



**CITY OF THE COLONY
CITY COUNCIL MEETING AGENDA
TUESDAY, APRIL 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, April 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. Call to Order
- 1.1. Invocation
- 1.2. Pledge of Allegiance to the United States Flag
- 1.3. Salute to the Texas Flag
- 1.4. Proclamation recognizing Telecommunication Personnel in the public safety community (Police, Coulon)
- 1.5. Council to recognize Charlie Hamer, The Colony High School's first Girls Gold-Medalist Wrestler in the State 5A Championships (General Admin, Perez)
- 1.6. Recognize teams from The Colony Youth Basketball League for their performance at the TAAF State Tournament (PARD, Stansell)
- 1.7. Items of Community Interest

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 adopting a future ordinance regulating a farmers market within city limits (General Admin, Perez)
- 2.2. Council to provide direction to staff regarding future agenda items (Council)

¹ 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.

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.

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 March 15, 2016 [Mikulec absent – business] (City Secretary, Wilson)
- 4.2. Consider approving city council expenditures for the month of February 2016 (Council)
- 4.3. Consider approving a resolution authorizing the city manager to execute a contract with McCreary, Vesleka, Bragg, & Allen, PC for the collection of past due property taxes (Finance, Cranford)
- 4.4. Consider approving a resolution supporting a Municipal Settings Designation (MSD) in the City of Lewisville (Engineering, Scruggs)
- 4.5. Consider approving a resolution authorizing the city manager to execute an Agreement for Air Space Easement and Restriction of Bridge Height above roadway improvement known as Bridge Lane in The Tribute Subdivision (Development Services, Joyce)

5.0 REGULAR AGENDA ITEMS

- 5.1. Discuss and consider approving a resolution authorizing the city manager to issue a purchase order to Sequel Data Systems in the amount of \$283,000.00 for the purchase of hardware upgrades and professional services (IT, Vasquez)
- 5.2. Discuss and consider approving a budget amendment ordinance for the Police Department for overtime funds in the amount of \$150,000; and for a virtual emergency notification system with Nixle in the amount of \$9,000 (Police, Coulon)
- 5.3. Discuss and consider approving an ordinance amending the Code of Ordinances, Appendix A, “Zoning”, Section 10-2207, to revise the distance requirements between bar, lounge or tavern, or beverage stores (City Council, Wade)
- 5.4. Discuss and consider approving a supplemental funding request from Metro Relief related to the construction of the community garden project (General Admin, Perez)

- 5.5. Discuss and consider making a nomination by resolution for a candidate to serve on the Denco Area 9-1-1 District Board of Managers for a two year term beginning October 1, 2016 (Council)
- 5.6. Discuss and consider approving a resolution nominating one representative and one alternate representative to the 2016 Regional Transportation Council (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 the Development Agreement, Ground Lease Agreement and related agreements with Marine Quest - Hidden Cove, L.P. and Plains Capital Bank concerning Hidden Cove Park.
 - B. 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 the Development Agreement by and between the City and Billingsley Development Corporation, dated January 20, 1998 and January 22, 2008, as amended.
 - C. 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 pending or contemplated litigation – Atlantic Colony Venture I, LLC and Atlantic Colony Venture II, LLC v. City of The Colony, Texas, et al., Cause No. 16-02219-442.
 - D. 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 pending or contemplated litigation – Appeal of Brazos Electric Power Cooperative, Inc. and Denton County Electric Cooperative, Inc. D/B/A CoServ Electric from an Ordinance of The Colony, Texas, and, in the Alternative, Application for a Declaratory Order, SOAH Docket No. 473-16-1119, PUC Docket 45175.
 - E. 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 City Secretary.
- 6.2.
 - A. Any action as a result of executive session regarding the Development Agreement, Ground Lease Agreement and related agreements with Marine Quest - Hidden Cove, L.P. and Plains Capital Bank concerning Hidden Cove Park.
 - B. Any action as a result of executive session regarding the Development Agreement by and between the City and Billingsley Development Corporation, dated January 20, 1998 and January 22, 2008, as amended.

C. Any action as a result of executive session regarding the pending or contemplated litigation - Atlantic Venture, LLC and Atlantic Colony Venture II, LLC v. City of The Colony, Texas, et al.

D. Any action as a result of executive session regarding the pending or contemplated litigation Appeal of Brazos Electric Power Cooperative, Inc. and Denton County Electric Cooperative, Inc. D/B/A CoServ Electric matter.

E. Any action as a result of executive session regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Secretary.

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 and Section 551.074 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 31st day of March, 2016.

Christie Wilson

Christie Wilson, TRMC, City Secretary



1.4

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: March 30, 2016

MEETING DATE: 4/5/2016

SUMMARY OF REQUEST: Proclamation recognizing Telecommunication Personnel in the public safety community (Police, Coulon)

Background:

Purpose:

This week-long event, held annually during the second week of April, honors telecommunications personnel in the public safety community. National Telecommunicators Week brings celebration, honor, and publicity focused on the otherwise unsung hero on the other end of the line.

Issues:

Alternatives:

Recommendations:

Attachments:

Proclamation

MAYORAL PROCLAMATION

WHEREAS, emergencies can occur at any time that require police, fire or emergency medical services; and

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the City of The Colony police-fire communications center;

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and

WHEREAS, Public Safety Telecommunicators of the City of The Colony have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients;

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

NOW, THEREFORE, I, Joe McCourry, Mayor of the City of The Colony, Texas, do hereby declare the week of April 10th through April 16, 2016, as National Public Safety Telecommunicators Week in the City of The Colony, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Signed and sealed this 5th day of April 2016.

Joe McCourry, Mayor

ATTEST:

Christie Wilson, City Secretary

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: March 30, 2016

MEETING DATE: 4/5/2016

SUMMARY OF REQUEST: Council to recognize Charlie Hamer, The Colony High School's first Girls Gold-Medalist Wrestler in the State 5A Championships (General Admin, Perez)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: March 30, 2016

MEETING DATE: 4/5/2016

SUMMARY OF REQUEST: Recognize teams from The Colony Youth Basketball League for their performance at the TAAF State Tournament (PARD, Stansell)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: March 31, 2016

MEETING DATE: 4/5/2016

SUMMARY OF REQUEST: Discuss adopting a future ordinance regulating a farmers market within city limits (General Admin, Perez)

Background:

Purpose:

Staff has been approached by a group who has an agreement with large commercial property owners in Richardson and Carrollton to a operate farmers market on the weekends in their parking lots.

They are interested in opening one in The Colony however, there are no current regulations adopted addressing this type of use within city limits.

Issues:

Alternatives:

Recommendations:

Attachments:

Draft Ordinance

CITY OF THE COLONY, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING OF THE CODE OF ORDINANCES, CHAPTER 6, ENTITLED “FOOD AND FOOD ESTABLISHMENTS,” BY ADDING A NEW ARTICLE XIII, SECTIONS 6-280 TO 6-288, ENTITLED “FARMERS MARKETS,” BY ESTABLISHING REGULATIONS FOR FARMERS MARKETS WITHIN THE CITY OF THE COLONY, TEXAS; 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 and has determined that it is in the best interest of the City to amend Chapter 6, by adding a new article XIII, Sections 6-280 to 6-288, to address farmers market regulations within the City of The Colony, Texas; 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 amending Chapter 6, entitled “Food and Food Establishments,” by adding new Article XIII, entitled “Farmers Markets,” Sections 6-280 to 6-288, which shall read as follows:

“ARTICLE XIII – FARMERS MARKETS

Section 6-280 - Purpose.

The purpose of this article is to facilitate the promotion of farmers markets within the city to support the local economy, to encourage sustainable living, and to create a more positive image of the city.

Section 6-281 - Definitions.

The following words and phrases as used in this article shall have the meanings as set forth in this section:

Health Authority – Shall mean the city manager, or designee, authorized agent, or employee or duly authorized health inspector.

Farmers Market – An outdoor market place on a private property or on public property as approved by the health authority where produce or food are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, processed, or produced the products or approved foods. A farmers market does not include a flea market or other gatherings or markets primarily offering merchandise, personal effects, tools, or outdoor retail sale or promotion.

Farmers Market Concession Vendor – Any person who prepares, operates, offers, serves, or sales unpackaged ready to eat foods requiring time or temperature control for safety intended to be consumed on site at time of purchase.

Farmers Market Permit – The written approval from the health authority to hold a farmers market at a specific location. Such permit is non-transferable.

Farmers Market Operator Permit Holder – A person who has applied for a farmers market operator permit and has been issued a farmers market operator permit by the health authority. Such permit is non-transferable.

Farmers Market Food Vendor – Any person who operates, offers, or sells approved food items at a farmers market. Foods included are whole produce, including fruits and vegetables, plants, nuts, approved meats, honey, eggs, pasteurized dairy, foods not requiring time or temperature control for safety, prepared packaged foods and other approved foods.

Farmers Market Food Vendor Permit – The written approval from the health authority for a person to participate as a food or concession vendor in a farmers market. Such permit is non-transferable.

Sec. 6-282 - General.

- (a) A farmers market operator permit holder and vendors shall comply with the requirements of this article, unless otherwise restricted by applicable state or federal law, or otherwise provided for in this article. Any other outdoor retail sale or promotion must adhere to Chapter 6, Article VI, of this Code. It shall be unlawful for any farmers market operator permit holder, farmers market food vendor, farmers market concession vendor, or person to violate any of the provisions of this article.
- (b) The health authority shall implement, administer and enforce the provisions of this article.
- (c) The health authority has authority to issue a farmers market permit when requirements of this article have been met.
- (d) The farmers market operator permit holder shall be responsible for the operation, conduct and safety of a farmers market for which a permit has been issued.

Sec. 6-283 - Application.

- (a) A person desiring to hold a farmers market shall apply for a farmers market operators permit by filing with the health authority a written application upon a form provided by the city for that purpose accompanied by a nonrefundable permit fee. A permit for a farmers market may be issued to the applicant that only allows the market to be operated at the single location designated in the permit application. A minimum of five (5) farmers market food vendors is required in order to obtain a farmers market operators permit.
- (b) A specific use permit must be obtained by the property owner from the City of The Colony.
- (c) An application must contain the following information:
 - (1) The name, address and telephone number of the applicant and of any other persons responsible for the conduct of the farmers market.
 - (2) The street address of the proposed location of the farmers market; the name, address and telephone number of the property owner.
 - (3) Site plan showing proposed location of each food vendor.
 - (4) A description of the farmers market, the proposed months, days, dates and hours of operation for the market.
 - (5) Any other information the health authority determines necessary for the administration and enforcement of this article.
- (d) The application must be accompanied with a signed and dated notarized letter from the property owner(s), landlord(s), and other authorized persons in control of the property signifying the use of the location, length of time of the use and other property conditions that may impact food safety, sanitation, and security.
- (e) The building official, city departments, and the health authority may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of a farmers market, to be incorporated into the permit before issuance.
- (f) After reviewing the application and comments, the health authority shall issue the farmers market operator permit unless denial is required herein. A farmers market operator permit expires one year after issuance and may be renewed by applying in accordance with this section.

Sec. 6-284 - Denial; appeal; revocation.

- (a) The health authority shall deny or revoke a farmers market operator permit if:

- (1) A farmers market permit has been previously granted in the calendar year to another farmers market that is located within one mile of the proposed market and has the same or overlapping operating dates and times as the proposed market;
- (2) The proposed farmers market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;
- (3) The applicant fails to adequately provide for:
 - (A) The protection of the vendors and attendees at the farmers market;
 - (B) Maintenance of public order in and around the farmers market location;
 - (C) Crowd security, taking into consideration the size of the market; or
 - (D) Emergency vehicle access.
- (4) The applicant fails to comply with or the proposed farmers market will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this article;
- (5) The applicant makes a false statement of material fact on an application for a farmers market permit or fails to properly complete an application for a market permit;
- (6) The applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the farmers market;
- (7) The applicant has had a farmers market permit revoked within the preceding twelve (12) months;
- (8) The applicant fails to pay any outstanding fees assessed under this article for the proposed farmers market or for a past farmers market;
- (9) The chief of the police or fire departments or the health authority determines that the farmers market would pose a serious threat to the public health, safety or welfare;
- (10) The applicant fails to acquire or maintain approval from the property owner to operate the farmers market on the property identified in the application.

(11) The applicant fails to comply with any additional requirements or demands made during the application and permitting process by the health authority as provided for in this chapter.

(b) *Appeal.* If the health authority denies the issuance or renewal of a permit or revokes a permit, the health authority shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right to an appeal. The applicant or permit holder may appeal the decision of the health authority to the city manager or designee by submitting a written request to the health authority within ten business days after receipt of such denial or revocation. The decision of the city manager shall be final.

Sec. 6-285 - Operation of a farmers market.

(a) A farmers market may only be operated on weekend days of Saturday and Sunday and on Mondays that are recognized national holidays. Hours of operation shall be between 7 a.m. to 10 p.m.

(b) A farmers market may not be operated on more than three (3) consecutive days.

(c) The farmers market may only be operated in accordance with the schedule filed with the health authority at the time of permit application. Amendment to the schedule may be approved by the health authority during the calendar year if the changes do not conflict with the schedule of another farmers market. An amendment request must be received by the health authority at least ten (10) days before implementing any changes.

(d) All litter, tents, stalls, food, and other evidence of the farmers market must be removed from the premises at the end of each market day.

(e) The farmers market operator permit holder shall be responsible for the operation and conduct of the farmers market, vendors, and shall be present or may designate a person in charge who shall be present at the farmers market during the hours of operation.

(f) Except as otherwise provided in this article, products that may be sold at a farmers market include but are not limited to;

(1) Produce including fruits, vegetables, honey, eggs, nuts, herbs, mushrooms, seeds, pasteurized dairy products;

(2) Prepared foods requiring time or temperature controls for safety;

(3) Concessions, including prepackaged food from a licensed facility; prepared foods not requiring time or temperature controls for safety;

(4) Meats: frozen, prepackaged and inspected by USDA; or equal;

- (5) The permit holder shall be responsible to ensure that the vendors comply with this section.
- (g) No animals may be sold, offered for sale or adoption, displayed, transferred or given away at any farmers market.
- (h) The farmers market operator permit holder shall maintain a list of all participating food vendors. The list shall be made available to any health authority of the city upon request at least forty-eight (48) hours prior to the farmers market opening and maintained for at least 180 calendar days from the date of the end of the farmers market. This list shall include, at a minimum:
 - (1) The name, address and phone number of the vendor;
 - (2) The date(s) the vendor operated at the farmers market;
 - (3) A list of the food items offered by the vendor for each date operated at the farmers market;
 - (4) A copy of any applicable permits held by the vendor; and
 - (5) The address or location of each food item's origin, including information on where the food items were grown, cultivated or otherwise obtained by the vendor.
- (i) Farmers market vendor shall comply with the following:
 - (1) Vendors desiring to participate in a farmers market shall apply for a vendor's permit by filing with the health authority a written application upon a form provided by the city for that purpose, accompanied by a nonrefundable permit fee, if required. It is unlawful for any vendor to participate in a farmers market without first having a valid vendor permit issued by the health authority. A farmers market vendor permit shall only be issued to persons that have raised, grown, made, processed, or produced the products or approved foods.
 - (2) Vendors that offer, sell, sample or distribute foods requiring time or temperature controls for safety shall have a person in charge that can show proof of successfully passing a Texas Department of State Health Services (TDSHS) recognized certified food handler course.
 - (3) Vendors that offer, sell or distribute only prepackaged foods not requiring time or temperature controls for safety and plants, nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling or washing by the consumer before consumption, are exempt from the certified food handler requirement.

- (4) Vendors that offer, sell, sample or distribute foods requiring time or temperature controls for safety shall comply with the City of The Colony Health Department Regulations and Texas Food Establishment Rules (TFER).
- (5) Vendors that offer, sell, sample or distribute foods requiring time or temperature controls for safety shall comply with all regulations specified in the food regulations in this chapter.
- (6) Vendors that offer, sell, sample or distribute foods requiring time or temperature controls for safety shall submit a farmers market food vendor application accompanied by a nonrefundable application fee, if required, before operating at the farmers market.
- (7) Unless operating under the Texas Cottage Food Industry Law, vendors that offer, sell, sample or distribute prepackaged foods shall ensure prepackaged foods are labeled according to the Texas Food Establishment Rules (TFER) requirements.
- (8) Unless operating under the Texas Cottage Food Industry Law, vendors that offer, sell, sample or distribute prepackaged foods shall possess Texas Department of State Health Services manufactured foods license if required.
- (9) Unless operating under the Texas Cottage Food Industry Law, home preparation or storage of foods is not allowed.
- (10) Vendors that offer, sell, sample or distribute foods under the Texas Cottage Food Industry Law shall follow labeling practices as specified by the Texas Cottage Food Industry requirements.
- (11) All vendors shall be compliant with food safety requirements including providing; equipment capable of furnishing adequate hot holding and or cold holding; a three compartment sink set up; thermometers; hand washing set up; sanitizing buckets; and wiping cloths; proper wastewater disposal; food handler hair restraints; and gloves or utensils for food handling.

Sec. 6-286 - Food.

(a) *Preventing contamination.*

- (1) *Food display.* Except for plants, nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling or washing by the consumer before consumption, food on display shall be protected from contamination by use of packaging; counter, service line, or sneeze guards that comply with National Sanitation Foundation (NSF) or equivalent personnel or staff, or by other means approved by the health authority.

- (2) *Approved source.* Only food from an approved source, as defined in the Texas Food Establishment Rules (TFER), or by Texas Cottage Food Industry Rules may be offered at a temporary open air market.
 - (3) *Prohibited items.* Fresh, non-frozen fish, foraged foods, game animals, gleaned foods, and non-pasteurized dairy items may not be sold, offered for sale, sampled, displayed, served or consumed at a farmers market.
 - (4) *Temperature requirements.* Food temperatures must be in compliance with this article. Equipment used to hold foods shall maintain required temperatures for the duration of the hours of operation of the farmers market, including preparation.
 - (A) Frozen meats, poultry and seafood shall be maintained at or below 0° Fahrenheit for the duration of the market, including transportation to the market.
 - (B) Eggs, prepared foods requiring time or temperature controls for safety, and refrigerated dairy items shall be maintained at or below 41° Fahrenheit, or at or above 135° Fahrenheit for the duration of the temporary open air market, including transportation to the market.
 - (5) *Sampling.* Sampling is allowed in compliance with the following standards:
 - (A) Sampled food shall be offered to the consumer in individual servings and shall not be offered on a self-service basis. Portions shall be adequately protected from contamination as determined by the health authority.
 - (B) Only single-service articles may be given to the consumer for use.
 - (C) Foods requiring time or temperature controls for safety offered for sampling shall follow proper time and temperature controls as outlined in the Texas Food Establishments Rules (TFER).
 - (D) At least one thermometer accurate to +/- 2° Fahrenheit shall be on-site for each piece of equipment used to hold proper temperatures.
 - (E) Hand wash facilities compliant with article are required for any vendor conducting sampling.
- (b) *Functionality of equipment.*
- (1) Equipment used to keep foods subject to this article frozen or refrigerated shall comply with TFER and be able to maintain required temperatures for the duration of operations.

- (2) Tables used within the vending area shall be made of non-porous material and be easily cleanable.
 - (3) Utensils used for sampling shall be made of non-porous material and shall be disposable unless approved by the health authority.
- (c) *Equipment, numbers and capacities.*
- (1) Hand wash facilities shall be provided for each vendor conducting sampling operations. A portable hand sink or other facilities or methods as approved by the health authority may be used if it satisfies the listed requirements.
 - (2) Where a hand wash facility is required, a waste tank with a larger capacity than the potable source water tank shall be provided.
 - (3) A hand wash facility is not required for vendors with only prepackaged products and plants, nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling or washing by the consumer before consumption.
 - (4) Trash receptacles shall be available to each vendor. Trash shall be disposed of daily at the designated location as provided by the farmers market operator permit holder or offsite as needed to prevent pests.
- (d) *Physical facilities.*
- (1) Vendors shall be located on a concrete, asphalt, or other approved surface providing adequate drainage.
 - (2) Vending areas shall be covered, except for those vendors selling plants, nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling or washing by the consumer before consumption.

Sec. 6-287 - Signs.

- (a) Individual vendors may attach one (1) banner sign to their respective booth. Sign shall not exceed forty-eight (48) square feet.
- (b) No more than two (2) signs shall be erected on any frontage of the temporary farmers market. Total square footage of all signs may not exceed forty-eight (48) square feet.
- (c) Any allowed sign shall be located on private property and at least ten feet (10') from the back of curb.
- (d) Signs that move, flash, are animated or similar are prohibited.
- (e) A sign may not cause a visibility obstruction.

Sec. 6-288 - Penalty.

It shall be unlawful for any person to violation any provision of this article, and any such violation shall be deemed to be a misdemeanor and, upon conviction of such violation, such person shall be punished by a penalty as set forth in section 1-5 of the Code of Ordinances for each offense. Each and every day any such violation continues shall be deemed to constitute a separate offense.”

SECTION 4. 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 5. 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 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 5th day of April, 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: March 30, 2016

MEETING DATE: 4/5/2016

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

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: March 31, 2016

MEETING DATE: 4/5/2016

SUMMARY OF REQUEST: Consider approving city council meeting minutes for March 15, 2016 [Mikulec absent – business] (City Secretary, Wilson)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

March 15, 2015 City Council Meeting Minutes



**MINUTES OF COUNCIL REGULAR SESSION
HELD ON
MARCH 15, 2016**

The Regular Session of the City Council of the City of The Colony, Texas, was called to order at 6:30 p.m. on the 15th day of March, 2016, at City Hall, 6800 Main Street, The Colony, Texas, with the following roll call:

Joe McCourry	Mayor	Present
Kirk Mikulec	Mayor Pro-Tem	Absent
Richard Boyer	Councilmember	Present
Brian R. Wade	Councilmember	Present
David Terre	Councilmember	Present
Perry Schrag	Councilmember	Present (6:55 p.m.)
Joel Marks	Councilmember	Present

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

1.0 ROUTINE ANNOUNCEMENTS, RECOGNITIONS AND PROCLAMATIONS

1. Call to Order

1.1. Invocation River Church

1.2. Pledge of Allegiance to the United States Flag

1.3. Salute to the Texas Flag

1.4. Items of Community Interest *Councilmember Marks recognized city staff for the quick response to residents after the tornado touched down the previous week. He stated he was contacted by several people who expressed appreciation.*

1.4.1. Receive presentation from Parks and Recreation regarding upcoming events and activities (PARD, Stansell)

1.4.2. Announce Playful City USA Designation Campaign for 2016 (CDC, Leary) *Community Development Corporation Board Member Lisa Leary explained the process to submit an application to Kaboom! This is the sixth year to apply to have the city designated as Playful City USA. A photo of council and staff was taken to include with this year's application. Councilmember Terre expressed his appreciation to Lisa for her work on this designation.*

¹ 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.

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. Discussion regarding Friends of The Colony Library, Inc.'s request to staff for funding assistance for their "Jazzed About the Library" event to be held in August (General Admin, Shallenburger)

Brant Shallenburger told the council that staff will be bringing special event grant applications to the council in June for the 2016-17 budget year. Since this event is held in August and is a new request he asked the council whether they would support a budget amendment ordinance in order to provide grant funds this year. The council expressed general agreement that they would support a budget amendment for this purpose. Brant will bring it for council approval at the next council meeting.

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

Councilmember Wade asked that a previous agenda item that was voted down be brought back to council for reconsideration. The item is regarding the distance requirement between alcohol package/beverage stores. Councilmember Marks requested council discuss lowering the speed limit on Paige [due to the additional traffic] or activate additional enforcement. After a response from Police Chief Coulon, Mr. Marks stated to hold off on an agenda item for now.

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.

Christi Martin stated that in the future, Playful City USA applications should include the arts.

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 March 1, 2016 (City Secretary, Wilson)**
- 4.2. Considering approving city council expenditures for the month of January 2016 (Council)**
- 4.3. Consider approving the American Cancer Society's request for the city to sponsor the Relay for Life of Carrollton/The Colony event by waiving fees and allowing the use of the city's mobile stage and Five Star Complex on May 6-7, 2016, and consider granting an exception to the City's noise ordinance (PARD, Swain)**

Motion to approve- Terre; second by Boyer; motion passed with all ayes.

5.0 REGULAR AGENDA ITEMS

- 5.1. Conduct a public hearing, discuss and consider an ordinance approving a Specific Use Permit (SUP) to allow a limited service hotel, Holiday Inn Express, to be located on a 2.013-acre tract of land on Memorial Drive, approximately 500-feet west of Blair Oaks Drive (Development Services, Joyce)**

[Prior to the beginning of discussion on this item, Councilmember Wade recused himself due to a conflict of interest and stepped out of the council chambers.]

Mike Joyce said that this item is for a Specific Use Permit authorizing a limited service hotel and explained the location is in PD 11 and is within the Gateway Overlay District. He briefly reviewed a proposed site plan for the building. The Planning and Zoning Commission recommended approval.

[Councilmember Schrag arrived at the meeting at 6:55 p.m.]

At 6:55 p.m. Mayor McCourry requested an executive session on this item under Section 551.071 of the Texas Government Code to consult with the city attorney. Open session reconvened at 7:27 p.m.

The public hearing was opened at 7:29 a.m. Jeff Parkinson, land owner, spoke in favor of this item. Christi Martin suggested larger meeting room space. The public hearing was closed at 7:34 p.m. Mayor McCourry told the audience Councilmember Wade, having recused himself from discussion on this item, was also not present during the executive session. Councilmember Schrag asked if this is a zoning change for the property and Mike Joyce replied that is correct.

Motion to deny the SUP- Schrag; second by Boyer; motion passed with all ayes (except for Wade who was not present at the dais)

[Councilmember Wade returned to the dais.]

- 5.2. Discuss and consider approving an ordinance amending the 2015-16 Municipal Budget in the amount of \$27,000 for the purpose of purchasing a replacement Parks Department vehicle from Sam Pack's Five Star Ford with pricing available through the State of Texas Smartbuy Contract (PARD, Nelson)**

Parks Director Pam Nelson explained the accident that totaled a 2003 city truck. The city's insurance proceeds are \$9,255 so a budget amendment is required to purchase a replacement vehicle.

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

Executive Session was convened at 7:38 p.m.

6.0 EXECUTIVE SESSION

- 6.1. **A. Council shall convene into a closed executive session pursuant to Section 551.087 of the TEXAS GOVERNMENT CODE to deliberate regarding commercial or financial information the city has received from a business prospect(s), and to deliberate the offer of a financial or other incentive to a business prospect(s).**
- B. 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 the Development Agreement, Ground Lease Agreement and related agreements with Marine Quest - Hidden Cove, L.P. and Plains Capital Bank concerning Hidden Cove Park Marine Quest.**
- C. 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.**
 [8:37 p.m. Councilmember Wade left the executive session prior to the discussion on Item C. He returned to the closed session at 8:50 p.m.]
- D. 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 City Secretary.**

Open Session was reconvened at 9:25 p.m.

- 6.2. **A. Any action as a result of executive session regarding commercial or financial information the city has received from a business prospect(s), and to deliberate the offer of a financial or other incentive to a business prospect(s).**
- No action.
- B. Any action as a result of executive session regarding the Development Agreement, Ground Lease Agreement and related agreements with Marine Quest - Hidden Cove, L.P. and Plains Capital Bank concerning Hidden Cove Park Marine Quest.**
- Motion to authorize the city attorney to send a letter to Marine Quest as discussed in Executive Session- Marks; second by Boyer; motion passed with all ayes.*
- C. Any action as a result of executive session regarding the contract with Atlantic Hotels.**

No action.

D. Any action as a result of executive session regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Secretary.

No action.

ADJOURNMENT

And with no further business to discuss the meeting was adjourned at 9:28 p.m.

APPROVED:

Joe McCourry, Mayor
City of The Colony

ATTEST:

Christie Wilson, TRMC
City Secretary

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: March 30, 2016

MEETING DATE: 4/5/2016

SUMMARY OF REQUEST: Consider approving city council expenditures for the month of February 2016 (Council)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

CC Monthly Expenditures

Memo

To: Members of the City Council
From: Christie Wilson, City Secretary
Date: March 22, 2016
Re: Council Expenditures for approval

Pursuant to your policy, below are charges from the month of February 2016 for your review and approval. Report is attached.

Mayor- ICSC membership dues	50.00
Mayor- data plan for iPad	30.50
Mayor- cell phone	119.43
Food for council meetings	442.65
SPAN Charges for December	9529.26
Total	\$10,171.87

3-21-2016 9:45 AM
FUND : 100-GENERAL FUND
DEPT : 23 CITY COUNCIL

D E T A I L L I S T I N G
ACTIVE ACCOUNTS ONLY
SUPPRESS ZEROS

PERIOD TO USE: Feb-2016 THRU Feb-2016
ACCOUNTS: 600-6000-0000 THRU 699-6999-9999

PAGE: 20
NOTE =====AMOUNT=====BALANCE=====

623-6127 DUES & MEMBERSHIPS B E G I N N I N G B A L A N C E 0.00
2/19/16 2/25 A21558 CHK: 143791 09854 ICSC 104510 50.00
ICSC INV# 201602257825 /PO# 50.00 ✓
===== FEBRUARY ACTIVITY DB: 50.00 CR: 0.00

623-6244 TELEPHONE SERVICE B E G I N N I N G B A L A N C E 567.81
2/05/16 3/04 B66508 Misc 000000 09012 AT&T DATA PLAN FOR IPAD JE# 052590 30.53 ✓
2/18/16 3/02 A21793 CHK: 143942 09859 AT&T MOBILITY 114320 119.43 ✓
AT&T MOBILITY INV# 201603027847 /PO# 149.96 ✓
===== FEBRUARY ACTIVITY DB: 149.96 CR: 0.00

623-6390 MISCELLANEOUS SUPPLIES B E G I N N I N G B A L A N C E 1,388.07
2/05/16 3/04 B66508 Misc 000000 09012 SCHLOTZKYS JE# 052590 164.14 ✓
2/05/16 3/04 B66508 Misc 000000 09012 SPEC'S JE# 052590 114.66 ✓
2/05/16 3/04 B66508 Misc 000000 09012 PANERA BREAD JE# 052590 163.85 ✓
===== FEBRUARY ACTIVITY DB: 442.65 CR: 0.00 442.65 ✓

623-6845 GENERAL GOVERNMENT B E G I N N I N G B A L A N C E 35,413.90
2/01/16 2/18 A21156 CHK: 143835 09843 SPAN 3251 9,529.26 ✓
SPAN INV# 766 44,943.16
===== FEBRUARY ACTIVITY DB: 9,529.26 CR: 0.00

**CITY OF THE COLONY
PAYMENT AUTHORIZATION**

PAY TO: ICSC **FUND:** 100
PO Box 16958 **ACCOUNT**
New York, NY 10087-6958 **NUMBER** **AMOUNT**

EXPLANATION: membership renewal for
Joe M to 4-30-17

623-6127 50.00

RECEIVED

FEB 25 2016

FINANCE DEPARTMENT

PAID

FEB 25 2016

FINANCE DEPT

2/25/16
DATE

TOTAL **\$ 50.00**

*Per Tracy,
Please take
out of
Council
budget.*

6127

100-6023

Approval
oval
etc.)

Authoization

NOTE: \$0.01 - \$2,999
 \$3,000 - \$49,999
 \$50,000 and over

An invoice signed by the Department

B C



Renewal Notice

Joseph McCourry
City of The Colony
6800 Main St
The Colony, TX 75056 United States

SAVE TIME, RENEW ONLINE!
www.icsc.org/renew

RENEW YOUR MEMBERSHIP FOR 3 YEARS AND RECEIVE A 10% DISCOUNT ON YOUR DUES!

Date of Invoice: February 19, 2016

Public - Affiliate: **1636094**

Company: **1188960**

Joseph McCourry
City of The Colony
6800 Main St
The Colony, TX 75056 United States

	<input type="checkbox"/> <u>1 YEAR DUES</u>	<input type="checkbox"/> <u>3 YEAR DUES</u>	<input type="checkbox"/> <u>AUTO-RENEW</u>
	<u>THROUGH</u>	<u>THROUGH</u>	<i>Auto-Renew: Approximately 30 - 60 days prior to your membership expiration, we will e-mail you a notice that your credit card will be charged and your membership automatically renewed. After renewal, we will e-mail you a receipt for your records.</i>
PUBLIC - AFFILIATE FOR MEMBER:	<u>04/30/2017</u>	<u>04/30/2019 - 10%Discount</u>	
JOSEPH MCCOURRY	\$50.00	\$135.00	
INVOICE TOTAL	50.00	135.00	

Please review your member details and update online: www.icsc.org or call +1 646 728 3800 ext. 1

Method of Payment:

Check made payable to ICSC and mail to: *International Council of Shopping Centers, Attn: Member Records, P.O. Box 26958, New York, NY 10087-6958* with this form attached.

Credit Card payment can be done faster online at www.icsc.org/renew.

To remit via fax, complete this form and send to +1 732 694 1800 or contact us at +1 646 728 3800 ext. 1

Discover MasterCard Visa Amex Total \$ _____ Check here if this is a corporate card.

Name (as it appears on credit card) _____ Credit Card Number _____

Expiration Date _____ Signature _____

Please submit completed form to: International Council of Shopping Centers, Attn: Member Records, P.O. Box 26958, New York, NY 10087-6958

Dues and contributions to ICSC are not deductible as a charitable contribution but may be deductible as an ordinary and necessary business expense. A portion of dues, however, is not deductible as an ordinary and necessary business expense to the extent that ICSC engages in lobbying. The non-deductible portion of the dues for 2016 is 1%. A portion of annual dues - \$35 is applied as a subscription to *Shopping Centers Today*.

****Please retain a copy of the submitted form for your records****

1636094

JPMORGAN CHASE BANK NA
PO BOX 15918
MAIL SUITE DE1-1404
WILMINGTON DE 19850

ACCOUNT NUMBER

STATEMENT DATE 02-05-16

NET CHARGES \$672.45



JOSEPH M MCCOURRY
M0611 COTC COUNCIL
6800 MAIN STREET
THE COLONY TX 75056-1133

FOR RECONCILIATION PURPOSES ONLY. DO NOT SEND PAYMENT.

NAME: JOSEPH M MCCOURRY

CYCLE LIMIT: \$3,000

ACCOUNTING CODE:

CARDHOLDER ACTIVITY

Telecommunication Activity

Post Date	Transaction Reference Number	Transaction Description	Amount
1-25 01-23	55480776023002133398534	AT&T DATA 08003310500 GA	30.53
Total Miscellaneous Activity			30.53 ✓

Travel Activity

Post Date	Transaction Reference Number	Transaction Description	Amount
1-13 01-11	55432866012000972446597	SOUTHWES 5262172883038 800-435-9792 TX MCCOURRY/TAMARA FIEL DEPARTURE: 05-21-16 P.O.S.: SALES TAX: \$0.00 DAL WN S LAS WN O DAL	591.92
1-13 01-11	55432866012000972446605	SOUTHWES 5260681321734 800-435-9792 TX MCCOURRY/JOSEPH MICH DEPARTURE: 01-11-16 P.O.S.: SALES TAX: \$0.00 DAL WN A DAL	25.00

Handwritten notes: RMXOZA, 5/26, 298.96, 300.99

FOR CUSTOMER SERVICE CALL: 1-800-316-6056	ACCOUNT NUMBER	ACCOUNT SUMMARY
	STATEMENT DATE: 02/05/16	PURCHASES & OTHER CHARGES 672.45 CASH ADVANCES .00 CREDITS .00 CASH ADVANCE FEE .00 NET CHARGES \$672.45 DISPUTE AMOUNT .00
SEND BILLING INQUIRIES TO: JPMORGAN CHASE BANK NA COMMERCIAL CARD SOLUTIONS P.O. BOX 2015 MAIL SUITE IL1-6225 ELGIN, IL 60121		



CITY OF THE COLONY
ATTN: CHRISTIE WILSON
6800 MAIN ST
THE COLONY, TX 75056-1133

Page: 1 of 3
Bill Cycle Date: 01/19/16 - 02/18/16
Account: FAN 02296560
Foundation Account: 287242020808X02262016
Invoice:

Visit us online at: www.att.com/business

Wireless Statement

Bill-At-A-Glance

Previous Balance	\$119.43
Payment - 02/09 - Thank You!	\$119.43CR
Adjustments	\$0.00
Balance	\$0.00
New Charges	\$119.43
Total Amount Due	\$119.43
Amount Due in Full by	Mar 13, 2016

AutoPay
Simple. Secure.
And oh-so-convenient!

Your payment will never be late when you automate!

Visit att.com/dlautopay
Restrictions apply. Subject to AutoPay Terms and Conditions.

Service Summary

Service	Page	Total
Wireless		\$119.43
	\$119.43	2
Total New Charges		\$119.43

Wireless

Group 2 Usage Summary - Jan 19 thru Feb 18

FamilyTalk Nation 1400 with Rollover - Includes \$9.99 Each Additional Line, 1,400 Shared Anytime Minutes with Rollover, Nationwide Long Distance & Roaming, Unlimited Mobile to Mobile calling to/from other AT&T Mobiles, Unlimited Night (9pm-6am) & Weekend calling, Call Forward Feature, Caller ID, Call Wait, Conference Call Feature, Mobile Purchases & Downloads Detail, Basic Voice Mail Feature, (Additional Minutes \$0.40 each).

Family Messaging Unlimited with Mobile to Any Mobile Calling

- Includes Unlimited domestic text, picture, video and instant messages and unlimited calling to/from any other domestic mobile phone.

	Plan Minutes	M2M Minutes
	86	32
Total	86	32

Rollover Minutes Summary

Last Month's Rollover Balance	14,520
Current Month Added to Rollover	+ 1,314
Expired Rollover Minutes *	- 1,295
NEW ROLLOVER MINUTES BALANCE	14,539

* Unused Rollover Minutes expire after 12 bill periods.

Manage Your Account:

Online: att.com/myatt
Mobile App: att.com/myattapp
Support: 800 331-0500 or 611 from your mobile device
TTY: 866 241-6567

For Important Information about your bill, please see the **News You Can Use** section (Page 2).

Return bottom portion with your check in the enclosed envelope. Payments may take 7 days to post.



CITY OF THE COLONY
 ATTN: CHRISTIE WILSON
 6800 MAIN ST
 THE COLONY, TX 75056-1133

Page: 2 of 3
 Bill Cycle Date: 01/19/16 - 02/18/16
 Account:
 Foundation Account: PLAN 02296560
 Invoice: 287242020808X02262016

Visit us online at: www.att.com/business

Wireless - Continued

Messages

28

28

total

DataPro 2GB for iPhone on 4G LTE with Visual Voicemail - includes 2 gigabytes of domestic data usage, \$10 each additional 1 gigabyte of data usage. Unlimited data usage on the AT&T Wi-Fi Basic network. Video calling and Visual Voicemail available with compatible devices.

Monthly Charges - Jan 19 thru Feb 18

1. FamilyTalk Nation 1400 with Rollover	80.00
2. Family Messaging Unlimited with Mobile to Any Mobile Calling	30.00
3. DataPro 2GB for iPhone on 4G LTE with Visual Voicemail	25.00
4. National Account Discount	27.30CR
total Monthly Charges	107.70

Other Charges and Credits

Voice Usage Summary

FamilyTalk Nation 1400 with Rollover

Total Minutes Used	86
Plan Minutes	1,400
Mobile to Mobile Minutes	Unlimited
Minutes Used	0
Night & Weekend Minutes	Unlimited
Minutes Used	0

Unlimited Mobile to Any Mobile	Unlimited
Minutes Used	32

Data Usage Summary

Family Messaging Unlimited	Unlimited
Used	28

3B DATA

Plan MB	2,048
MB Used	35

Gigabyte (GB) = 1024MB, 1 Megabyte (MB) = 1024KB

Other Charges and Credits - Continued

Surcharges and Other Fees

5. Federal Universal Service Charge	3.57
6. State Cost-Recovery Fee	0.40
7. Texas Universal Service	1.30
Total Surcharges and Other Fees	5.27

Government Fees and Taxes

8. 9-1-1 Service Fee	0.50
9. 911 Equalization Surcharge	0.06
10. TX State Sales Tax - Telecom	5.90
Total Government Fees and Taxes	6.46

Total Other Charges & Credits 11.73

Total for 119.43

Total for Wireless accounts 119.43

News You Can Use

GET THE WHOLE PICTURE WITH A NEW SMARTPHONE

Get the hottest smartphones AT&T has to offer when you add a line. With the LG V10, use front-facing cameras to record video and editing apps to share your content straight to social. The HTC One A9 has superior, high-resolution sound for a superior listening experience on the go. Learn more about all AT&T has to offer when you visit www.att.com/addaline or call 800-449-1672 today.

TTY LIMITATIONS FOR 911 CALLS

Due to technical limitations, Wi-Fi Calling and NumberSync cannot be used with TTY devices and will not support 911 calls over TTY devices. Persons with communications disabilities can still reach 911 services by either (1) calling 911 directly using a TTY over the cellular network or a landline telephone, or (2) sending a text message to 911 directly (in areas where text-to-911 is available) using a wireless device over the cellular network, or (3) using relay services to place a TTY or Captioned Telephone Service (CTS) call over the cellular network or a landline telephone, or (4) using relay services to place a IP Relay or IP CTS call over a cellular data or other IP network. Visit www.att.com/wificalling and www.att.com/numbersync for more information.

IMPORTANT 2G NETWORK INFORMATION

As part of AT&T's strategy to address growing customer demand for mobile services, AT&T expects to fully discontinue





CALL 855.DELIVER
FOR ALL INQUIRIES

Invoice No: 149946
Invoice Date: **Tue, Jan 19, 2016**
Store Code: 3799
Store: The Colony

INVOICE

Billing/Client Information

City of The Colony - City Hall
N/A
The Colony, TX 75056

Billing Phone: (972) 624-3105
Credit Card:
MSTR(...4015)
Pre-Auth #: 072887
Revenue Source: undefined

Client: Tina Stewart
Client Phone: (972) 624-3105

Delivery Information

Delivery: **01/19/2016 (4:45 - 5:00 PM)**

City of The Colony - City Hall
6800 Main Street
The Colony, TX 75056
Tina Stewart
Phone: (972) 624-3105
Number of Guests: 1

Order entered by: Online

Printed: 01/19/2016 02:58 PM CST

Qty	Description		Tax	Price	Extension
5	Medium The Original Box Lunch	Oven-Baked Sandwich Box Lunch	S	8.99	44.95
5	Assorted Cookies				
	Assorted Chips				
	Sourdough Bun				
5	Medium Angus Roast Beef & Cheese Box Lunch	Oven-Baked Sandwich Box Lunch	S	8.99	44.95
5	Assorted Cookies				
	Assorted Chips				
	Sourdough Bun				
5	Medium Smoked Turkey Breast Box Lunch	Oven-Baked Sandwich Box Lunch	S	8.99	44.95
5	Assorted Cookies				
	Assorted Chips				
	Sourdough Bun				
1	Turkey Avocado Cobb Salad Box	Fresh Salad Box Lunch	S	8.99	8.99
1	Assorted Cookies				
	Buttermilk Ranch Dressing				
	Bread Sticks				
1	Cranberry, Apple, Pecan & Chicken Wrap	Fresh Salad Wrap Box Lunch	S	8.49	8.49
1	Assorted Cookies				
	Raspberry Vinaigrette (Fat Free)				
	Baked (GF)				

A final invoice will be sent the day after your order is completed.

To view your order history and to place your next order visit

catering.schlotzskys.com

TRY OUR NEW COLD CAFE
CIABATTA SANDWICHES!

(855)-DELIVER (855-335-4837)
cateringorders@schlotzskys.com

SubTotal: 152.33
Tax (7.75%): 11.81
Amount: 164.14

Gratuity: _____

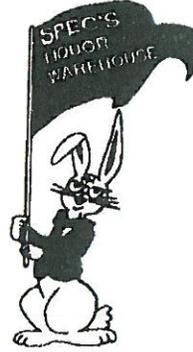
Total: _____

Sign: _____

Print Name: _____

28
6390

Please remit House Account payment to:
Schlotzsky's c/o Albert Restaurant Group
PO BOX 165054 Irving TX 75016



Spec's
Wine
Spirits &
Finer Foods

SPEC'S LIQUOR STORE
4901 Hwy 121

YOUR CASHIER: Becky

EVERYDAY LOW PRICE

CONGRATULATIONS!

BANKCARD CONVENIENCE & BIG SAVINGS TOO

00000000782

5 @ 6.58

BABY BUNNY CLUB 32.90 T

00000000135

2 @ 8.41

CALIFORNIA DREAMIN 16.82 T

000000004771

3 @ 7.63

TURKEY & PEPPERED 22.89 T
BACON

000000001825

3 @ 8.41

FRENCH DIP SANDWIC 25.23 T
H

00000000798

2 @ 8.41

REUBEN-TO-DIE-FOR(16.82 T
BIG BUNNY)

TAX 9.46

TAX EXEMPTION 9.46-

*** BALANCE 114.66

MO MASTERCARD 114.66

CHANGE 0.00

TOTAL NUMBER OF ITEMS SOLD = 15

02/02/16 04:40pm 163 1 101 9869

1-888-526-8787
WWW.SPECSONLINE.COM

Handwritten signature: JB-6346

Our mission is to keep everyone in
good spirits by offering an inviting,
fun place where ALL are welcome,
important and appreciated.

Thanks for your order!

Order name:
 Unnamed order
 Order number:
 bd625012
 Order status:
 Payment Authorized
 Expected Delivery time:
 4:45 PM - 5:00 PM CST
 Order Placed:
 12/31/2015 09:30 AM CST

Name:
 Christie Wilson
 Email Address:
 cwilson@thecolonytx.gov

Phone Number:
 (972) 624-3106

Pamera Bread

Order Type:
 Delivery

Business Address:
 City of The Colony
 6800 Main Street
 The Colony, TX 75056
Primary: (972) 624-3106

Date: 01/05/2016

Expected Delivery Time:
 4:45 PM - 5:00 PM CST

No. of People:
 15

Delivery Instructions:

If you need assistance with your order please contact:

The Colony Bakery-Cafe
 Cafe #: 601856
 5290 State Highway 121
 The Colony, TX 75056
 (972) 987-1888

Qty	Description	Unit	Amount
4	Asiago Steak Boxed Lunch Steak Asiago Demi Green Leaf Lettuce Salt & Pepper Horseradish Sauce Smoked Cheddar Sliced Tomatoes Red Onions Side: Baked Chips Dessert: Chocolate Chipper Cookie	\$9.99	\$39.96
4	Italian Combo Boxed Lunch Steak Ciabatta Green Leaf Lettuce Salt & Pepper Combo Sauce Swiss Sliced Tomatoes Pepperoncini Ham Salami Smoked Sliced Turkey Red Onions Side: Baked Chips Dessert: Chocolate Chipper Cookie	\$9.99	\$39.96
3	Napa Almond Chicken Salad Boxed Lunch Side: Baked Chips Dessert: Chocolate Chipper Cookie	\$9.99	\$29.97
4	Roasted Turkey & Avocado BLT Boxed Lunch Side: Baked Chips Dessert: Chocolate Chipper Cookie	\$10.99	\$43.96

Included in your order: Napkins, utensils, plates and/or bowls, etc. for 15 people

Subtotal	\$153.85
Tax	\$ 0.00
Delivery Charge	\$ 0.00
Tip	\$ 0.00

Total Cost	\$153.85
Price Per Person	\$10.26

Card Type	Card Number	Charged
MAST	XXXX-XXXX-XXXX-4015	\$153.85

Thank you!
KOMMA


X Tip: \$10.00

X Total: \$163.85

23-6390

X Signature: Christie Wilson

SPAN, INC.
 1800 Malone St.
 Denton TX 76201

INVOICE	INV000766
Type	
Date	1/31/2016
Page	1

Bill to:

City of The Colony
 5151 N. Colony Blvd.
 The Colony TX 75056

Ship to:

City of The Colony
 5151 N. Colony Blvd.
 The Colony TX 75056

		Customer ID			Payment Terms ID
		COLONY	GROUND		Net 30
Quantity	Description	UNITS	Unit Price	Ext. Price	
209	Trips to the Senior Center for January 2016	Each	\$0.00	\$2,687.74	
532	Trips for Demand Response January 2016	Each	\$0.00	\$6,841.52	
Subtotal				\$9,529.26	
Misc				\$0.00	
Tax				\$0.00	
Freight				\$0.00	
Trade Discount				\$0.00	
Total				\$9,529.26	

Last Name	First Name	Client ID	Funding	Street #	Street Name	Unit #	Residence	Destination	Street #	Street Name	Lip Count
BOURBON	ARTHUR	25214	TCS	6408	LANDMARK TRL		THE COLONY	THE COLONY	6408	LANDMARK TRL	10
BOURBON	ARTHUR	25214	TCS	6408	LANDMARK TRL		THE COLONY	THE COLONY	5151	N COLONY BLVD	4
BOURBON	ARTHUR	25214	TCS	6408	LANDMARK TRL		THE COLONY	THE COLONY	6408	LANDMARK TRL	5
BOURBON	ARTHUR	25214	TCS	6408	LANDMARK TRL		THE COLONY	THE COLONY	5151	N COLONY BLVD	9
DENNIS	ANNA	27748	TCS	5048	THOMPSON DR		THE COLONY	THE COLONY	5048	THOMPSON DR	1
DENNIS	ANNA	27748	TCS	5048	THOMPSON DR		THE COLONY	THE COLONY	5151	N COLONY BLVD	1
DIMINO	FRANKLIN	25642	TCS	5436	MOUNTAIN VALLEY DR		THE COLONY	THE COLONY	5436	MOUNTAIN VALLEY DR	11
DIMINO	FRANKLIN	25642	TCS	5436	MOUNTAIN VALLEY DR		THE COLONY	THE COLONY	5151	N COLONY BLVD	11
DIMINO	FRANKLIN	25642	TCS	5436	MOUNTAIN VALLEY DR		THE COLONY	THE COLONY	5151	N COLONY BLVD	2
DIMINO	FRANKLIN	25642	TCS	5436	MOUNTAIN VALLEY DR		THE COLONY	THE COLONY	5436	MOUNTAIN VALLEY DR	2
HANNA	SOAAD	12112	TCS	5661	N COLONY BLVD		THE COLONY	THE COLONY	5151	N COLONY BLVD	3
HANNA	SOAAD	12112	TCS	5661	N COLONY BLVD		THE COLONY	THE COLONY	5661	N COLONY BLVD	4
HANNA	SOAAD	12112	TCS	5661	N COLONY BLVD		THE COLONY	THE COLONY	5151	N COLONY BLVD	3
HANNA	SOAAD	12112	TCS	5661	N COLONY BLVD		THE COLONY	THE COLONY	5661	N COLONY BLVD	3
HENDERSON	MYRA	27250	TCS	5065	AZTEC DR		THE COLONY	THE COLONY	5065	AZTEC DR	11
HENDERSON	MYRA	27250	TCS	5065	AZTEC DR		THE COLONY	THE COLONY	5151	N COLONY BLVD	10
JALKIAN	ARCHALOUS	26158	TCS	5768	CRESTWOOD LN		THE COLONY	THE COLONY	5768	CRESTWOOD LN	4
JALKIAN	ARCHALOUS	26158	TCS	5768	CRESTWOOD LN		THE COLONY	THE COLONY	5151	N COLONY BLVD	4
JALKIAN	ARCHALOUS	26158	TCS	5768	CRESTWOOD LN		THE COLONY	THE COLONY	5151	N COLONY BLVD	1
JALKIAN	ARCHALOUS	26158	TCS	5768	CRESTWOOD LN		THE COLONY	THE COLONY	5768	CRESTWOOD LN	2
KINNEAR	MARY	27609	TCS	7005	DAVIDSON ST	11	THE COLONY	THE COLONY	7005	DAVIDSON ST	12
KINNEAR	MARY	27609	TCS	7005	DAVIDSON ST	11	THE COLONY	THE COLONY	5151	N COLONY BLVD	6
KINNEAR	MARY	27609	TCS	7005	DAVIDSON ST	11	THE COLONY	THE COLONY	7005	DAVIDSON ST	4
KINNEAR	MARY	27609	TCS	7005	DAVIDSON ST	11	THE COLONY	THE COLONY	5151	N COLONY BLVD	3
MARIN	JOHNNY	25728	TCS	5020	BRANDENBURG LN		THE COLONY	THE COLONY	5151	N COLONY BLVD	8
MARIN	JOHNNY	25728	TCS	5020	BRANDENBURG LN		THE COLONY	THE COLONY	5020	BRANDENBURG LN	4
MARIN	JOHNNY	25728	TCS	5020	BRANDENBURG LN		THE COLONY	THE COLONY	5151	N COLONY BLVD	2
MOSTASHLI	FERDOWS	26188	TCS	5537	MOUNTAIN VALLEY DR		THE COLONY	THE COLONY	5537	MOUNTAIN VALLEY DR	8
PESINA	DELIA	26067	TCS	4320	CAPE COD DR		THE COLONY	THE COLONY	4320	CAPE COD DR	10
PESINA	DELIA	26067	TCS	4320	CAPE COD DR		THE COLONY	THE COLONY	5151	N COLONY BLVD	11
PESINA	DELIA	26067	TCS	4320	CAPE COD DR		THE COLONY	THE COLONY	5151	N COLONY BLVD	1
PESINA	DELIA	26067	TCS	4320	CAPE COD DR		THE COLONY	THE COLONY	4320	CAPE COD DR	1
RICHARD	ROBERT	25620	TCS	5548	ADAMS DR		THE COLONY	THE COLONY	5548	ADAMS DR	1
RICHARD	ROBERT	25620	TCS	5548	ADAMS DR		THE COLONY	THE COLONY	5548	ADAMS DR	18
RICHARD	ROBERT	25620	TCS	5548	ADAMS DR		THE COLONY	THE COLONY	5151	N COLONY BLVD	1
RICHARD	ROBERT	25620	TCS	5548	ADAMS DR		THE COLONY	THE COLONY	5151	N COLONY BLVD	18

Last Name	First Name	Client ID	Funding	Street #	Street Name	Unit #	Residence	Destination	Street #	Street Name	Trip Count
AGUILAR	PRISCILLA	21275	COUNTY	6004	MAYES DR		THE COLONY	THE COLONY	6004	MAYES DR	10
AGUILAR	PRISCILLA	21275	COUNTY	6004	MAYES DR		THE COLONY	THE COLONY	3805	MAIN ST	10
AGUILAR	PRISCILLA	21275	COUNTY	6004	MAYES DR		THE COLONY	THE COLONY	6004	MAYES DR	6
ANDRIES	STAN	24508	COUNTY	6245	MORNINGSTAR	129	THE COLONY	THE COLONY	4675	ST HWY 121	1
ANDRIES	STAN	24508	COUNTY	6245	MORNINGSTAR	129	THE COLONY	THE COLONY	6245	MORNINGSTAR	1
ANDRIES	STAN	24508	COUNTY	6245	MORNINGSTAR	129	THE COLONY	THE COLONY	3805	S MAIN	2
ANDRIES	STAN	24508	COUNTY	6245	MORNINGSTAR	129	THE COLONY	THE COLONY	6245	MORNINGSTAR	1
BANKS	JULIAN	19384	COUNTY	5229	KNOX DR		THE COLONY	THE COLONY	6245	KNOX DR	18
BANKS	JULIAN	19384	COUNTY	5229	KNOX DR		THE COLONY	LEWISVILLE	1960	ARCHER AVE	18
CAHILL	PATRICIA	27739	COUNTY	5289	STATE HWY 121	1023	THE COLONY	FRISCO	4268	LEGACY DR	5
CAHILL	PATRICIA	27739	COUNTY	5289	STATE HWY 121	1023	THE COLONY	THE COLONY	5289	STATE HWY 121	5
CAVO	JASON	26765	COUNTY	3732	RED OAK TRL		THE COLONY	FRISCO	11999	DALLAS PKY	16
CLARK	ROSIE	27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	PLANO	6200	W PARKER RD	1
CLARK	ROSIE	27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	LEWISVILLE	4620	STATE HWY 121	1
CLARK	ROSIE	27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	THE COLONY	4760	STATE 121	1
CLARK	ROSIE	27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	THE COLONY	6245	MORNINGSTAR DR	2
CLARK	ROSIE	27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	THE COLONY	6245	MORNING STAR DR	11
CLARK	ROSIE	27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	THE COLONY	6245	MORNING STAR DR	1
CLARK	ROSIE	27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	LEWISVILLE	1600	WATERS RIDGE DR	11
COLLINS	CRYSTAL	26205	COUNTY	4913	WAGNER DR		THE COLONY	Carrollton	4325	N Josey Ln	1
COLLINS	CRYSTAL	26205	COUNTY	4913	WAGNER DR		THE COLONY	CARROLLTON	3740	N JOSEY LN	1
COLLINS	CRYSTAL	26205	COUNTY	4913	WAGNER DR		THE COLONY	THE COLONY	4913	WAGNER DR	2
DUGGAN	PEGGY	22347	COUNTY	5617	TURNER ST		THE COLONY	CARROLLTON	4217	MARSH RIDGE RD	1
DUGGAN	PEGGY	22347	COUNTY	5617	TURNER ST		THE COLONY	THE COLONY	5617	TURNER ST	2
DUGGAN	PEGGY	22347	COUNTY	5617	TURNER ST		THE COLONY	LITTLE ELM	1200	E ELDERADO PKY	1
EDGERTON	TOM	1464	COUNTY	5900	LONGO ST		THE COLONY	THE COLONY	5900	LONGO ST	11
EDGERTON	TOM	1464	COUNTY	5900	LONGO ST		THE COLONY	LEWISVILLE	103	KATHRYN DR	11
GALLOWAY	GREER E	27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	THE COLONY	6245	MORNING STAR DR	1
GALLOWAY	GREER E	27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	CARROLLTON	3730	N JOSEY	1
GALLOWAY	GREER E	27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	LEWISVILLE	2700	VILLAGE PKY	9
GALLOWAY	GREER E	27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	THE COLONY	6245	MORNING STAR DR	8
GAUVIN	ROBERT	24423	COUNTY	6529	TERRACE DR		THE COLONY	THE COLONY	5133	RAGAN DR	3
GAUVIN	ROBERT	24423	COUNTY	6529	TERRACE DR		THE COLONY	THE COLONY	5151	N COLONY BLVD	3
HIGHTOWER	DOROTHY	5721	COUNTY	6009	TURNER ST		THE COLONY	LEWISVILLE	4866	ST HWY 121	1
HIGHTOWER	DOROTHY	5721	COUNTY	6009	TURNER ST		THE COLONY	THE COLONY	6009	TURNER ST	1
HUTTON	JENNIFER	20467	COUNTY	5001	N COLONY BLVD		THE COLONY	LEWISVILLE	1960	ARCHER AVE	3
HUTTON	JENNIFER	20467	COUNTY	5001	N COLONY BLVD		THE COLONY	LEWISVILLE	1960	ARCHER AVE	17
HUTTON	JENNIFER	20467	COUNTY	5001	N COLONY BLVD		THE COLONY	THE COLONY	5001	N COLONY BLVD	20
IRISH	BOBBIE	23539	COUNTY	6399	MORNINGSTAR DR	808	THE COLONY	THE COLONY	5204	S COLONY BLVD	1
IRISH	BOBBIE	23539	COUNTY	6399	MORNINGSTAR DR	808	THE COLONY	THE COLONY	6399	MORNINGSTAR DR	1
KELLEY	BRYAN	11594	COUNTY	5124	STRICKLAND		THE COLONY	THE COLONY	5124	STRICKLAND	10
KELLEY	BRYAN	11594	COUNTY	5124	STRICKLAND		THE COLONY	THE COLONY	5124	STRICKLAND	9
KELLEY	BRYAN	11594	COUNTY	5124	STRICKLAND		THE COLONY	CARROLLTON	1467	LEMAY ST	9
KELLEY	BRYAN	11594	COUNTY	5124	STRICKLAND		THE COLONY	CARROLLTON	1467	LEMAY ST	10
KLEM	KATHLEEN	26670	COUNTY	4625	CHAPMAN ST		THE COLONY	THE COLONY	6805	F-M RD 423	1
KLEM	KATHLEEN	26670	COUNTY	4625	CHAPMAN ST		THE COLONY	LEWISVILLE	570	S EDMONDS LN	1
LEA	CHARLES	27563	COUNTY	5208	COLE DR		THE COLONY	THE COLONY	5208	COLE DR	2
LEE	SARAH	17801	COUNTY	5548	ROCKWOOD DR		THE COLONY	THE COLONY	5548	ROCKWOOD DR	10
LEE	SARAH	17801	COUNTY	5548	ROCKWOOD DR		THE COLONY	LEWISVILLE	103	KATHRYN DR	10
LEHR	DONNA	26688	COUNTY	5000	WALKER DR		THE COLONY	THE COLONY	4691	ST HWY 121	1
LEHR	DONNA	26688	COUNTY	5000	WALKER DR		THE COLONY	THE COLONY	5000	WALKER DR	2
LEHR	DONNA	26688	COUNTY	5000	WALKER DR		THE COLONY	THE COLONY	6700	MAIN ST	1
LOCKWOOD	MARY	20022	COUNTY	3916	OAKMONT		THE COLONY	THE COLONY	4675	ST HWY 121	10
MARTIN	TREVOR W	27502	COUNTY	6109	APACHE DR		THE COLONY	THE COLONY	6109	APACHE DR	13
MARTIN	TREVOR W	27502	COUNTY	6109	APACHE DR		THE COLONY	LEWISVILLE	420	OAK BEND DR	1
MCLAIN	DONNA	27504	COUNTY	4618	LARNER ST		THE COLONY	CARROLLTON	2008	E HEBRON PKWY	1
MCLAIN	DONNA	27504	COUNTY	4618	LARNER ST		THE COLONY	THE COLONY	4897	ST HWY 121	1
MCLAIN	DONNA	27504	COUNTY	4618	LARNER ST		THE COLONY	THE COLONY	4618	LARNER ST	2
McWHORTER	MARY	27443	COUNTY	5616	PERRIN ST		THE COLONY	THE COLONY	6805	F-M RD 423	3
McWHORTER	MARY	27443	COUNTY	5616	PERRIN ST		THE COLONY	THE COLONY	6805	F-M RD 423	1
MENDOZA	JESSIE	14063	COUNTY	4605	W LAKE HIGHLANDS RD		THE COLONY	LEWISVILLE	1960	ARCHER AVE	8
MENDOZA	JESSIE	14063	COUNTY	4605	W LAKE HIGHLANDS RD		THE COLONY	THE COLONY	4605	W LAKE HIGHLANDS RD	8
OSTIGUIN	MARIA	22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	LEWISVILLE	200	S MILL ST	2
OSTIGUIN	MARIA	22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	THE COLONY	5620	S COLONY BLVD	9
OSTIGUIN	MARIA	22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	THE COLONY	5151	N COLONY BLVD	1
OSTIGUIN	MARIA	22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	THE COLONY	5620	S COLONY BLVD	2
OSTIGUIN	MARIA	22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	LEWISVILLE	200	S MILL ST	9
RAMIREZ	BARBARA	1751	COUNTY	4508	LAKECREST DR		THE COLONY	THE COLONY	4508	LAKECREST DR	6
RAMIREZ	BARBARA	1751	COUNTY	4508	LAKECREST DR		THE COLONY	LEWISVILLE	2680	DENTON TAP	6
RICE	AMY	13632	COUNTY	5613	GREEN HOLLOW LN		THE COLONY	LEWISVILLE	103	KATHRYN DR	6
RICE	AMY	13632	COUNTY	5613	GREEN HOLLOW LN		THE COLONY	LEWISVILLE	328	W MAIN ST	6
ROJAS	ALYSSA	26780	COUNTY	4526	NERVIN ST		THE COLONY	THE COLONY	4526	NERVIN ST	15
ROONEY	GERALD P	27078	COUNTY	5201	S COLONY BLVD		THE COLONY	THE COLONY	4691	ST HWY 121	2
ROONEY	GERALD P	27078	COUNTY	5201	S COLONY BLVD		THE COLONY	THE COLONY	5301	SAGERS BLVD	3
ROONEY	GERALD P	27078	COUNTY	5201	S COLONY BLVD		THE COLONY	THE COLONY	5301	SAGERS BLVD	3

ROONEY	GERALD P	27078	COUNTY	5201	S COLONY BLVD		THE COLONY	THE COLONY	4703	STATE HWY 121	3
RODNEY	GERALD P	27078	COUNTY	5201	S COLONY BLVD		THE COLONY	THE COLONY	5313	S COLONY BLVD	5
ROONEY	GERALD P	27078	COUNTY	5201	S COLONY BLVD		THE COLONY	Carrollton	4325	N Josey Ln	1
SANDERS	BECKY	14350	COUNTY	4601	CARR ST		THE COLONY	THE COLONY	4601	CARR ST	11
SMITH	LAWRENCE	26669	COUNTY	5289	STATE HWY 121	3041	THE COLONY	DENTON	3105	COLORADO BLVD	1
SMITH	LAWRENCE	26669	COUNTY	5289	STATE HWY 121	3041	THE COLONY	LEWISVILLE	801	W MAIN ST	1
SMITH	LAWRENCE	26669	COUNTY	5289	STATE HWY 121	3041	THE COLONY	THE COLONY	5289	STATE HWY 121	2
STANWICK	JULIE	27428	COUNTY	5901	LEGEND LN		THE COLONY	THE COLONY	5901	LEGEND LN	15
STANWICK	JULIE	27428	COUNTY	5901	LEGEND LN		THE COLONY	FLOWER MOUND	6101	MORRIS RD	12
STANWICK	JULIE	27428	COUNTY	5901	LEGEND LN		THE COLONY	THE COLONY	5901	LEGEND LN	3
STANWICK	JULIE	27428	COUNTY	5901	LEGEND LN		THE COLONY	FLOWER MOUND	6101	MORRIS RD	4
STOFER	SHAYNE	11671	COUNTY	4936	HACKNEY LN		THE COLONY	THE COLONY	4936	HACKNEY LN	15
STOFER	SHAYNE	11671	COUNTY	4936	HACKNEY LN		THE COLONY	THE COLONY	4691	ST HWY 121	13
WEEKES	BERYL	16213	COUNTY	5552	ROCK CANYON		THE COLONY	THE COLONY	5552	ROCK CANYON	2
WEEKES	BERYL	16213	COUNTY	5552	ROCK CANYON		THE COLONY	THE COLONY	5552	ROCK CANYON	1
WEEKES	BERYL	16213	COUNTY	5552	ROCK CANYON		THE COLONY	CARROLLTON	4352	N JOSEY LN	2
WEEKES	BERYL	16213	COUNTY	5552	ROCK CANYON		THE COLONY	THE COLONY	4400	MAIN ST	1
WOODARD	NATHAN	27508	COUNTY	5724	BAKER DR		THE COLONY	THE COLONY	5724	BAKER DR	18
WOODARD	NATHAN	27508	COUNTY	5724	BAKER DR		THE COLONY	LEWISVILLE	151	W CHURCH ST	18

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: March 30, 2016

MEETING DATE: 4/5/2016

SUMMARY OF REQUEST: Consider approving a resolution authorizing the city manager to execute a contract with McCreary, Vesleka, Bragg, & Allen, PC for the collection of past due property taxes (Finance, Cranford)

Background:

Purpose:

Current contract with McCreary, Vesleka, Bragg, & Allen, PC (MVBA) expired at the end of March. Renewal contract terms are the same as the expired contract with the exception of the inclusion of collecting for PID assessments.

On average only 1% of City property taxes become delinquent. MVBA will collect on average 88% of the delinquent.

We have been with MVBA since 2006. This will be our third contract for four annual agreements. MVBA represents Denton County and has an office at Denton County.

Issues:

Alternatives:

Recommendations:

Attachments:

MVBA Contract
MVBA Delinquent Tax Collection Activity Report
Resolution

MCCREARY, VESELKA, BRAGG & ALLEN, P.C.
CONTRACT FOR THE COLLECTION OF
DELINQUENT PROPERTY TAXES AND ASSESSMENTS

STATE OF TEXAS

§

COUNTY OF DENTON

§

§

THIS CONTRACT is made and entered into by and between the **CITY OF THE COLONY, TEXAS (The City)**, acting herein by and through its governing body, and **McCREARY, VESELKA, BRAGG & ALLEN, P.C. (The Firm)**, 700 Jeffrey Way, Suite 100, P.O. Box 1269, Round Rock, Texas 78680.

I.

The City agrees to employ and does hereby employ **The Firm** to enforce by suit or otherwise the collection of all delinquent property taxes, penalty and interest owing to **The City**. Current year property taxes which become delinquent within the period of this contract shall become subject to the terms of the contract upon the following conditions:

- A. Taxes on *real property* that become delinquent during the term of this contract that are not delinquent for any prior years become subject to the terms of this contract on July 1st of the year in which the taxes become delinquent.
- B. Taxes on *tangible personal property* that become delinquent during the term of this contract become subject to the terms of this contract if not paid within sixty days of the date on which the taxes become delinquent.
- C. Taxes on *property* that become delinquent during the term of this contract that are delinquent for prior years and are the subject of a suit to collect the prior years' delinquent taxes become subject to the terms of this contract on the first day of delinquency as defined by the Texas Property Tax Code.

II.

The City further agrees to employ and does hereby employ **The Firm** to enforce by suit otherwise the collection of all delinquent **Assessments**, penalty, and interest owed to **The City** on property located within any **Public Improvement District (PID)** created by **The City** pursuant to Chapter 372, Texas Local Government Code, as amended (or any successor statute) at the same time and in the same manner as the collection of delinquent property taxes, penalty, and interest as authorized by this contract, provided that any Service and Assessment Plan for any **PID** imposes collection deadlines, penalties, interest, and attorney's fees consistent with the Texas Property Tax Code.

The City shall do likewise for any other special **District or Zone**, created by **The City** pursuant to Texas law, including, but not limited to, any **Tax Increment Reinvestment Zone (TIRZ)**, **Transportation Reinvestment Zone (TRZ)**, or any other assessment that is collected at the same time and in the same manner as delinquent property taxes, penalties, interest, and attorney's fees consistent with the Texas Property Tax Code.

III.

The City agrees to furnish all necessary delinquent tax and **PID** or other assessment information to **The Firm** on all property within the boundaries of **The City** and any **PID, District or Zone** created by **The City**. **The City** hereby authorizes **The Firm** to determine the name, identity and location of necessary parties and to procure necessary legal descriptions of property and hereby assigns to **The Firm** the right to recover the costs of obtaining such information.

IV.

The Firm is to advise **The City** of errors, double assessments or other discrepancies coming under observation during the progress of the work.

V.

The Firm is to intervene on behalf of **The City** in all suits for ad valorem taxes hereafter filed by any other taxing unit on property located within its boundaries.

VI.

The Firm agrees to make delinquent tax collection progress reports to **The City** on request.

VII.

The City agrees to pay **The Firm**, for services rendered, a fee of Twenty Per Cent (20%) of all delinquent taxes, penalty and interest collected by **The City** for years covered by this contract. The penalty imposed pursuant to Sections 33.07, 33.08 and 33.11 of the Texas Property Tax Code is not subject to this contractual fee. **The City** has previously adopted and does hereby reaffirm the adoption of the additional penalty provided by Sections 33.07, 33.08 and 33.11 of the Texas Property Tax Code. All fees provided for in this contract shall become the property of **The Firm** at the time payment of taxes, penalty and interest is made to **The City**. **The City** or its designated tax collector shall pay fees due **The Firm** monthly by check.

VIII.

This contract is drawn to cover a period of one (1) year beginning April 1, 2016, and ending March 31, 2017. Thereafter, this contract shall automatically renew and continue in full force and effect after the initial period from year to year for additional twelve month periods beginning on April 1st of each year on the same terms and conditions unless either party delivers written notice to the other party of its intent to terminate this contract at least sixty (60) days prior to each anniversary date of this contract. The anniversary date is April 1, 2017, and April 1st of each subsequent year. On termination of this contract, **The Firm** shall have an additional six (6) months after termination to reduce to judgment and sale all tax collection lawsuits filed and collect all bankruptcy claims filed prior to the termination date, and provided further that **The Firm** shall handle to conclusion all suits in which trial court judgments are obtained during the period of this contract and which are appealed by any party. In case of such termination, **The Firm** shall be entitled to receive and retain all compensation of fees due up to the date of said termination. In consideration of the terms and compensation herein stated, **The Firm** hereby accepts said employment and undertakes the performance of this contract as above written.

IX.

The contract is executed on behalf of **The City** by the presiding officer of its governing body who is authorized to execute this instrument by order heretofore passed and duly recorded in its minutes.

WITNESS the signatures of all parties hereto in duplicate originals this, the ____ day of _____, 2016.

CITY OF THE COLONY, TEXAS

By: _____,

MCCREARY, VESELKA, BRAGG & ALLEN, P.C.
Attorneys at Law
700 Jeffrey Way, Suite 100
Round Rock, Texas 78665

By: _____

Gilbert T. Bragg
Managing Partner, Denton Branch Office

McCREARY, VESELKA, BRAGG & ALLEN, P.C.
ATTORNEYS AT LAW

GILBERT T. BRAGG
ATTORNEY AT LAW

P.O. Box 1269
Round Rock, Texas 78680

TEL. 512-323-3200
FAX. 512-323-3205

March 24, 2016

Mr. David Cranford, Director of Finance
City of The Colony
6800 Main Street
The Colony, Texas 75056

Re: Delinquent Ad Valorem Tax Collection Activity Report -
July 1, 2011 through February 29, 2016

Dear Mr. Cranford:

This is to present our Firm's activity in the delinquent tax collection program with the City of The Colony (the City) from July 1, 2011 through February 29, 2016.

Since 2001, we have kept collection statistics that enable the City to evaluate the total collection program. The delinquent tax collection program that has been designed, implemented, and established by our firm has enabled the City to collect taxes in an efficient and productive manner. This is apparent from an analysis of the City's tax collection history which is illustrated in the attached **Charts 1 through 4**.

COLLECTION HISTORY

On April 1, 2001, the City entered into an initial delinquent tax collection contract with MVBA. On February 21, 2011, the City entered into the current delinquent tax collection contract. On July 1, 2011, the total delinquent tax roll for 1988-2010 was \$423,743. On February 29, 2016, the total delinquent tax roll for 1999-2014 was \$145,591.

Chart 1 shows the amount of base tax that has been turned over to our firm on July 1, each year since July 1, 2011. Each July, we begin working on the most current delinquent tax year. On February 29, 2016, the updated file shows the reduction in delinquent tax base for each of the following years:

2010 reduced by 92.74%
2011 reduced by 93.51%
2012 reduced by 89.57%
2013 reduced by 83.80%
2014 reduced by 77.38%

Since July 1, 2011, we have collected **87.94%** of all delinquent taxes turned over to us for collection. (See *Chart 1*)

CURRENT YEAR COLLECTIONS

In our opinion, the most crucial tax collection period is the first year of collection activity after the turnover on July 1 each year. This is because our delinquent tax collection activity on the current year delinquent taxes during the months of July, August, and September are shown as "current" tax collections during the City's fiscal year ending September 30. **Charts 1 and 2** detail our collection activity in the first year for the tax years 2011-2014.

During the past five years, we have collected an average of more than 73% of the base tax for the current tax year during the first year of delinquency. **Chart 1** shows that for the current collection period (July 1, 2015 through February 29, 2016), we have collected 77.38% of the 2014 taxes turned over to us on July 1, 2015. Any 2014 taxes that were collected during the months of July, August, and September, 2015 will appear as "current" tax collections in the City's Fiscal Year 2015 audit. The 2015 taxes will be turned over to our office for collection on July 1, 2016.

TOTAL COLLECTIONS

A progressive delinquent tax program is important in maintaining a high collection percentage. **Chart 2** shows that the original tax levy has increased in each year shown, and that the Tax Office has done an outstanding job of collecting taxes prior to the July 1 turnover. **Chart 2** also shows that total collections during the fiscal year exceed the amount levied for each year. For fiscal year 2016, total collections are 97.35% of the 2015 tax levy in the first five months. Accordingly, delinquent tax collections are a vital source of revenue.

TOTAL DELINQUENT COLLECTIONS

In addition to collecting the current year delinquent tax, the Firm works on all delinquent accounts. **Chart 2** shows that the total amount of tax, penalties and interest collected during each fiscal year. **Chart 2** shows that for fiscal years 2011-2015, the City collects more than the original tax levy each year. For fiscal year 2016, the City has collected 98.90% of the original tax levy as of February 29, 2016.

PRIOR YEAR COLLECTIONS

Chart 3 details the cumulative delinquent tax rolls for each tax year from 2010 through 2014. This chart shows our progress in reducing the cumulative delinquent tax roll as well as the current tax year.

In collecting these delinquent taxes we use the following collection procedures:

LETTERS

The Firm has sent a notice of delinquency to each delinquent property owner in our attempt to obtain voluntary payment of taxes due. We have conducted address and title research. Experience has proven that prior to the institution of legal proceedings, a series of letters to delinquent property owners and their lienholders results in substantial payments.

- A. **Detail Letters** - Notices on all years of delinquency including property description and amount due.
- B. **Demand Letters** - Notices to selected accounts informing of suit action if taxes not paid.

ADDRESS AND TITLE RESEARCH

Many delinquent accounts are collected by giving the proper attention to finding the correct address of a delinquent property owner. Delinquent accounts with unknown or incorrect addresses are researched by the Firm through the phone book, city directory, utility records, voter registration records, assumed name files, the Secretary of State's records, and internet databases.

Prior to filing suit, the Firm carefully researches the title to property to identify all parties who have an ownership interest or a lien on the delinquent property. We examine deeds, deeds of trust, and probate records to determine who has an interest in the property.

When title research has been completed, lienholders and new owners are notified that suit will be filed in the event the taxes are not paid.

Lienholder Letters - Notices to financial institutions and individuals which the Firm has determined, as a result of title research, to have liens on delinquent properties.

SUITS

Suits are filed when delinquent property owners do not respond to the letters mailed by the Firm. A suit is filed against a delinquent property owner for foreclosure of the tax lien and personal liability for the tax. All of the properties the defendant owns on which there are delinquent taxes are included in the same suit. Dismissals are issued on suits which have taxes paid before judgment is taken.

JUDGMENTS

When service of citation is complete for all defendants, the Firm obtains a trial setting from the Court for those cases in which the delinquent property owner has not paid. These trial settings result in either payment in full or a judgment ordering foreclosure of the tax lien on the property in question and/or personal liability against the defendant property owner. A release of judgment is furnished to the taxpayer upon request when taxes and court costs are paid after judgment is taken.

TAX SALES

After consultation with the Tax Collector judgments involving real property are followed up by a Sheriff's Sale of the property. The Firm assists the Sheriff's office in handling all aspects of the sale. In the event a parcel is offered for sale by the Sheriff, and no bid is received, the property is struck off to The County of Denton, Trustee, in trust for all of the taxing jurisdictions with delinquent taxes. The property can thereafter be sold for amount less than the taxes that are due with the concurrence of all taxing jurisdictions that are parties to the judgment.

BANKRUPTCIES

Immediately upon notification by the tax office that a property owner has filed bankruptcy, the Firm files a claim for all property taxes due with the Bankruptcy Court. The claims are monitored for progression through the Bankruptcy Court. The Firm reviews all motions and plans of reorganization filed by the debtor or any creditor with the Bankruptcy Court to insure that the property tax claims are protected to the fullest extent allowed under the Bankruptcy Code. The initial claim is filed by the Firm in the Bankruptcy Court which includes all taxes owed by the property owner at the time the bankruptcy is initiated. A subsequent claim is filed by the Firm in the Bankruptcy Court for taxes which come due after the filing of a bankruptcy.

DELINQUENCY DISTRIBUTION

As of February 29, 2016, the total cumulative delinquent tax roll was \$145,591 for the years 2014 and prior. The distribution of this amount by category of collection activity is shown on **Chart 4**.

SUPPORT SERVICES

The County of Denton is the Tax Collector for the City of The Colony. Our Firm is also under contract with Denton County to collect the County's delinquent taxes. That contract allows the Firm to use its tax office computer terminals and provides a working area in the tax office for use by the Firm employees. The Denton staff consists of four employees in addition to myself and the support from our main office in Round Rock. The County also provides the Firm with tax data and tax file access. We have an excellent working relationship with Ms. French and the tax office staff.

There is a distinct advantage in having the Firm housed in the tax office building. It provides a convenient location for taxpayers to talk to members of the Firm about tax problems. Our staff is always available to answer tax office questions about the collection process and to assist the tax office with collection problems.

The Firm considers it a privilege to represent The Colony and will continue to assist you in all ad valorem tax matters. We look forward to our continued relationship with The Colony.

Sincerely,



Gilbert T. Bragg
MCCREARY, VESELKA, BRAGG & ALLEN, P.C.

GTB:acw
Enclosure

CITY OF THE COLONY

FIVE YEAR TAX COLLECTION HISTORY

FISCAL YEAR ⁽¹⁾	TAX YEAR	TAX LEVY	CURRENT YEAR TURNOVER JUNE 30 EACH YEAR ⁽²⁾	PERCENT OF LEVY COLLECTED JUNE 30	DELINQUENT JUNE 30 OF THE FOLLOWING YEAR	PERCENT OF TURNOVER COLLECTED DURING FIRST YEAR	DELINQUENT BALANCE FEBRUARY 29, 2016	PERCENT OF TURNOVER COLLECTED AS OF FEBRUARY 29, 2016
2011	2010	\$14,357,020	\$198,568	98.62%	\$47,554	76.05%	\$14,424	92.74%
2012	2011	\$14,725,447	\$209,657	98.58%	\$32,233	84.63%	\$13,597	93.51%
2013	2012	\$14,749,221	\$135,618	99.08%	\$49,785	63.29%	\$14,147	89.57%
2014	2013	\$15,630,270	\$158,493	98.99%	\$58,113	63.33%	\$25,667	83.80%
2015	2014	\$17,653,942	\$159,287	99.09%	\$36,038 ⁽³⁾	77.38%	\$36,038	77.38%
TOTAL			\$861,623				\$103,873	87.94%
			FEB. 29, 2016 ⁽³⁾					
2016	2015	\$20,773,340	\$550,254	97.35%	N/A	N/A	N/A	N/A

(1) Fiscal Year begins October 1 of the Tax Year

(2) Also known as the "July 1 Turnover"

(3) Calculated as of February 29, 2016 for FYS 2015 & 2016

MCCREARY, VESELKA, BRAGG & ALLEN, P.C.
ATTORNEYS AT LAW

Chart 1

CITY OF THE COLONY

FIVE YEAR TAX COLLECTION HISTORY

FISCAL YEAR ⁽¹⁾	TAX YEAR	TAX LEVY	CURRENT YEAR TURNOVER JUNE 30 EACH YEAR ⁽²⁾	PERCENT OF LEVY COLLECTED JUNE 30	DELINQUENT JUNE 30 OF THE FOLLOWING YEAR	PERCENT OF TURNOVER COLLECTED DURING FIRST YEAR	TOTAL COLLECTIONS DURING FISCAL YEAR (PERCENT OF LEVY COLLECTED)
2011	2010	\$14,357,020	\$198,568	98.62%	\$47,554	76.05%	\$14,845,174 (103.40%)
2012	2011	\$14,725,447	\$209,657	98.58%	\$32,233	84.63%	\$14,965,640 (101.63%)
2013	2012	\$14,749,221	\$135,618	99.08%	\$49,785	63.29%	\$14,998,050 (101.69%)
2014	2013	\$15,630,270	\$158,493	98.99%	\$58,113	63.33%	\$15,636,901 (100.04%)
2015	2014	\$17,653,942	\$159,287	99.09%	\$36,038 ⁽³⁾	77.38% ⁽³⁾	\$18,183,464 (103.00%)
2016	2015	\$20,773,340	\$550,254	97.35%	N/A	N/A	\$20,545,657 (98.90%) ⁽³⁾

(1) Fiscal Year begins October 1 of the Tax Year

(2) Also known as the "July 1 Turnover"

(3) Calculated as of February 29, 2016 for FYS 2015 & 2016

MCCREARY, VESELKA, BRAGG & ALLEN, P.C.
ATTORNEYS AT LAW

CITY OF THE COLONY

FIVE YEAR TAX COLLECTION HISTORY

PRIOR YEAR DELINQUENT COLLECTIONS

FISCAL YEAR	TAX YEAR	CUMULATIVE DELINQUENT TAX ROLL JUNE 30 EACH YEAR	CUMULATIVE DELINQUENT TAX ROLL JUNE 30 OF THE FOLLOWING YEAR	REDUCTION RATE OF CUMULATIVE TAX ROLL
2011	2010	\$423,743 ⁽¹⁾	\$181,170	57.25%
2012	2011	\$390,827	\$118,261	69.74%
2013	2012	\$253,879	\$230,251	9.30%
2014	2013	\$388,744	\$262,489	32.47%
2015	2014	\$421,776	\$145,591 ⁽²⁾	65.48% ⁽²⁾

(1) Beginning Balance, July 1, 2011 for 2010 and Prior Years

(2) Calculated as of February 29, 2016 for FY 2015

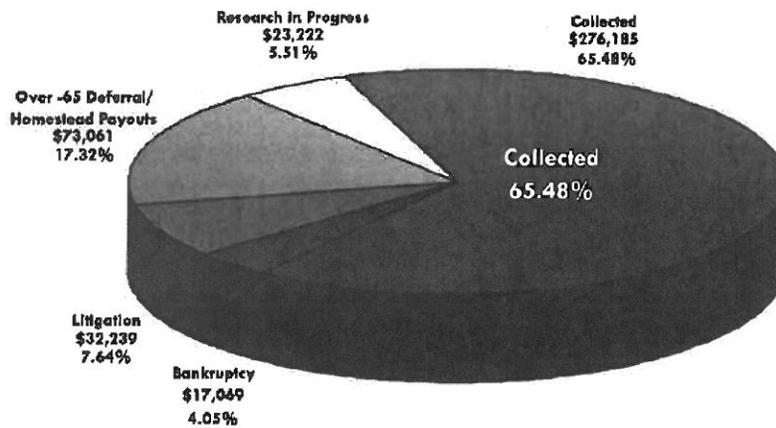
MCCREARY, VESELKA, BRAGG & ALLEN, P.C.
ATTORNEYS AT LAW

Chart 3

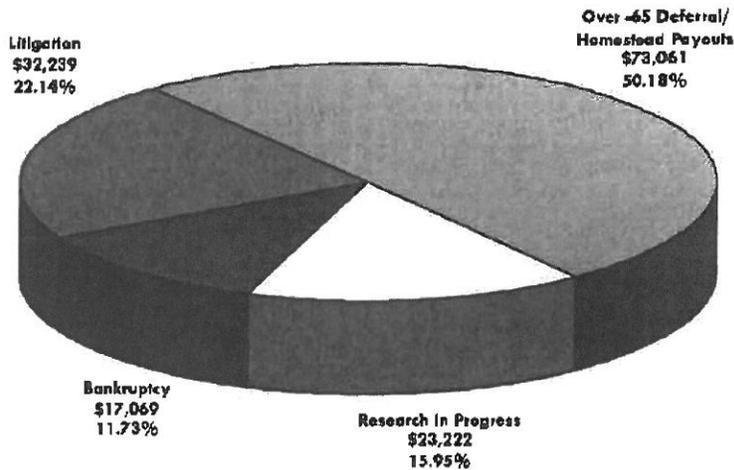
CITY OF THE COLONY

FISCAL YEAR	TAX YEAR	CUMULATIVE DELINQUENT TAX ROLL JUNE 30, 2015	CUMULATIVE DELINQUENT TAX ROLL FEB. 29, 2016	REDUCTION RATE OF CUMULATIVE TAX ROLL
2015	2014	\$421,776	\$145,591	65.48%

**Delinquency Distribution of \$421,776 ⁽¹⁾
as of February 29, 2016**



**Delinquency Distribution of \$145,591 ⁽²⁾
as of February 29, 2016**



(1) 2014 & Prior Years Delinquent as of July 1, 2015
 (2) Amount Delinquent as of February 29, 2016

MCCREARY, VESELKA, BRAGG & ALLEN, P.C.
ATTORNEYS AT LAW

CITY OF THE COLONY, TEXAS

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, APPROVING THE RENEWAL TO THE CONTRACT BY AND BETWEEN THE CITY OF THE COLONY AND MCCREARY, VESELKA, BRAGG & ALLEN, P.C. FOR THE COLLECTION OF DELINQUENT PROPERTY TAXES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on or about March 20th, 2006, the City entered into a Contract with McCreary, Veselka, Bragg & Allen, P.C., for the purposes of collecting delinquent property taxes for the City; and

WHEREAS, pursuant to Section VII, Term of the Contract, the City desires to extend the Contract for another year; and

WHEREAS, the City Council has determined it to be in the best interest of the City to continue the contract with McCreary, Veselka, Bragg & Allen, P.C. under the same terms and conditions as provided in the original contract with the exception of the inclusion of collecting for PID assessments.

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

Section 1. The City Council hereby approves renewal of the original Contract dated March 20th, 2006, by and between the City of Colony, Texas, and McCreary, Veselka, Bragg & Allen, P.C., for collection of delinquent property taxes and PID assessments.

Section 2. This Resolution shall become effective immediately from and after its passage, as the law and charter in such cases provides.

PASSED, APPROVED and EFFECTIVE this **5TH** day of **April, 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: March 31, 2016

MEETING DATE: 4/5/2016

SUMMARY OF REQUEST: Consider approving a resolution supporting a Municipal Settings Designation (MSD) in the City of Lewisville (Engineering, Scruggs)

Background:

The City received a request from the City of Lewisville asking for support of a Municipal Settings Designation (MSD) for an office/warehouse/storage facility located at 1000 Lake Ridge Road in the City of Lewisville. The purpose of the MSD is to restrict use of and access to the shallow groundwater aquifer beneath this specific site where groundwater quality has been impacted.

A property is eligible for an MSD if a public drinking water supply system exists that satisfies the requirements of Texas Health and Safety Code Chapter 341 and that supplies or is capable of supplying drinking water to the property for which the MSD is sought and property within one-half mile of the property for which the MSD is sought. The designated property meets these criteria.

As part of the MSD application, the applicant is required to obtain support from the governing body of each municipality and/or retail public utility (RPU, as defined by Section 13.002 of the Texas Water Code) that owns or operates a groundwater supply well located not more than five miles from the designated property. The City of the Colony operates water wells within a five mile radius.

The City of The Colony retained R. W. Harden & Associates, Inc. (RWHA) to evaluate the potential for contaminant migration from the MSD site to the ground water wells operated by the City. RWHA is familiar with the City's ground water wells from past work for the City. The City's ground water wells obtain water from both the Trinity and Paluxy aquifers. It was RWHA's conclusion that from a practical standpoint it is impossible for the shallow contamination at the MSD site in Lewisville to infiltrate to the Paluxy or Trinity aquifers given the characteristics of the overlying formations. RWHA concluded that there is no hydrogeological reason for the City to oppose Lewisville's request to establish the proposed MSD site.

The City of Lewisville adopted Ordinance No. 4227-11-2015 approving the MSD application on November 16, 2015. City Staff met with City of Lewisville representatives and they indicated they were requesting The Colony's support for the MSD request.

Purpose:

To consider approval of a Municipal Settings Designation (MSD) application in Lewisville, Texas.

Issues:

N/A

Alternatives:

N/A

Recommendations:

City staff and the City's Hydrogeologist, R. W. Harden & Associates, have reviewed the MSD and City staff recommends approval.

Suggested motion: I move to recommend approval of a Resolution in support of a Municipal Settings Designation (MSD) application in the City of Lewisville.

Attachments:

Location Map

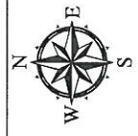
Request for Support of MSD

Evaluation of Potential Impacts to TC Wells

Resolution



Location Map



July 31, 2015

Mayor Joe McCourry
City of the Colony
6800 Main Street
The Colony, Texas 75056

Telephone: (972) 668-0783
E-mail: tcmayor@thecolonytx.gov

RE: **Request for Resolution of Support for Municipal Setting Designation**
Office/Warehouse/Storage Facility
1000 Lake Ridge Road
Lewisville, Denton County, Texas

Dear Mr. McCourry,

On behalf of the City of Lewisville, Terracon Consultants, Inc. (Terracon) is currently pursuing a Municipal Setting Designation (MSD) with the Texas Commission on Environmental Quality (TCEQ) for the Office/Warehouse/Storage Facility property (hereinafter the "designated property") located at 1000 Lake Ridge Road in Lewisville, Texas. A Boundary Survey including a legal description is included as Attachment 1. An aerial photograph depicting the site and surrounding land uses is included as Attachment 2.

The purpose of this MSD is to restrict the use of and access to the shallow groundwater aquifer beneath the site to protect public health and welfare where the quality of groundwater may present an actual or potential threat to human health.

A property is eligible for an MSD if a public drinking water supply system exists that satisfies the requirements of Texas Health and Safety Code Chapter 341 and that supplies or is capable of supplying drinking water to the property for which the MSD is sought and property within one-half mile of the property for which the MSD is sought. The designated property meets these criteria.

Cumulative groundwater assessment activities conducted on the designated property in from February 2012 through January 2015 detected concentrations of nitrates exceeding the TCEQ Texas Risk Reduction Program (TRRP) Tier 1 Residential Critical Protective Concentration Level (PCL).

The impacted groundwater plume consists of shallow groundwater encountered at depths of approximately 18 to 23 feet below ground surface (bgs). Groundwater on the designated property flows in a general southeastern direction. The Critical PCL Exceedance (PCLE) zone includes portions of adjoining commercial and residential properties. A Groundwater Concentration Map depicting the detected nitrate concentrations exceeding the Critical PCL is included in Attachment 3.

As part of the MSD application, the applicant is required to obtain support from the governing body of each municipality and/or retail public utility (RPU, as defined by Section 13.002 of the Texas Water Code) that owns or operates a groundwater supply



Terracon Consultants, Inc. 2501 East Loop 820 South Fort Worth, Texas 76118

P [817] 268 8600 F [817] 268 8602 terracon.com



Request for Resolution of Support

Office/Warehouse/Storage Facility ■ Lewisville, Texas

July 31, 2015 ■ Terracon Project No. 95147088E

Page 2



well located not more than five miles from the designated property.

A *Five Mile Municipal Setting Designation Report* (dated May 29, 2015) provided by GeoSearch identified 11 groundwater supply wells operated by the City of the Colony located within the five mile search radius. In addition, the *Water Utility Database (WUD) Report of Groundwater Wells* (dated May 20, 2015) provided by GeoSearch identified four of the 11 groundwater wells owned by the City of the Colony within the five mile search radius as RPU supply wells. A Five-Mile Registered Well Map and WUD Site Map with the depicted water well locations are included as Attachments 4 and 5, respectively.

The groundwater supply wells operated by the City of the Colony were identified as follows:

Map ID	Well Site Name	Well ID	Distance from MSD (mi)	Water Usage	Well Address
9	City of the Colony	TX204498 (SSDRD)	1.19	Public Supply	FM 423
18	City of the Colony	TX104664 (SSDRD)	1.82	Irrigation	Blair Oaks Drive
25	City of the Colony	4022 (WUD)	2.07	Active – Permanent*	Address Not Listed
25	City of the Colony	4023 (WUD)	2.07	Active – Permanent*	Address Not Listed
25	City of the Colony Well #1	18-57-602 (TWDB)	2.09	Public Supply	5032 Crutchberry Place
25	City of the Colony Well #2	18-57-601 (TWDB)	2.09	Public Supply	5032 Crutchberry Place
39	City of the Colony	4024 (WUD)	2.63	Active – Permanent*	FM 423
58	City of the Colony Trinity 3-R Well	18-58-104 (TWDB)	3.53	Public Supply	Address Not Listed
58	City of the Colony	4025 (WUD)	3.53	Active – Permanent*	Address Not Listed
58	City of the Colony	TX170007 (SSDRD)	3.53	Public Supply	Address Not Listed
67	Wynwood Peninsula, Ltd.	TX202019 (SSDRD)	3.78	Public Supply	Boyd Road

* Indicates registered water utility wells

Based on review of the well logs, the identified City of the Colony water wells produce from the Twin Mountains Formation aquifer, part of the Trinity Aquifer Group. In the site area, the Trinity Group is separated from the nitrate-impacted shallow groundwater aquifer by several consecutive limestone, shale, and clay formations. These formations form regional aquitards, as described below.

The designated property is located above approximately 30 feet of Quaternary fluvial terrace deposits, which overlie the Eagle Ford Formation. The Eagle Ford Formation extends to approximately 125 feet bgs in the designated property area and primarily consists of shale with calcareous concretions and some thin, platy beds of sandstone and sandy limestone. The Eagle Ford formation is underlain by the Woodbine Group

Request for Resolution of Support

Office/Warehouse/Storage Facility ■ Lewisville, Texas

July 31, 2015 ■ Terracon Project No. 95147088E

Page 3

Terracon

Formation, which is a minor aquifer and extends to approximately 350 feet bgs and supplies water in the area and region for a mixture of irrigation, domestic, and industrial purposes. The Woodbine Group Formation is underlain by several consecutive limestone and clay formations comprising the Washita and Fredericksburg Groups, which extend from approximately 350 feet bgs to an estimated depth of between 900 and 1,000 feet bgs. Below the Fredericksburg Group lies the Trinity Group, which contains the Paluxy and Twin Mountains formations, the two primary water-bearing formations in the designated property area.

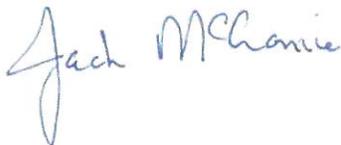
Based on the lateral distance between the designated property and the identified City of the Colony water wells and the presence of regional aquitards between the impacted shallow aquifer and potable aquifers, it is highly unlikely that the presence of COCs in the shallow groundwater at the site will affect the water quality of the City of the Colony public supply wells identified within five miles of the site boundary.

Please note that as a municipality/RPU which operates groundwater supply wells within a five mile radius of the designated property, you may provide written comments on any information relevant to the TCEQ executive director's consideration of the MSD. Following the submittal of the MSD application, the responsible executive director at the TCEQ will certify or deny the MSD application or request additional information from the applicant not later than 90 days after receiving the application.

A separate notice has been sent to the Colony Municipal Utility District #1, which was also identified as an operator of groundwater supply wells within a five mile radius of the designated property.

In summary, the City of Lewisville is requesting a Resolution of Support from the City of the Colony for the Office/Warehouse/Storage Facility TCEQ MSD application. Please contact the undersigned should you have any questions or require additional information.

Sincerely,



Jack A. McCranie, P.G.
Environmental Department Manager
Principal

cc: Mr. Howard Nycum, Windy Ridge, LLC

Attachments:

Attachment 1 – Boundary Survey

Attachment 2 – Aerial Photograph

Attachment 3 – Groundwater Concentration Map

Attachment 4 – Five Mile Registered Water Wells Site Map

Attachment 5 – WUD Site Map



Dated: 2015

Source: USDA

SCALE: 1"=350'



Office/Warehouse/Storage Facility

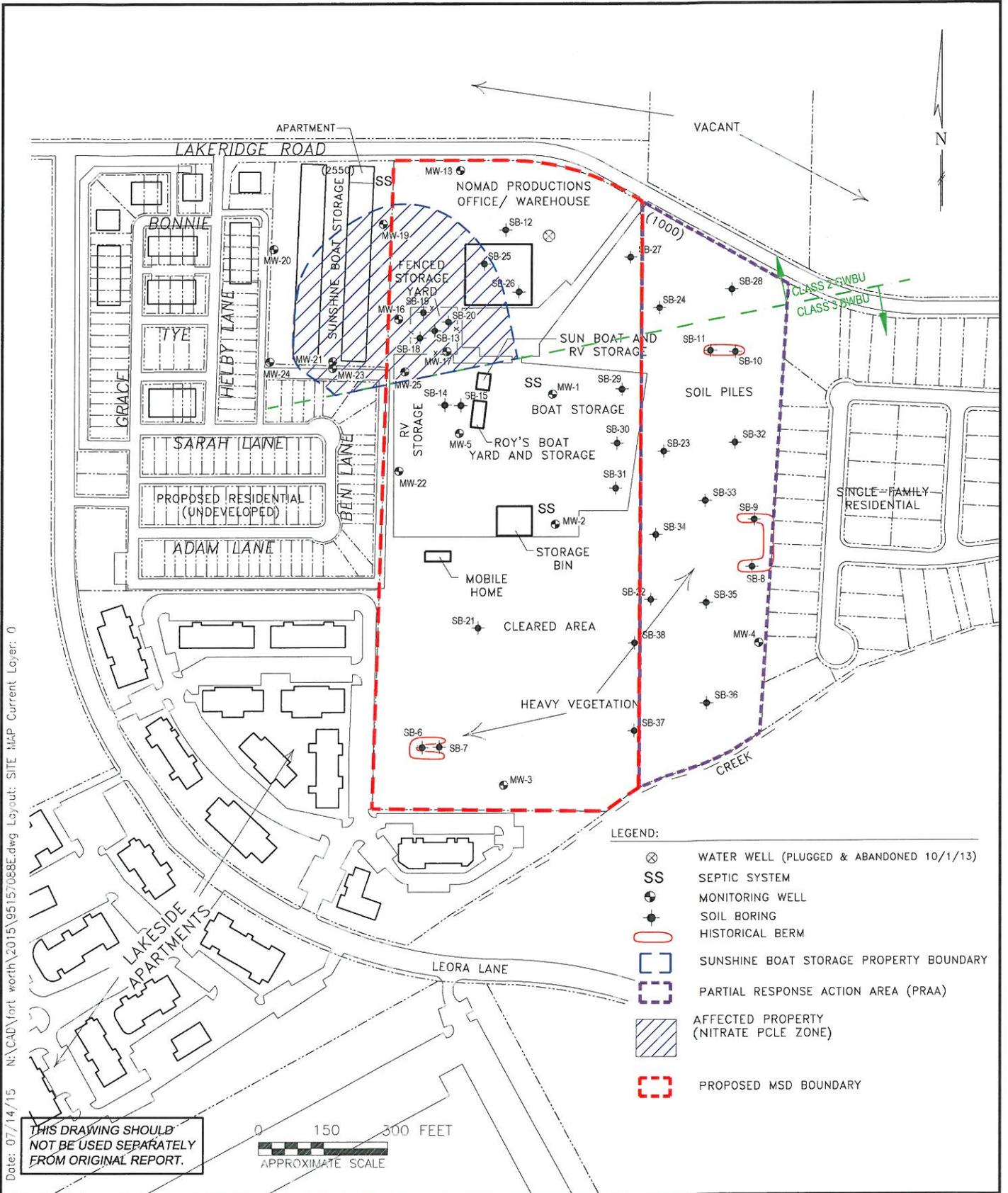
1000 Lake Ridge Road

Lewisville, Denton County, Texas

ATTACHMENT 2

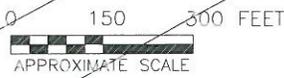
Terracon

AERIAL PHOTOGRAPH



Date: 07/14/15 N:\CAD\fort_worth\2015\95157088E.dwg Layout: SITE MAP Current Layer: 0

THIS DRAWING SHOULD NOT BE USED SEPARATELY FROM ORIGINAL REPORT.



- LEGEND:**
- ⊗ WATER WELL (PLUGGED & ABANDONED 10/1/13)
 - SS SEPTIC SYSTEM
 - MONITORING WELL
 - ◆ SOIL BORING
 - HISTORICAL BERM
 - ▭ SUNSHINE BOAT STORAGE PROPERTY BOUNDARY
 - ▭ PARTIAL RESPONSE ACTION AREA (PRAA)
 - ▨ AFFECTED PROPERTY (NITRATE PCLE ZONE)
 - ▭ PROPOSED MSD BOUNDARY

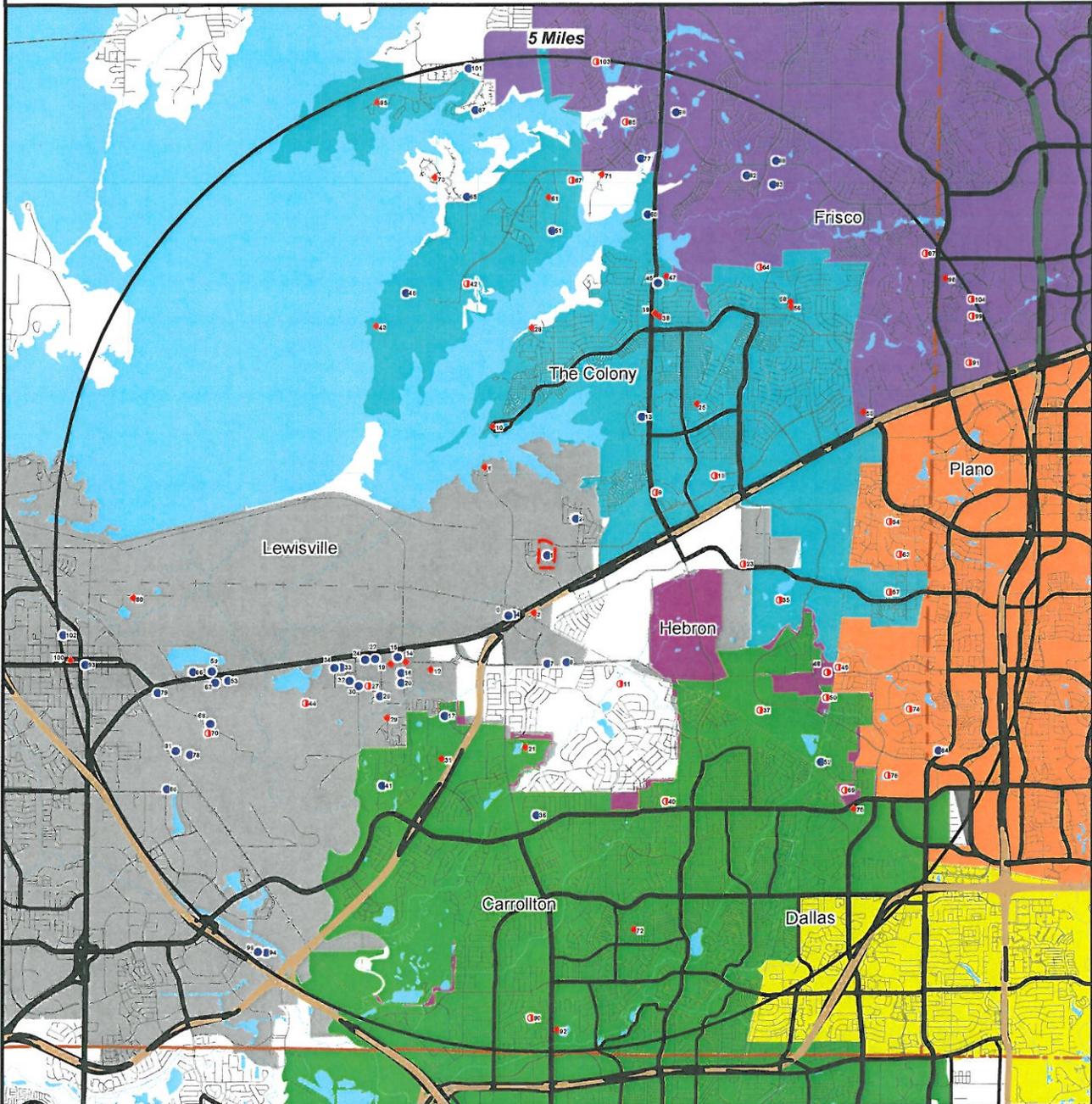
Project Mngr:	ALB	Project No:	95147088E
Drawn By:	CDD	Scale:	AS SHOWN
Checked By:	ALB	Date:	07/14/15
Approved By:	JAM		

Terracon
 Consulting Engineers and Scientists
 (Registration No.: F-3272)
 2501 EAST LOOP 820 N. FORT WORTH, TX 76118
 PH. (817) 268-8600 FAX. (817) 268-8602

GROUNDWATER CONCENTRATION MAP

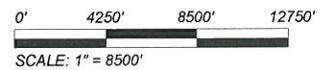
OFFICE/WAREHOUSE/STORAGE FACILITY
 1000 LAKE RIDGE ROAD
 LEWISVILLE, DENTON COUNTY, TEXAS

ATTACHMENT 4: 5 MILE REGISTERED WATER WELLS SITE MAP



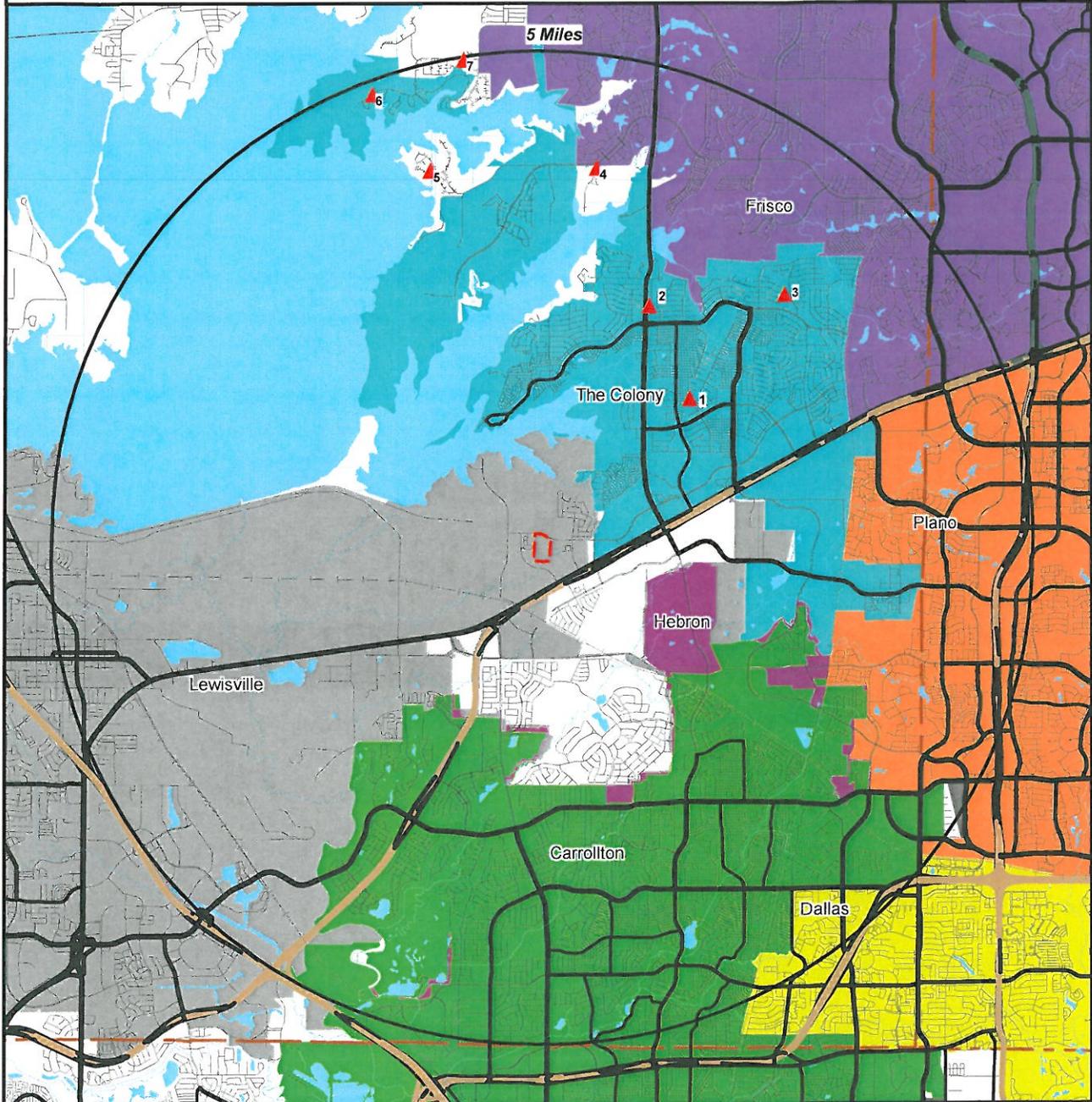
- Target Property (TP)
- TCEQ
- TWDB
- SSDRD
- WUD

1000 Lake Ridge Road MSD
1000 Lake Ridge Road
Lewisville, Texas
75056



GeoSearch www.geo-search.com - phone: 888-396-0042 - fax: 512-472-9967

ATTACHMENT 5: WUD SITE MAP



- Target Property (TP)
- WUD

1000 Lake Ridge Road MSD
1000 Lake Ridge Road
Lewisville, Texas
75056



GeoSearch www.geo-search.com - phone: 888-396-0042 - fax: 512-472-9967

March 7, 2016

Gordon E Scruggs, PE, CFM
Director of Engineering/Development Services
The City of The Colony
6800 Main St.
The Colony, Texas 75056

Re: Lewisville MSD – Evaluation of Potential Impacts to City of The Colony Wells

Dear Gordon,

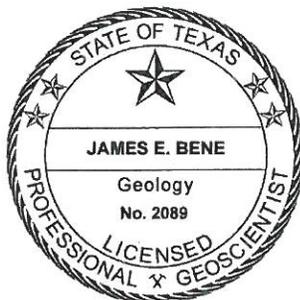
R. W. Harden & Associates, Inc. (RWH&A) has reviewed a letter delivered to Mayor McCourry dated July 31, 2015 from Terracon Engineering Services (Terracon) on behalf of the City of Lewisville, Texas. The letter requests that the City of The Colony (City) support of a Municipal Setting Designation (MSD) for a property located at 1000 Lake Ridge Road in Lewisville. As requested, RWH&A has evaluated the potential for contaminant migration from the MSD site to wells operated by the City.

Our information indicates that the City operates four public supply wells that produce from formations comprising the Trinity aquifer, which lies at depths greater than about 2,100 feet beneath the City. There are also records of a City well screened across the shallower (approx. 1,200 feet) Paluxy aquifer, but it is unclear whether the City continues to use the well. As indicated by Terracon, several formations overlie the Paluxy and Trinity in Denton County. The majority of these formations are relatively impermeable, and act as effective barriers to groundwater flow. In addition, the Woodbine aquifer lies at a depth of about 300 feet beneath the City, and would intercept any downward leakage from overlying sources. From a practical standpoint, it is impossible for the shallow contamination at the MSD site to infiltrate to the Paluxy or Trinity aquifers given the characteristics of the overlying formations. Consequently, the available information suggests that there is no hydrogeologic reason for the City to oppose Lewisville's request to establish the proposed MST site.

Sincerely,



James Bené, P.G.
R. W. Harden & Associates, Inc.



The seal appearing on this document was authorized by James E. Bené, P.G. 2089 on March 7, 2016. R.W. Harden & Associates, Inc. TBPG Firm No. 50033.

CITY OF THE COLONY, TEXAS

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, IN SUPPORT OF THE APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION FOR PROPERTY AT 1000 LAKE RIDGE ROAD, LEWISVILLE, TEXAS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Chapter 361, Subchapter W. of the Texas Solid Waste Disposal Act authorizes the Texas Commission on Environmental Quality (hereinafter referred to as the “TCEQ”) to certify Municipal Setting Designations for properties upon receipt and approval of a properly submitted application to TCEQ; and

WHEREAS, as a part of the application to TCEQ for a Municipal Setting Designation, the applicant is required to provide documentation that the application is supported by: (1) the city council of the municipality in which the Site is located; (2) the city council of each municipality with a boundary located not more than one-half (1/2) mile from the Site; (3) the city council of each municipality that owns or operates a groundwater supply well located not more than five (5) miles from the Site; and (4) the governing body of each retail public utility, as defined by Section 13.002 of the Texas Water Code, as amended, that owns or operates a groundwater supply well located not more than five (5) miles from the Site; and

WHEREAS, Terracon Consultants, Inc. (hereinafter referred to as the “Applicant”) filed an application with the City of Lewisville, Texas, for the issuance of a Municipal Setting Designation ordinance for 1000 Lake Ridge Road, Lewisville, Texas.

WHEREAS, the City of The Colony, Texas, has water supply wells located within five (5) miles of the designated MSD Site; and

WHEREAS, following the issuance of a supporting resolution by each municipality and retail public utility for which approval is required, Applicant will submit to TCEQ an application for certification of a Municipal Setting Designation for the Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W.

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

SECTION 1. The City Council of the City of The Colony, Texas, does hereby find and authorizes the Mayor to execute this Resolution indicating the City’s support for the Applicant’s application to the TCEQ for certification of a Municipal Setting Designation for the Site.

SECTION 2. This Resolution 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 5th day of April, 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: March 30, 2016

MEETING DATE: 4/5/2016

SUMMARY OF REQUEST: Consider approving a resolution authorizing the city manager to execute an Agreement for Air Space Easement and Restriction of Bridge Height above roadway improvement known as Bridge Lane in The Tribute Subdivision (Development Services, Joyce)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

- Proposed Agreement
- Exhibit A
- Exhibit D
- Resolution

STATE OF TEXAS §
 §
 §
COUNTY OF DENTON §

**AGREEMENT FOR AIR SPACE EASEMENT
AND RESTRICTION OF BRIDGE HEIGHT**

This Agreement for Air Space Easement and Restriction of Bridge Height (this “Agreement”) is granted on the ___ day of _____, 2016, by the **City of The Colony**, a Texas home rule municipality (“Grantor”), with offices at 6800 Main Street, The Colony, Texas 75056, in the capacity as the owner of Parcel 1 (as defined below) to **Tribute Partners, L.P.**, a Texas limited partnership (“Grantee”), with offices at 320 W. Main Street, Lewisville, Texas 75057, in the capacity as the owner of Parcel 2 (as defined below).

RECITALS:

WHEREAS, on or about the date of this Agreement, Grantee dedicated to Grantor, and Grantor is now the owner of, that certain land with the roadway improvements contained thereon commonly known as Bridge Lane, located in the City of The Colony, Texas and being more particularly described in *Exhibit B*, which is attached hereto and incorporated herein by reference (“Parcel 1”); and

WHEREAS, Grantee is the owner of that certain land located in the City of The Colony, Texas and being more particularly described in *Exhibit C*, which is attached hereto and incorporated herein by reference (“Parcel 2”); and

WHEREAS, prior to the dedication of Parcel 1 to Grantor, a golf cart bridge and pedestrian walkway was constructed on Parcel 2 across Parcel 1 (the “Bridge”);

WHEREAS, Grantor desires to convey to Grantee an easement for air space and access over, above and adjacent to such roadway improvements located on Parcel 1 for the exclusive benefit of Parcel 2 so that the Bridge can remain in place; and

WHEREAS, Grantor and Grantee have consented and agreed to the placement of such perpetual, irrevocable easement with restrictive covenants on the respective parcels of real property.

NOW, THEREFORE, in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration, Grantor hereby grants, sells and conveys to Grantee, its successors and assigns forever, for the benefit of Parcel 2 and each and every part thereof, an exclusive, irrevocable and permanent easement over and across that certain tract of real property described in *Exhibit A* attached hereto and incorporated herein (the “Easement Area”) for the purpose of maintaining, repairing, operating and reconstructing the Bridge for use by Grantee and its successors, assigns, and invitees upon the following terms:

1. *Air Space Restrictions.* Grantor will permit the Bridge to exist within the air space over the Easement Area at a height not less than sixteen feet (16’) from grade the

Easement Area. The current grade of the Easement Area in relation to the Bridge is noted on *Exhibit D*, which is attached hereto and incorporated herein. If the Bridge is damaged or destroyed, Grantee may replace the Bridge within the air space of the Easement Area with the same minimum height requirement as set forth in this paragraph.

2. *Easement.* It is the intent of the parties to this Agreement that the easement granted by this Agreement is exclusive for the use provided for herein. Therefore, Grantor covenants and agrees that no building, structure or other improvement will be allowed to exist on Parcel 1 within the Easement Area other than the roadway improvements. Grantee or its successors or assigns must pay for ongoing maintenance and repair of the Bridge at their sole cost and expense. Grantee and its successors and assigns will hold Grantor and its successors and assigns harmless against any cost, expense (including any reasonable costs incurred in connection with any claims interposed or asserted by any unrelated third party relating to the Bridge) and/or liability incurred by Grantor in connection with the maintenance, operation, repair and reconstruction of the Bridge. TO HAVE AND TO HOLD the rights and interests described unto Grantee and its successors and assigns, forever, and Grantor does hereby bind itself and its successors, assigns and legal representatives to warrant and forever defend, all and singular, the herein-described easement and rights and interests unto Grantee and its successors and assigns against every person whomsoever lawfully claiming, or to claim some, or any part thereof, by, through or under Grantor, but not otherwise, subject to any reservations, exceptions, and restrictions of record and the terms, provisions and conditions herein.

3. *Further Assurances.* Grantor, at the request of Grantee, will promptly execute, acknowledge and deliver all such documents, including, without limitation, an amendment to this Agreement, if necessary, to accomplish, confirm or further evidence the terms of this Agreement.

4. *Permanence.* The easement granted by this Agreement will be permanent and will run with the land of Parcel 1 and Parcel 2, and no violation of any term or provision hereof will result in a forfeiture or reversion of the rights granted hereunder. Except as herein specifically set forth, Grantee and Grantor will retain their full ownership and control of their respective properties.

5. *Breach of Agreement.* Both parties agree, that in the event of any breach or threatened breach of this Agreement by Grantor, Grantee will have the right to any remedy available at law or equity including but not limited to injunctive relief.

6. *No Oral Modification.* This Agreement may not be modified or terminated orally, but may be modified or terminated only by a written agreement by Grantor and Grantee or their respective successors or assigns.

[Signature Pages Follow]

GRANTEE:

TRIBUTE PARTNERS, L.P.

a Texas limited partnership

By: MSW Wynnwood Holdings, Ltd.,
a Texas limited partnership,
its general partner

By: MSW Wynnwood Holdings GP, LLC
a Texas limited liability company
its general partner

By: _____
Kristian T. Teleki, Senior Vice President

GRANTEE'S ACKNOWLEDGEMENT

STATE OF TEXAS

§

§

COUNTY OF DENTON

§

This instrument was acknowledged before me on the ____ day of _____, 2016, by Kristian T. Teleki, Senior Vice President of MSW Wynnwood Holdings GP, LLC, a Texas limited liability company, general partner of MSW Wynnwood Holdings, Ltd., a Texas limited partnership, general partner of Tribute Partners, L.P., a Texas limited partnership, on behalf of said entities.

Notary Public, State of Texas

(Seal)

EXHIBIT A
EASEMENT AREA

*[REPLACE THIS PAGE WITH THE 2 PAGES OF THE GOLF COURSE CART PATH BRIDGE
EASEMENT FROM JBI PARTNERS]*

EXHIBIT B
DESCRIPTION OF PARCEL 1

[REPLACE THIS PAGE WITH THE RECORDED PLAT INFORMATION FOR BRIDGE LANE]

EXHIBIT C
DESCRIPTION OF PARCEL 2

Lot 1, Block A and Lot 1, Block B, The Tribute New Course, an addition to the City of the Colony, Denton County, Texas, as recorded in Cabinet Y, Page 59, of the Plat Records of Denton County, Texas.

EXHIBIT D
GRADE OF EASEMENT AREA IN RELATION TO EXISTING BRIDGE

**EXHIBIT A
GOLF COURSE CART PATH BRIDGE EASEMENT
SHEET 1 OF 2**

LEGAL DESCRIPTION

Being a parcel of land located in the City of the Colony, Denton County, Texas, a part of the Thompson D. Luckett Survey, Abstract No. 752, and being a part of Tract 3 called 107.317 acres as described in deed to Tribute Partners, L.P. as recorded in Document Number 2010-69114, Denton County Deed Records, and being further described as follows:

COMMENCING at a one-half inch iron rod with yellow cap stamped "JBI" found at the southwest corner of Lot 1, Block B, The Tribute New Course, an addition to the City of The Colony as recorded in Cabinet Y, Page 59, Denton County Plat Records;

THENCE South 66 degrees 33 minutes 04 seconds East, 143.46 feet along the south line of said Lot 1, Block B to the POINT OF BEGINNING of this easement;

THENCE South 66 degrees 33 minutes 04 seconds East, 21.00 feet along the south line of said Lot 1, Block B to a point for corner, from which said point bears South 66 degrees 33 minutes 04 seconds East, 235.54 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner in the south line of said Lot 1, Block B;

THENCE South 23 degrees 26 minutes 56 seconds West, 60.00 feet to a point for corner, said point being in the north line of Lot 1, Block A, of said Tribute New Course Addition;

THENCE North 66 degrees 33 minutes 04 seconds West, 21.00 feet along the north line of said Lot 1, Block A to a point for corner;

THENCE North 23 degrees 26 minutes 56 seconds East, 60.00 feet to the POINT OF BEGINNING and containing 1,260 square feet or 0.029 acres of land.

BASIS OF BEARING: The basis of bearing is based on monuments found along the south line of Lot 1, Block B, The Tribute New Course, an addition to the City of The Colony as recorded in Cabinet Y, Page 59, Denton County Plat Records.

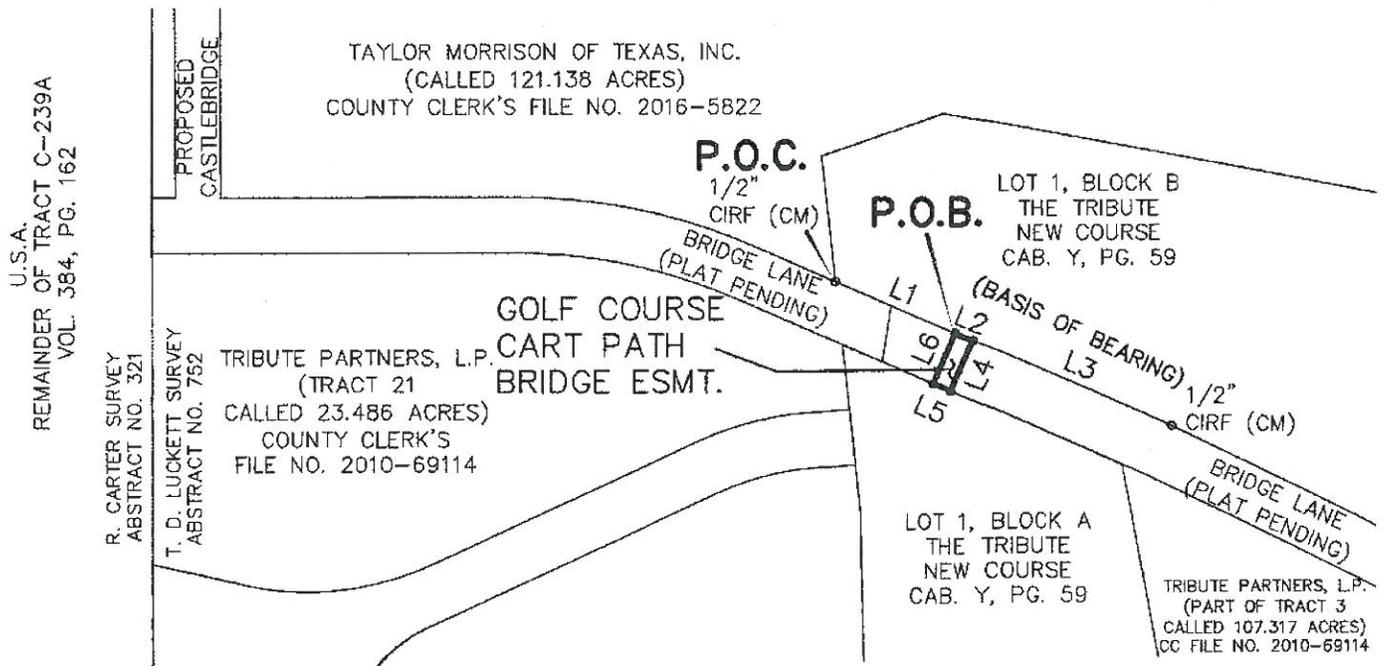
TBPE No. F-438 TBPLS No. 10076000

SCALE:	DATE 12-17-15	DRAWN MWH	PROJECT MSW043-ESMT- (BRIDGE1).DWG	
--------	------------------	--------------	--	---

EXHIBIT A GOLF COURSE CART PATH BRIDGE EASEMENT SHEET 2 OF 2

LEGEND

- CIRF CAPPED IRON ROD FOUND
WITH YELLOW CAP STAMPED "JBI"
- CM CONTROL MONUMENT
- POC POINT OF COMMENCING
- POB POINT OF BEGINNING
- ESMT. EASEMENT



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S66°33'04"E	143.46'
L2	S66°33'04"E	21.00'
L3	S66°33'04"E	235.54'
L4	S23°26'56"W	60.00'
L5	N66°33'04"W	21.00'
L6	N23°26'56"E	60.00'

Mark W. Harp

MARK W. HARP
R.P.L.S. NO. 6425
FEBRUARY 10, 2016



TBPE No. F-438 TBPLS No. 10076000

SCALE: 1"=200'	DATE 12-17-15	DRAWN MWH	PROJECT MSW043-ESMT- (BRIDGE1).DWG
-------------------	------------------	--------------	--



NOTE: REFER TO SHEET 12A FOR ABUTMENT DETAILS.

NOTE: RAILING STYLE AND COLOR TO BE SELECTED BY OWNER.

NOTE: STRUCTURAL DETAILS FOR WALLS 4' AND TALLER (MEASURED FROM TOP OF WALL TO BOTTOM OF FOOTING) TO BE PROVIDED BY CONTRACTOR AT TIME OF PERMITTING.

NOTE: CONTRACTOR TO PROVIDE SLEAVING ON 6" CENTERS.

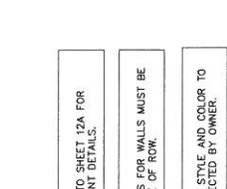
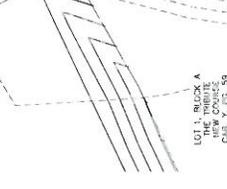
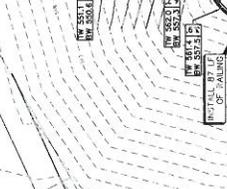
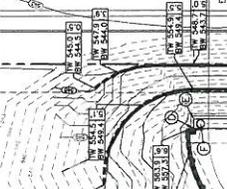
LEGEND

- EX. CONTOUR INTERVAL
- PROP. MAJOR CONTOUR
- PROP. MINOR CONTOUR
- PROP. RAILING
- PROP. RETAINING WALL
- RETAINING WALL LABEL
- PROPOSED STORM LINE & INLET
- EXISTING GRADE
- TOP OF CURB GRADE

* EX. 531.3
* 541.89

NOTE: Station and offsets to be used as reference only. For exact dimensioning refer to the plan view. Plans by Childress Engineering Services, Inc.

NODE	STATION	OFFSET	DIRECTION	COMMENT
A	16+47.56	32.77	LEFT	ABUTMENT CORNER
B	16+47.56	0.00	LEFT	CENTER OF RAILROAD
C	16+49.89	0.00	LEFT	CENTER OF RAILROAD
D	16+48.35	32.67	LEFT	ABUTMENT CORNER
E	16+48.35	0.00	LEFT	CENTER OF RAILROAD
F	16+48.32	32.00	LEFT	CENTER OF RAILROAD
G	16+47.56	32.67	RIGHT	ABUTMENT CORNER
H	16+47.56	0.00	RIGHT	CENTER OF RAILROAD
I	16+48.35	32.67	RIGHT	ABUTMENT CORNER
J	16+48.35	0.00	RIGHT	CENTER OF RAILROAD
K	16+48.32	32.00	RIGHT	ABUTMENT CORNER
L	16+48.32	0.00	RIGHT	CENTER OF RAILROAD



NOTE: RETAINING WALLS IN PROFILE VIEW ARE NOT TO SCALE IN WIDTH.

GRADING SCALE: 1"=20'

DESIGNED BY: MAC
DRAWN BY: MAC
CHECKED BY: JMK

DATE: 11-1-50

REVISIONS DURING CONSTRUCTION:

NO.	DATE	BY	REVISIONS DURING PLAN REVIEW

1599 Queen Drive
Suite 203
Dallas, Texas 75244
Phone: 972.249.8901
Fax: 972.249.8700
www.jbipartners.com

JBI PARTNERS

TYPE NO. F-438 TITLE NO. 1007000

PRELIMINARY FOR REVIEW ONLY
NOT FOR CONSTRUCTION OR PERMIT PURPOSES

BY: JAMES JAMES JAMES
P.E. No. 111075 Date: 03/09/2018

GRADING PLAN
SHEET 4

BRIDGE LANE AND CASTLEBRIDGE AT TRIBUTE
City of The Colony, Denton County, Texas

PROJECT NO: MSW043
SHEET NO: 12

1599 Queen Drive
Suite 203
Dallas, Texas 75244
Phone: 972.249.8901
Fax: 972.249.8700
www.jbipartners.com

JBI PARTNERS

TYPE NO. F-438 TITLE NO. 1007000

PRELIMINARY FOR REVIEW ONLY
NOT FOR CONSTRUCTION OR PERMIT PURPOSES

BY: JAMES JAMES JAMES
P.E. No. 111075 Date: 03/09/2018

GRADING PLAN
SHEET 4

BRIDGE LANE AND CASTLEBRIDGE AT TRIBUTE
City of The Colony, Denton County, Texas

PROJECT NO: MSW043
SHEET NO: 12

NOTE: REFER TO SHEET 12A FOR ABUTMENT DETAILS.

NOTE: RAILING STYLE AND COLOR TO BE SELECTED BY OWNER.

NOTE: STRUCTURAL DETAILS FOR WALLS 4' AND TALLER (MEASURED FROM TOP OF WALL TO BOTTOM OF FOOTING) TO BE PROVIDED BY CONTRACTOR AT TIME OF PERMITTING.

NOTE: CONTRACTOR TO PROVIDE SLEAVING ON 6" CENTERS.

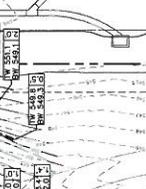
LEGEND

- EX. CONTOUR INTERVAL
- PROP. MAJOR CONTOUR
- PROP. MINOR CONTOUR
- PROP. RAILING
- PROP. RETAINING WALL
- RETAINING WALL LABEL
- PROPOSED STORM LINE & INLET
- EXISTING GRADE
- TOP OF CURB GRADE

* EX. 531.3
* 541.89

NOTE: Station and offsets to be used as reference only. For exact dimensioning refer to the plan view. Plans by Childress Engineering Services, Inc.

NODE	STATION	OFFSET	DIRECTION	COMMENT
A	16+47.56	32.77	LEFT	ABUTMENT CORNER
B	16+47.56	0.00	LEFT	CENTER OF RAILROAD
C	16+49.89	0.00	LEFT	CENTER OF RAILROAD
D	16+48.35	32.67	LEFT	ABUTMENT CORNER
E	16+48.35	0.00	LEFT	CENTER OF RAILROAD
F	16+48.32	32.00	LEFT	CENTER OF RAILROAD
G	16+47.56	32.67	RIGHT	ABUTMENT CORNER
H	16+47.56	0.00	RIGHT	CENTER OF RAILROAD
I	16+48.35	32.67	RIGHT	ABUTMENT CORNER
J	16+48.35	0.00	RIGHT	CENTER OF RAILROAD
K	16+48.32	32.00	RIGHT	ABUTMENT CORNER
L	16+48.32	0.00	RIGHT	CENTER OF RAILROAD



NOTE: RETAINING WALLS IN PROFILE VIEW ARE NOT TO SCALE IN WIDTH.

GRADING SCALE: 1"=20'

DESIGNED BY: MAC
DRAWN BY: MAC
CHECKED BY: JMK

DATE: 11-1-50

REVISIONS DURING CONSTRUCTION:

NO.	DATE	BY	REVISIONS DURING PLAN REVIEW

1599 Queen Drive
Suite 203
Dallas, Texas 75244
Phone: 972.249.8901
Fax: 972.249.8700
www.jbipartners.com

JBI PARTNERS

TYPE NO. F-438 TITLE NO. 1007000

PRELIMINARY FOR REVIEW ONLY
NOT FOR CONSTRUCTION OR PERMIT PURPOSES

BY: JAMES JAMES JAMES
P.E. No. 111075 Date: 03/09/2018

GRADING PLAN
SHEET 4

BRIDGE LANE AND CASTLEBRIDGE AT TRIBUTE
City of The Colony, Denton County, Texas

PROJECT NO: MSW043
SHEET NO: 12

1599 Queen Drive
Suite 203
Dallas, Texas 75244
Phone: 972.249.8901
Fax: 972.249.8700
www.jbipartners.com

JBI PARTNERS

TYPE NO. F-438 TITLE NO. 1007000

PRELIMINARY FOR REVIEW ONLY
NOT FOR CONSTRUCTION OR PERMIT PURPOSES

BY: JAMES JAMES JAMES
P.E. No. 111075 Date: 03/09/2018

GRADING PLAN
SHEET 4

BRIDGE LANE AND CASTLEBRIDGE AT TRIBUTE
City of The Colony, Denton County, Texas

PROJECT NO: MSW043
SHEET NO: 12

CITY OF THE COLONY, TEXAS

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR AIR SPACE EASEMENT AND RESTRICTION OF BRIDGE HEIGHT BY AND BETWEEN THE CITY OF THE COLONY AND TRIBUTE PARTNERS, LP, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "A" ; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City and Developer have entered into an AGREEMENT FOR AIR SPACE EASEMENT AND RESTRICTION OF BRIDGE HEIGHT for the purpose of granting an easement for air space and access over, above, and adjacent to Bridge Lane located in the Tribute Subdivision, The Colony, Texas; and,

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into the Agreement with Tribute Partners, L.P., which is attached hereto and incorporated herein by reference as Exhibit "A" under the terms and conditions provided therein.

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

Section 1. The Agreement, which is attached hereto and incorporated herein as Exhibit "A" having been reviewed by the City Council of the City of The Colony, Texas, is found to be acceptable and in the best interest of the City and its citizens.

Section 2. The City Manager is hereby authorized to execute the Agreement 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 5th day of April, 2016.

Joe McCourry, Mayor
City of The Colony, Texas

ATTEST:

Christie Wilson, City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: March 31, 2016

MEETING DATE: 4/5/2016

SUMMARY OF REQUEST: Discuss and consider approving a resolution authorizing the city manager to issue a purchase order to Sequel Data Systems in the amount of \$283,326.42 for the purchase of hardware upgrades and professional services (IT, Vasquez)

Background:

An assessment of the state of the City's IT infrastructure and services was completed in March 2015 by the Farr Group. Farr's roadmap recommendations for IT infrastructure and utility services included four options for consideration including consider 3rd party providers, in-house solutions, cloud services, and/or a combination of service delivery mechanisms. After reviewing each of Farr's recommendations, I am recommending we proceed with a combination of service delivery mechanisms which include both cloud services and in-house solutions. These options are the most cost effective, will improve services for staff and provide for business continuity. IT is already in the process of migrating both email and CityWorks to the cloud.

The City's current IT infrastructure consists of three key components which include servers, storage and networking equipment. There are approximately 50 pieces of equipment being recommended for replacement. The average age of the City's existing servers and storage is 8 years while networking equipment is at 9 years. Servers and storage should be replaced every 5 years while networking equipment should be replaced at 7 years. Because the City's servers, storage and networking equipment have exceeded their life expectancy, the City is at high risk of equipment and/or software failure which will impact staff's ability to service the public. The equipment being recommended for replacement houses the City's financial, payroll, utility billing and other software systems important to City's operations.

Purpose:

As identified in the IT Infrastructure Services RFP and as part of additional research performed by IT, there are core parts of IT equipment being used that have surpassed life expectancy. The purpose of this request is to purchase replacement equipment as soon as possible to ensure operations remain intact and to prevent a critical outage that would impact services to citizens.

Issues:

Approval of this proposal will have a significant impact in stabilizing the IT infrastructure; however, there are other recommended components by the Farr Group that will need to be considered and implemented to further improve IT's service delivery

Alternatives:

Recommendations:

Approve purchase of hardware, software and professional services from Sequel Data Systems in the amount of \$283,326.42 to be paid from budgeted funds. Plans for the IT infrastructure upgrade were discussed and considered at the Technologies Board on March 07, 2016 with all members present agreeing to proceed.

If approved, all hardware, software and professional services will be purchased using the State of Texas Department of Information Resources (DIR) contract which is a cooperative purchasing program for state and local government, education, and other public entities in Texas.

Attachments:

IT Infrastructure

Equipment Replacement

Texas DIR Cooperative Contracts

Brocade DIR contract

VMWare DIR contract

HP DIR contract

Resolution



11824 Jollyville Rd. Suite 400
Austin, TX 78759

Quote Number: 9748.2



Sales Quote

Today's Date: 03/14/2016

Customer:

Chris Vasquez
City of The Colony
cvasquez@thecolonytx.gov
Office: 936-291-5454

DIR-TSO-2644

Account Manager:

Daniel Pirek
Sequel Data Systems
daniel.pirek@sequeldata.com
Office: 512-918-8841
Cell: 832-289-1797
Fax: 512-519-7868

Item	Part #	Qty.	Description	Unit Price	Ext. Price
Brocade VDX core switches					
1	BR-VDX6740-24-R	4	VDX 6740, 24P SFP+ PORTS ONLY - NO OPTICS, AC, PORT SIDE EXHAUST AIRFLOW	\$ 7,997.50	\$ 31,990.00
2	10G-SFPP-TWX-0308	4	DIRECT ATTACHED SFPP COPPER,3M,8-PACK	\$ 756.00	\$ 3,024.00
3	XBR-R000293	4	Flush mount kit for 2 post racks for VDX6710/VDX 6740	\$ 75.00	\$ 300.00
4	6740-24-SVL-NDP-3	4	ESSENTIAL NBD PARTS ONLY SUPPORT, VDX6740-24port, VDX6740T-24port; 3-year duration	\$ 1,540.00	\$ 6,160.00
5	XBR-000190	6	FRU,SFP,1GE COPPER,1-PK, ROHS	\$ 123.42	\$ 740.52
6	10G-SFPP-TWX-0101	4	DIRECT ATTACHED SFPP ACTIVE COPPER,1M,1-PACK	\$ 75.00	\$ 300.00
7	10G-SFPP-LR	4	10GBASE-LR, SFP+ optic (LC), for up to 10km over SMF	\$ 1,372.50	\$ 5,490.00
8	SPS	42	Sequel Professional Services - Configuration of 4x VDX 6740s with connectivity to new hosts and migration of core switch config	\$ 218.75	\$ 9,187.50
Subtotal					\$57,192.02

Phone: 512-918-8841

Prices Good for 30 Days

Fax: 512.519.7868



11824 Jollyville Rd. Suite 400
Austin, TX 78759

Quote Number: 9748.2



Sales Quote

Today's Date: 03/14/2016

Customer:

Chris Vasquez
City of The Colony
cvasquez@thecolonytx.gov
Office: [936-291-5454](tel:936-291-5454)

DIR-TSO-2644

Account Manager:

Daniel Pirek
Sequel Data Systems
daniel.pirek@sequeldata.com
Office: 512-918-8841
Cell: 832-289-1797
Fax: 512-519-7868

Item	Part #	Qty.	Description	Unit Price	Ext. Price
Brocade ICX campus switches					
1	ICX7450-48P-E	4	48-port 1 GbE switch PoE+ bundle includes 4x10G SFP+ uplinks, 2x40G QSFP+ uplinks/stacking, 1x1000W AC power supply and one fan, front to back airflow	\$ 4,997.50	\$ 19,990.00
2	ICX7450-48P-STK-E	6	48-port 1 GbE switch PoE+ bundle includes 2x40G QSFP+ uplinks/stacking, 1x1000W AC power supply and one fan, front to back airflow (stack member)	\$ 4,597.50	\$ 27,585.00
3	ICX7450-Prem-Lic	4	ICX 7450 LAYER 3 PREMIUM SOFTWARE LICENSE	\$ 600.00	\$ 2,400.00
4	40G-QSFP-C-00501	8	40GE QSFP Direct Attached Copper Cable, 0.5m, 1-pack, passive	\$ 75.00	\$ 600.00
5	40G-QSFP-QSFP-C-0301	2	40GE Direct Attached QSFP+ to QSFP+ Active Copper cable, 3m, 1-pac	\$ 325.00	\$ 650.00
6	ICX7450-SVL-NDP-3	10	ESSENTIAL NBD PARTS ONLY SUPPORT, ICX 7450 24p & 48p configurations	\$ 721.70	\$ 7,217.00
7	SPS	40	Sequel Professional Services - Configuration of 10x ICX 7450s and connectivity to existing hosts	\$ 218.75	\$ 8,750.00
Subtotal					\$67,192.00



11824 Jollyville Rd. Suite 400
Austin, TX 78759

Quote Number: 9748.2



Sales Quote

Today's Date: 03/14/2016

Customer:

Chris Vasquez
City of The Colony
cvasquez@thecolonytx.gov
Office: 936-291-5454

DIR-SDD-2035

Account Manager:

Daniel Pirek
Sequel Data Systems
daniel.pirek@sequeldata.com
Office: 512-918-8841
Cell: 832-289-1797
Fax: 512-519-7868

Item	Part #	Qty.	Description	Unit Price	Ext. Price
VMware vSOM Enterprise Plus					
1	11-2153-LIC	1	VMware vSphere 6 with Operations Management Enterprise Plus Acceleration Kit for 6 processors VMware Inc. - VS6-OEPLAK-F	\$ 15,467.41	\$ 15,467.41
2	11-2153-M3P	1	Production Support/Subscription VMware vSphere with Operations Management Enterprise Plus Acceleration Kit for 6 processors for 3 years VMware Inc. - VS6-OEPL-AK-3P-SSS-F	\$ 19,851.14	\$ 19,851.14
3	SPS	1	Sequel Professional Services - ASA 5520 & PA-500 config swap and service set up for URL Filtering, Threat Prevention and Wildfire services	\$ 6,250.00	\$ 6,250.00
4	SPS	1	Sequel Professional Services - VSOM VMware Jumpstart, New Cluster Creation no migration	\$ 10,000.00	\$ 10,000.00
Subtotal					\$51,568.55

Phone: 512-918-8841

Prices Good for 30 Days

Fax: 512.519.7868



11824 Jollyville Rd. Suite 400
Austin, TX 78759

Quote Number: 9748.2



Sales Quote

Today's Date: 03/14/2016

Customer:

Chris Vasquez
City of The Colony
cvasquez@thecolonytx.gov
Office: 936-291-5454

DIR-TSO-2538

Account Manager:

Daniel Pirek
Sequel Data Systems
daniel.pirek@sequeldata.com
Office: 512-918-8841
Cell: 832-289-1797
Fax: 512-519-7868

Item	Part #	Qty.	Description	Unit Price	Ext. Price
HPE rack mount servers					
1	719064-B21	3	HP DL380 Gen9 8SFF CTO Server	\$ 1,271.88	\$ 3,815.64
2	719064-B21#ABA	3	U.S. - English localization	\$ -	\$ -
3	719049-L21	3	HP DL380 Gen9 E5-2640v3 FIO Kit	\$ 905.37	\$ 2,716.11
4	719049-B21	3	HP DL380 Gen9 E5-2640v3 Kit	\$ 905.37	\$ 2,716.11
5	726719-B21	48	HP 16GB 2Rx4 PC4-2133P-R Kit	\$ 270.98	\$ 13,007.04
6	AF556A	6	HP 1.83m 10A C13-UL US Pwr Cord	\$ 6.81	\$ 40.86
7	665243-B21	3	HP Ethernet 10Gb 2P 560FLR-SFP+ Adptr	\$ 462.56	\$ 1,387.68
8	665249-B21	3	HP Ethernet 10Gb 2P 560SFP+ Adptr	\$ 474.73	\$ 1,424.19
9	666988-B21	3	HP 2U Security Bezel Kit	\$ 33.38	\$ 100.14
10	733660-B21	3	HP 2U SFF Easy Install Rail Kit	\$ 68.12	\$ 204.36
11	726116-B21	3	HP 8GB microSD EM Flash Media Kit	\$ 58.19	\$ 174.57
12	720479-B21	6	HP 800W FS Plat Ht Plg Pwr Supply Kit	\$ 237.75	\$ 1,426.50
13	733664-B21	3	HP 2U CMA for Easy Install Rail Kit	\$ 44.28	\$ 132.84
14	E6U64ABE	3	HP iLO Adv incl 3yr TS U E-LTU	\$ 345.52	\$ 1,036.56
15	H7J32A3	1	HP 3Yr Foundation Care NBD Service	\$ -	\$ -
16	H7J32A3#TT3	3	HP ProLiant DL380 Gen9 Support	\$ 168.97	\$ 506.91
17	SPS	3	Sequel Professional Services - Configuration of 3x HPE rack mount servers and connectivity to existing storage	\$ 250.00	\$ 750.00
Subtotal					\$29,439.51

Phone: 512-918-8841

Fax: 512.519.7868

Prices Good for 30 Days



11824 Jollyville Rd. Suite 400
Austin, TX 78759

Quote Number: 9748.2



Sales Quote

Today's Date: 03/14/2016

Customer:

Chris Vasquez
City of The Colony
cvasquez@thecolonytx.gov
Office: [936-291-5454](tel:936-291-5454)

DIR-TSO-2538

Account Manager:

Daniel Pirek
Sequel Data Systems
daniel.pirek@sequeldata.com
Office: 512-918-8841
Cell: 832-289-1797
Fax: 512-519-7868

Item	Part #	Qty.	Description	Unit Price	Ext. Price
HPE 3PAR array (30TB useable) page 1					
1	K2Q36A	1	HP 3PAR StoreServ 8200 2N Fld Int Base	\$ 5,480.40	\$ 5,480.40
2	H6Z10A	2	HP 3PAR 8000 2-pt 10Gb iSCSI/FCoE Adptr	\$ 1,742.77	\$ 3,485.54
3	H6Z10A#0D1	2	Factory integrated	\$ -	\$ -
4	K2P94A	12	HP 3PAR 8000 1.8TB SAS 10K SFF HDD	\$ 1,537.96	\$ 18,455.46
5	K2P94A#0D1	12	Factory integrated	\$ -	\$ -
6	L7B45A	1	HP 3PAR 8200 OS Suite Base LTU	\$ 1,227.96	\$ 1,227.96
7	L7B45A#0D1	1	Factory integrated	\$ -	\$ -
8	L7B46A	24	HP 3PAR 8200 OS Suite Drive LTU	\$ 59.12	\$ 1,418.88
9	L7B46A#0D1	24	Factory integrated	\$ -	\$ -
10	L7B49A	1	HP 3PAR 8200 Replication Suite Base LTU	\$ 639.91	\$ 639.91
11	L7B49A#0D1	1	Factory integrated	\$ -	\$ -
12	L7B50A	24	HP 3PAR 8200 Replication Ste Drive LTU	\$ 58.21	\$ 1,397.04
13	L7B50A#0D1	24	Factory integrated	\$ -	\$ -
14	L7B59A	1	HP 3PAR 8200 Dynamic Opt Base LTU	\$ 175.10	\$ 175.10
15	L7B59A#0D1	1	Factory integrated	\$ -	\$ -
16	L7B60A	24	HP 3PAR 8200 Dynamic Opt Drive LTU	\$ 15.92	\$ 381.96
17	L7B60A#0D1	24	Factory integrated	\$ -	\$ -
18	E7Y71A	1	HP 3PAR 8000 SFF(2.5in) Fld Int Drv Encl	\$ 2,259.12	\$ 2,259.12
19	K2P94A	12	HP 3PAR 8000 1.8TB SAS 10K SFF HDD	\$ 1,537.96	\$ 18,455.46
20	K2P94A#0D1	12	Factory integrated	\$ -	\$ -
21	HA114A1	1	HP Installation and Startup Service	\$ -	\$ -
22	HA114A1#5XU	1	HPE Startup 3PAR 8200 2N Fld Int Bas SVC	\$ 2,071.86	\$ 2,071.86
23	HA114A1#5XZ	1	HPE Startup 3PAR 8000 Fld Int Dr Enc SVC	\$ 284.73	\$ 284.73
24	K2R29A	1	HP 3PAR StoreServ RPS Service Processor	\$ 2,667.86	\$ 2,667.86
25	BD362AAE	1	HP 3PAR StoreServ Mgmt/Core SW E-Media	\$ 9.10	\$ 9.10
26	BD363AAE	1	HP 3PAR OS Suite Latest E-Media	\$ 9.10	\$ 9.10
27	BD365AAE	1	HP 3PAR SP SW Latest E-Media	\$ 2.28	\$ 2.28
28	H1K92A3	1	HPE 3Y Proactive Care 24x7 Service	\$ -	\$ -
29	H1K92A3#WSF	3	HP 3PAR Internal Entitlement Purpose	\$ -	\$ -
30	H1K92A3#YNW	1	HP 3PAR StoreServ RPS Service Proc Supp	\$ 58.67	\$ 58.67
Subtotal					\$58,480.42



11824 Jollyville Rd. Suite 400
Austin, TX 78759

Quote Number: 9748.2



Sales Quote

Today's Date: 03/14/2016

Customer:

Chris Vasquez
City of The Colony
cvasquez@thecolonytx.gov
Office: [936-291-5454](tel:936-291-5454)

DIR-TSO-2538

Account Manager:

Daniel Pirek
Sequel Data Systems
daniel.pirek@sequeldata.com
Office: 512-918-8841
Cell: 832-289-1797
Fax: 512-519-7868

Item	Part #	Qty.	Description	Unit Price	Ext. Price
HPE 3PAR array (continued) page 2					
31	H1K92A3#YT8	1	HP 3PAR StoreServ 8200 2N Base Supp	\$ 654.47	\$ 654.47
32	H1K92A3#YTJ	1	HP 3PAR 8000 Drive Encl Supp	\$ 234.19	\$ 234.19
33	H1K92A3#YTN	2	HP 3PAR 8000 2-pt 10Gb FCoE Adptr Supp	\$ 170.08	\$ 340.15
34	H1K92A3#YTX	24	HP 3PAR 8000 1.8TB 10K SFF HDD Supp	\$ 193.87	\$ 4,652.76
35	H1K92A3#YUA	1	HP 3PAR 8200 OS Suite Base Supp	\$ 2,889.29	\$ 2,889.29
36	H1K92A3#YUB	24	HP 3PAR 8200 OS Suite Drive Supp	\$ 19.13	\$ 459.00
37	H1K92A3#YUE	1	HP 3PAR 8200 Replication Suite Base Supp	\$ 1,338.41	\$ 1,338.41
38	H1K92A3#YUF	24	HP 3PAR 8200 Replication Ste Drive Supp	\$ 27.40	\$ 657.48
39	H1K92A3#YUQ	1	HP 3PAR 8200 Dynamic Opt Base Supp	\$ 366.01	\$ 366.01
40	H1K92A3#YUR	24	HP 3PAR 8200 Dynamic Opt Drive Supp	\$ 7.24	\$ 173.76
41	QK734A	8	HP Premier Flex LC/LC OM4 2f 5m Cbl	\$ 98.27	\$ 786.16
42	HA124A1	1	HP Technical Installation Startup SVC	\$ -	\$ -
43	HA124A1#5Y4	1	HPE Startup 3PAR 8000 Dynamic Opt SVC	\$ 1,367.43	\$ 1,367.43
44	HA124A1#5Y5	1	HPE Startup 3PAR 8000 System Reportr SVC	\$ 1,035.93	\$ 1,035.93
45	HA124A1#5Y8	1	HPE Startup 3PAR 8K Rpl Ste VC-RC-PP SVC	\$ 4,498.90	\$ 4,498.90
Subtotal					\$19,453.93



Quote Number: 9748.2

11824 Jollyville Rd. Suite 400

Austin, TX 78759

Sales Quote

Today's Date: 03/14/2016

Customer:

Chris Vasquez
 City of The Colony
cvasquez@thecolonytx.gov
 Office: [936-291-5454](tel:936-291-5454)

Account Manager:

Daniel Pirek
 Sequel Data Systems
daniel.pirek@sequeldata.com
 Office: 512-918-8841
 Cell: 832-289-1797
 Fax: 512-519-7868

Item	Part #	Qty.	Description Summary	Unit Price	Ext. Price
			Page 1: Brocade VDX	\$	57,192.02
			Page 2: Brocade ICX	\$	67,192.00
			Page 3: VMware	\$	51,568.55
			Page 4: HPE servers	\$	29,439.51
			Pages 5-6: storage	\$	77,934.34
Total					\$283,326.42

Phone: 512-918-8841

Prices Good for 30 Days

Fax: 512.519.7868

Server/Network	IBM?????	9	CH	Y	
Server	Blade?????	9	CH	Y	
Server	Blade?????	9	CH	Y	
Server	Blade?????	2	CH	Y	Replace?????
Server	Blade?????	6	CH	Y	Servers?????
Server	Blade?????	6	CH	Y	VMWare
Server	Blade?????	6	CH	Y	
Server	Blade?????	6	CH	Y	
Server	Blade?????	2	CH	Y	
KVM	Keyboard/Video/Mouse?????	6	CH	N	Retire

Police?????

Equipment?????	Age	Location	Maint	Notes
Network?????	9	PD	Y	Replace?????
Network?????	7	PD	Y	Brocade?????
Server	13	PD		
Server	11	PD		
Server	13	PD		
Server/Network IBM?????	7	PD	Y	Replace?????
Server Blade?????	7	PD	Y	Servers?????
Server?????	3	PD	Y	VMWare
Server?????				
Server?????				
Server?????				



Cooperative Contracts

Submit an SOW for Cooperative Contracts Services

Senate Bill 20 requires state agencies to submit statements of work (SOW) greater than \$50,000 to DIR for defined services. This requirement is limited to Texas state agencies, excluding institutions of higher education.

To access the appropriate SOW submission form, visit our [All Contracts and Services \(http://dir.texas.gov/View-Contracts-And-Services/Landing.aspx\)](http://dir.texas.gov/View-Contracts-And-Services/Landing.aspx) page.

When you purchase through DIR, you have the bulk buying power of the State of Texas on your side, which means that eligible customers can buy IT products and services at aggressive discounts without the need for a lengthy procurement process. All of our contracts comply with state purchasing requirements.

The savings are significant.

Specifically for Cooperative Contracts, every dollar our customers save is a dollar that can be spent on mission-critical services such as education and health care. In fiscal year 2014 we reached over \$2.057 billion in technology customer purchases, which translates into more than \$275 million in savings for taxpayers:*

- Texas state agencies saved over \$70 million*
- K-12 public education institutions saved more than \$92 million*
- Cities, counties, and other local governments across Texas saved \$67 million*
- Public universities and other higher education institutions saved more than \$43 million*

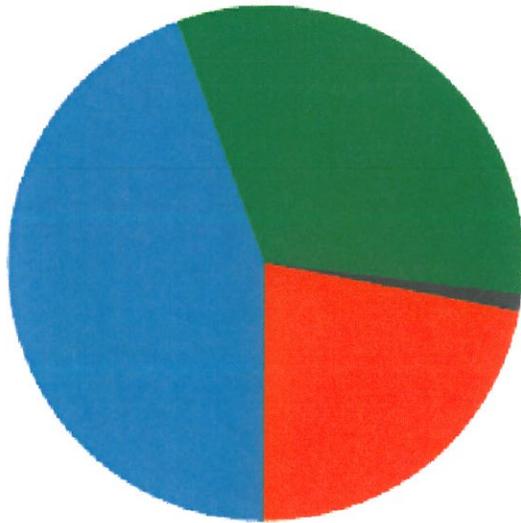
Who Are Our Customers?

We serve a wide spectrum of customers including Texas state, county or local government offices, and public education entities of all sizes. To see if your organization qualifies, review our [customer eligibility \(/View-Contracts-And-Services/Pages/Content.aspx?id=1\)](http://dir.texas.gov/View-Contracts-And-Services/Pages/Content.aspx?id=1) requirements. [Customers outside the state of Texas \(/View-Contracts-And-Services/Pages/Content.aspx?id=2\)](http://dir.texas.gov/View-Contracts-And-Services/Pages/Content.aspx?id=2) may also use our Cooperative Contracts.

While Texas state agencies are required to use our Cooperative Contracts, other customers do so voluntarily because of the tremendous savings we offer. The following chart shows the current

distribution of our customers:

Fiscal Year 2014 Cooperative Contract Purchases by Entity



Education (\$1,050.0B) - 51%

State Agencies (\$552.8M) - 26.9%

Local Government (\$441.2M) - 21.4%

Other Entities (\$13.5M) - Less than 1%

Why Use DIR Contracts & Services?

Find out how DIR can save you time and money while also giving you access to a wide range of products, services, and vendors.

- **Save time.** DIR has done all of the time-consuming procurement work for you. All contracts have been competitively bid so you no longer have to prepare competitive solicitations or evaluate responses. (TGC 2054.0565 (<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2054.htm>) states that DIR contracts meet the competitive requirements for all governmental entities.)
- **Save money.** We leverage the volume buying power of the State of Texas to negotiate competitive pricing, which translates into big savings for your organization. For most contracts, you can negotiate even deeper discounts based on large volume purchases.
- **Easier to find what you want.** Our new DIR website makes it easy to search for products and services. Just type in what you're looking for. You can even filter your search results. Each contract

contains a summary of details to help you determine which vendor is right for you.

- **Provide best value through quality performance.** Our vendors must comply with contract requirements. Equally important, however, is ensuring that those who are authorized to sell under the contract:
 - Are knowledgeable
 - Can meet or exceed customers' expectations
- **For Cooperative Contracts, choose from a selection of products and services.** In an effort to offer you a choice of products and services, DIR typically awards multiple contracts for each product/service solicitation. Choose from 20+ brands of computers, 1,100+ software titles, 35+ brands of printers, and much more.

*DIR calculates savings based on the difference between the DIR price and the price available from other cooperative programs in other states. Additional value (soft costs) not included in the calculation are:

- Time/Salary Savings associated with streamlined procurement process
 - Additional services or benefits such as "free training"
 - Improved performance standards and accountability requirements
-

© 2015 Department of Information Resources

300 W. 15th Street, Suite 1300
Austin, TX 78701 | 512.475.4700



Texas Department of Information Resources



Can't find what you're looking for?

[Contact DIR](#)

Home / All Contracts & Services / Contract Detail

Brocade Communications Systems, Inc.

Vendor ID	17704095177	DIR Contract Number	DIR-TSO-2644
URL	Vendor Website	Contract Term End Date	8/13/2016
HUB Type	Non HUB	Contract Exp Date	8/13/2018
E-Rate Qualified			

Contact Brocade Communications Systems, Inc.	Contact DIR
Contact	Deana Loe
Phone	(512) 463-0687
Fax	(512) 475-4759
Contact	Harry Hardman
Phone	(832) 482-6101
Fax	(877) 808-2903

Contract Overview

Brocade offers Brocade branded data communications & networking equipment and related services through this contract, including: maintenance, technical services, and accessories. This contract is E-Rate qualified. Contracts may be used by the state and local government, public education, other public entities in Texas, as well as public entities outside the state. This contract does have a number of resellers, many of which are HUB vendors.

Contract Documents

- [DIR-TSO-2644 Contract PDF \(193.84KB\)](#)
- [DIR-TSO-2644 Appendix A Standard Terms and Conditions PDF \(724.15KB\)](#)
- [DIR-TSO-2644 Appendix B HUB Subcontracting Plan \(Approved on 04-20-2015\) PDF \(982.23KB\)](#)
- [DIR-TSO-2644 Appendix C Pricing Index PDF \(7.76KB\)](#)

How To Order

- For product and pricing information, visit the [Brocade Communications Systems, Inc.](#) website or contact [Harry Hardman](#) at (832) 482-6101. Reseller Vendors are also available

[Show more](#)

Available Brands (1 total)

Brocade

[Show more](#)

Available Products & Services (4 total)

- Network
- Network Services
- Networking Equipment
- Networking Products and Services

[Show more](#)

Commodity Codes (22 total)

- 204-13 - Cables: Printer, Disk, Network, etc.
- 204-19 - Communication Boards: Fax, Modem (Internal), etc.
- 204-20 - Communication Control Units:

[Show more](#)



Home / All Contracts & Services / Contract Detail

Carahsoft Technology Corporation

Vendor ID	1522189693700	DIR Contract Number	DIR-SDD-2035
URL	Vendor Website	Contract Term End Date	5/3/2016
HUB Type	Non HUB	Contract Exp Date	5/3/2017

Contact Carahsoft Technology Corporation		Contact DIR	
Contact	Catalina Peterson	Contact	Carolyn Knowles
Phone	(703) 871-8542	Phone	(512) 463-2615
Fax	(703) 871-8505	Fax	(512) 475-4759

How To Order

1. For product and pricing information, visit the [Carahsoft Technology Corporation](#) website or contact [Catalina Peterson](#) at (703) 871-8542
2. Generate a purchase order made payable to

[Show more](#)

Available Brands (36 total)

- 10gen
- Acquia
- Actiance
- Alfresco
- APPLICATION SECURITY INC
- Appsense
- Avepoint
- Box.com
- Collabnet
- F5 Networks
- FireEye
- Good Software
- HP
- Hytrust
- Identity Automation
- Imation
- Intermap
- Jboss
- LG
- MarkLogic
- Motion DSP
- mPower
- nimble storage
- Nutanix
- Pentaho
- PROGRESS SOFTWARE
- Red Hat
- RHEL
- SafeNet
- ServiceNow
- Services
- Splunk Software
- Symantec
- Terrago
- VMware
- Whip Tail

Contract Overview

Carahsoft offers emergency preparedness hardware, software, and related services through this contract, including: Appsense, Fireeye, LG, Red Hat, Symantec, VMware, and many other brands and products. Customers can purchase directly through this DIR contract. Contracts may be used by state and local government, public education, other public entities in Texas, as well as public entities outside the state. This contract does have a number of resellers, many of which are HUB vendors.

Contract Documents

- [DIR-SDD-2035 Contract PDF \(190.53KB\)](#)
- [DIR-SDD-2035 Appendix A Standard Terms and Conditions \(per Amendment 3\) PDF \(700.04KB\)](#)
- [DIR-SDD-2035 Appendix B HUB Subcontracting Plan \(Approved 03-15-16\) PDF \(1.55MB\)](#)
- [DIR-SDD-2035 Appendix C Pricing Index PDF \(28.86KB\)](#)
- [DIR-SDD-2035 RFO DIR-SDD-TMP-185 ZIP \(2.17MB\)](#)
- [DIR-SDD-2035 Amendment 1 PDF \(225.38KB\)](#)
- [DIR-SDD-2035 Amendment 2 PDF \(137.61KB\)](#)
- [DIR-SDD-2035 Amendment 3 PDF \(85.78KB\)](#)

Electronic and Information Resources (EIR) Accessibility

Information regarding Electronic and Information Resources (EIR) accessibility of this vendor's offerings is included in the contract. Agencies purchasing products or services are responsible for complying with Texas EIR Accessibility statute and rules, as defined in TGC 2054 Subchapter M, 1TAC 206, and 1 TAC 213. For additional information, visit the [Vendor Website](#) or contact the vendor directly.

Please note that some of the documents on this page are in the PDF format. Please [download the Adobe Reader](#) in order to view these documents.



Texas Department of Information Resources



Can't find what you're looking for?

[Contact DIR](#)

Home / All Contracts & Services / Contract Detail

HP Inc.

Vendor ID	1941081436211	DIR Contract Number	DIR-TSO-2538
URL	Vendor Website	Contract Term End Date	7/3/2016
HUB Type	Non HUB	Contract Exp Date	7/3/2018

Contact HP Inc.

Contact [Joe Perugini](#)
Phone (936) 689-0598
Fax (800) 825-2329

Contact DIR

Contact [Linda Hart](#)
Phone (512) 936-1775
Fax (512) 475-4759

How To Order

1. For product and pricing information, visit the [HP Inc.](#) website or contact [Joe Perugini](#) at (936) 689-0598. Reseller Vendors are also available through this contract. Select from any Reseller

[Show more](#)

Available Brands (6 total)

APC
 Approved Optics
 Citrix
 Doubletake Software

[Show more](#)

Available Products & Services (16 total)

Computer Peripherals
 Computer, Thin Clients, and Terminals
 Computers
 Computers - Desktop

[Show more](#)

Commodity Codes (102 total)

204-10 - Cabinets and Cases: Desktop Cases, Tower Cases, Drive Cabinets, etc.
 204-13 - Cables: Printer, Disk, Network, etc.
 204-16 - Chips: Accelerator, Graphics, Math Co-

[Show more](#)

Contract Overview

Hewlett-Packard offers computers, laptops, tablets, servers, printers, peripherals and other technology products and services through this contract. Available brands include: HP, APC, Citrix, and many others. Contracts may be used by state and local government, public education, other public entities in Texas, as well as public entities outside the state. This contract has a number of resellers, many of which are HUB vendors.

Contract Documents

- [DIR-TSO-2538 Contract PDF \(373,58KB\)](#)
- [DIR-TSO-2538 Appendix A Standard Terms and Conditions \(per Amendment 4\) PDF \(481,7KB\)](#)
- [DIR-TSO-2538 Appendix B HUB Subcontracting Plan \(Approved on 11-10-2015\) PDF \(1,55MB\)](#)
- [DIR-TSO-2538 Appendix C Pricing Index \(per Amendment 4\) PDF \(363,7KB\)](#)
- [DIR-TSO-2538 Appendix D Software Licensing SW and HW Support PDF \(287,13KB\)](#)
- [DIR-TSO-2538 Appendix E Terms for SaaS and NonStop Products Service PDF \(291,25KB\)](#)
- [DIR-TSO-2538 Appendix F Managed Print Services Agreement PDF \(892,28KB\)](#)

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
THE COLONY, TEXAS, AUTHORIZING THE CITY MANAGER
TO ISSUE A PURCHASE ORDER TO SEQUEL DATA SYSTEMS
FOR THE PURCHASE OF HARDWARE, SOFTWARE AND
PROFESSIONAL SERVICES; PROVIDING AN EFFECTIVE
DATE**

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

Section 1. That the City Council of the City of The Colony, Texas, hereby authorizes the purchase of replacement of core IT equipment.

Section 2. That the city manager is authorized to issue a purchase order to Sequel Data Systems in the amount of \$283,000.00 as budgeted in the 2015-16 municipal budget, for the purpose of purchasing hardware, software and professional services with pricing available through the State of Texas Department of Information Resources (DIR) contract which is a cooperative purchasing program for state and local government, education, and other public entities in Texas.

Section 3. That this resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED by the City Council of the City of The Colony, Texas, this 5th day of **April, 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: March 30, 2016

MEETING DATE: 4/5/2016

SUMMARY OF REQUEST: Discuss and consider approving a budget amendment ordinance for the Police Department for overtime funds in the amount of \$150,000; and for a virtual emergency notification system with Nixle in the amount of \$9,000 (Police, Coulon)

Background:

Purpose:

The police department needs more overtime funds due to personnel shortages, major investigations and SRT activity.

Nixle is a virtual emergency notification system. Weather, traffic, missing persons, major crimes, and structure fires can all be pushed to citizen's phones if they sign up.

Issues:

Alternatives:

Recommendations:

Attachments:

Budget Ord

**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 General Fund budget by \$109,000 for additional Overtime \$150,000 and \$9,000 for emergency notification system Nixle.

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 General budget is to be increased by an amount not to exceed \$109,000.

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 April, 2016.

Joe McCourry, Mayor
City of The Colony, Texas

ATTEST:

Christie Wilson, TRMC, City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney
City of The Colony, Texas

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: March 30, 2016

MEETING DATE: 4/5/2016

SUMMARY OF REQUEST: Discuss and consider approving an ordinance amending the Code of Ordinances, Appendix A, "Zoning", Section 10-2207, to revise the distance requirements between bar, lounge or tavern, or beverage stores (City Council, Wade)

Background:

This item was presented to council and voted down on February 2, 2016 with the following motion and vote:

Motion to change the distance to 500'- Boyer; second by Mikulec; motion failed with the following vote: Ayes- Boyer and Mikulec; Nos- McCourry, Wade, Terre, Schrag, Marks

City Council Resolution No. 2014-094 regarding meeting procedures, Section II. 5. states:

5. *Matters that have been voted on by the City Council shall not be placed on the agenda for reconsideration within six months, unless a member of Council on the prevailing side, or a Council member appointed or elected to Council since the matter was considered, makes a written request to reconsider the matter.*

Based on these guidelines and the fact that he voted against the proposed change to the ordinance, Councilmember Brian Wade has submitted a written request to place this item back on the April 5, 2016 council agenda for re-consideration.

The staff report from February 2, 2016 remains attached for review.

Purpose:

Councilmember Wade requested this item be placed on the April 5, 2016 agenda after it was voted down by the city council on February 2, 2016.

Issues:

Alternatives:

Recommendations:

Attachments:

Council staff report
Proposed Ordinance
Minutes of January 12, 2016 P&Z meeting
City Council Minutes February 2, 2016
Request to Reconsider

CITY COUNCIL REPORT

AGENDA DATE: February 2, 2016

DEPARTMENT: Engineering/Development Services Department

SUBJECT *SI15-0019* *Revisions to Zoning Ordinance Regarding Bar, Lounge, Tavern or Beverage Store Distance Requirements*

Conduct a public hearing, discuss and consider proposed revisions to Appendix A, "Zoning" of the Code of Ordinances in order to revise the distance requirements for bar, lounge or tavern or beverage stores.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

January 12, 2016 – Planning and Zoning Commission voted (5-0) to recommend approval of proposed revisions to Appendix A, "Zoning" of the Code of Ordinances in order to revise the distance requirements for bar, lounge or tavern or beverage stores.

OPTIONS

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

BACKGROUND

The City of The Colony Zoning Ordinance requires approval of a SUP to operate bar, lounge or tavern or a beverage store within any zoning district. The Zoning Ordinance defines these establishments as follows:

“Bar, lounge or tavern: An establishment the primary activity of which is the sale and consumption on the premises of beer, wine or other liquors, and where food service, if any, is secondary to the sale of beer, wine or other liquors. It shall be presumed that an establishment is a bar, lounge or tavern where seventy-five (75) percent or more of the establishment's gross receipts is derived from the on-premises sale of alcoholic beverages.”

“Beverage store: Facility for the sale of beer, wine and/or liquor not for on-premises consumption that derives seventy-five (75) percent or more of its gross revenue from the on-premises sale of beer, wine and/or liquor.”

Section 10-2205, 10-2206 and 10-2207 of the Zoning Ordinance also requires the following:

“(10-2205) It shall be unlawful for any person who is engaged in the business of selling alcoholic beverages, excluding restaurants to sell alcoholic beverages, within three hundred (300) feet of any church, public school or public hospital.”

“(10-2206) It shall be unlawful for any person who operates a beverage store, bar, lounge or tavern, or private club with bar service to sell alcoholic beverages where the said beverage store, bar, lounge, or tavern, or private club with bar service is within 300 feet of any existing day care center or private school.”

“(10-2207) It shall be unlawful for any beverage store, bar, lounge, or tavern, or private club with bar service to be constructed, erected or placed closer than 1,000 feet to another beverage store, bar, lounge or tavern, or private club with bar service.”

PROPOSED REVISION

At the December 1, 2015 City Council meeting, the Council requested that the staff amend Section 10-2207 to where it is unlawful to locate within 300 feet of another bar, lounge, tavern or beverage store in lieu of 1,000 feet. Proposed is the following amendment to Section 10-2207:

“(10-2207) It shall be unlawful for any beverage store, bar, lounge, or tavern, or private club with bar service to be constructed, erected or placed closer than 300 feet to another beverage store, bar, lounge or tavern, or private club with bar service.

The measurement of the distance between said beverage store or bar, lounge or tavern and another such facility shall be in a straight line in all directions from the said beverage store or bar, lounge or tavern to the nearest point of other such facility. The measurement for a structure shall be taken from the nearest point that a structure extends in any direction, including overhanging roofs and all projections or portions of said structures.”

ATTACHMENTS

1. Proposed Ordinance
2. Minutes of January 12, 2016 Planning and Zoning Commission meeting

CITY OF THE COLONY, TEXAS

ORDINANCE NO. 2016-_____
ZONING ORDINANCE AMENDMENT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, APPENDIX A, SECTION 10-2207, REGARDING MINIMUM DISTANCE REQUIREMENT BETWEEN BEVERAGE STORE, BAR, LOUNGE OR TAVERN, OR PRIVATE CLUB WITH BAR SERVICE; 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(4) of the Code of Ordinances of the City of The Colony, Texas, provides the following, “A public hearing shall be held by the governing body before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in a newspaper of general circulation in the City of The Colony stating the time and place of such hearing which time shall not be earlier than fifteen (15) days from the date of publication;” 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 10-2207 is hereby amended as follows:

“(10-2207) It shall be unlawful for any beverage store, bar, lounge, or tavern, or private club with bar service to be constructed, erected or placed closer than 300 feet to another beverage store, bar, lounge or tavern, or private club with bar service.

The measurement of the distance between said beverage store or bar, lounge or tavern and another such facility shall be in a straight line in all directions from the said beverage store or bar, lounge or tavern to the nearest point of other such facility. The measurement for a structure shall be taken from the nearest point that a structure extends in any direction, including overhanging roofs and all projections or portions of said structures.”

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. That any person, firm or corporation violating a provision of this Ordinance, upon conviction, is guilty of a misdemeanor and shall be subject to a fine in the sum not to exceed Two Thousand Dollars (\$2,000.00) for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 6. That 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 April, 2016.

Joe McCourry, Mayor

ATTEST:

Christie Wilson, City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

Mr. Joyce answered affirmative and also stated that the Zoning Ordinance was adopted in 1983 and the list of materials hasn't been looked at since.

Chairman Hames opened and closed the public hearing at 6:45 p.m. with no one wishing to speak on the item.

Commissioner Hebb moved to approve Item 3.3 Commissioner Pool seconded the motion. Motion carried (5-0).

3.4	<i>SI15-0019 Revisions to Zoning Ordinance Regarding Bar, Lounge, Tavern or Beverage Store Distance Requirements</i> Conduct a public hearing, discuss and make a recommendation to City Council regarding proposed revisions to Section 10-2007, Appendix A, "Zoning" of the Code of Ordinances in order to revise the distance requirements between a beverage store, bar, lounge, or tavern, or private club with a another bar, lounge or tavern or beverage stores.
-----	--

Chairman Hames read the public hearing item 3.4 into record.

Ms. Sen presented the staff report.

Chairman Hames asked if staff could estimate how many of the current businesses within the City qualify as beverage store, bar or lounge where more than 75% of the sales are generated by alcohol sales.

Mr. Joyce answered that staff could not answer that without doing some research. But estimated there are not that many within the City.

Commissioner Pool enquired if this reduced distance is approved what would happen to a store that might be closer than 300 feet.

Ms. Sen clarified that currently the Ordinance requires these stores to be 1000 feet apart. So ideally there should not be a store within 300 feet of another as they have to be minimum 1000 feet apart.

Chairman Hames opened and closed the public hearing at 6:55 p.m. with no one wishing to speak on the item.

Commissioner Rockenbaugh moved to approve Item 3.4 Commissioner Hebb seconded the motion. Motion carried (5-0).

3.5	<i>SUP15-0011 The Thirsty Growler Specific Use Permit</i> Conduct a public hearing, discuss and consider making a recommendation to City Council on a request for a Specific Use Permit (SUP) to allow The Thirsty Growler, a brew pub, for on and off-site consumption of alcoholic beverages located at 5733 SH 121, Suite 230, in Planned Development 16 (PD-16) zoning district and revoking the SUP Ordinance No. 99-1135 for Star Liquor located at 5749 SH 121.
-----	--

Motion to move 5.2 to the end of the meeting- Marks; motion failed due to lack of a second.

The public hearing was opened at 8:02 p.m. Citizen Diana Wong, who is the manager of a property included in the proposed area, asked for more time to review the item. The public hearing was closed at 8:05 p.m.

Mike Joyce stated that since this is not a zoning change, no notices were sent to surrounding property owners. Councilmember Boyer added that the impending opening of South Colony Boulevard at S.H. 121 will increase visibility of the South Colony/Paige area, and that it needs revitalization.

Motion to approve- Terre; second by Boyer; motion passed with all ayes.

- 5.3. Conduct a public hearing, discuss and consider approving an ordinance amending the Code of Ordinances, Appendix A, "Zoning", Section 17, Site Plan Approvals and Special Development Standards regarding Exterior Building Materials allowed in the Single Family (Section 17-106), Multiple Family and Non-Residential Zoning Districts (Section 17-106.1) (Development Services, Joyce)

Mike Joyce briefly explained this request to add alternative choices for exterior finishes. Planning and Zoning recommended approval. The public hearing was opened and closed at 8:15 p.m. with no one wishing to speak.

Motion to approve- Marks; second by Mikulec; motion approved with all ayes.

- 5.4. Conduct a public hearing, discuss and consider an ordinance amending the Code of Ordinances, Appendix A, "Zoning", Section 10-2207, to revise the distance requirements between bar, lounge or tavern, or beverage stores (Development Services, Joyce)

Mike Joyce reviewed the background of this proposed ordinance, the definitions, and regulations of the zoning sections pertaining to alcohol sales. He asked council to consider reducing the current distance of 1000' between package stores, bars, etc. to 300' so it is consistent with the distances set for churches and schools. Planning and Zoning Commission recommended approval. Councilmember Mikulec asked about a lesser reduction. City attorney Jeff Moore reviewed the Texas Alcoholic Beverage Commission regulations. Councilmember Boyer suggested 500' and confirmed with the city attorney that variances can be requested. The public hearing was opened and closed at 8:25 p.m. with no one wishing to speak.

Motion to change the distance to 500'- Boyer; second by Mikulec; motion failed with the following vote: Ayes- Boyer and Mikulec; Nos- McCourry, Wade, Terre, Schrag, Marks

- 5.5. Conduct a public hearing, discuss and consider an ordinance approving a request for a Specific Use Permit (SUP) to allow The Thirsty Growler, a brew pub, for on and off-site consumption of alcoholic beverages located at 5733 SH 121, Suite 230, in Planned

Christie Wilson

From: tcplace3 - Brian Wade
Sent: Monday, March 14, 2016 5:30 AM
To: Christie Wilson
Subject: Re: Alcohol Distance Item

Please place the item on the next scheduled meeting (Tuesday, April 5th, I believe).

Thanks.

Sent from my iPhone

On Mar 9, 2016, at 9:46 AM, Christie Wilson <cwilson@thecolonytx.gov> wrote:

Brian,

I tentatively placed the item for distance requirements for beverage stores on the agenda for March 15th pending your written request. If I do not receive your request today I will pull it off and wait until I hear from you.

Thanks,
Christie

Christie Wilson, TRMC, MMC
City Secretary
City of The Colony
6800 Main Street
The Colony, Texas 75056
972-624-3106 (office)
972-624-2316 (fax)
thecolonytx.gov
[facebook.com/thecolonytexas](https://www.facebook.com/thecolonytexas)
twitter.com/TheColonyTexas

<image001.jpg>

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: March 30, 2016

MEETING DATE: 4/5/2016

SUMMARY OF REQUEST: Discuss and consider approving a supplemental funding request from Metro Relief related to the construction of the community garden project (General Admin, Perez)

Background:

Purpose:

Metro Relief recently contacted staff stating the in-kind contribution for construction of the garden fence they had originally planned for did come to fruition and they have now asked if it is possible to request additional funding to make up the difference for the cost of the fence. Detailed explanation of the request is attached.

Issues:

Alternatives:

Recommendations:

Attachments:

Funding Request

Funding Request to The Colony City Council

From: Metro Relief

RE: The Colony Community Garden

This is a one-time request for additional funds on behalf of Metro Relief, for The Colony Community Garden. We expect the garden to be completely self-sustaining going forward, but due to circumstances beyond our control, The Community Garden respectfully requests that The Council please consider an increase in funding for the following reason:

In the original grant application, a portion of the costs associated with the garden were to be absorbed by way of an Eagle Scout project, but unfortunately, almost immediately after the City awarded the garden grant, we learned we were losing our spot behind Metro Relief, due to the impending sale of the property. Because we lost our spot, the length of time it took to find a new one, then the subsequent approval process, we lost our Scout as he had to begin another project so he could complete it by his 18th birthday. His portion of fencing and bed construction costs were originally estimated at \$3,960.

In addition, some of the cost estimates have increased and a couple of items have decreased, due to the length of time since the estimates were obtained and the changes in location requirements. We have revised our budget, taking those factors into consideration, and our current shortfall is \$2,950.

I'd like to take this opportunity to show you exactly where we are now and what we are looking at going forward, so attached is our original Proposed Budget alongside our Revised Budget, showing the cost and income estimate adjustments since the proposal was submitted, about 7 months ago.

Respectfully,
Claire Denny

The Colony Community Garden

Proposed Budget -- 2015-2016

Expenses

	Proposed	Revised
Shed (8' x 10')	\$850.00	\$2,000.00
Chain Link Fencing (50' x 100 ft., with 3 gates)	\$4,200.00	\$3,000.00
4 x 8' Raised Garden Beds (18 @ \$190 each)	\$3,420.00	\$3,420.00
Fill Dirt 100 cu yds. @ \$25 yd. <u>(No longer needed)</u>	\$2,500.00	\$0.00
Gardening Equipment & Supplies (Including composter)	\$800.00	\$800.00
Rain Barrel Collection System and Gutters	\$340.00	\$340.00
Drip Watering System	\$300.00	\$1,200.00
Weed Block Fabric <u>(initially not included)</u>	\$0.00	\$640.00
Advertising/Publicity/Website	\$400.00	\$400.00
Total Expenses	\$12,810.00	\$11,800.00

Does not include donated mulch for between garden beds.

Income

Earned Income

Plot Rental Fees	\$450.00
Annual Flower Sale Fundraiser	\$600.00

Contributed Income

Business Sponsorships	\$1,000.00
Individual Donations	\$800.00

Unearned Income

City of TC Grant - Phase 1	\$6,000.00
City of TC Grant - Phase 2	\$2,950.00

(Original bid included donated materials and labor from Eagle Scout for this amount, but this was withdrawn, due to project delays.)

Total Income	\$11,800.00
---------------------	--------------------

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: March 31, 2016

MEETING DATE: 4/5/2016

SUMMARY OF REQUEST: Discuss and consider making a nomination by resolution for a candidate to serve on the Denco Area 9-1-1 District Board of Managers for a two year term beginning October 1, 2016 (Council)

Background:

In 2015 the city submitted a nomination for David Terre.

In 2014 the city submitted a nomination for Tom Newell, who was then on the board and desired reappointment.

In 2013 the city nominated Joe Perez.

Purpose:

Each year municipalities are given the option of making a nomination for someone to serve on the board of directors for the Denco Area 9-1-1 District. There are two positions that are appointed by municipalities and this year, the term of Mr. Jim. Carter is expiring at the end of September. Mr. Carter has expressed a desire to be reappointed.

Issues:

Not an issue, but nominees must also provide a resume to be submitted with the council resolution.

Nominations must be submitted by June 15, 2016.

Alternatives:

The city has a choice to adopt a resolution nominating a candidate to be considered for a vote in August-September. If the city elects not to submit a nomination the city will still have a vote from the list of nominees. The list of nominees will be provided to the city in late June.

Recommendations:

Attachments:

Denco 9-1-1 Nomination Packet
Resolution



Denco Area 9-1-1 District

1075 Princeton Street • Lewisville, TX 75067 • Mailing: PO BOX 293058 • Lewisville, TX 75029-3058

Phone: 972-221-0911 • Fax: 972-420-0709

TO: Denco Area 9-1-1 District Participating Municipal Jurisdictions

FROM: Mark Payne, Executive Director 

DATE: March 15, 2016

RE: Appointment to the Denco Area 9-1-1 District Board of Managers

Chapter 772, Texas Health and Safety Code, provides for the Denco Area 9-1-1 District Board of Managers to have "two members appointed jointly by all the participating municipalities located in whole or part of the district." The enclosed resolution, approved by the district's board of managers on March 10, 2016, describes the appointment process of a municipal representative to the Denco Board of Managers.

Each year on September 30th, the term of one of the two members appointed by participating municipalities expires. This year it is the term of Mr. Jim Carter. Members are eligible for consecutive terms and Mr. Carter has expressed his desire to serve another term.

In order to coordinate the appointment among 34 participating municipalities, the Denco requests the following actions by the governing bodies of each city/town:

- 1. Immediate Action (Nominate):** If your city/town would like to nominate a candidate to represent the municipalities on the Denco Board of Managers, please send a letter of nomination, by way of council action, and résumé of the candidate to the Denco Area 9-1-1 District office. **For a nomination to be considered, written notification of council action must reach the Denco Area 9-1-1 District by 5:00 p.m. June 15, 2016.** No nominations shall be considered after that time.
- 2. Future Action (Vote):** On June 16, 2016, Denco staff will send the slate of nominees to each city/town for consideration, requesting the city/town council vote by resolution for one of the nominees. Written notice of the council's selection must reach the Denco Area 9-1-1 District by 5:00 p.m. on September 15, 2016. No votes will be accepted after that time.
- 3. Process Closure (Results):** The Denco Board of Managers and all municipal jurisdictions will be informed of the votes from responding cities/towns. The candidate with the most votes will be the municipalities' representative to the Denco Area 9-1-1 District Board of Managers for the two-year term beginning October 1, 2016.

Please send a copy of your council's official action and candidate résumé to the Denco Area 9-1-1 District, **P.O. Box 293058, Lewisville, TX 75029-3058** or to Andrea Zepeda at andrea.zepeda@denco.org. Denco staff will acknowledge receipt and sufficiency of the submitted documents. If that acknowledgement is not received within one (1) business day, or you have any other questions, please contact Ms. Zepeda at 972-221-0911. As a courtesy, Denco will provide notification of your council's action to the nominee.

A sample nomination resolution has been enclosed for your convenience. Thank you for your support of the Denco Area 9-1-1 District.

c: Denco Area 9-1-1 District Board of Managers

Enclosures

www.denco.org

DENCO AREA 9-1-1 DISTRICT

RESOLUTION

DEFINING PROCEDURE FOR APPOINTMENT OF PARTICIPATING MUNICIPALITIES' REPRESENTATIVE TO THE DISTRICT BOARD OF MANAGERS

WHEREAS, this resolution shall take the place of Resolution 1999.02.04.R01 by the same title; and

WHEREAS, Chapter 772, Texas Health and Safety Code provides for the Denco Area 9-1-1 District Board of Managers to have "two members appointed jointly by all the participating municipalities located in whole or part of the district."; and

WHEREAS, each member serves a term of two years beginning on October 1st of the year member is appointed; and

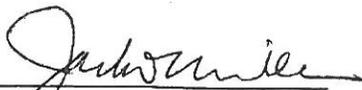
WHEREAS, one member representing participating municipalities is appointed each year.

NOW, THEREFORE BE IT RESOLVED BY THE DENCO AREA 9-1-1 DISTRICT BOARD OF MANAGERS:

The procedure for participating municipalities to appoint a representative to the Denco Area 9-1-1 District Board of Managers shall be the following:

1. **Nominate Candidate:** Prior to March 15th of each year, the executive director shall send a written notice to the mayor of each participating municipality advising that nominations are being accepted until June 15th of that same year, for one of the municipal representatives to the Denco Area 9-1-1 District Board of Managers. The notice shall advise the mayors that for a nomination to be considered, written notification of council action must be received at the Denco office prior to 5:00 p.m. on June 15th of that year. No nominations shall be considered after that time.
2. **Vote for Candidate:** On June 16th of each year, the executive director shall send written notice to the mayor of each participating municipality, providing the slate of nominees to be considered for appointment to the Denco Area 9-1-1 District Board of Managers for the term beginning October 1st. The notice shall advise the mayor that the city/town council shall vote, by resolution from such city/town, for one of the nominees. Written notice of the council's selection must be received at the district office by 5:00 p.m. on September 15th. No votes will be accepted after that time.
3. **Tally Votes:** The one nominee with the most votes received by the deadline will be the municipal representative appointed for the two-year term beginning October 1st.
4. **Tie Breaker:** If there is a tie between two candidates with the most votes, a runoff election will be held immediately with the candidate receiving the most votes serving the remainder of the term. The incumbent representative shall serve in that position until replaced.

APPROVED and ADOPTED on this 10th day of March 2016.


Chairman of the Board


Secretary of the Board

CITY OF THE COLONY, TEXAS

RESOLUTION NO. 2016 - _____

**A RESOLUTION NOMINATING ONE MEMBER TO THE
BOARD OF MANAGERS OF THE DENCO AREA 9-1-1
DISTRICT**

WHEREAS, Section 772, Health and Safety Code, provides that two voting members of the Board of Managers of an Emergency Communications District shall be appointed jointly by all cities and towns lying wholly or partly within the District.

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

SECTION 1. That the City of The Colony hereby nominates _____ as a member of the Board of Managers for the Denco Area 9-1-1 Emergency Communication District.

SECTION 2. That this resolution shall become effective immediately upon its passage and approval.

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

Joe McCourry, Mayor

ATTEST:

Christie Wilson, TRMC, City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: March 31, 2016

MEETING DATE: 4/5/2016

SUMMARY OF REQUEST: Discuss and consider approving a resolution nominating one representative and one alternate representative to the 2016 Regional Transportation Council (Council)

Background:

The RTC appointments are for two-year terms. In 2014 the City Council adopted Resolution 2014-034 supporting the then current representative from the City of Frisco as the primary representative, and supporting the representative from the Town of Prosper as alternate.

Purpose:

To nominate a primary and an alternate representative to the RTC for a two-year term.

Issues:

Alternatives:

Recommendations:

Attachments:

Blank Resolution
RTC Letter Requesting Nominations

**CITY OF THE COLONY
RESOLUTION NO. 2016-_____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF THE COLONY, TEXAS, NOMINATING ONE
REPRESENTATIVE AND ONE ALTERNATE
REPRESENTATIVE TO THE REGIONAL
TRANSPORTATION COUNCIL**

WHEREAS, the Regional Transportation Council (RTC) Bylaws and Operating Procedures state that “The person representing a group of several cities shall be selected by the mayors/county judges using a weighted vote of the maximum population or employment of the cities represented”; and,

WHEREAS, the cities of Frisco, The Colony, Prosper, Celina, Little Elm, and Providence Village share a seat on the Regional Transportation Council;

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

SECTION 1. The City of The Colony City Council hereby supports the nominee from the city of _____ as Representative to the Regional Transportation Council.

SECTION 2. The City of The Colony City Council hereby supports the nominee from the city of _____ as Alternate Representative to the Regional Transportation Council.

SECTION 3. That this resolution shall become effective immediately upon its passage and approval.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, ON THIS THE 5TH day of APRIL, 2016.

APPROVED:

Joe McCourry, Mayor

ATTEST:

Christie Wilson, City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney



32316 (15)

The Transportation Policy Body for the North Central Texas Council of Governments
(Metropolitan Planning Organization for the Dallas-Fort Worth Region)

March 21, 2016

The Honorable Maher Maso
Mayor
City of Frisco
6101 Frisco Square Blvd.
Frisco, TX 75034

The Honorable Ray Smith
Mayor
Town of Prosper
P.O. Box 307
Prosper, TX 75078

The Honorable David Hillock
Mayor
Town of Little Elm
100 W. Eldorado Parkway
Little Elm, TX 75068

The Honorable Joe McCourry
Mayor
City of The Colony
6800 Main St.
The Colony, TX 75056

The Honorable Sean Terry
Mayor
City of Celina
142 N. Ohio Street
Celina, TX 75009

The Honorable Dave Shuck
Mayor
Town of Providence Village
1745 FM 2931
Providence Village, TX 76227

Dear Mayors Maso, Smith, Hillock, McCourry, Terry, and Shuck:

The North Central Texas Council of Governments (NCTCOG) is the Metropolitan Planning Organization for the Dallas-Fort Worth Metropolitan Area. The Regional Transportation Council (RTC), composed primarily of local elected officials, is the transportation policy body for the MPO. The RTC is responsible for direction and approval of the Metropolitan Transportation Plan, the Transportation Improvement Program, the Congestion Management Process, and the Unified Planning Work Program, and for satisfying and implementing federal and state laws and regulations pertaining to the regional transportation planning process.

Membership on the Regional Transportation Council is either by direct membership or group representation. Each seat on the Regional Transportation Council will be provided a primary member and permitted an alternate member. The Cities of Frisco, Prosper, Little Elm, The Colony, Celina, and Providence Village share a seat on the Regional Transportation Council. The RTC's Bylaws and Operating Procedures state that the person representing a group of several cities shall be selected by the mayors using a weighted vote of the maximum population or employment of the cities represented, and the person selected shall serve a two-year term beginning in June of even-numbered years and shall be serving on one of the governing bodies they represent. A table containing population and employment figures is enclosed. The Bylaws further state that in the spirit of integrated transportation planning, all cities within a city-only cluster are eligible to hold the RTC membership seat for the cluster, and the cities should strongly consider rotation of the seat among the entities within the respective cluster. Items to consider when contemplating seat rotation may include: 1) a natural break in a member's government service, such as the conclusion of an elected term, 2) a member's potential to gain an officer position or advance through the officer ranks, 3) a member's strong performance and commitment to transportation planning, or 4) the critical nature of a particular issue or project and its impact on an entity within the cluster.

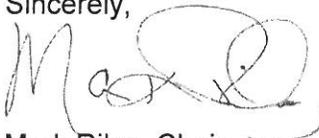
An alternate member is the individual appointed to represent an entity or group of entities on the Regional Transportation Council in the absence of the primary member. The alternate member must be predetermined in advance of a meeting and will have voting rights in the absence of the primary member. An entity or group of entities may elect to appoint its alternate member(s) from a pool of eligible nominees. The same requirements apply to alternate members as to primary members. If a primary member is an elected official, then the alternate member must also be an elected official; if a primary member is a non-elected individual, then the alternate member can be either a non-elected individual or an elected official. Cities and/or counties within a cluster group are strongly encouraged to reflect diversity in their selections of primary and alternate members as well as membership rotation amongst the group depending on the qualifications of the appointees. A best practice may be to appoint the alternate member from an eligible entity within the cluster that is not providing the primary member.

Your current primary representative on the RTC is Maher Maso, Mayor, City of Frisco. Your current alternate representative is Ray Smith, Mayor, Town of Prosper. You may choose to keep your current representatives or appoint a new primary representative and/or alternate representative. I encourage you to make your new appointment or appointments prior to June when the new two-year terms begin. Please mail (P.O. Box 5888, Arlington, TX 76005-5888) or fax (817/640-3028) your correspondence to Vercie Pruitt-Jenkins of NCTCOG. Please note that your designation should be confirmed in writing by all entities included in this group.

In addition, the Regional Transportation Council has established an Ethics Policy in accordance with Section 472.034 of the Texas Transportation Code. This policy applies to both primary and alternate RTC members, whether elected or non-elected. All RTC members must also adhere to Chapter 171 of the Local Government Code and to the Code of Ethics from their respective local governments and public agencies. Please remind your representatives to be cognizant of these policies and codes.

Please contact Vercie Pruitt-Jenkins at 817/608-2325 if you have any questions. We look forward to hearing from you

Sincerely,



Mark Riley, Chair
Regional Transportation Council
County Judge, Parker County

VPJ
Enclosure

cc: Mr. Mike Foreman, City Manager, City of Celina
Mr. Harlan Jefferson, Town Manager, Town of Prosper
Mr. Matt Mueller, Town Manager, Town of Little Elm
Mr. Troy Powell, City Manager, City of The Colony
Mr. George Purefoy, City Manager, City of Frisco
Mr. Brian D. Roberson, Town Manager, Town of Providence Village

**2016-2017 REGIONAL TRANSPORTATION COUNCIL
MEMBERSHIP STRUCTURE**

<u>City</u>	<u>2015 Population Estimates¹</u>	<u>2013 Employment Estimates²</u>	<u>Maximum of Population & Employment</u>
City Membership			
Plano	271,140	262,007	271,140
McKinney	154,840	56,037	154,840
Anna	10,980	640	10,980
Princeton	7,910	1,544	7,910
Fairview	8,420	1,887	8,420
Melissa	6,890	1,509	6,890
Allen	91,390	38,513	91,390
Lucas	6,400	1,971	6,400
Wylie	45,000	13,847	45,000
Rowlett	56,910	13,096	56,910
Sachse	22,460	1,739	22,460
Murphy	19,170	3,407	19,170
Frisco	145,510	66,819	145,510
Prosper	15,970	2,541	15,970
Little Elm	33,710	3,903	33,710
The Colony	39,310	8,160	39,310
Celina	7,320	1,728	7,320
Providence Village	5,750	288	5,750
Dallas	1,244,270	1,103,909	1,244,270
University Park	22,840	12,887	22,840
Highland Park	8,440	4,746	8,440
Garland	232,960	98,579	232,960
Addison	15,530	64,323	64,323
Richardson	102,430	125,451	125,451
Irving	228,610	270,981	270,981
Coppell	39,880	35,995	39,880
Mesquite	142,230	60,894	142,230
Balch Springs	24,280	5,817	24,280
Seagoville	15,390	5,274	15,390
Sunnyvale	5,420	5,048	5,420
Grand Prairie	182,610	82,380	182,610
Duncanville	39,220	15,822	39,220
DeSoto	50,970	17,985	50,970
Cedar Hill	46,350	16,191	46,350
Lancaster	37,360	12,418	37,360
Glenn Heights	11,440	1,029	11,440
Hutchins	5,350	4,050	5,350
Carrollton	125,250	104,917	125,250
Farmers Branch	30,350	76,707	76,707
Denton	123,200	76,712	123,200
Sanger	7,590	4,265	7,590
Corinth	20,620	6,199	20,620
Lake Dallas	7,240	1,791	7,240
Lewisville	99,480	68,138	99,480
Flower Mound	66,820	32,660	66,820
Highland Village	15,290	4,499	15,290

<u>City</u>	<u>2015 Population</u>	<u>2013 Employment</u>	<u>Maximum of Population & Employment</u>
Fort Worth	792,720	493,499	792,720
Arlington	379,370	209,798	379,370
N. Richland Hills	66,300	27,388	66,300
Richland Hills	7,920	6,484	7,920
Haltom City	42,640	23,280	42,640
Watauga	23,590	6,036	23,590
White Settlement	16,740	9,052	16,740
River Oaks	7,270	1,820	7,270
Lake Worth	5,000	6,305	6,305
Westworth Village	2,570	1,155	2,570
Saginaw	20,480	10,101	20,480
Azle	11,140	4,543	11,140
Keller	42,890	14,170	42,890
Grapevine	48,520	88,359	88,359
Southlake	27,710	32,147	32,147
Colleyville	23,760	9,601	23,760
Westlake	1,120	7,779	7,779
Trophy Club	10,690	1,409	10,690
Roanoke	7,200	6,213	7,200
Hurst	38,340	21,042	38,340
Euless	54,050	17,777	54,050
Bedford	48,060	30,137	48,060
Mansfield	60,400	29,748	60,400
Benbrook	21,910	6,698	21,910
Forest Hill	12,380	3,985	12,380
Crowley	14,130	5,358	14,130
Everman	6,110	1,751	6,110
Kennedale	7,130	5,152	7,130

County Membership

**2015
Population**

<u>Collin County</u>	868,790
<u>Dallas County</u>	2,454,880
<u>Denton County</u>	734,940
<u>Tarrant County</u>	1,905,750

<u>Ellis County</u>	161,010
Ennis	18,730
Waxahachie	32,670
Midlothian	21,610
Red Oak	11,980

<u>Kaufman County</u>	109,300
Forney	17,480
Kaufman	6,610
Terrell	<u>16,220</u>

Combined Ellis and Kaufman Population 270,310

<u>Johnson County</u>	158,350
Burleson	41,280
Cleburne	29,170
Keene	6,160
Joshua	6,090

<u>Hood County</u>	56,020
Granbury	<u>8,940</u>

Combined Johnson and Hood Population 214,370

<u>Hunt County</u>	89,090
Commerce	8,130
Greenville	26,180

<u>Rockwall County</u>	87,290
Rockwall	40,620
Heath	7,430
Royse City	10,220
Fate	<u>9,700</u>

Combined Hunt and Rockwall Population 176,380

<u>Parker County</u>	124,630
Weatherford	26,600
Mineral Wells	16,790

<u>Wise County</u>	61,970
Decatur	6,390
Bridgeport	<u>6,080</u>

Combined Parker and Wise Population 186,600

Transportation Providers

DART
DCTA
FWTA
DFW International Airport
TxDOT Dallas
TxDOT Fort Worth
NTTA

Sources:

¹ Population - NCTCOG 2015 Population Estimates

² Employment - NCTCOG 2013 Small Area Employment Estimates

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: March 31, 2016

MEETING DATE: 4/5/2016

**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 the Development Agreement, Ground Lease Agreement and related agreements with Marine Quest - Hidden Cove, L.P. and Plains Capital Bank concerning Hidden Cove Park.

B. 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 the Development Agreement by and between the City and Billingsley Development Corporation, dated January 20, 1998 and January 22, 2008, as amended.

C. 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 pending or contemplated litigation – Atlantic Colony Venture I, LLC and Atlantic Colony Venture II, LLC v. City of The Colony, Texas, et al., Cause No. 16-02219-442.

D. 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 pending or contemplated litigation – Appeal of Brazos Electric Power Cooperative, Inc. and Denton County Electric Cooperative, Inc. D/B/A CoServ Electric from an Ordinance of The Colony, Texas, and, in the Alternative, Application for a Declaratory Order, SOAH Docket No. 473-16-1119, PUC Docket 45175.

E. 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 City Secretary.

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: March 31, 2016

MEETING DATE: 4/5/2016

**SUMMARY OF
REQUEST:**

A. Any action as a result of executive session regarding the Development Agreement, Ground Lease Agreement and related agreements with Marine Quest - Hidden Cove, L.P. and Plains Capital Bank concerning Hidden Cove Park.

B. Any action as a result of executive session regarding the Development Agreement by and between the City and Billingsley Development Corporation, dated January 20, 1998 and January 22, 2008, as amended.

C. Any action as a result of executive session regarding the pending or contemplated litigation - Atlantic Venture, LLC and Atlantic Colony Venture II, LLC v. City of The Colony, Texas, et al.

D. Any action as a result of executive session regarding the pending or contemplated litigation Appeal of Brazos Electric Power Cooperative, Inc. and Denton County Electric Cooperative, Inc. D/B/A CoServ Electric matter.

E. Any action as a result of executive session regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Secretary.
