any motor vehicle on private or public property.]

**Comment [DC10]:** This would outlaw parking lot handbill bombing.

- (d) [The name and contact phone number of the commercial handbill distributor or sponsor shall be clearly printed on each handbill or other advertisement that is distributed.]

**Comment [DC11]:** Who to complain to about the posting.

**Sec. 15-12. - Reserved.”**

**SECTION 3.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.** That all provisions of the Ordinances of the City of The Colony, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 5.** Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of The Colony, Texas, shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense. Every day a violation occurs shall constitute a separate offense.

**SECTION 6.** This Ordinance shall become effective from and after its date of passage in accordance with law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS THE \_\_\_\_\_ day of \_\_\_\_\_, 2016.**

\_\_\_\_\_  
Joe McCourry, Mayor

**ATTEST:**

\_\_\_\_\_  
Christie Wilson, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jeff Moore, City Attorney

**TO:** Mayor, City Council, and City Manager

**DATE SUBMITTED:** December 30, 2015

**MEETING DATE:** 1/5/2016

**SUMMARY OF REQUEST:** Discuss and provide direction to staff regarding a possible ordinance relating to cell phone use while driving (General Admin, Shallenburger)

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**Background:**

**Purpose:**

**Issues:**

**Alternatives:**

**Recommendations:**

**Attachments:**

**TO:** Mayor, City Council, and City Manager

**DATE SUBMITTED:** December 30, 2015

**MEETING DATE:** 1/5/2016

**SUMMARY OF REQUEST:** Council to provide direction to staff regarding future agenda items (Council)

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**Background:**

**Purpose:**

**Issues:**

**Alternatives:**

**Recommendations:**

**Attachments:**

**TO:** Mayor, City Council, and City Manager

**DATE SUBMITTED:** December 30, 2015

**MEETING DATE:** 1/5/2016

**SUMMARY OF REQUEST:** Consider approving city council meeting minutes for December 15, 2015 (City Secretary, Wilson)

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**Background:**

**Purpose:**

**Issues:**

**Alternatives:**

**Recommendations:**

**Attachments:**  
Meeting Minutes



**MINUTES OF COUNCIL REGULAR SESSION  
HELD ON  
DECEMBER 15, 2015**

**The Regular Session of the City Council of the City of The Colony, Texas, was called to order at 6:32 p.m. on the 15th day of December, 2015, at City Hall, 6800 Main Street, The Colony, Texas, with the following roll call:**

Joe McCourry	Mayor	Present
Kirk Mikulec	Councilmember	Present
Richard Boyer	Mayor Pro-Tem	Present
Brian R. Wade	Councilmember	Present (6:42 p.m.)
David Terre	Councilmember	Present
Perry Schrag	Councilmember	Present
Joel Marks	Councilmember	Present

And with six council members present a quorum was established and the following items were addressed:

**1.0. ROUTINE ANNOUNCEMENTS, RECOGNITIONS AND PROCLAMATIONS**

**Call to Order** – 6:32 p.m.

**Invocation** – Richard Boyer

**Pledge of Allegiance to the United States Flag**

**Salute to the Texas Flag**

**Announcements** – Brant Shallenburger recognized Chris Vasquez as the city’s new IT Director.

**Items of Community Interest** – Councilmember Terre recognized city employees and board members, thanking them for their hard work and commitment. Mayor McCourry announced the Light Show Spectacular was still going on for the next few weeks and asked the community to come out and enjoy the experience.

**2.0. WORK SESSION** - The Work Session is for the purpose of exchanging information regarding public business or policy. No action is taken on Work Session items. Citizen input will not be heard during this portion of the agenda.

**2.1. Discuss and make appointments to Council committees and appoint liaisons to the various Council appointed boards (Council)**

Council briefly discussed this item. Mayor McCourry stated all members have been re-appointed for another term on each committee.

**2.2. Council to provide direction to staff regarding future agenda items (Council)**

Councilmember Marks provided information to council on emails received regarding street construction in his district. He assured citizens that not only in District 6, but throughout the city their concerns for street construction will be addressed. City

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<sup>1</sup> These items are strictly public service announcements. Expressions of thanks, congratulations or condolences; information regarding holiday schedules; honorary recognition of city officials, employees or other citizens; reminders about upcoming events sponsored by the City or other entity that are scheduled to be attended by a city official or city employee. No action will be taken and no direction will be given regarding these items.

Manager Troy Powell stated that staff has visited those concerned areas and the necessary steps have been taken concerning their request.

Troy thanked city staff for their outstanding work this fiscal year. Commercial and residential development has increased more than any other year in the city's history. He recognized the reduction in crime rate and that emergency response times are improving. Troy stated that this year has been a great year for the City of The Colony.

### **3.0. CITIZEN INPUT**

This portion of the meeting is to allow up to five (5) minutes per speaker with a maximum of thirty (30) minutes for items not posted on the current agenda. The council may not discuss these items, but may respond with factual data or policy information, or place the item on a future agenda. Those wishing to speak shall submit a Request Form to the City Secretary. - NONE

**4.0. CONSENT AGENDA** - The Consent Agenda contains items which are routine in nature and will be acted upon in one motion. Items may be removed from this agenda for separate discussion by a Council member.

**4.1. Consider approving city council meeting minutes for December 1, 2015 (City Secretary, Wilson)**

**4.2. Consider approving council expenditures for the month of October 2015 (Council)**

**4.3. Consider approving a resolution authorizing the city manager to execute an amendment to the Ground and Tower Lease Agreement with Verizon Wireless for communications equipment located at 5033 Clover Valley (Engineering, Scruggs)**

*Motion to approve the above consent agenda items- Schrag; second by Mikulec; motion passed with all ayes with the exception of Councilmember Wade who did not vote.*

(Councilmember Wade arrived at 6:42 p.m. just prior to the vote.)

### **5.0. REGULAR AGENDA ITEMS**

**5.1. Discuss and consider approving a resolution awarding a bid and authorizing the city manager to issue a purchase order to Schwarze for the purchase of a new Street Sweeper as approved in the 2015-2016 Capital Projects budget (Public Works, Groeschel)**

Evan Groeschel, Project Management Analyst, reviewed the proposed request awarding a purchase order to Schwarze for a new street sweeper in the amount of \$214,732.00. He stated there is a seven year maintenance warranty on the new sweeper.

*Motion to approve - Schrag; second by Wade; motion passed with all ayes.*

**Executive Session was convened at 6:45 p.m.**

***EXECUTIVE SESSION***

**6.1. A. Council shall convene into a closed executive session pursuant to Section 551.074 of the TEXAS GOVERNMENT CODE to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Court Judge.**

**B. Council shall convene into a closed executive session pursuant to Section 551.071 of the TEXAS GOVERNMENT CODE to consult with the city attorney regarding an agreement with the Texas Department of Transportation (TxDOT) and the City of The Colony concerning construction of utilities on FM 423.**

**Reconvened to Open Session at 7:26 p.m.**

**Item A.**

***Motion to approve a contract amendment as discussed in Executive Session- Schrag; second by Marks; motion passed with all ayes.***

**Item B.**

**- No action**

And with no further business to discuss the meeting was adjourned at 7:27 p.m.

APPROVED:

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Joe McCourry, Mayor  
City of The Colony

ATTEST:

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Christie Wilson, TRMC  
City Secretary

**TO:** Mayor, City Council, and City Manager

**DATE SUBMITTED:** December 30, 2015

**MEETING DATE:** 1/5/2016

**SUMMARY OF REQUEST:** Consider ratifying Denton County's appointments to Places 8 and 9 of the Tax Increment Reinvestment Zone Number One Board of Directors for 2016-17 (Council)

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**Background:**

At the December 1, 2015 meeting, the city council reappointed Joel Marks and Perry Schrag to the board for 2016-17. At that time Denton County had not officially made appointments to fill the two county positions on the board for the next term.

Denton County Commissioners met on December 15, 2015 and reappointed Commissioner Ron Marchant and Plano resident Tim Trylovich to Places 8 and 9 on the board.

**Purpose:**

Section 3 of City of The Colony Ordinance No. 2011-1926 creates a nine (9) member board of directors for the TIRZ. Four (4) board members' terms expire December of 2015.

Denton County has two positions on this board. This agenda item is to ratify Denton County's appointments to this board.

**Issues:**

**Alternatives:**

**Recommendations:**

**Attachments:**

Tim Trylovich Appointment  
Ron Marchant Appointment

**Hugh Coleman**  
Precinct 1



**Bobbie J. Mitchell**  
Precinct 3

**Ron Marchant**  
Precinct 2

**Andy Eads**  
Precinct 4

**Denton County Commissioners Court**  
**Judge Mary Horn**

December 15, 2015

Mr. Tim Trylovich  
6605 Briar Ridge Lane  
Plano, TX 75024

Dear Mr. Trylovich,

On Tuesday, December 15, 2015, Denton County Commissioners Court approved your appointment to The Colony Tax Increment Reinvestment Zone Number One.

Commissioners Court would like to take this time to thank you for your service to Denton County on this board. It is people like you who make Denton County a great place to live. If you have any questions, please contact Cheryl Knight, Aide to the Commissioners Court, at 940-349-2830.

Yours truly,

A handwritten signature in blue ink that reads "Mary Horn". The signature is written in a cursive, flowing style.

Mary Horn  
Denton County Judge

# CERTIFICATE OF REAPPOINTMENT

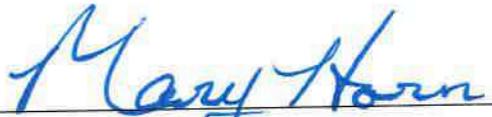
TO

**Tim Trylovich**

Appointed on the 15<sup>th</sup> day of December, 2015 to the  
The Colony Tax Increment Reinvestment Zone Number One

By the

Denton County Commissioners Court



Mary Horn  
Denton County Judge

# CERTIFICATE OF REAPPOINTMENT

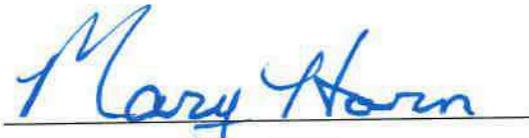
TO

## Commissioner Ron Marchant

Appointed on the 15<sup>th</sup> day of December, 2015 to the  
The Colony Tax Increment Reinvestment Zone Number One

By the

Denton County Commissioners Court



Mary Horn  
Denton County Judge

**TO:** Mayor, City Council, and City Manager

**DATE SUBMITTED:** December 30, 2015

**MEETING DATE:** 1/5/2016

**SUMMARY  
OF REQUEST:** Consider approving a resolution authorizing the city manager to execute a contract amendment with Halff Associates, Inc. for review of Development Construction Plans

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**Background:**

Halff has assisted the City with development plan reviews since 2005. These yearly contracts have proved to be efficient for staff to manage because there is one company with which to coordinate reviews and invoicing, the consultant provides access to a variety of engineering expertise when needed, the consultant's staff is trained in the review of development plans, and the City uses this service only when needed.

The existing contract is for \$46,000 and, if this amendment is approved, the total price will increase to \$80,000.

**Purpose:**

To continue review of development construction plans.

**Issues:**

Current funding will be expended in January and approval of this amendment is needed to continue development plan review services. The City's relationship with this consultant has shortened review time significantly on plans for development projects.

**Alternatives:**

N/A

**Recommendations:**

Staff has reviewed the engineering services contract amendment and recommends approval.

*Suggested motion:* I move to recommend approval of the engineering services contract extension with Halff Associates, Inc. for review of Development Construction Plans.

**FINANCIAL SUMMARY:** (Leave blank if N/A)

Are budgeted funds available:  Yes  No Amount budgeted/available: \$120,000

Fund(s) (Name and number): Engineering 100, Storm Water 200, & TIF Dist. 1 (100-635-6705

Source of Funds: Engineering FY2014-2015 Budget (\$70,000), Storm Water FY2014-2015 Budget (\$6,000) & TIF Dist. 1 (\$4,000)

Cost of recommended bid/contract award: \$80,000.00

Total estimated project cost:

\$ 46,000.00 Current Contract

Already authorized  Yes  No

\$ 34,000.00 Contact Amendment

Already authorized  Yes  No

\$ 0.00 Other costs (N/A)

\$ 80,000.00 Total estimated costs

Future Costs (if any): \_\_\_\_\_

Revenue Generated: \$ \_\_\_\_\_

**Attachments:**

Contract Amendment

Resolution

STATE OF TEXAS            )

COUNTY OF DENTON        )

**CONTRACT AMENDMENT NO. 1  
OF  
CONSULTANT'S CONTRACT**

THIS agreement is by and between the City of The Colony, Texas, a Texas home rule municipality, and Half Associates, Inc., hereinafter known as Consultant, a civil engineering firm, with principal offices located in Fort Worth, Texas.

WHEREAS, the City and Consultant have entered into an agreement such that the Consultant is to provide the following services: FY 2016 Engineering Assistance and Miscellaneous Tasks.

WHEREAS, the above referenced agreement provides that if there is a change in scope or focus of the activities in the contract, or if it is necessary for the Consultant to do additional work such that there is a significant additional cost or expense to the City, it is necessary for the City to approve such work and/or for the parties to change the contract; and

WHEREAS, the parties recognize that it is necessary for Consultant to modify the scope of work under the contract, such work which is set out in the attached Exhibit "A," which is attached hereto and incorporated herein as if set out in full herein; and

NOW, THEREFORE, for and in consideration of the mutual acts and covenants set out herein, the parties agree as follows:

1. Consultant, in addition to the work to be performed in the Contract dated October 8, 2015, shall perform the task(s) described in the attached Exhibit "A," basically described as Additional Services.
2. The amount to be paid to Consultant under such contract shall be increased by the sum of \$34,000, to reflect the work described in Exhibit "A."
3. This shall constitute an Authorization for a Scope of Work modification and fee increase as set out in the agreement between the parties, and an amendment to such contract. All of the terms and conditions of the original contract shall remain in full force and effect, as amended hereto, unless set out otherwise herein.

Signed and effective on this the 30<sup>TH</sup> day of NOVEMBER, 2015.

**CITY OF THE COLONY, TEXAS**

By: \_\_\_\_\_

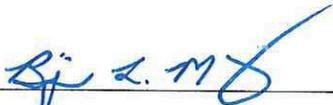
Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

**HALFF ASSOCIATES, INC., CONSULTANT**

By: 

Printed Name: Benjamin L. McGahey, P.E.

Title: Senior Project Manager

Exhibit "A"

ADDITIONAL SERVICES

FY 2016 Engineering Assistance and Miscellaneous Tasks

The additional work is as follows:

Additional budget to augment City of The Colony staff with one (1) professional engineer on an as-needed basis.

Fee Summary:

<u>Additional budget</u>	<u>\$34,000.00</u>
<b>Total Additional Work:</b>	<b>\$34,000.00</b>

All work will be billed to FY 2016 Engineering Assistance and Miscellaneous Tasks – Purchase Order No. 16-02948. The total fee for FY 2016 Engineering Assistance and Miscellaneous Tasks will increase from \$46,000.00 to \$80,000.00.

**CITY OF THE COLONY, TEXAS  
RESOLUTION NO. 2016-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, APPROVING AN ENGINEERING CONTRACT AMENDMENT NO. 1 BY AND BETWEEN THE CITY OF THE COLONY AND HALFF ASSOCIATES, INC. FOR FY 2016 ENGINEERING ASSISTANCE AND MISCELLANEOUS TASKS; WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City and Consultant have entered into a Contract Amendment No. 1 for FY 2016 Engineering Assistance and Miscellaneous Tasks; and

**WHEREAS**, the City has determined that it is in the best interest of the City to amend the contract with Halff Associates, Inc. which is attached hereto and incorporated herein by reference as Exhibit "A," under the terms and conditions provided therein; and

**WHEREAS**, with this Contract the City of The Colony is agreeing to pay the increased sum of \$34,000 to reflect the work described in Exhibit "A".

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS THAT:**

**Section 1.** The Engineering Services Contract, which is attached hereto and incorporated herein as Exhibit "A", having been reviewed by the City Council of the City of The Colony, Texas, and found to be acceptable and in the best interest of the City and its citizens, be, and the same is hereby, in all things approved.

**Section 2.** The City Manager is hereby authorized to execute the Contract on behalf of the City of The Colony, Texas.

**Section 3.** This Resolution shall take effect immediately from and after its adoption and it is so resolved.

**PASSED, APPROVED and EFFECTIVE this 5<sup>th</sup> day of January, 2016.**

**ATTEST:**

\_\_\_\_\_  
Joe McCourry, Mayor  
City of The Colony, Texas

\_\_\_\_\_  
Christie Wilson, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jeff Moore, City Attorney

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**TO:** Mayor, City Council, and City Manager

**DATE SUBMITTED:** December 30, 2015

**MEETING DATE:** 1/5/2016

**SUMMARY OF REQUEST:** Consider approving a resolution authorizing the city manager to execute an engineering services contract with Kimley-Horn and Associates, Inc. for the purpose of updating the Roadway Impact Fee Study, and approve an ordinance amending the 2015-16 Roadway Impact Fees budget (Engineering, Scruggs)

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**Background:**

The Roadway Impact Fees were last updated in 2010. Due to changes in the Land Use Assumptions and Capital Improvements Plan, it is necessary to update the Roadway Impact Fees. Based on the updated Capital Improvements Plan, the maximum assessable impact fee will be determined. Once the land use assumptions and capital improvements plan are acceptable to the Capital Improvements Advisory Committee, then staff will work with City Council to amend the street impact fee ordinance to reflect the new fees.

The cost of the study is \$35,500 and it may be funded by street impact fees. Since this project was not included as a line item in the budget, then approval of the contract needs to include approval of funding with street impact fees. Funds are available.

**Purpose:**

To continue to assess roadway impact fees on development projects within the service area.

**Issues:**

N/A

**Alternatives:**

N/A

**Recommendations:**

Staff has reviewed the engineering services contract and recommends approval.

*Suggested motion:* I move to recommend approval of the engineering services contract to update the Roadway Impact Fee Study and to approve funding from Street Impact Fees.

**FINANCIAL SUMMARY:** (Leave blank if N/A)

Are budgeted funds available:  Yes  No Amount budgeted/available: \$35,500

Fund(s) (Name and number): Street Impact Fees 815

Source of Funds: Street Impact Fees

Cost of recommended bid/contract award: \$35,500.00

Total estimated project cost:

\$ 35,500.00 Engineering

Already authorized  Yes  No

\$ 0.00 Construction (N/A)

\$ 0.00 Other costs (N/A)

\$ 35,500.00 Total estimated costs

Future Costs (if any): \_\_\_\_\_ Revenue Generated: \$ \_\_\_\_\_

**Attachments:**

Scope of Services

Ordinance

Resolution

**Exhibit A**  
**Scope of Services**

Professional agrees to commence services upon written direction from City and to complete the following scope of work during the project.

**SECTION 1**

**Identification of Project:** Professional Engineering Services for an update of the Roadway Impact Fees in accordance with Chapter 395 of the Texas Local Government Code.

**SECTION 2**

**General Category of Services:** Calculation of Maximum Assessable Roadway Impact Fee in Accordance with Chapter 395 of the Texas Local Government Code, which includes the following components:

- Determination of 10-Year Land Use Assumptions (2015-2025)
- Development of a Capital Improvements Plan for Impact Fees
- Calculation of the Maximum Assessable Impact Fee
- Preparation of an updated Roadway Impact Fee Report

**SECTION 3**

**Specific Scope of Basic Services:** Kimley-Horn and Associates, Inc. will perform the following basic scope of services under this IPO.

**Task 1 - Project Coordination and Management**

The Professional will perform the following scope of services in relation to this task:

- Develop Project Coordination and Management Plan
  - Develop Project Schedule and Interim Milestones
  - Prepare Project Correspondence and Invoicing Documents
  - Prepare and e-mail monthly progress reports to the project team

## Task 2 - Land Use Assumptions

The Professional will prepare the land use assumptions in conformance with Chapter 395 of the Texas Local Government Code based upon the following scope of services:

### **A. Data Collection**

1. The Professional will deliver a letter to the Client describing data that should be provided. The scope for data collection is as follows:
  - a. Client Contacts – The Client shall provide the organization structure and contact information for the applicable Client staff involved with the land use assumptions.
  - b. Comprehensive Master Plans – The Client shall identify and provide the Client’s most recent comprehensive master plans.
  - c. Currently adopted Land Use Assumptions – The Client shall identify and provide the Client’s most recent Land Use Assumptions.
  - d. Available demographic projections from the North Central Texas Council of Governments (NCTCOG)
  - e. Maps – The Client shall provide the Professional with GIS shapefiles, associated databases, and layer files in ESRI ArcGIS 8.x format. All data will be projected in NAD 83 State Plane, North Central Texas Zone coordinated. Data should include:
    - i. Current Zoning Map
    - ii. Client Limits and ETJ Map
    - iii. Future Land Use Plan
    - iv. Most recent digital orthophotograph (DOQ) of the Client
2. At the Kick-off meeting, the Professional will request critical path items needed from the Master Thoroughfare Plan update.

### **B. Service Area Boundary**

1. The Professional will meet with the Client to review current service areas for roadway impact fees. The Professional will work with Client staff to revise the service area boundaries to include the area to the south that was part of the Nebraska Furniture Mart development.

### **C. Existing Land Use Assumptions**

1. The Professional will provide Client staff with an overview of the information required as part of the Land Use Assumptions for Impact Fees. This task will require the Professional to work with the Client and the corresponding NCTCOG demographic projections to develop the following for use in the Impact Fee calculations.
  - a. Existing population and employment information by service area for the Year 2015.
  - b. Build-out (2025) population and employment projections by service area.
  - c. Ten Year population and employment projections by service area for the Year 2025.
2. The Professional will report all population information by number of persons and number of dwelling units; while all employment data shall be classified as number of square feet of floor area for Basic, Service, and Retail employment.

#### **D. Land Use Assumption Documentation**

1. The Professional will incorporate the service area boundaries and Land Use Assumptions information into Impact Fee report. No additional documentation will be produced by the Professional summarizing the land use assumptions. The land use assumptions will include the following:
  - a. Existing land use data
  - b. 10-Year land use data
  - c. Build-Out land use data
  - d. Summary Exhibits

#### **Meetings:**

- a. Prepare for and attend a kick-off meeting with Client to discuss both Land Use Assumptions and the Roadway Impact Fee Calculations.
- b. Prepare for and attend a review meeting to discuss the draft Land Use Assumptions.

All public hearing requirements related to the Update of the Land Use Assumptions will occur as part of the Public Hearings and Approval task.

#### **Deliverables:**

- a. Electronic (.pdf) copy of the Draft Land Use Assumptions Report
- b. Electronic (.pdf) copy of the Final Land Use Assumptions Report

Upon final approval of the Roadway Impact Fee Update and revised ordinance by the Client Council, The Professional will provide five (5) copies of the Final Roadway Impact Fee Report, which will include the Land Use Assumptions documentation.

#### **Task 3 - Roadway Impact Fee Update**

The Professional will prepare the Roadway Impact Fee Update in conformance with Chapter 395 of the Texas Local Government Code based upon the following scope of services:

#### **A. Data Collection**

1. The Professional will deliver a letter request to the Client describing data that should be provided. The data collection is as follows:
  - a. Client contacts – Client shall provide the organization structure and contact information for the applicable Client staff involved with the completion of the Roadway Impact Fee Update CIP.
  - b. Thoroughfare Plan – The Professional will utilize the most recent thoroughfare plan adopted by the Client. Currently this plan is being updated. GIS shapefiles, databases, and layering information shall be provided.
  - c. Traffic Counts – The Client shall provide available data (current and historical) for all roadway segments on the current Master Thoroughfare Plan. The Professional will collect traffic count information available from TxDOT for state highway facilities. The Professional will collect

new PM peak hour traffic count data at up to five (5) locations within the City for use in the roadway impact fee.

- d. Historical Project Costing Information – The Client shall provide the Professional with available data on the actual Client costs for previously completed arterial roadway improvement projects to assist in the development of planning level project costs for future projects and to include any project costs for previously completed projects with excess capacity available to serve future growth.

## **B. 10-Year Growth Projections and Capacity Analysis**

1. The Professional will use the service area boundary established as part of Task 2 (Land Use Assumptions). In consultation with the Client staff, the Professional will determine land use categories to be included in the land use vehicle-mile equivalency table.
2. The Professional will identify the service units for new development and the average trip length. Using the Ninth Edition of the Institute of Transportation Engineer's (ITE) Trip Generation Manual, the Professional will develop updated trip generation and pass-by trip rates.
3. The Professional will perform an analysis of existing conditions. This will include a determination of roadway capacities, volumes, vehicle-miles of supply, vehicle-miles of demand, existing excess capacity, and existing deficiencies.
4. The Professional will project traffic conditions for the ten-year planning period, the target year for the impact fee growth projections. This will include growth and new demand by service area. The Professional will determine the capacity available for new growth.

## **C. Roadway Impact Fee Capital Improvements Plan**

1. The Professional will assist the Client to develop a Roadway Impact Fee Capital Improvements Plan, which will include cost projections for anticipated projects to be included in the study. The Roadway Impact Fee Capital Improvements Plan will include existing oversized facilities and proposed facilities designed to serve future development. The Roadway Impact Fee Capital Improvements Plan shall include a general description of the project and a project cost projection. Planning level cost projections for future projects will be prepared based on previous experience with Roadway construction costs. The Client shall provide the Professional with actual Client cost information for previously completed projects with excess capacity and any cost contribution to County, Developer, or State projects.
2. The Professional will identify the portion of project improvements required to serve existing demand and the portion of project improvements required to serve new development within the 10-year planning period

## **D. Pre-Credit Maximum Assessable Roadway Impact Fee Calculation**

1. Using the newly developed 10-year growth projections, roadway impact fee capital improvements plan, and capacity available for new growth, the Professional will determine the cost of roadway improvements by service area, the maximum costs per service unit, and the resulting maximum assessable roadway impact fees by service area.

## **E. Financial Analysis**

1. A financial analysis for the credit calculation will not be performed as part of this scope, instead 50% of the pre-credit maximum assessable roadway impact fee calculated in Task 3D will be utilized to determine the maximum assessable roadway impact fee.

## **F. Roadway Impact Fee Documentation**

1. The Professional will provide both a draft and final Roadway Impact Fee Report. The report will include:
  - a. Roadway service areas
  - b. Land Use Assumptions
  - c. Narrative of the impact fee update methodology
  - d. Roadway Impact Fee CIP
  - e. Impact fee calculations
  - f. Exhibits

### **Meetings:**

- a. Prepare for and attend a kick-off meeting with Client to discuss both Land Use Assumptions and the Roadway Impact Fee Calculations.
- b. Prepare for and attend a review meeting to discuss the draft Roadway Impact Fee report.

All public hearing requirements related to the Update of the Roadway Impact Fees will occur as part of the Public Hearings and Approval task.

### **Deliverables:**

- a. Five (5) copies of the Draft Roadway Impact Fee Report.
- b. Electronic (.pdf) copy of the Draft Roadway Impact Fee Report
- c. Electronic (.pdf) copy of the Final Roadway Impact Fee Report

Upon final approval of the Roadway Impact Fee Update and revised ordinance by the Client Council, the Professional will provide five (5) copies of the Final Roadway Impact Fee Report.

## **Task 4 - Public Hearings and Approval**

### **A. Public Hearings and Approval**

The Professional will perform the following professional services for this project phase:

1. The Professional will collect information on actual roadway impact fees collected for up to five (5) benchmark DFW area cities for up to three (3) different land uses (likely residential, commercial, and industrial land uses). This information will be provided to the Client in electronic (.xls) tabular format for use in the development of comparison tables.

2. Prepare for and attend one (1) Capital Improvements Advisory Committee (CIAC) and/or Council workshop to present fundamentals of Impact Fees and Land Use Assumptions.
3. Prepare for and attend one (1) CIAC public hearing to present the respective Land Use Assumptions, CIP's, and Maximum Assessable Impact Fees.
4. Prepare for and attend one (1) Client Council public hearing to present the updated Land Use Assumptions, and the Final Impact Fee Update Report, including the Roadway Impact Fee CIP and Maximum Assessable Impact Fees.
5. Attend one (1) Client Council meeting where it adopts the revised Impact Fee Ordinance and establishes the actual Roadway Impact Fees.

The Professional will assist in the preparation of the Impact Fee Ordinance in an advisory role only. The Client will consult the appropriate legal counsel to assist in writing the actual Impact Fee Ordinance.

#### **SECTION 4**

##### **Additional Services**

Additional services to be performed if authorized by the Client, but which are not included in the above-described Scope of Services, are as follows:

- A. Performing any analysis in addition to that listed above related to the update of the Land Use Assumptions.
- B. Preparing for or attending any additional meetings not identified within the Scope of Services.
- C. Furnishing additional copies of review and/or final documents in excess of the number of the same identified in the Scope of Services.
- D. Reanalysis or recalculation to reflect project scope changes or policy changes requested by the Client, addressing changes in direction previously approved by the Client, or mandated by changing governmental laws.

**Exhibit B**  
**Work Schedule and Budget Requirements**

**Work Schedule:**

Professional agrees to complete and submit work required by this agreement as follows:

- A. Assuming receipt of a written Notice to Proceed, the Final Report will be provided within 2 months from receipt of the updated Master Thoroughfare Plan.

**Budget Requirements**

Professional will perform the Scope of Services for the lump sum fees as shown below. Professional will not perform any Additional Services without prior approval. Fees will be invoiced monthly based on services provided.

The Professional will perform the tasks described in the Scope of Services for the lump sum fee of **\$35,500**. The lump sum fee includes labor costs and direct expenses identified in this contract, as well as items such as in-house duplicating, local mileage, telephone, postage, and computer expense.

**CITY OF THE COLONY, TEXAS  
ORDINANCE NO. 2016-\_\_\_\_\_**

**AMENDING THE FISCAL YEAR 2015-2016 BUDGET**

**AN ORDINANCE AMENDING ORDINANCE 2015-2165, ADOPTING THE FISCAL YEAR 2015-2016 BUDGET FOR CITY OF THE COLONY, TEXAS BY REALIGNING BUDGETS AS SET FORTH HEREIN; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR THE ADOPTION OF THIS ORDINANCE AMENDING THE FISCAL YEAR 2015-2016 BUDGET FOR THE CITY OF THE COLONY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND NAMING AN EFFECTIVE DATE.**

**WHEREAS**, the City of The Colony is conducting business pursuant to a budget for fiscal year 2015-2016, heretofore previously adopted by Ordinance No. 2015-2165 on the 15th day of September, 2015; and

**WHEREAS**, Section 102.010 of the Texas Local Government Code authorizes the governing body of a municipality to make changes in the budget for municipal purposes; and

**WHEREAS**, the City of The Colony finds it in the best interest of the City to increase the 2015-16 Roadway Impact Fee budget by \$35,500 for a not to exceed contract with Kimley-Horn and Associates for a road impact fee study.

**WHEREAS**, the City Council has reviewed the budget and has determined that a valid municipal purpose is served by such budget increases and reallocation of funds.

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

**SECTION 1.  
INCORPORATION OF PREMISES**

The above and foregoing premises are incorporated into the body of this Ordinance as if copied herein in their entirety.

**SECTION 2.  
AMENDMENT AND ADOPTION**

That the City's budget for the fiscal year ending September 30, 2016 heretofore previously adopted by Ordinance 2015-2165 duly enacted by the City Council of the City of The Colony on the 15th day of September, 2015, be and is hereby amended as set forth herein, which amendment

is hereby, in all respects, finally approved and adopted as so changed; and the same shall be hereby filed with the City Secretary of the City of The Colony.

**SECTION 3.**  
**BUDGET INCREASES**

That the 2015-16 Roadway Impact Fee Fund Budget is to be increased by an amount not to exceed \$35,500.

**SECTION 4.**  
**CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of Ordinances of the City of The Colony, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

**SECTION 5.**  
**SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of The City of The Colony that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 6.**  
**SAVINGS CLAUSE**

All rights and remedies of the City of The Colony are expressly saved as to any and all violations of the provisions of any Ordinances affecting budgets, budget approval or adoption, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.**  
**EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its date of passage.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED, this the 5th day of January, 2016.**

---

Joe McCourry, Mayor  
City of The Colony, Texas

ATTEST:

---

Christie Wilson, TRMC, City Secretary

APPROVED AS TO FORM:

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Jeff Moore, City Attorney  
City of The Colony, Texas

**CITY OF THE COLONY, TEXAS  
RESOLUTION NO. 2016-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE ENGINEERING SERVICES CONTRACT BY AND BETWEEN THE CITY OF THE COLONY AND KIMLEY-HORN & ASSOCIATES, INC. FOR UPDATING THE ROADWAY IMPACT FEE STUDY, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City and Consultant have entered into an agreement such that the Consultant is to provide the following services: CONDUCT A ROADWAY IMPACT FEE STUDY; and

**WHEREAS**, the City has determined that it is in the best interest of the City to enter into the Contract with KIMLEY-HORN & ASSOCIATES, INC., which is attached hereto and incorporated herein by reference as Exhibit "A," under the terms and conditions provided therein.

**WHEREAS**, with this Contract the City of The Colony is agreeing to pay the sum not to exceed \$35,500.00 for such work.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS THAT:**

Section 1. The Engineering Services Contract, which is attached and incorporated hereto as Exhibit "A", having been reviewed by the City Council of the City of The Colony, Texas, and found to be acceptable and in the best interest of the City and its citizens, be, and the same is hereby, in all things approved, and the City Manager is hereby authorized to execute the Agreement on behalf of the City of The Colony, Texas.

Section 2. That this Resolution shall take effect immediately from and after its adoption and

**PASSED AND APPROVED** by the City Council of the City of The Colony, Texas this **5<sup>th</sup>** day of **January, 2016**.

\_\_\_\_\_  
Joe McCourry, Mayor  
City of The Colony, Texas

ATTEST:

\_\_\_\_\_  
Christie Wilson, TRMC, City Secretary

APPROVED AS TO FORM:

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Jeff Moore, City Attorney

**TO:** Mayor, City Council, and City Manager

**DATE SUBMITTED:** December 30, 2015

**MEETING DATE:** 5/17/2016

**SUMMARY OF REQUEST:** Consider approving a resolution authorizing the city manager to execute an engineering services contract with Kimley-Horn and Associates, Inc. for the purpose of updating the Drainage Impact Fee Study, and approve an ordinance amending the 2015-16 Drainage Impact Fee budget (Engineering, Scruggs)

**Background:**

The Office Creek Drainage Impact Fees were last updated in 2010. Due to changes in the Land Use Assumptions and Capital Improvements Plan, it is necessary to update the Office Creek Drainage Impact Fees. Based on the updated Capital Improvements Plan, the maximum assessable impact fee will be determined. Once the land use assumptions and capital improvements plan are acceptable to the Capital Improvements Advisory Committee, then staff will work with City Council to amend the drainage fee ordinance to reflect the new fees.

The cost of the study is \$39,000 and it may be funded by drainage impact fees. Since this project was not included as a line item in the budget, then approval of the contract needs to include approval of funding with Office Creek Drainage Impact Fees. Funds are available.

**Purpose:**

To continue to assess drainage impact fees on development projects within the Office Creek drainage basin.

**Issues:**

N/A

**Alternatives:**

N/A

**Recommendations:**

Staff has reviewed the engineering services contract and recommends approval.

*Suggested motion:* I move to recommend approval of the engineering services contract to update the Office Creek Drainage Impact Fee Study and to approve funding from Office Creek Drainage Impact Fees.

**FINANCIAL SUMMARY:** (Leave blank if N/A)

Are budgeted funds available:  Yes  No Amount budgeted/available: \$39,000

Fund(s) (Name and number): Office Creek Drainage Impact Fees 816

Source of Funds: Office Creek Drainage Impact Fees

Cost of recommended bid/contract award: \$39,000.00

Total estimated project cost:

\$ 39,000.00 Engineering

Already authorized  Yes  No

\$ 0.00 Construction (N/A)

\$ 0.00 Other costs (N/A)

\$ 39,000.00 Total estimated costs

Future Costs (if any): \_\_\_\_\_

Revenue Generated: \$ \_\_\_\_\_

**Attachments:**

Scope of Services

Ordinance

Resolution

**Exhibit A**  
**Scope of Services**

Professional agrees to commence services upon written direction from City and to complete the following scope of work during the project.

**SECTION 1**

**Identification of Project:** Professional Engineering Services for an update of the current Drainage Impact Fee Ordinance for the Office Creek watershed in accordance with Chapter 395 of the Texas Local Government Code.

**SECTION 2**

**General Category of Services:** Calculation of Maximum Assessable Drainage Impact Fee in Accordance with Chapter 395 of the Texas Local Government Code, which includes the following components:

- Determination of 10-Year Land Use Assumptions (2015-2025)
- Development of a Capital Improvements Plan for Impact Fees
- Calculation of the Maximum Assessable Impact Fee
- Preparation of an updated Drainage Impact Fee Report

**SECTION 3**

**Specific Scope of Basic Services:** Professional will perform the following basic scope of services under this IPO.

**Task 1 – Project Coordination and Management**

The Professional will perform the following scope of services in relation to this task:

- Develop Project Coordination and Management Plan
  - Develop Project Schedule and Interim Milestones
  - Prepare Project Correspondence and Invoicing Documents
  - Prepare and e-mail weekly progress reports to the project team

**Task 2 – Land Use Assumptions**

The Consultant will prepare the land use assumptions in conformance with Chapter 395 of the Texas Local Government Code based upon the following scope of services:

**A. Data Collection**

1. The Consultant will deliver a letter to the City describing data that should be provided to the Professional. The scope for data collection is as follows:
  - a. City Contacts – The City shall provide the organization structure and contact information for the applicable City staff involved with the land use assumptions.

- b. Comprehensive Master Plans – The City shall identify and provide the City’s most recent comprehensive master plans.
  - c. Previous Impact Fee Reports – The City shall provide the Professional any previous drainage impact fee reports.
  - d. Maps – The City shall provide the Professional with GIS shapefiles, associated databases, and layer files in ESRI ArcGIS 8.x format. Data should include:
    - i. Current Zoning Map
    - ii. Future Land Use Plan
    - iii. Most recent digital orthophotograph (DOQ) of the City
2. The Land Use Assumptions developed as part of the Roadway Impact Fee Study (to be prepared by Kimley-Horn as part of a separate Professional Services Agreement) will be utilized in development of the land use assumptions for the Drainage Impact Fee service area.

**B. Service Area Boundary**

1. Based on our previous analysis of the area, we anticipate that the service area of the impact fee will be established as the Office Creek watershed, as defined by the Office Creek Master Drainage Plan and the current drainage impact fee ordinance.

**C. Existing Land Use Assumptions**

1. The Professional will rely upon the existing land use assumptions contained within the *Roadway Impact Fee Update Report* to be prepared by Kimley-Horn as part of a separate Professional Services Agreement. The Professional will update the existing land use information (based on development that has occurred since the publication of the report) in a tabular format suitable for use in this Drainage Impact Fee Update.

**D. Build-Out Land Use Assumptions**

1. The Professional will rely upon the Build-Out land use assumptions contained within the *Roadway Impact Fee Update Report* to be prepared by Kimley-Horn as part of a separate Professional Services Agreement. Any modifications to these Build-Out projections are not included in this contract and will be considered Additional Services. The Professional will summarize the Build-Out assumptions in a tabular format suitable for use in this Drainage Impact Fee Update.

**E. Ten-Year Land Use Assumptions (2015-2025)**

1. Chapter 395 states that impact fees may only be used to pay for items included in the capital improvements plan and attributable to new service units projected over a period of time not to exceed ten (10) years. The Professional will conduct one (1) meeting with the City to receive the City’s projections for expected growth rates for land use for the service area. The Professional will summarize the 10-Year assumptions in a tabular format suitable for use in this Drainage Impact Fee Update.

**F. Land Use Assumptions Documentation**

1. The Professional will summarize the methodology utilized to update the land use assumptions prepared by Kimley-Horn and Associates, Inc. in a Land Use Assumptions section within the Office Creek Drainage Impact Fee Report. The land use assumptions will include the following:
  - a. Existing land use data
  - b. 10-Year land use data

- c. Build-Out land use data
- d. Summary Exhibits

**Meetings:**

- a. Prepare for and attend a kick-off meeting with Client to discuss both Land Use Assumptions and the Drainage Impact Fee Calculations.
- b. Prepare for and attend a review meeting to discuss the draft Land Use Assumptions.

All public hearing requirements related to the Update of the Land Use Assumptions will occur as part of the Public Hearings and Approval task.

**Deliverables:**

- a. Three (3) copies of the Draft Land Use Assumptions Report.
- b. Electronic (.pdf) copy of the Draft Land Use Assumptions Report
- c. Electronic (.pdf) copy of the Final Land Use Assumptions Report

Upon final approval of the Drainage Impact Fee Update and revised ordinance by the City Council, the Professional will provide three (3) copies of the Final Drainage Impact Fee Report, which will include the Land Use Assumptions documentation.

**Task 3 – Drainage Impact Fee Update**

The Consultant will prepare the Drainage Impact Fee Update in conformance with Chapter 395 of the Texas Local Government Code based upon the following scope of services:

**A. Data Collection**

- 1. The Professional will deliver a letter request to the City describing drainage data that should be provided to the Professional. The data collection is as follows:
  - a. City contacts – City shall provide the organization structure and contact information for the applicable City staff involved with the completion of the Office Creek Master Drainage Plan and the drainage impact fee CIP.
  - b. Summaries of costs of improvements that have been completed within the watershed as part of the current CIP, and Opinions of Probable Construction Cost for improvements that have been designed as part of the current CIP, but have not been constructed.

**B. 10-Year Growth Projections and Capacity Analysis**

- 1. The Professional will use the service area boundary established as part of Task 2 (Land Use Assumptions). In consultation with the City staff, the Professional will determine land use categories to be included in the land use / weighted runoff table.
- 2. The Professional will identify the service units for new development. Using the HEC-HMS modeling prepared by the City as part of the 2010 Drainage Impact Fee Update, the Professional will develop updated peak runoff rates in relation to the various land uses present in the service area.

3. The Professional will perform an analysis of existing conditions. This will include a determination of 100-year peak flow rates.
4. The Professional will project 100-year peak flow conditions for the ten-year planning period, the target year for the impact fee growth projections. This will include growth and increased runoff for the service area. The Professional will determine the existing capacity available for the increased runoff.

#### **C. Drainage Impact Fee Capital Improvements Plan**

1. The Professional will assist the City to develop a Drainage Impact Fee Capital Improvements Plan, which will include cost projections for anticipated projects to be included in the CIP. The Drainage Impact Fee Capital Improvements Plan will include existing oversized facilities and proposed facilities designed to serve future development, and will be based on the Capital Improvements Plan included as part of the current Drainage Impact Fee. The Drainage Impact Fee Capital Improvements Plan shall include a general description of the project and a project cost projection. Planning level cost projections for future projects will be prepared based on previous experience with Drainage construction costs. The City shall provide the Professional with actual City cost information for previously completed projects with excess capacity and any cost contribution to County or State projects.
2. The Professional will identify the portion of project improvements required to serve existing demand and the portion of project improvements required to serve new development within the 10-year planning period.

#### **D. Maximum Assessable Drainage Impact Fee Calculation**

1. Using the newly developed 10-year growth projections, drainage impact fee capital improvements plan, and capacity available for new growth, the Professional will determine the cost of drainage improvements within the service area, the maximum costs per service unit, and the resulting assessable drainage impact fees by service area.

#### **E. Financial Analysis**

1. The Professional assumes the maximum assessable impact fee per service unit will be 50% of the total projected cost of implementing the capital improvements plan.

#### **F. Impact Fee Documentation**

1. The Professional will provide both a draft and final Drainage Impact Fee Report. The report will include the following:
  - a. Narrative of Drainage Impact Fee Methodology
  - b. Summary of Impact Fee Calculations
  - c. Drainage Impact Fee CIP Project Map and Listing

#### **Meetings:**

- a. Prepare for and attend a kick-off meeting with Client to discuss both Land Use Assumptions and the Drainage Impact Fee Calculations.
- b. Prepare for and attend a review meeting to discuss the draft Drainage Impact Fee report.

All public hearing requirements related to the Update of the Drainage Impact Fees will occur as part of the Public Hearings and Approval task.

**Deliverables:**

- a. Five (5) copies of the Draft Drainage Impact Fee Report.
- b. Electronic (.pdf) copy of the Draft Drainage Impact Fee Report
- c. Electronic (.pdf) copy of the Final Drainage Impact Fee Report

Upon final approval of the Drainage Impact Fee Update and revised ordinance by the City Council, the Professional will provide five (5) copies of the Final Drainage Impact Fee Report, which will include a copy of the Land Use Assumptions Report provided as part of Kimley-Horn's Roadway Impact Fee Study under separate contract.

**Task 4 – Public Hearing and Approval**

**A. Public Hearings and Approval**

The Professional will perform the following professional services for this project phase:

1. Perform informal survey of other municipalities' drainage impact fees. Compile charts to compare the City's proposed Drainage Impact Fees compared with those of other local municipalities.
2. Prepare for and attend one (1) CIAC public hearing to present the respective Land Use Assumptions, CIP's, and Maximum Assessable Impact Fees.
3. Prepare for and attend one (1) City Council public hearing to present the updated Land Use Assumptions, and the Final Impact Fee Update Report, including the Drainage Impact Fee CIP and Maximum Assessable Impact Fees.
4. Attend one (1) City Council meeting where it adopts the revised Impact Fee Ordinance and establishes the actual Drainage Impact Fees.

The consultant will assist in the preparation of the Impact Fee Ordinance in an advisory role only. The City will consult the appropriate legal counsel to assist in writing the actual Impact Fee Ordinance.

## SECTION 4

### **Additional Services:**

Additional services to be performed if authorized by the City, but which are not included in the above-described Scope of Services, are as follows:

- A. Performing any analysis in addition to that listed above related to the update of the Land Use Assumptions.
- B. Performing any flow calculations or storm drainage master planning beyond those identified in the scope of services.
- C. Preparing for or attending any additional meetings not identified within the Scope of Services.
- D. Furnishing additional copies of review and/or final documents in excess of the number of the same identified in the Scope of Services.
- E. Reanalysis or recalculation to reflect project scope changes or policy changes requested by the City, addressing changes in direction previously approved by the City, or mandated by changes to governmental laws.
- F. The Public Hearing and Approval process could require an additional meeting. If an additional meeting is required we recommend budgeting a reimbursable fee of approximately \$1,000 for the labor and expenses associated with preparation for, and attendance at, the meeting.
- G. Any services not listed in the Scope of Services.

**Exhibit B**  
**Work Schedule and Budget Requirements**

**Work Schedule:**

Professional agrees to complete and submit work required by this agreement as follows:

- A. Final Drainage Impact Fee Report in 120 calendar days from date of written Notice to Proceed.

**Budget Requirements**

Professional will perform the Scope of Services for the lump sum fees as shown below. Professional will not perform any Additional Services without prior approval. Fees will be invoiced monthly based on services provided.

The services will be completed for a lump sum fee not to exceed total cost of \$ **39,000.00**. No work outside the approved scope of work should be performed by Professional without prior written approval and Change Order to the contract.

**CITY OF THE COLONY, TEXAS  
ORDINANCE NO. 2016-\_\_\_\_\_**

**AMENDING THE FISCAL YEAR 2015-2016 BUDGET**

**AN ORDINANCE AMENDING ORDINANCE 2015-2165, ADOPTING THE FISCAL YEAR 2015-2016 BUDGET FOR CITY OF THE COLONY, TEXAS BY REALIGNING BUDGETS AS SET FORTH HEREIN; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR THE ADOPTION OF THIS ORDINANCE AMENDING THE FISCAL YEAR 2015-2016 BUDGET FOR THE CITY OF THE COLONY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND NAMING AN EFFECTIVE DATE.**

**WHEREAS**, the City of The Colony is conducting business pursuant to a budget for fiscal year 2015-2016, heretofore previously adopted by Ordinance No. 2015-2165 on the 15th day of September, 2015; and

**WHEREAS**, Section 102.010 of the Texas Local Government Code authorizes the governing body of a municipality to make changes in the budget for municipal purposes; and

**WHEREAS**, the City of The Colony finds it in the best interest of the City to increase the 2015-16 Drainage Impact Fee budget by \$39,000 for a not to exceed contract with Kimley-Horn and Associates for a drainage impact fee study.

**WHEREAS**, the City Council has reviewed the budget and has determined that a valid municipal purpose is served by such budget increases and reallocation of funds.

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

**SECTION 1.  
INCORPORATION OF PREMISES**

The above and foregoing premises are incorporated into the body of this Ordinance as if copied herein in their entirety.

**SECTION 2.  
AMENDMENT AND ADOPTION**

That the City's budget for the fiscal year ending September 30, 2016 heretofore previously adopted by Ordinance 2015-2165 duly enacted by the City Council of the City of The Colony on the 15th day of September, 2015, be and is hereby amended as set forth herein, which amendment

is hereby, in all respects, finally approved and adopted as so changed; and the same shall be hereby filed with the City Secretary of the City of The Colony.

**SECTION 3.**  
**BUDGET INCREASES**

That the 2015-16 Drainage Impact Fee Fund Budget is to be increased by an amount not to exceed \$39,000.

**SECTION 4.**  
**CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of Ordinances of the City of The Colony, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

**SECTION 5.**  
**SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of The City of The Colony that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 6.**  
**SAVINGS CLAUSE**

All rights and remedies of the City of The Colony are expressly saved as to any and all violations of the provisions of any Ordinances affecting budgets, budget approval or adoption, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.**  
**EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its date of passage.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED, this the 5th day of January, 2016.**

---

Joe McCourry, Mayor  
City of The Colony, Texas

ATTEST:

---

Christie Wilson, TRMC, City Secretary

APPROVED AS TO FORM:

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Jeff Moore, City Attorney  
City of The Colony, Texas

**CITY OF THE COLONY, TEXAS  
RESOLUTION NO. 2016-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE ENGINEERING SERVICES CONTRACT BY AND BETWEEN THE CITY OF THE COLONY AND KIMLEY-HORN & ASSOCIATES, INC. FOR UPDATING THE DRAINAGE IMPACT FEE STUDY, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City and Consultant have entered into an agreement such that the Consultant is to provide the following services: CONDUCT A DRAINAGE IMPACT FEE STUDY; and

**WHEREAS**, the City has determined that it is in the best interest of the City to enter into the Contract with KIMLEY-HORN & ASSOCIATES, INC., which is attached hereto and incorporated herein by reference as Exhibit "A," under the terms and conditions provided therein.

**WHEREAS**, with this Contract the City of The Colony is agreeing to pay the sum not to exceed \$39,000.00 for such work.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS THAT:**

Section 1. The Engineering Services Contract, which is attached and incorporated hereto as Exhibit "A", having been reviewed by the City Council of the City of The Colony, Texas, and found to be acceptable and in the best interest of the City and its citizens, be, and the same is hereby, in all things approved, and the City Manager is hereby authorized to execute the Agreement on behalf of the City of The Colony, Texas.

Section 2. That this Resolution shall take effect immediately from and after its adoption and

**PASSED AND APPROVED** by the City Council of the City of The Colony, Texas this **5<sup>th</sup>** day of **January, 2016**.

\_\_\_\_\_  
Joe McCourry, Mayor  
City of The Colony, Texas

ATTEST:

\_\_\_\_\_  
Christie Wilson, TRMC, City Secretary

APPROVED AS TO FORM:

---

Jeff Moore, City Attorney

**TO:** Mayor, City Council, and City Manager

**DATE SUBMITTED:** December 30, 2015

**MEETING DATE:** 1/5/2016

**SUMMARY OF REQUEST:** Discuss and consider an ordinance approving a Development Plan for Austin Waters Amenity Center. A 2,225 square foot facility with associated open spaces, located on 2600 Barton Creek Boulevard within Austin Waters subdivision, in Austin Ranch Planned Development (PD-22) zoning district (Development Services, Joyce)

---

**Background:**

**Purpose:**

**Issues:**

**Alternatives:**

**Recommendations:**

**Attachments:**

Council Staff Report

Location Map

Site Plan

Landscape Plan Pg. 1

Landscape Plan Pg. 2

Landscape Plan Pg. 3

Landscape Plan Pg. 4

Landscape Plan Pg. 5

Elevation

Proposed Ordinance

P&Z Minutes

## CITY COUNCIL REPORT

**AGENDA DATE:** January 5, 2016

**DEPARTMENT:** Engineering/Development Services Department

---

**SUBJECT** *SP15-0027 Austin Ranch Amenity Center Development Plan*

Discuss and consider approval of a request for a Development Plan for Austin Waters Amenity Center, a 2,225 square foot facility with associated open spaces, located on 2600 Barton Creek Boulevard within Austin Waters subdivision, in Austin Ranch Planned Development (PD-22) zoning district.

**OWNER/ENGINEER**

Owner/Developer:	Jen Texas XII, LLC	Irving, Texas
Engineer/Surveyor:	Kimley-Horn & Associates, Inc	Frisco, Texas

**EXISTING CONDITION OF PROPERTY**

The property is currently undeveloped.

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

December 8, 2015 – The Planning and Zoning Commission voted (6-0) to recommend approval of the Development Plan for the Austin Waters Amenity Center, a 2,225 square foot neighborhood amenity center, on approximately 16.337 acres, located on Barton Creek Boulevard, Austin Waters East Phase 1, Block A, Lot 1X.

**DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW**

The Development Review Committee (DRC) finds the Development Plan meets the requirements of the PD-22, Appendix A, Zoning Ordinance, and other applicable ordinances of the Code of Ordinances as outlined in the Staff Report.

**OPTIONS**

1. Approve as submitted.
2. Approve with conditions.
3. Postpone consideration.
4. Table item.

**ATTACHMENTS**

1. Staff Analysis
2. Location Map
3. Proposed Site Plan
4. Proposed Landscape Plan
5. Building Elevation
6. Proposed Ordinance
7. Minutes of December 8, 2015 Planning and Zoning Commission meeting.

## ATTACHMENT 1

### Staff Analysis

#### Summary of Request

The applicant is proposing to build a 2,225 square foot neighborhood amenity center, on approximately 16.337 acres, located on Barton Creek Boulevard, Austin Waters East Phase 1, Block A, Lot 1X.

#### Existing Condition of Property

The subject property is undeveloped.

#### Platting Status

The Final Plat for Austin Waters Phase 1 was approved by Planning and Zoning Commission on August 12, 2014.

#### Adjacent Zoning/Land Use

North - Planned Development 22 (Austin Ranch PD)

South - Planned Development 22 (Austin Ranch PD)

East- Planned Development 22 (Austin Ranch PD)

West- Planned Development 22 (Austin Ranch PD)

#### Land Use Analysis

A Neighborhood Amenity Center is an allowed land use within the PD-22 (Austin Ranch) zoning district.

#### Infrastructure Improvements

The City is not planning any specific public infrastructure improvements other than the infrastructure improvements made by the developer to serve the facility.

#### Circulation and Parking

The proposed facility will have direct access from Barton Creek Blvd. The Zoning Ordinance's parking ratio for Neighborhood Amenity Center is 5% of total number of dwelling units with minimum of 4 spaces. The parking provided meets the specific requirements of Section 13, Vehicular Parking, Parking Lot, and On-Site Traffic Regulations of Zoning Ordinance.

Parking Standard	Parking Required	Parking Provided
5% of the total number of dwelling units in the subdivision	10 spaces (1 ADA)	10 spaces (1 ADA)

#### Landscaping and Irrigation

The applicant is proposing landscaping made up of a combination of Mesquite, Live Oak, Shumard Red Oak and Dessert Willow, Crape Myrtle, Yaupon Holly. Total of 42,656 square feet of the site has been proposed for landscaping. Street trees are proposed at every 20 feet on center.

Exterior Building Material

The building is comprised of 99% stone with some ceramic/clay tiles on north and south elevation.

Development Review Committee Review

The Development Review Committee (DRC) finds the Development Plan meets the requirements of the Appendix A, Zoning Ordinance, PD-22 and other applicable ordinances of the Code of Ordinances as outlined in the Staff Report.



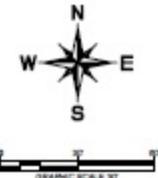
**Project No. SP15-0027 - Project Name: Austin Waters Amenity Center Site Plan**



- |                              |                          |                  |                      |                        |
|------------------------------|--------------------------|------------------|----------------------|------------------------|
| Austin Waters Amenity Center | Business Park/Industrial | Heavy Commercial | Mobile Home          | Planned Development    |
| Agricultural                 | Duplex Dwelling          | Industrial       | Neighborhood Service | Shopping Center        |
| Business Park                | General Retail           | Light Commercial | Office District 1    | Single Family Dwelling |

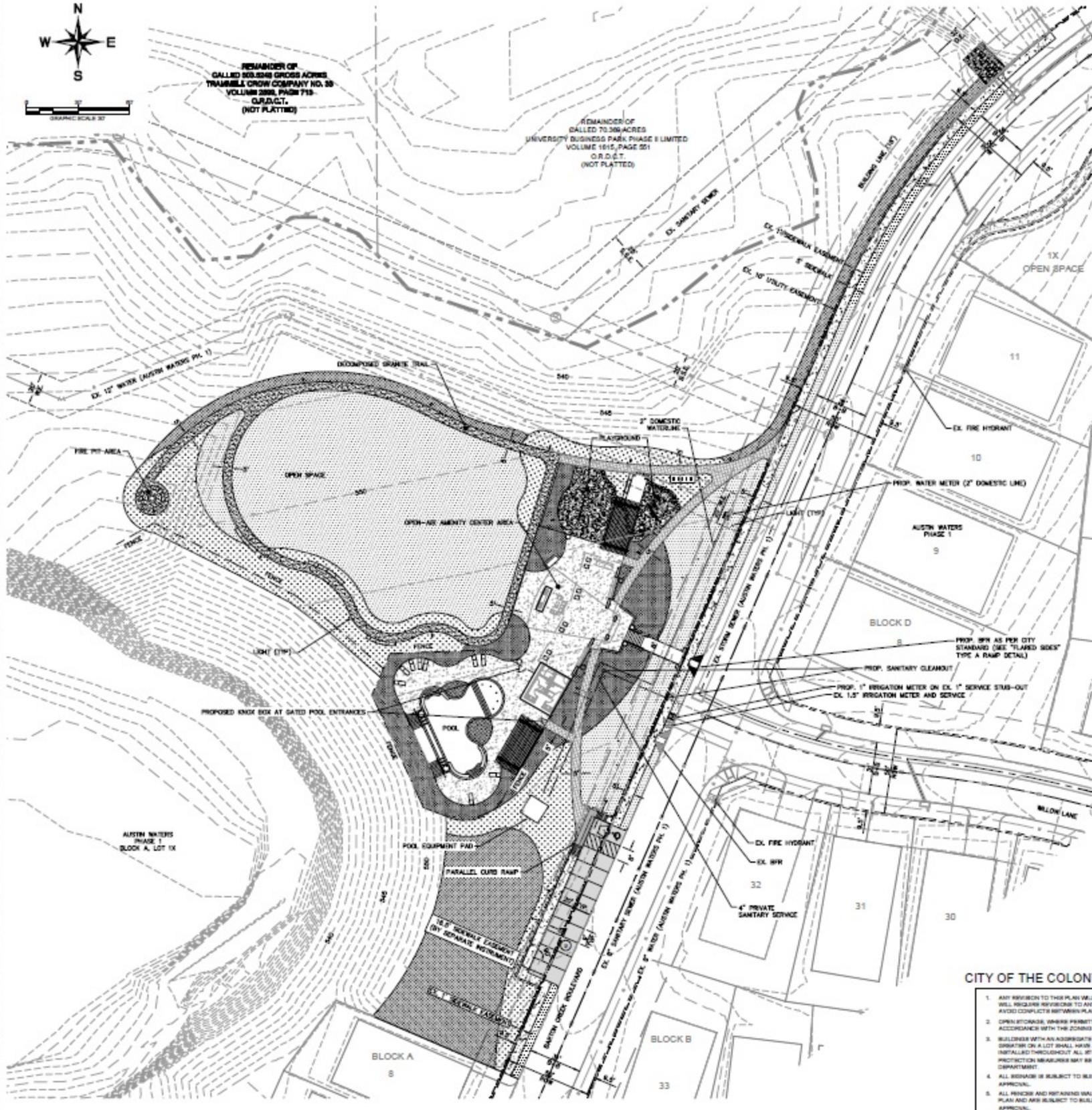


This map was generated by GIS data provided by The Colony GIS Department. The City of The Colony does not guarantee the correctness or accuracy of any features on this map. These digital products are for illustration purposes only and are not suitable for site-specific decision making.



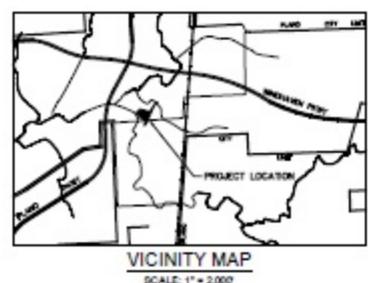
REMAINDER OF CALLED 70.369 ACRES TRUMBULL CROSS COMPANY NO. 28 VOLUME 2006, PAGE 719 (NOT PLATTED)

REMAINDER OF CALLED 70.369 ACRES UNIVERSITY BUSINESS PARK PHASE I LIMITED VOLUME 1915, PAGE 851 (NOT PLATTED)



**LEGEND**

- PROPERTY LINE
- PROPOSED SANITARY SEWER LINE
- PROPOSED WATER LINE
- PROPOSED WATER METER
- PROPOSED SANITARY CLEANOUT
- EXISTING WATER METER
- EXISTING FIRE HYDRANT
- EXISTING WATER LINE
- EXISTING SANITARY SEWER LINE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING STORM SEWER LINE
- ACCESSIBLE PARKING COURT (SPACES @ 2.25 TYP)
- STANDARD PARKING COURT (SPACES @ 2.25 TYP)
- OPEN SPACE / LAWN AREA
- PUBLIC CONCRETE SIDEWALK
- PRIVATE CONCRETE SIDEWALK
- CONCRETE PAVEMENT
- PLANTING AREA
- DECOMPOSED GRANITE TRAIL
- NATIVE BERRANDIA
- LIGHT



**SITE DATA SUMMARY TABLE**

GENERAL SITE DATA	SITE
ZONING	PD-22
LAND USE	AMENITY CENTER
LOT AREA	16,337 AC
USABLE OPEN SPACE PROVIDED	688,463 SF
BUILDING FOOTPRINT AREA	2,325 SF
TOTAL BUILDING AREA	2,325 SF
BUILDING HEIGHT (STORIES)	1 STORY
BUILDING HEIGHT (FEET)	25'
BUILDING LENGTH (FEET)	52'
BUILDING WIDTH (FEET)	44'
LOT COVERAGE	0.31%
FLOOR AREA RATIO	0.009:1
MATERIALS CALCULATION	
NORTH ELEVATION (STONE / CERAMIC TILE)	99%
EAST ELEVATION (STONE)	89%
WEST ELEVATION (STONE)	83%
SOUTH ELEVATION (STONE / WOOD / CLAY TILE)	99%
PARKING	
STANDARD APPLIED	5% OF TOTAL # OF DWELLING UNITS W/ MIN. 4 SPACES (NEIGHBORHOOD AMENITY CENTER)
PARKING RATIO	MIN. 10 SPACES
REQUIRED STANDARD PARKING	MIN. 10 SPACES
PROVIDED STANDARD PARKING	9 SPACES
ACCESSIBLE PARKING REQUIRED	1 SPACE
ACCESSIBLE PARKING PROVIDED	1 SPACE
TOTAL PARKING PROVIDED	10 SPACES
PERVIOUS AREA	
LANDSCAPE AREA	42,656 SF
TOTAL PERVIOUS AREA	42,656 SF
IMPERVIOUS AREA	
BUILDING FOOTPRINT AREA	2,325 SF
AREA OF SIDEWALKS, PAVEMENT & OTHER IMPERVIOUS FLATWORK	30,965 SF
TOTAL IMPERVIOUS AREA	33,190 SF

**CITY OF THE COLONY SITE PLAN NOTES**

- ANY REVISION TO THIS PLAN WILL REQUIRE CITY APPROVAL AND WILL REQUIRE REVISIONS TO ANY CORRESPONDING PLANS TO AVOID CONFLICTS BETWEEN PLANS.
- OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
- BUILDINGS WITH AN APPROPRIATE RUM OF 0.50 SQUARE FEET OR GREATER ON A LOT SHALL HAVE AUTOMATIC FIRE SPRINKLERS INSTALLED THROUGHOUT ALL OF THEIR AREAS. ALTERNATIVE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE FIRE DEPARTMENT.
- ALL SIGNAGE IS SUBJECT TO BUILDING INSPECTION DIVISION APPROVAL.
- ALL REPAIR AND REFINISHING SHALL BE IN ACCORD WITH THE SITE PLAN AND ARE SUBJECT TO BUILDING INSPECTION DIVISION APPROVAL.

Approved by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 Planning Director

**SITE PLAN**  
 CITY PROJECT NO. SP15-0027  
**AUSTIN WATERS PHASE 1, BLOCK A, LOT 1X AMENITY CENTER**  
 LOT 1X, BLOCK A, 16,337 AC.  
 SITUATED IN THE  
 B. SCHOONOVER SURVEY, ABSTRACT NO. 1358,  
 S. EVANS SURVEY, ABSTRACT NO. 387,  
 S. BROWN SURVEY, ABSTRACT NO. 111,  
 AND THE D. ANDREWS SURVEY, ABSTRACT NO. 10  
 CITY OF THE COLONY, DENTON COUNTY, TEXAS

**CONSULTANTS:**  
 CONTACT: ROBERT L. HORN, III  
 MORTGAGE BANKERS  
 8800 COPPER WATERS PKWY.  
 SUITE 100  
 DALLAS, TEXAS 75238  
 PHONE: 972-985-8529

**LANDSCAPE ARCHITECT:**  
 CONTACT: RICH ALLEN  
 TLO  
 5307 RAIL MOUNTAIN LANE,  
 SUITE 100  
 DALLAS, TEXAS 75226  
 PHONE: 214-764-0757  
 FAX: 214-764-8765

**CITY ENGINEER:**  
 5750 DENVER CL. SUITE 200  
 FLORES, TX 75024  
 PHONE: (972) 368-3800  
 CONTACT: ROBERT MOODY, P.E.

**Kimley»Horn**  
 STATE OF TEXAS  
 REGISTRATION NO. 1428

NO.	REVISIONS	DATE	BY

**Kimley»Horn**  
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 8700 W. NORTH AVENUE, SUITE 1000  
 DALLAS, TEXAS 75241  
 PHONE: 972-333-3880 FAX: 972-333-3779  
 WWW.KIMLEY-HORN.COM  
 TEXAS REGISTERED ENGINEERING FIRM F-628

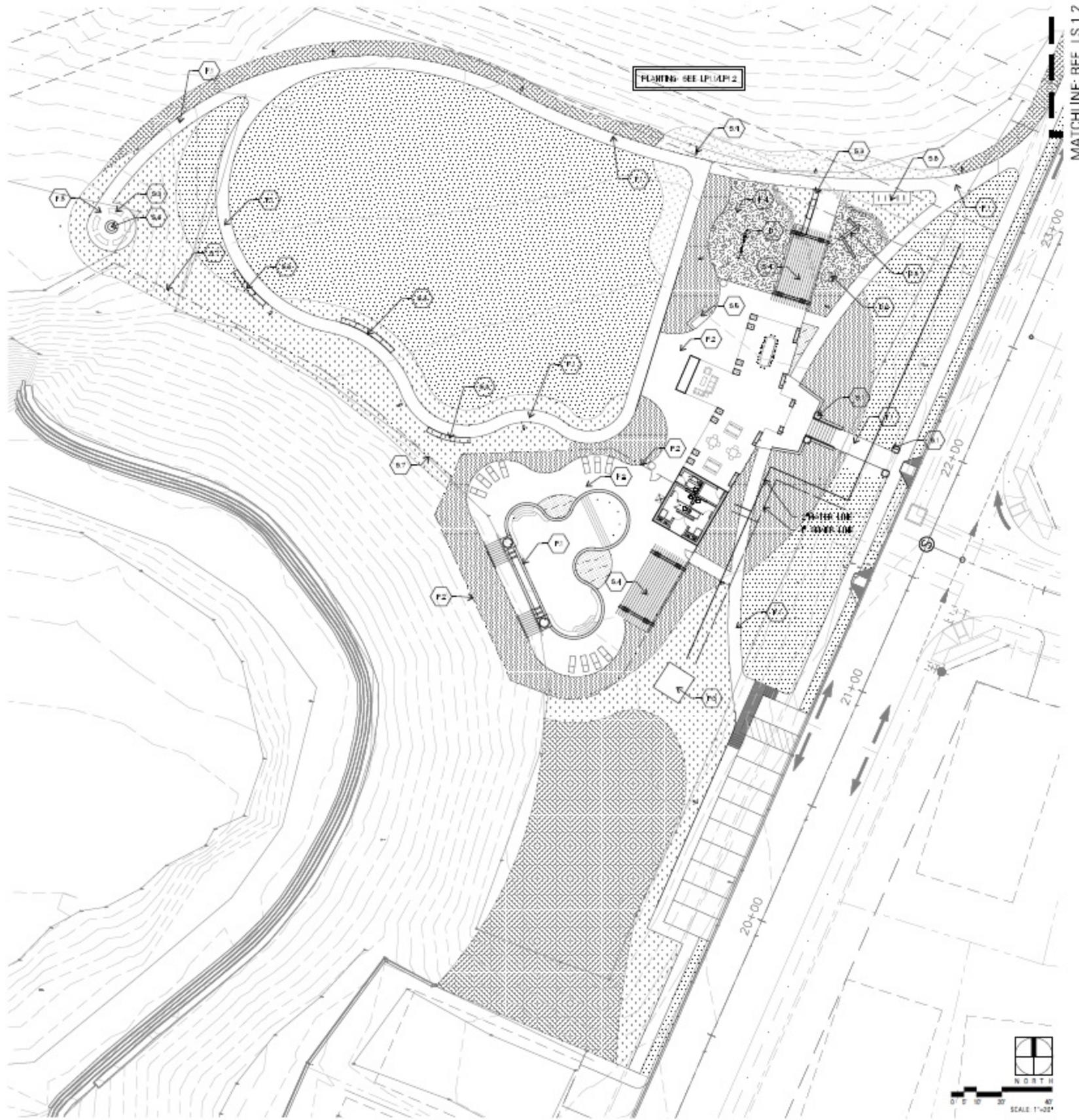
**PRELIMINARY**  
**Kimley»Horn**

KHA PROJECT	DATE	SCALE	DESIGNED BY	DRAWN BY	CHECKED BY
06179100	NOVEMBER 2015	AS SHOWN	ALP	ALP	BRM

**SITE PLAN**

**AUSTIN WATERS AMENITY CENTER**  
 CITY OF THE COLONY  
 DENTON COUNTY, TEXAS

SHEET NUMBER  
**1 OF 4**



MATCHLINE: REF. LS 1.2

LANDSCAPE ELEMENTS		
<b>SURFACES</b>		
KEY	DESCRIPTION	NOTE
F1	PAVING	REINFORCED CONCRETE, WITH SCORING
F2	MINIITY TERRACE	REINFORCED CONCRETE WITH INTEGRAL COLOR AND ENHANCED FINISH
F3	FLAGSTONE	
F4	TIAR PLAYGROUND SURFACING	
<b>SITE ELEMENTS</b>		
S1	3' CAST IRON 'SUGAR KETTLE' PLANTER	
S2	3' CAST IRON 'SUGAR KETTLE' PLANTER	
S3	LIMESTONE SEATING BLOCKS 24\"/>	
S4	PERGOLA / MOOD	
S5	GAS-FIRED GRILL AND COUNTERTOP	
S6	FOOD-SERVING FIRE RING	
S7	8' CEDAR FENCE	
S8	BIKE RACK	
S9	2' PEDESTRIAN POLE LIGHT	
<b>POOL</b>		
KEY	DESCRIPTION / MODEL NUMBER	REMARKS
F1	MINIITY EDGE	
F2	POOL ENCLOSURE	6'-0\"/>
F3	POOL EQUIPMENT	CONCRETE PAD WITH SCREEDING
<b>DISCOVERY PLAY</b>		
D1	KOPIKI 4'-0\"/>	
D2	STEPPING STUMPS	
D3	TOWER OR TRELIS BALANCE LOG 8'-0\"/>	
<b>GENERAL NOTES</b>		
1. ALL LANDSCAPING IS TO BE IRRIGATED IN ACCORDANCE WITH CITY STANDARDS. 2. ALL IRRIGATION SYSTEMS ARE TO BE FITTED WITH RAIN AND FROST GAUGES IN ACCORDANCE WITH CITY STANDARDS. 3. SEE SHEETS LI-01 - LI-05 FOR IRRIGATION. ALL TURF TO BE IRRIGATED HEAD TO HEAD COVERAGE WITH AN AUTOMATIC UNDERGROUND AREA. ALL SOAK PLANTING AREAS TO BE IRRIGATED WITH AN AUTOMATIC WATER-SAVING SYSTEM. 4. LANDSCAPE MAINTENANCE SHALL INCLUDE BUT IS NOT LIMITED TO: WEEDING, WATERING, FERTILIZING, PRUNING, TREES, EDGING, MULCHING AND OTHER NEEDED MAINTENANCE. IN ACCORDANCE WITH GENERALLY ACCEPTED HORTICULTURAL PRACTICES, NO LANDSCAPE MATERIAL SHALL BE ALLOWED TO EXCEED THREE FEET IN HEIGHT ABOVE GROUND LEVEL, AND ALL OVERHANGING BRANCHES SHALL BE KEPT TRIMMED MORE THAN NINE FEET ABOVE GROUND LEVEL. IN ADDITION, ALL LANDSCAPE STRUCTURES (WALLS, FENCES, ETC.) SHALL BE KEPT IN A STRUCTURALLY SOUND AND AESTHETIC CONDITION. 5. THE TRACT HAS NO EXISTING TREES GREATER THAN 4\"/>		



FOR REVIEW ONLY  
 Not for construction  
 PERMIT SET  
 Issued: Nov 2015

Landscape Architects - Planners  
 1221 Broadway, Suite 101  
 San Antonio, Texas 78215  
 (210) 366-9333  
 Austin - Dallas - Fort Lauderdale  
 Fort Worth - Houston - San Antonio - Tulsa

Project:  
**AUSTIN WATERS AMENITY CENTER**

MERITAGE HOMES  
 THE COLONY, TEXAS

Project Number:  
 \_\_\_\_\_

Designed: SA  
 Drawn: JF  
 Reviewed: TR, EK

Date Issued:  
 NOVEMBER 30, 2015

Revisions:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Sheet Title:  
**LANDSCAPE PLAN**

Sheet Number:  
**LS 1.1**

DATE PLOTTED: 11/20/15 10:58:52 AM PLOT FILE: C:\Users\jgallardo\Documents\Projects\Austin Waters\LS 1.1.dwg



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11/30/15

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1221 Broadway, Suite 101  
San Antonio, Texas 78215  
(210) 366-9303  
Austin • Dallas • Fort Lauderdale  
Fort Worth • Houston • San Antonio • Tulsa

Project:  
**AUSTIN WATERS  
AMENITY CENTER**

**MERITAGE HOMES**

**THE COLONY, TEXAS**

Project Number:

Designed: SA

Drawn: JF

Reviewed: TR, EK

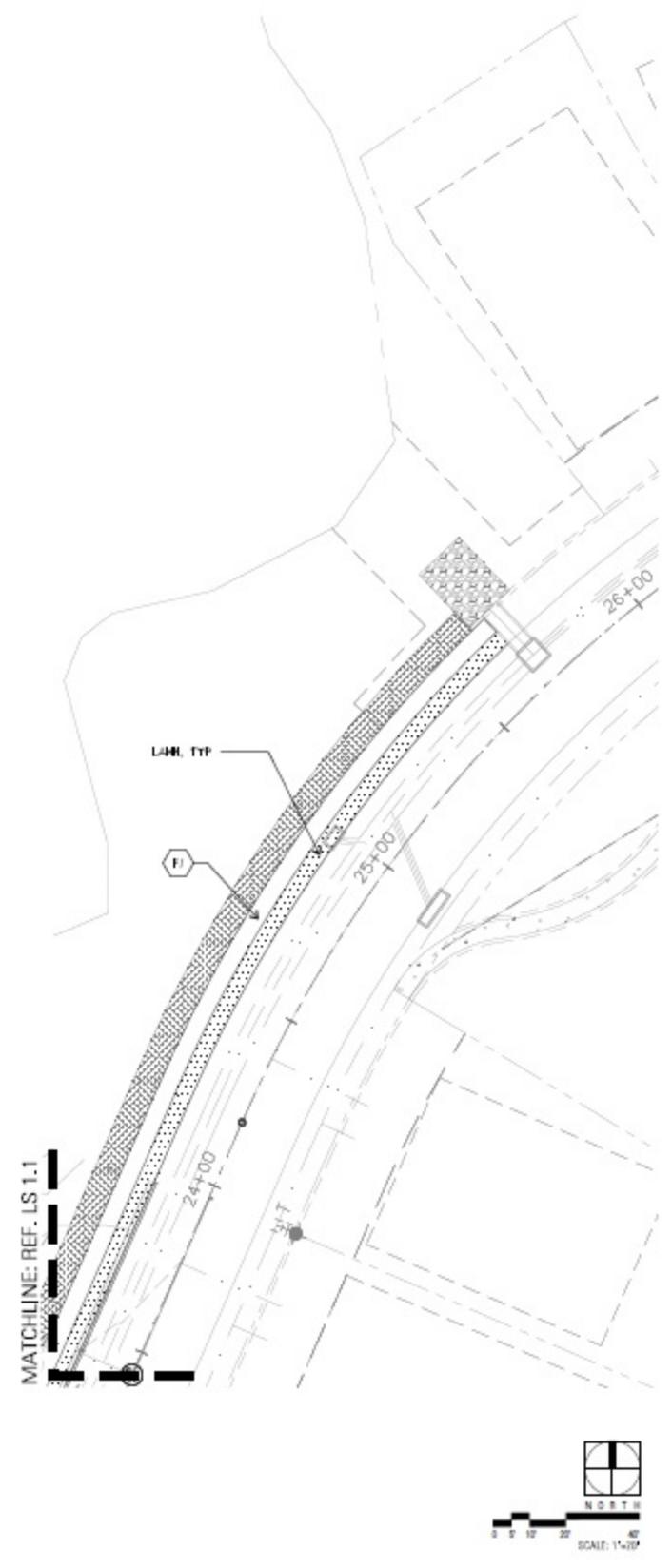
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NOVEMBER 30, 2015

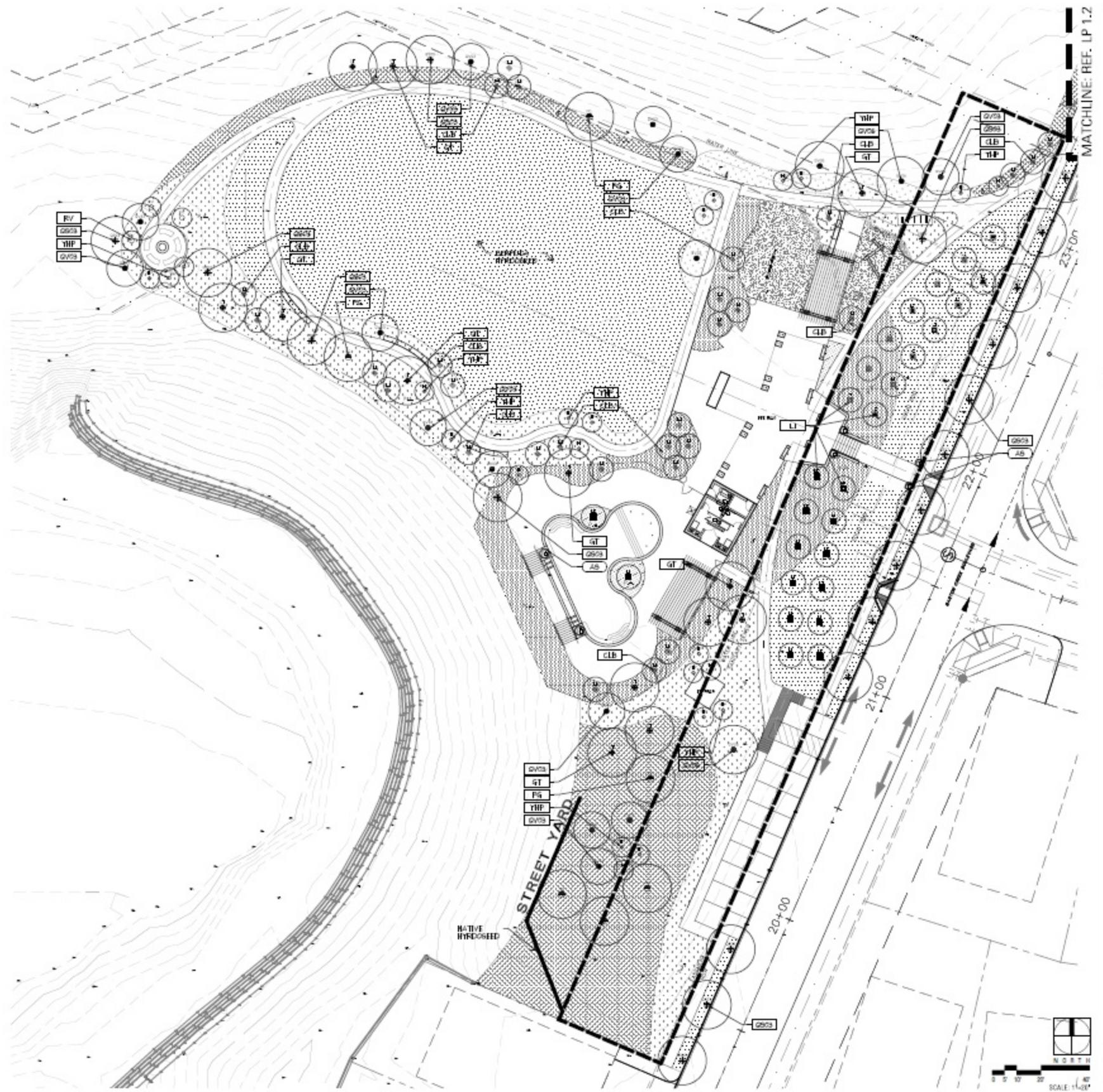
Revisions:  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sheet Title:  
**LANDSCAPE  
PLAN**

Sheet Number:

**LS 1.2**





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October 2015

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San Antonio, Texas 78215  
(210) 366-9933  
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Fort Worth • Houston • San Antonio • Tulsa

Project:  
**AUSTIN WATERS  
AMENITY CENTER**

MERITAGE HOMES  
**THE COLONY, TEXAS**

Project Number:  
\_\_\_\_\_

Designed: SA  
Drawn: JF  
Reviewed: EK, TR

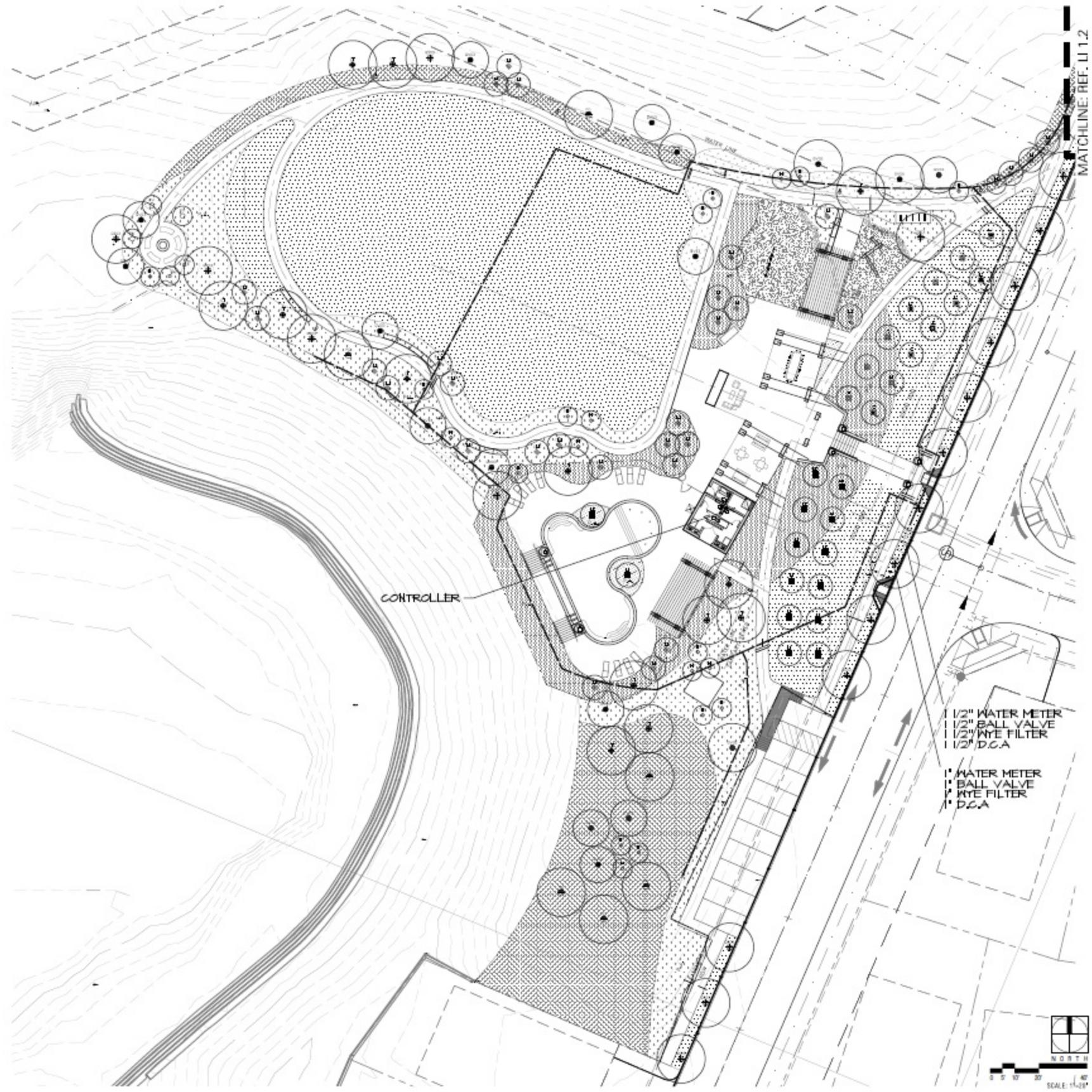
Date Issued:  
NOVEMBER 30, 2015

Revisions:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sheet Title:  
**PLANTING PLAN**

Sheet Number:  
**LP 1.1**





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without a permit

**PERMIT SET**

November 2015

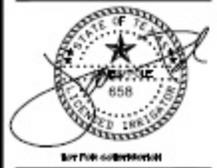
Landscape Architects - Planners  
1221 Broadway, Suite 101  
San Antonio, Texas 78215  
(210) 366-8993

Austin • Dallas • Fort Lauderdale  
Fort Worth • Houston • San Antonio • Tulsa

Project:  
**AUSTIN WATERS  
AMENITY CENTER**

MERITAGE HOMES  
THE COLONY, TEXAS

Project Number:



Designed: CD  
Drawn: AM  
Reviewed: JP

Date Issued:  
NOVEMBER 30, 2015

Revisions:


Sheet Title:  
**IRRIGATION  
PLAN**

Sheet Number:  
**LI 1.1**

**James Pole**  
LANDSCAPE ARCHITECTURE

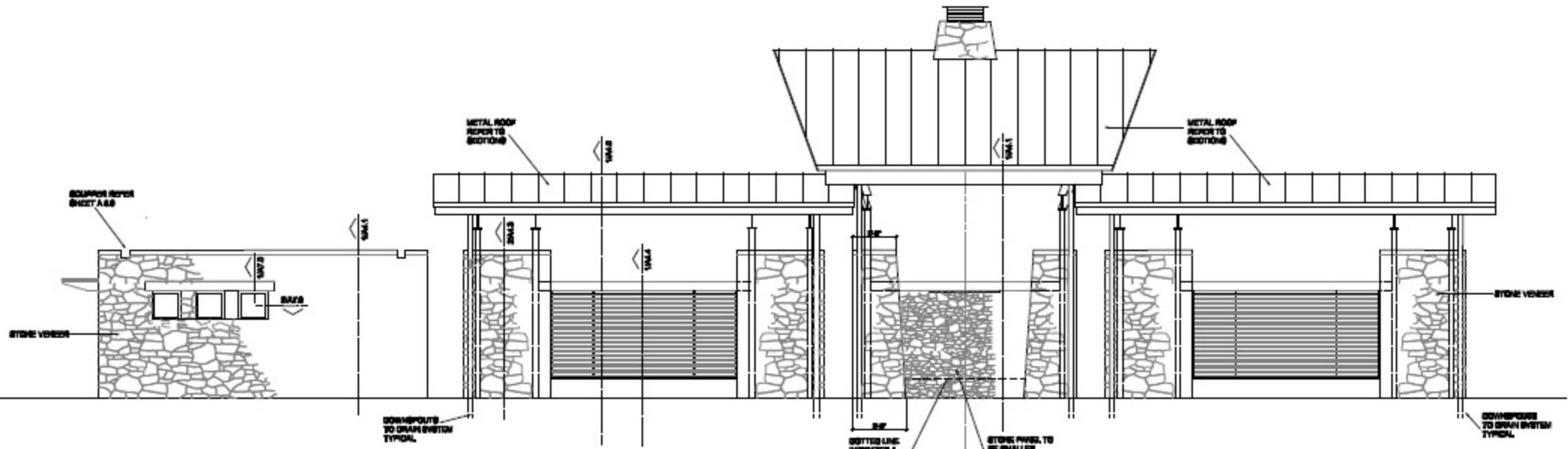
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT  
STATE OF TEXAS LICENSE NO. 658

1100 E. LOOP WEST, SUITE 101  
DALLAS, TEXAS 75201

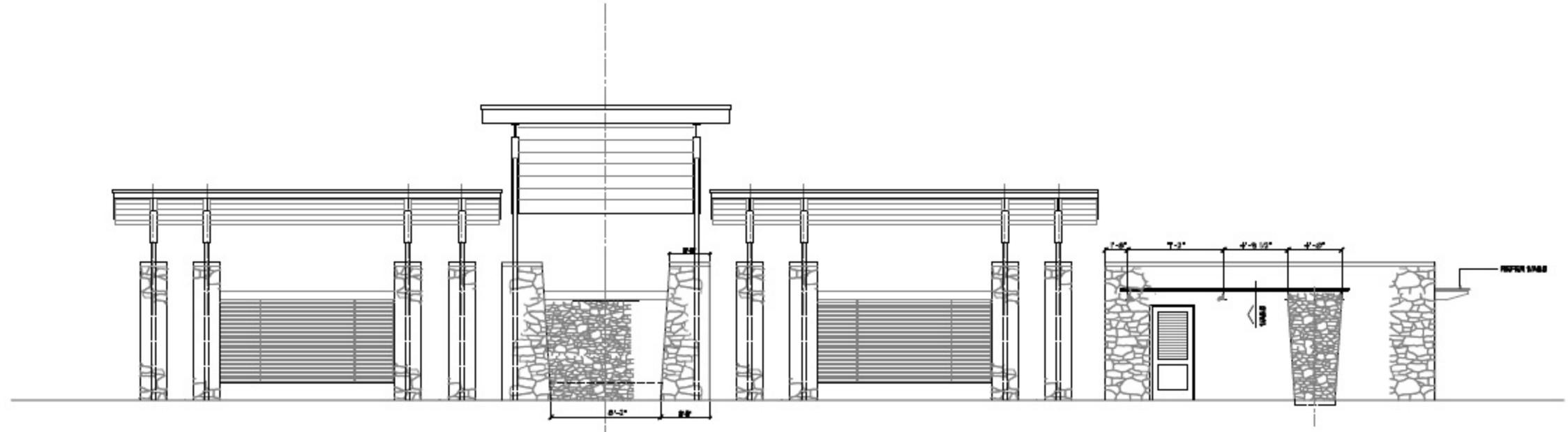
PHONE: 214.366.8993  
FAX: 214.366.8994  
WWW.JAMESPOLE.COM

WaterSense  
APPROVED

IRRIGATION IN TEXAS IS REGULATED BY  
THE TEXAS COMMISSION ON ENVIRONMENTAL  
QUALITY (TCEQ) / TCEQ # 14-118 / PLS. BOX 8009  
TULSA, OK 74101 FOR THE APPLICANT/INSTALLER



1 SOUTH ELEVATION  
1/4"=1'-0"



2 NORTH ELEVATION  
1/4"=1'-0"

FOR PERMIT ONLY  
NOT FOR CONSTRUCTION

**CITY OF THE COLONY, TEXAS**

**ORDINANCE NO. 2016-            
DEVELOPMENT PLAN**

**AUSTIN WATERS AMENITY CENTER**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, APPROVING A DEVELOPMENT PLAN, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A, FOR AUSTIN WATERS AMENITY CENTER, LOCATED AT 2600 BARTON CREEK BLVD, IN PLANNED DEVELOPMENT 22 (PD 22) ZONING DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission and the City Council of the City of The Colony, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of The Colony, Texas, is of the opinion and finds that Development Plan Application No. SP15-0027 for Austin Waters Amenity Center, located at 2600 Barton Creek Blvd, in Planned Development 22 (PD 22/Austin Ranch PD) zoning district is approved.

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

**SECTION 1.** That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2.** That the City Council of the City of The Colony, Texas, does hereby approve the Site Plan, a copy of which is attached hereto as *Exhibit A* of this Ordinance.

**SECTION 3.** That it is hereby declared to be the intention of the City Council of the City of The Colony, Texas, that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.** That any provision of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**SECTION 5.** That this Ordinance shall become effective immediately upon its passage.

**DULY PASSED** by the City Council of the City of The Colony, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

Joe McCourry, Mayor

**ATTEST:**

---

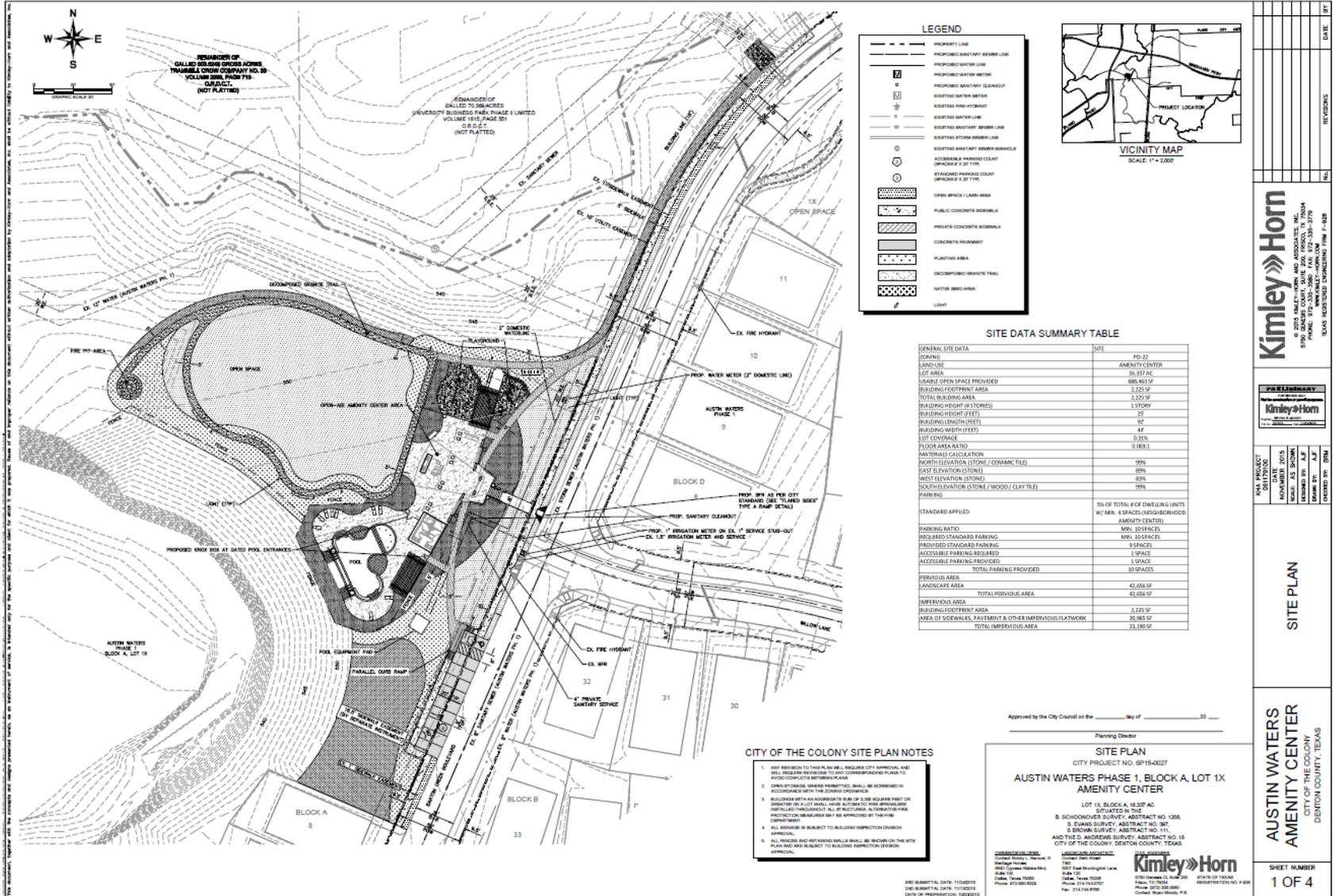
Christie Wilson, City Secretary

**APPROVED AS TO FORM:**

---

Jeff Moore, City Attorney

# Exhibit A Development Plan



**MINUTES  
CITY OF THE COLONY  
PLANNING AND ZONING COMMISSION  
DECEMBER 8, 2015**

After determining that a quorum was present, the Planning and Zoning Commission of the City of The Colony, Texas convened into Regular Session which was held on Tuesday, December 8, 2015 at 6:30 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items were addressed:

**Board Members Present:** Karen Hames, Chairman, Detrick DeBurr, Vice Chairman, Shawn Rockenbaugh, Cesar Molina Jr., Janece Pool, and Shannon Hebb.

**Board Members Absent:** Brian Buffington

**City Council Liaison:** David Terry, City Council Place 4

**Staff Present:** Mike Joyce, AICP, Director of Planning, Surupa Sen, AICP, Senior Planner.

<b>1.0</b>	<b>CALL REGULAR SESSION TO ORDER</b>
------------	--------------------------------------

Chairman Hames called the meeting to order at 6:30 p.m.

<b>1.1</b>	<b>CITIZEN INPUT</b>
------------	----------------------

No citizens came forward during Citizen Input.

<b>2.0</b>	<b>CONSENT AGENDA</b>
<b>2.1</b>	Consider approval of the minutes of the November 10, 2015 Regular Session.
<b>2.2</b>	<b><i>FP15-0021 Tullamore Meadows Phase 2A at Tribute Final Plat</i></b> Consider approval of a Final Plat for Lots 25 - 35, Block B, and Lots 36X, 37X Block B, Tullamore Meadows Phase 2A at Tribute, being 4.108 acres out of the B.B.B. & C.R.R. Survey, Abstract No. 182, an addition to the City of The Colony, Denton County, Texas, located near the southeast corner of future Waverly and Ivey Streets, in Planned Development 23 (PD-23) zoning district.

Chairman Hames read the Consent Agenda items into the record.

**Commissioner Hebb moved to approve Item 2.1 and 2.2, Commissioner Pool seconded the motion. Motion carried (6-0).**

<b>4.0</b>	<b>DISCUSSION ITEMS</b>
<b>4.1</b>	<b><i>SP15-0027 Austin Waters Amenity Center Development Plan</i></b> Discuss and consider making a recommendation to City Council on a request for Development Plan for Austin Waters Amenity Center, a 2,225 sf facility with associated open spaces, located on Barton Creek Blvd within Austin Waters East Phase 1 subdivision, in Austin Ranch Planned Development (PD 22) zoning district.

Chairman Hames read discussion item 4.1 into record.

Ms. Sen presented the staff report.

There being no question from Commission, Chairman Hames called for a motion.

**Commissioner Hebb moved to approve Item 4.1, Commissioner Rockenbaugh seconded the motion. Motion carried (6-0).**

<b>4.2</b>	<b><i>FY 2014-2015 Planning and Zoning Commission Annual Report</i></b>
------------	---

Mr. Joyce presented the Planning and Zoning Commission Annual Report.

There being no further business to come before the Commission, Chairman Hames adjourned the Regular Session of the Planning and Zoning Commission at 6: 36 p.m.

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Karen Hames, Chairman

---

Surupa Sen, AICP, Senior Planner

**TO:** Mayor, City Council, and City Manager

**DATE SUBMITTED:** December 30, 2015

**MEETING DATE:** 1/5/2016

**SUMMARY OF REQUEST:** Discuss and consider approving an ordinance amending the Code of Ordinances, Chapter 18, Section 18-24(10) entitled "Construction and Maintenance," to require the burying of wires and cables in public right-of-ways within ten (10) days (Development Services, Joyce)

---

**Background:**

**Purpose:**

**Issues:**

**Alternatives:**

**Recommendations:**

**Attachments:**

Council Staff Report  
Proposed Ordinance

## CITY COUNCIL REPORT

**AGENDA DATE:** January 5, 2016

**DEPARTMENT:** Engineering/Development Services Department

---

**SUBJECT:** *SI15-0018 Revisions to Chapter 18, Streets, Sidewalks and Other Public Ways, specifically Article II, Work on Public Property, Section 18-28, Conditions of public right-of-way occupancy*

Discuss and consider approval of revisions to Chapter 18, Streets, Sidewalks and other Public Ways, specifically revisions to Article II, Section 18-28, conditions of public right-of-way occupancy of the Code of Ordinances.

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

June 16, 2003 – The City Council voted approval to several amendments to Chapter 18, Streets Sidewalks and Other Public Ways of the Code of Ordinances on a vote of 7-0.

**OPTIONS**

1. Approve as submitted.
2. Approve with conditions.
3. Postpone consideration.
4. Table item.

**ATTACHMENTS**

1. Staff Analysis
2. Proposed Ordinance

## ATTACHMENT 1 Staff Analysis

### **BACKGROUND**

Late in 2015, the Planning Staff was asked to research if other cities require a timeline to bury telephone/television/internet or other cables after their initial installation. Staff found that if the cables were in public right-of-ways many cities require between 10 and 30 days to have these cable buried. Looking at cities, not only in Texas, but throughout the United States, staff found only one city which was located outside of Texas, required the burying of cables on private property.

During a City Council Workshop on December 1, 2015, the Planning Staff presented the City Council which discussed and considered proposed revisions to Section 18-28, Conditions of Public Right-of-ways and the Occupancy of such utilities. At the Workshop the City Council determined that it may be in the best interest of the City to repeal the current Chapter 18, Section 18-24(10) and replace with a new Chapter 18, Section 18-24(10) to require the burying of cables and wires within public rights-of-way.

Currently, Section 18-24, Construction & Maintenance of Chapter 18, Streets, Sidewalks & other Public Ways of the Code of Ordinances reads as follows in Subsection (10):

“(10) When a person completes construction, expansion, reconstruction, removal, excavation or other work, the person shall promptly restore the public rights-of-way to a condition that is equal to or better than the condition of the property prior to the performance of the work. A person shall replace and properly re-lay and repair the surface, base, irrigation system and landscape treatment of any public rights-of-way that may be excavated or damaged by reason of the erection, construction, maintenance, or repair of the person's facilities within 30 calendar days (unless extended by the city for good cause) after completion of the work; provided, however, that such timetable shall apply only to the extent the same is not addressed in another ordinance, rule or regulation of the city which requires a permit for any excavation, construction, installation, expansion, repair, removal, relocation or maintenance of facilities.”

Proposed is amending Chapter 18, Section 18-24(10) by repealing in its entirety and replacing with a new Chapter 18, Section 18-24(10) which read as follows:

“(10) When a person completes construction, expansion, reconstruction, removal, excavation or other work, the person shall promptly restore the public rights-of-way to a condition that is equal to or better than the condition of the property prior to the performance of the work. A person shall bury wires or cables, and replace and properly re-lay and repair the surface, base, irrigation system and landscape treatment of any public rights-of-way that may be excavated or damaged by reason of the erection, construction, maintenance, or repair of the person's facilities within 10 calendar days (unless extended by the city for good cause) after completion of the work; provided, however, that such timetable shall apply only to the extent the same is not addressed in

another ordinance, rule or regulation of the city which requires a permit for any excavation, construction, installation, expansion, repair, removal, relocation or maintenance of facilities.”

**CITY OF THE COLONY, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING CHAPTER 18, SECTION 18-24(10) OF THE CODE OF ORDINANCES, ENTITLED “CONSTRUCTION AND MAINTENANCE,” BY REQUIRING THE BURYING OF WIRES AND CABLES WITHIN PUBLIC RIGHTS-OF-WAY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH AND EVERY OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has discussed and considered such revisions and has determined that it is in the best interest of the City to repeal the current Chapter 18, Section 18-24(10) and replace with a new Chapter 18, Section 18-24(10) to require the burying of cables and wires within public rights-of-way.

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

**SECTION 1.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2.** That the Code of Ordinances of the City of The Colony, Texas be, and the same is, hereby amended by amending Chapter 18, Section 18-24(10) by repealing in its entirety and replacing with a new Chapter 18, Section 18-24(10) which shall read as follows:

“(10) When a person completes construction, expansion, reconstruction, removal, excavation or other work, the person shall promptly restore the public rights-of-way to a condition that is equal to or better than the condition of the property prior to the performance of the work. A person shall bury wires or cables, and replace and properly re-lay and repair the surface, base, irrigation system and landscape treatment of any public rights-of-way that may be excavated or damaged by reason of the erection, construction, maintenance, or repair of the person's facilities within 10 calendar days (unless extended by the city for good cause) after completion of the work; provided, however, that such timetable shall apply only to the extent the same is not addressed in another ordinance, rule or regulation of the city which requires a permit for any excavation, construction, installation, expansion, repair, removal, relocation or maintenance of facilities.”

**SECTION 3.** If any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 4.** That all provisions of the Ordinances of the City of The Colony, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 5.** Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of The Colony, Texas, shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense. Every day a violation occurs shall constitute a separate offense.

**SECTION 6.** This Ordinance shall become effective from and after its date of passage in accordance with law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2016.**

\_\_\_\_\_  
Joe McCourry, Mayor

**ATTEST:**

\_\_\_\_\_  
Christie Wilson, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jeff Moore, City Attorney

**TO:** Mayor, City Council, and City Manager

**DATE SUBMITTED:** December 30, 2015

**MEETING DATE:** 1/5/2016

**SUMMARY OF REQUEST:** Conduct a public hearing, discuss and consider an amendment to the Code of Ordinances, Appendix A, Section 10B-1100, entitled "Standards for Swimming Pools and Hot Tubs," by adding a new subsection (i) to address the demolition of swimming pools and hot tubs (Development Services, Joyce)

---

**Background:**

**Purpose:**

**Issues:**

**Alternatives:**

**Recommendations:**

**Attachments:**

Council Staff Report  
Proposed Ordinance  
P&Z Minutes

## CITY COUNCIL REPORT

**AGENDA DATE:** January 5, 2016

**DEPARTMENT:** Engineering/Development Services Department

---

**SUBJECT *SI15-0012 Zoning Ordinance Text Amendment - Swimming Pool Demolition***

Conduct a public hearing, discuss and consider an amendment to the Code of Ordinances, Appendix A, Section 10B-1100, entitled “Standards for Swimming Pools and Hot Tubs,” by adding a new subsection (i) to address the demolition of swimming pools and hot tubs.

**PROPOSED REQUEST**

Over the past six (6) months, Community Image has received several complaints from residents regarding the condition of neighboring properties’ swimming pools. Among the most common complaints are:

- (1) Pools that are not being maintained and have become stagnant/breeding grounds for mosquitos;
- (2) Pools that have been drained and have become dilapidated and most recently;
- (3) Contractors filling in pools with trash and debris prior to adding top soil/fill.

Although there are regulations within existing ordinance addressing stagnant water on private property, there are currently no formal standards/regulations adopted to ensure a safe method and materials are used during the demolition/fill process. Staff’s concern is that as more contractors and homeowners decide to demolish/fill in swimming pools, a set of standards should be adopted to ensure the safety of surrounding and future residents of the properties. After review of surrounding cities ordinances pertaining to this issue by the City Attorney and Ordinance Review Committee, staff has put together a draft ordinance for review and discussion.

**PRIOR ACTION/REVIEW (Council, Boards and Commissions)**

- August 18, 2015 – City Council reviewed this proposed amendment and recommended staff to add specific conditions under which a compaction report shall be required for swimming pool demolitions.

**ORDINANCE REVIEW COMMITTEE (ORC) RECOMMENDATION**

The Ordinance Review Committee, at its March 17, 2015 meeting, recommended approval of the revisions to the Zoning Ordinance.

**PLANNING AND ZONING COMMISSION RECOMMENDATION**

The Planning and Zoning Commission, at its July 14, 2015 meeting, voted (7-0) to recommend approval of the revisions to the Zoning Ordinance, as stated in the Staff Report with the following stipulation:

1. 4” top soil
2. Remove 24” of the top of the pool structure
3. Fill pool in 8” lifts to reach required compaction
4. Density be 95% standard proctor

### **NOTIFICATION**

The Zoning Ordinance requires newspaper notification a minimum of fifteen (15) days prior to the City Council meeting for text amendments. Notice for this Public Hearing was published in *The NeighborsGo* on December 4, 2015. No comments, either for or against the text amendment, were received as of the printing of this packet.

### **OPTIONS**

1. Recommend as submitted.
2. Recommend with revisions or conditions.
3. Deny.
4. Postpone consideration.
5. Continue item.

### **ATTACHMENTS**

1. Staff Report
2. Proposed Ordinance
3. Minutes of the 7/14/15 Planning and Zoning Commission Meeting

**CITY OF THE COLONY, TEXAS**

**ORDINANCE NO. 2016-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING THE CODE OF ORDINANCES, APPENDIX A, SECTION 10B-1100, ENTITLED “STANDARDS FOR SWIMMING POOLS AND HOT TUBS,” BY ADDING A NEW SUBSECTION (I) TO ADDRESS THE DEMOLITION OF SWIMMING POOLS AND HOT TUBS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH AND EVERY OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 211.006(a) of the Texas Local Government Code requires the City of The Colony, Texas, to publish notice of a public hearing concerning a zoning amendment before the 15th day before the date of the public hearing; and

**WHEREAS**, Appendix A, Section 24-101(d) of the Code of Ordinances of the City of The Colony, Texas, provides the following “[a] public hearing shall be held by city council before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given per the publication policy of the city, stating the time and place of such hearing, and shall be published a minimum of 15 days prior to the date of the public hearing;” and

**WHEREAS**, the Planning and Zoning Commission and the City Council of the City of The Colony, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of The Colony, Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of The Colony, Texas, is of the opinion and finds that said changes should be granted, and that the Code of Ordinances should be amended.

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

**SECTION 1.** That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2.** That Appendix A, Section 10B-1100, of the Comprehensive Zoning Ordinance of the City of The Colony, Texas, entitled “Standards for swimming pools and hot tubs” is hereby amended by adding a new subsection (i) which shall read as follows:

“(i) *Demolition of swimming pools and hot tubs.* Demolition of swimming pools and hot tubs (“pools”) are subject to the following requirements:

- (1) All pool pumps, heating equipment, and related piping must be removed. Gas piping going to the heater, must also be removed at the source as required by the by the most recently adopted plumbing code.
- (2) All electrical wiring for pool equipment must be removed at the source as required by the most recently adopted electrical code.
- (3) Drainage Holes of sufficient size and number shall be installed and inspected prior to filling in of any pool or spa.
- (4) Upon completion and inspection of drain holes, the pool shall be filled with approved compactable materials to the adjacent grade. The top of the fill shall be comprised of a minimum thirty-six inch (36") of clean fill dirt. Backfill shall consist of clean soil, graded rock or a combination thereof. Broken concrete or other construction and household debris shall not be considered acceptable fill material.
- (5) Compaction Report: A certified compaction report will be required for demolition of a pool or stand-alone hot tub if the pool or hot tub is within 5' of the house or main structure. If a compaction report is required, it must be conducted by a certified geotechnical firm and be submitted to the Building Official prior to final inspection. The report must indicate the following:
  1. There should be 4" top soil
  2. Removed 24" of the top of the pool structure
  3. Fill and compact in 8" lifts
  4. Density is 95% standard proctor
  5.  $\pm$  3% moisture control
- (6) Inspections: The following inspections shall be required:
  - (A) Disconnection of all utilities;
  - (B) Installation of drainage holes and backfill
  - (C) Final – all work is completed and a certified compaction report is provided if required."

**SECTION 3.** If any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 4.** That all provisions of the Ordinances of the City of The Colony, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 5.** Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of The Colony, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Every day a violation occurs shall constitute a separate offense.

**SECTION 6.** This Ordinance shall become effective from and after its date of passage in accordance with law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2016.**

\_\_\_\_\_  
Joe McCourry, Mayor

**ATTEST:**

\_\_\_\_\_  
Christie Wilson, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jeff Moore, City Attorney

**MINUTES  
CITY OF THE COLONY  
PLANNING AND ZONING COMMISSION  
JULY 14, 2015**

After determining that a quorum was present, the Planning and Zoning Commission of the City of The Colony, Texas convened into Regular Session which was held on Tuesday, June 14, 2015 at 6:30 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items were addressed:

**Board Members Present:** Karen Hames, Chairman, Detrick DeBurr, Vice Chairman, Brian Buffington, Shawn Rockenbaugh, Cesar Molina Jr., Janece Pool, and Shannon Hebb.

**Board Members Absent:** None

**Staff Present:** Mike Joyce, AICP, Planning Director, Joe Perez, Program Administrator, Surupa Sen, AICP, Senior Planner, Roy Castro Chief Building Official, and Brian McNulty, Technical Assistant.

<b>1.0</b>	<b>CALL REGULAR SESSION TO ORDER</b>
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Chairman Hames called the meeting to order at 6:30 p.m.

<b>1.1</b>	<b>CITIZEN INPUT</b>
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No citizens came forward during Citizen Input.

<b>1.2</b>	<b>Oath of Office for new Commissioner.</b>
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City Secretary, Christie Wilson administered the Oath of Office for new and reappointed Commissioners. Commissioner Shawn Rockenbaugh, Detrick DeBurr, Cesar Molina, and Janece Pool were sworn in.

<b>1.3</b>	<b>Election of Chair and Vice Chair for the Commission.</b>
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**Commissioner Molina moved to elect Karen Hames as the Chairman of the Commission seconded by Commissioner DeBurr. Motion carried (7-0).**

**Chairman Hames moved to elect Detrick DeBurr as the Vice-Chairman of the Commission seconded by Commissioner Molina. Motion carried (7-0)**

<b>2.0</b>	<b>CONSENT AGENDA</b>
<b>2.1</b>	Consider approval of the minutes of the June 9, 2015 Regular Session.
<b>2.2</b>	<b><i>PP15-0001, Colony Center Addition Preliminary Plat</i></b> Discuss and consider approval of a Preliminary Plat for Lots 1-8, Block A, Colony Center Addition, being 45.1137 acres out of the B.B.B. & C.R.R. Survey, Abstract No. 173 & 174, an addition to the City of The Colony, Denton County, Texas.
<b>2.3</b>	<b><i>FP15-0005, Westbury at Tribute, Phase 1A Final Plat</i></b> Discuss and consider a Final Plat for Lots 13-23, Block T, Westbury at Tribute Phase 1A, being 1.641 acres out of the B.B.B. & C.R.R. Survey, Abstract No. 182, an addition to the City of The Colony, Denton County, Texas.

Chairman Hames read the Consent Agenda item into the record and stated there are few changes to the minutes that have been turned in to the secretary.

**Commissioner DeBurr moved to approve Item 2.1, 2.2, 2.3 Commissioner Buffington seconded the motion. Motion carried (7-0).**

<b>3.0</b>	<b>PUBLIC HEARING ITEMS</b>
<b>3.1</b>	<b><i>SI15-0012 Zoning Ordinance Text Amendment - Swimming Pool Demolition</i></b> Conduct a public hearing, discuss and consider making a recommendation to City Council on an amendment to the Code of Ordinances, Appendix A, Section 10B-1100, entitled "Standards for Swimming Pools and Hot Tubs," by adding a new subsection (i) to address the demolition of swimming pools and hot tubs.

Chairman Hames read Public Hearing Item 3.1 into the record.

Mr. Joe Perez presented the staff report.

Commissioner DeBurr asked when the compaction report will be required.

Mr. Perez responded that compaction reports are pretty expensive and the ordinance provides flexibility as to when they will be required. The Building Official will make that call when a demolition permit is submitted.

Commissioner Molina asked if the ordinance requires removal of concrete or how is that determined.

Mr. Perez responded they will have both the options to either leave the concrete or remove it.

Mr. Castro approached the Commission and stated that the applicant has two options. They may either demo the pool, remove all the concrete or they can backfill with approved material.

Commissioner Hebb stated that the City should require backfill 8" lifts, reserve the top 4" for top soil to permit growth of grass or other vegetation, remove 2' of the pool structure, 95% of standard proctor to be utilized.

Chairman Hames opened the public hearing at 6:51 p.m.

No input was received during the public hearing and the public hearing was closed at 6:51 p.m.

There being no further discussion Chairman Hames called for called for a motion from the Commission.

**Commissioner Hebb moved to approve Item 3.1. with the following stipulation**

- 1. 4" top soil**
- 2. Remove 24" of the top of the pool structure**

3. **Fill and compact in 8" lifts**
4. **Density be 95% standard proctor**

**Commissioner Buffington seconded the motion. Motion carried (7-0).**

There being no further business to come before the Commission, Chairman Hames adjourned the Regular Session of the Planning and Zoning Commission at 6: 52 p.m.

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Karen Hames, Chairman

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Surupa Sen, AICP Senior Planner

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**TO:** Mayor, City Council, and City Manager

**DATE SUBMITTED:** December 30, 2015

**MEETING DATE:** 1/5/2016

**SUMMARY OF REQUEST:** Discuss and consider approving a city council meeting schedule for 2016 (City Council)

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**Background:**

Early in the year, staff requests council review meeting dates to obtain some general direction regarding the dates. This year we are suggesting that a calendar for the year be considered for approval. Early notice is recommended so staff and developers may plan accordingly. In the event it is determined at a later time that a cancelled meeting is needed, it can be added back to the calendar.

Dates to consider:

In May the ICSC conference is held and normally up to three of the city council members attend. On occasion the second meeting in May is cancelled; other times it is not.

Council normally does not hold a meeting on the first Tuesday of August due to that being the city's designated National Night Out.

The other questionable date for 2016 is December 20th.

Note: The uniform election date in November of 2016 is the 8<sup>th</sup> and is the second Tuesday of November. There is no conflict for city council meetings.

**Purpose:**

In order to provide some advanced notice to staff and those who do business with the city, there is a need to establish a meeting calendar early in the year. Upon reviewing the 2016 calendar there are no holidays that directly conflict with a usual city council meeting day.

**Issues:**

**Alternatives:**

**Recommendations:**

Staff recommends that the city council approves a meeting schedule so that the city website can be updated accordingly. If council approves a meeting schedule at this time there will be no particular need to bring each cancellation back to council for approval.

**Attachments:**

2016 City Council Meeting Schedule

**2016 City Council Meeting Dates**  
**Start time for the meetings is 6:30 p.m.**

City of The Colony Council meetings are normally the 1st and 3rd Tuesdays of each month.

January 5

January 19

February 2

February 16

March 1

***(LISD Spring Break March 7-11)***

March 15

April 5

April 19

May 3

May 17

***(ICSC Conference is May 22-25)***

June 7

June 21

July 5

July 19

August 2 *(possible cancellation or reschedule due to National Night Out)*

August 16

September 6

September 20

October 4

October 18

November 1

***(Election Day is November 8)***

November 15

December 6

December 20 *(possible cancellation due to impending holidays)*

This schedule is subject to change. Confirmation of dates is recommended during months with holidays.



**AGENDA ITEM**

City Secretary

**TO:** Mayor, City Council, and City Manager

**DATE SUBMITTED:** December 31, 2015

**MEETING DATE:** 1/5/2016

**SUMMARY OF REQUEST:** A. Council shall convene into a closed executive session pursuant to Section 551.071 of the TEXAS GOVERNMENT CODE to seek legal advice from the city attorney regarding a contract with Atlantic Hotels.

B. Council shall convene into a closed executive session pursuant to Section 551.071 of the TEXAS GOVERNMENT CODE to consult with the city attorney regarding an agreement with the Texas Department of Transportation (TxDOT) and the City of The Colony concerning construction of utilities on FM 423.

C. Council shall convene into a closed executive session pursuant to Section 551.071 of the TEXAS GOVERNMENT CODE to consult with the city attorney regarding magistration of prisoners, setting of bonds, and personal recognizance bond issues.

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