



**CITY OF THE COLONY
CITY COUNCIL MEETING AGENDA
TUESDAY, JULY 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, July 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 Declaring July as Parks & Recreation Month (PARD, Swain)
- 1.5. Items of Community Interest
- 1.5.1. Receive presentation from Parks and Recreation regarding upcoming events and activities (PARD, Stansell)
- 1.5.2. Presentation from the Library Director regarding current and upcoming programs, events, and service improvements (Library, Sveinsson)

2.0 WORK SESSION

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

- 2.1. Discuss Public Information Requests Quarterly Report as presented for Council review (Interim City Secretary, Stewart)
- 2.2. Council to provide direction to staff regarding future agenda items (Council)

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.

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.

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 and Community Development Corporation Special Session minutes for June 20, 2016, and City Council Regular Session minutes for June 21, 2016 (Interim City Secretary, Stewart)
- 4.2. Consider approving Council Expenditures for the month of May 2016 (Council)
- 4.3. Consider approving a resolution authorizing the City Manager to execute an Interlocal Cooperation Agreement with the City of Carrollton for assistance in Engineering Inspections for Private Subdivisions (Engineering, Scruggs)
- 4.4. Consider approving a resolution authorizing the City Manager to execute a Letter of Direction with CD Builders, Inc., Endurance Reinsurance Corporation of America, and Dayhill Group, LLC to amend Payment Provisions for the Phase 5 Residential Street reconstruction (Engineering, Scruggs)
- 4.5. Consider approving a resolution authorizing the City Manager to execute an Amendment to the Interlocal Cooperation Agreement with the Texas Department of Transportation and City of Lewisville for Maintenance of Traffic Signals on FM 423 and SH 121 (Engineering, Scruggs)
- 4.6. Consider approving a resolution authorizing the City Manager to execute an Agreement with the Texas Department of Transportation for Furnishing, Installing and Maintenance of Traffic Signal Preemption Equipment (Engineering, Scruggs)

5.0 REGULAR AGENDA ITEMS

- 5.1. Conduct a public hearing, discuss and consider an ordinance approving revocation of a Specific Use Permit (SUP) in a General Retail Zoning District that allowed outside display of vehicles and merchandise on a tract of land totaling approximately 0.88 acres, generally located on the East side of Main Street (FM 423) at 7228, 7300 and 7320 Main Street (Development Services, Scruggs)
- 5.2. Conduct a public hearing, discuss and consider an ordinance approving a Specific Use Permit (SUP) for proposed Pappy's Pet Lodge at 4000 Paige Road within Planned Development 9 (PD-9) zoning district (Development Services, Scruggs)
- 5.3. Discuss and consider approving an ordinance adopting an amendment to the Code of Ordinances, Chapter 6, Article VI, by adding Section 6-170, Entitled "Variance for Dogs on Premises of a Food Establishment"; and approve a resolution amending resolution No. 2015-070 adopting the 2015-16 Master Fee Schedule, by amending the Master Fee Schedule to establish a variance fee for dogs on the premises of food establishments (General Admin, Perez)

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- 5.4. Discuss and consider cancelling or rescheduling the August 2, 2016 City Council meeting due to National Night Out (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 Tax Increment Reinvestment Zone Number One, City of The Colony, Texas.
- 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 pending or contemplated litigation – Quality Excavation, Ltd. v. City of The Colony, Texas, Cause Number 16-03350-442.
- 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 Tax Increment Reinvestment Zone Number One, City of The Colony, Texas.
- B. Any action as a result of executive session regarding pending or contemplated litigation – Quality Excavation, Ltd. v. City of The Colony, Texas, Cause Number 16-03350-442.
- 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 30th day of June, 2016.

Tina Stewart

Tina Stewart, TRMC, Interim City Secretary



TO: Mayor, City Council, and City Manager

DATE SUBMITTED: June 28, 2016

MEETING DATE: 07/05/2016

SUMMARY OF REQUEST: Proclamation Declaring July as Parks & Recreation Month (PARD, Swain)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:
Proclamation

Mayoral Proclamation

WHEREAS parks and recreation programs are an integral part of communities throughout this country, including The City of The Colony; and

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

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

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

WHEREAS parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

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

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

WHEREAS the City of The Colony recognizes the benefits derived from parks and recreation resources

NOW, THEREFORE, I Joe McCourry, Mayor of The Colony, Texas, and The Colony City Council proclaim July as Parks and Recreation Month.

SIGNED and SEALED this 5th day of July, 2016.

Joe McCourry, Mayor

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: June 28, 2016

MEETING DATE: 07/05/2016

SUMMARY OF REQUEST: Receive presentation from Parks and Recreation regarding upcoming events and activities (PARD, Stansell)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: June 28, 2016

MEETING DATE: 07/05/2016

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

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:



AGENDA ITEM

City Secretary

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: June 28, 2016

MEETING DATE: 07/05/2016

SUMMARY OF REQUEST: Discuss Public Information Requests Quarterly Report as presented for Council review (Interim City Secretary, Stewart)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:
PIR Quarterly Reports

Request #	Date Rec'd	Date Due	Date Closed	Name of Requestor	Rec'd via	Document Requested	Department Responsible	Notes	Fee
1604-01	04/01/2016	04/15/2016	04/01/2016	Carole Bartholomew	719	Permit report for March 2013, 2014, 2015 Report all Class C	Cust Svcs		
1604-02	04/01/2016	04/15/2016	06/07/2016	Roland Eichman	E	traffic violations Report	MC	04/08 requested clarification no response 552-222 (d) Withdrawn no response	
1604-03	04/01/2016	04/15/2016	04/01/2016	Holli Pozo	720	DSC from Munciple Court	MC		
1604-05	04/01/2016	04/15/2016	04/01/2016	Suma Sureshchandra	721	Bid Permits March 1-31st	Cust Svcs		
1604-06	04/01/2016	04/15/2016	04/04/2016	Jerrian Farris	F	PIR for personnel Records K. Terry	HR		
1604-07	04/04/2016	04/18/2016	05/04/2016	Bansal Kushboo	722	March water disconnects	Cust Svcs	Withdrawn - no response	
1604-08	04/04/2016	04/18/2016	04/04/2016	Bansal Kushboo	723	March code violations	CI		
1604-09	04/04/2016	04/18/2016	04/04/2016	Lynell Batemon	E	Fire damaged properties 09/01/2015-09/30/2015	FD		
1604-10	04/04/2016	04/18/2016	04/05/2016	Law office of Tim Powers	F	Warrant & Affidavit Elosia Sanchez	MC		
1604-11	04/01/2016	04/15/2016	04/12/2016	J. David McSwane - DMN	E	Any and all documents pertaining to Harris Corporation, Pen-Lin, ELSAG, Vigilant, Digital Recognition	CS		
1604-12	04/04/2016	04/18/2016	04/04/2016	Christ Martin	E	Council retreat agendas & minutes	CS	minutes not available; provided link to city website for agenda.	
1604-13	04/04/2016	04/18/2016	04/11/2016	Faviola Correa	P	Last 3 health inspections from Jack m the box	CI		
1604-14	04/04/2016	04/18/2016	04/04/2016	Briani Robertson	724	Permits 03/28/2016-04/01/2016	Cust Svcs		
1604-15	04/05/2016	04/19/2016	04/06/2016	Courtney Dulworth	725	Copy of mug shot and incident report 09/06/2015	PD		
1604-16	04/06/2016	04/20/2016	04/06/2016	Justin Murphy	e	DDS-3 Report for DSC	MC		
1604-17	04/06/2016	04/20/2016	04/06/2016	Enrique Chavez	726	COO fro March 30-April 6th 2016	Cust Svcs		
1604-18	04/06/2016	04/20/2016	04/12/2016	Jacob Taylor	E	Discipline on Officer M. Hamm	HR	Received from Lisa at PD to forward onto HR for personnel records	
1604-19	04/07/2016	04/21/2016	04/07/2016	Shirley Shuler	E	COO for 6240 Morningsstar #120	Cust Svcs		
1604-20	04/07/2016	04/21/2016	05/09/2016	Kevin Ashworth	727	Disconnect for 04/01/15-04/01/16	Cust Svcs	Withdrawn - No response from Requestor	
1604-21	04/07/2016	04/21/2016	04/12/2016	Heather Tracy	728	P&Z SPI 5-0027 and all applicants contact info any pending actions	Planning	Sent to Supra, Nakeshia and Brian - requestor want to know of any fees before work begins	
1604-22	04/07/2016	04/21/2016	04/07/2016	Kevin Pierce	729	Comm bldg permits 03/10/16-04/07/16	Cust Svcs		
1604-23	04/08/2016	04/22/2016	04/13/2016	Ron Surley	730	cert citations, incident reports arrest reports for Laci Smith	MC	Also sent PD	
1604-24	04/08/2016	04/22/2016	04/08/2016	Kevin Munroe	E77	Citation records	MC		
1604-25	04/11/2016	04/25/2016	04/11/2016	Praful Jumar	731	list of properties boarded up due to code violations	CI		

Request #	Date Rec'd	Date Due	Date Closed	Name of Requestor	Rec'd via	Document Requested	Department Responsible	Notes	Fee
1604-26	04/11/2016	04/25/2016	04/18/2016	Marcy Bolding- Reddrow Prop	E	Fire Damaged properties 03/26/2016-04/09/2016	FD		
1604-27	04/11/2016	04/25/2016	04/13/2016	Patie Huestis	732	Complaints, records, incident reports for 5800 Spring Hollow, particularly Comm & residential bldg permits	PD	Sent to Animal Control as well	
1604-28	04/11/2016	04/25/2016	04/11/2016	Britni Robertson	733	04/04/16-04/08/2016	Cust Svcs		
1604-29	04/12/2016	04/26/2016	04/14/2016	Evelyn Vega	734	Accident report 2016-4864	PD		
1604-30	04/12/2016	04/26/2016	04/12/2016	Dwayne Ryman	735	COO 04/01/2016-04/11/2016	Cust Svcs		
1604-31	04/13/2016	04/27/2016	04/13/2016	Tracy Heather	736	P&Z FP14-011 and all applicants contact info any pending actions	Planning		
1604-32	04/13/2016	04/27/2016	04/26/2016	Christina Lopes	737	Accident report 2016-880	PD		
1604-33	04/13/2016	04/27/2016	04/15/2016	Joe Donaldson	738	list of properties unresolved code, fire and environmental/health violations	EN/CI/FD		
1604-34	04/13/2016	04/27/2016	04/15/2016	Joe Donaldson	739	Duplicate of #738	EN/CI/FD		
1604-35	04/13/2016	04/27/2016	04/15/2016	Rene Picanes	740	fire damage from Mar 1st to present	FD		
1604-36	04/14/2016	04/28/2016	04/14/2016	Enrique Chavez	741	co's from April 1 to April 14, 2016	Cust Svcs		
1604-37	04/14/2016	04/28/2016	04/14/2016	Margret Howell	P	list of residential permits for the month of March	Cust Svcs		
1604-38	04/18/2016	05/18/2016	04/19/2016	John Culbertson	742	Disconnect for Feb 1 thru 04/06	Cust Svcs	Sent disconnect disclosure letter pd fee	\$ 27.00
1604-39	04/18/2016	05/02/2016	04/21/2016	Stephen McNair	743	Copy receipt for Kelly McNair arrest	PD		
1604-40	04/18/2016	05/02/2016	04/20/2016	Mark Rowson	744	Public intox arrest on 09/03/2014		Withdrawn by requestor	
1604-41	04/18/2016	05/02/2016	04/25/2016	Taylor Byrd	745	Police calls for Whataburger	PD		
1604-42	04/19/2016	05/03/2016	04/19/2016	Britni Robertson	746	Permits 04/11/2016-04/15/2016	Cust Svcs		
1604-43	04/20/2016	05/04/2016	05/20/2016	Mike Smith	747	Water Disconnects for March 2016	Cust Svcs	Sent Utility Letter Response due 05/20 Withdrawn no Response	
1604-44	04/20/2016	05/04/2016	04/20/2016	Rebecca Thomason	E	Copier, printer, fax leases	Purchasing	Alice Pitts	
1604-45	04/20/2016	05/04/2016	04/20/2016	Ryan Autry	748	COO for March 15 to current.	Cust Svcs		
1604-46	04/21/2016	05/05/2016	04/22/2016	Amanda Gonzales	749	Police Report 10/27/14	PD		
1604-47	04/18/2016	05/02/2016	04/26/2016	Christi Martin	e	annual operational cost at Shoreline Trail including repairs after flooding:	PARD		
1604-48	04/20/2016	05/04/2016	04/21/2016	Christi Martin	e	minutes from retreat regarding the city manager's arts committee	CS		
1604-49	04/22/2016	05/06/2016	04/25/2016	Edwin Miguel	750	Fire damaged prop 03/23-04/22/2016	FD		

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1605-01	05/02/2016	05/16/2016	05/18/2016	Lynell Bateman	E	Fire damaged properties 10/01-10/31/15	FD		
1605-02	05/02/2016	05/16/2016	05/02/2016	Carole Bartholomew	762	April 2016 Permit report comm/res	Cust Svcs		
1605-03	05/03/2016	05/17/2016	06/03/2016	Mike Smith	763	Water Shut offs for month of April 2017	Cust Svcs	Sent prepay letter for disconnects due June 03 Withdrawn	
1605-04	05/03/2016	05/17/2016	05/03/2016	Justin David	e80	Contact info for entertainment - Lindsey Stansell has called him.	PARD		
1605-05	05/03/2016	05/17/2016	05/03/2016	Justin Murphy	e	DDS 3 Report for April 2016	MC		
1605-06	05/03/2016	05/17/2016	05/12/2016	Mark Beseda	764	Incident reports, dashcam, etc from PD at Top Gulf	PD		
1605-07	05/03/2016	05/17/2016	05/06/2016	Brett Baldwin	P	Incident reports, dashcam, etc from PD pertaining to B. Baldwin	PD		
1605-08	05/03/2016	05/17/2016	05/04/2016	Kathleen McInimoye	765	Permits on LaQuinta	Cust Svcs		
1605-09	05/04/2016	05/18/2016	05/04/2016	Holli Pozo	766	DSC participants	MC		
1605-10	05/04/2016	05/18/2016	05/04/2016	Jason Pina	e	Bubblez Express Car Wash history	Cust Svcs		
1605-11	05/04/2016	05/18/2016	05/04/2013	Suna Sureshchandra	767	Commercial Permits April 1-30. 2016 over \$30K	Cust Svcs		
1605-12	05/04/2016	05/18/2016	05/04/2016	Tony Tipton	P	Commercial Permits April 1-30. 2016	Cust Svcs		
1605-13	05/04/2016	05/18/2016	05/12/2016	Ray Vela	768	View all docs for Sidewalk on N Colony between Allen/Pruitt	Engineering		
1605-14	05/05/2016	05/16/2016	05/06/2016	Briani Robertson	769	Permits 04/25/16-04/29/16	Cust Svcs		
1605-15	05/05/2016	05/18/2016	05/05/2016	Heather Goodwin	e	5/3/16 council packet	CS		
1605-16	05/05/2016	05/18/2016	05/06/2016	Jessica Lefleiter	770	documents regarding work done on her sewer	PW	Water distribution	
1605-17	05/05/2016	05/18/2016	05/06/2016	Jessica Lefleiter	771	explanation of work done on sewer line 05/04 & 05/05/2016	PW	Water distribution	
1605-18	05/05/2016	05/18/2016	05/12/2016	Kristen Kimble	772	bldg plans, permits, applications for Homewood Suites grandescape	Planning		

Request #	Date Rec'd	Date Due	Date Closed	Name of Requestor	Rec'd via	Document Requested	Department Responsible	Notes	Fee
1605-19	05/06/2016	05/19/2016	05/11/2016	Coates, Sheri	773	All domestic violence reports for 4548 Saddleridge	PD		
1605-20	05/06/2016	05/19/2019	05/19/2016	Micah Beard	774	Environmental Assessment on 4811 Highway 121	EN/CI/FD		
1605-21	05/09/2016	05/23/2016	05/09/2016	Traci Kidwell	775	Utility Bills for 5125 Runyon 10/08/15-03/31/16	Cust Svcs		
1605-22	05/09/2016	05/23/2016	05/09/2016	Traci Kidwell	776	Utility Bills for 5048 Blue Glen 10/08/15-03/31/16	Cust Svcs		
1605-23	05/09/2016	05/23/2016	05/17/2016	Marcy Bolding	777	Fire damaged properties 04/23-05/07/16	FD		
1605-24	05/09/2016	05/23/2016	05/09/2016	Marcy Bolding	E	Duplicate request emailed to C. Wilson			
1605-25	05/09/2016	05/23/2016	05/09/2016	Decordisplay - Gabriel	778	April 2016 COO	Cust Svcs		
1605-26	05/09/2016	05/23/2016		Thomas McMurray	779	Richard Kirkham arrest	PD	PD sent to the city attorney for an AG's opinion 5/13/16	
1605-27	05/10/2016	05/24/2016	06/13/2016	Kevin Ashworth	780	Water Shut offs for 05/01/2015-05-08/2016	Cust Svcs	Withdrawn no response for 30 days	
1605-28	05/10/2016	05/24/2016	05/10/2016	Britni Robertson	781	Permits 05/02/16-05/06/2016	Cust Svcs		
1605-29	05/10/2016	05/24/2016	05/24/2016	Bansal Khushboo	782	Water shut off month of April 2016	Cust Svcs		\$ 27.00
1605-30	05/10/2016	05/24/2016	05/10/2016	Bansal Khushboo	783	Code violations for month of April 2016	CI		
1605-31	05/10/2016	05/24/2016	05/11/2014	Taylor Cheney	784	Accident report from 12/01/2015	PD		
1605-32	05/12/2016	05/26/2016	05/12/2016	Kevin Pierce	785	Permits/COO 04/01-5/12/16	Cust Svcs		
1605-33	05/13/2016	05/27/2016	05/16/2016	Diane Viale	786	stats of businesses moved into The Colony since 2014	Cust Svcs		
1605-34	05/16/2016	05/31/2016	05/16/2016	Margaret Howell	P	Res & Comm permits for April 2016	Cust Svcs		
1605-35	05/16/2016	05/31/2016	05/16/2016	Geneva Jeffers	787	Accident report from 04/05/16 regarding Byington	PD		
1605-36	05/16/2016	05/31/2016	05/17/2016	Lorraine Miller	788	Foundations plans, pier location and # of piers for 7525 Glenturrent dr	Planning		

Request #	Date Rec'd	Date Due	Date Closed	Name of Requestor	Rec'd via	Document Requested	Department Responsible	Notes	Fee
1605-37	05/16/2016	05/31/2016	05/16/2016	Matthew Tierney	789	12 months of utility bill for 7525 Glenturrant	Cust Svcs		
1605-38	05/16/2016	05/31/2016	05/16/2016	Rachael Rice-Sheridan	e	plat info on various sites for Tribute Final Plats	Planning		
1605-39	05/16/2016	05/31/2016	05/18/2016	Tammy Hamilton	790	Hamilton Assault case 04/22/16	PD		
1605-40	05/17/2016	06/01/2016	05/18/2016	Sherra Siddle	791	domestic disturbance on 12/26/14 report	PD		
1605-41	05/18/2016	06/02/2016	05/31/2016	Diane Dale	792	Fire report - 6409 Marlar Lane	FD		
1605-42	05/19/2016	06/03/2016	05/19/2016	Debi DuBord	793	Landfill/Waste Dump info	EN/CI/FD		
1605-43	05/19/2016	06/03/2016	05/19/2016	Briani Robertson	794	Permits Comm & Residential from 05/09-05/13/2016	Cust Svcs		
1605-44	05/13/2016	05/27/2016	05/19/2016	Armando Mora	E	Call tower location/permit report	Cust Svcs		
1605-45	05/20/2016	06/04/2016	05/31/2016	Delena Franklin	795	Citation for Bryan Matulhes	MC		
1605-46	05/20/2016	06/04/2016	05/20/2016	Becky Nelson	P	past 6 months utility bills	Cust Svcs		
1605-47	05/23/2016	06/07/2016	05/25/2016	Victoria Lafrenere	796	Traffic stop 05/14/2016	PD		
1605-48	05/23/2016	06/07/2016	06/03/2016	Marcy Bolding	797	Fire damaged prop 05-07/5-21-16	FD		
1605-49	05/23/2016	06/07/2016	06/06/2016	Nathaniel Collett	798	Environmental Assessment on 4796 Memorial	EN/CI/FD		
1605-50	05/23/2016	06/07/2016	06/02/2016	Gregory Lirette	799	All calls to 5200 Alpha	PD		
1605-51	05/24/2016	06/08/2016	05/25/2016	Briani Robertson	800	Permits 05/16-05/20/2016	Cust Svcs		
1605-52	05/24/2016	06/08/2016	06/03/2016	Edwin Miguel	801	Fire damaged properties 04/23-05/22/16	FD		
1605-53	05/24/2016	06/08/2016	05/25/2016	Keith Scott	802	COO 5/10/16 to present	Cust Svcs		
1605-54	05/24/2016	06/08/2016	05/24/2016	Rhonda Wade	E	Water utility Assessment	Cust Svcs		

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1605-55	05/24/2016	06/08/2016	06/06/2016	Jeanie Brown	803	Environmental on 4811 Hwy 121	EN/CI/FD		
1605-56	05/24/2016	06/08/2016	05/27/2016	Amanda Silva	804	Probable Cause Aff - Alexa Lester	PD		
1605-57	05/24/2016	06/08/2016	06/06/2016	Christi Martin	e	copies of emails regarding Metro Relief/Community Garden	CS		
1605-58	05/25/2016	06/09/2016	05/26/2016	Symone Redwine	805	Police Report 2015-16269	PD		
1605-59	05/26/2016	06/10/2016	05/31/2016	Don Wilson	806	Fire report - 6409 Marlar Lane	FD		
1605-60	05/26/2016	06/10/2016	06/06/2016	Anne Kemp	807	Police Report theft of vehicle	PD		
1605-61	05/26/2016	06/10/2016	05/26/2016	Elsie Thurman	E	LDC minutes, resolution and Exhibit A	CS	Did not send minutes not completed or executed	
1605-62	05/27/2016	06/13/2016	05/27/2016	Kathleen Nicholls	e	foundation permit for 4105 Newton	Cust Svcs		
1605-63	05/31/2016	06/14/2016	06/01/2016	Stephanie Santiago	808	Contract & incentives for TopGolf	CS		
1605-64	05/31/2016	06/14/2016		Temani Adams	809	All arrest records Mr. Gamblin	PD	Sent to Jeff Moore for an AG Opinion on 06/08	
1605-65	05/31/2016	06/14/2016	06/02/2016	Kelli Henderson	810	Police report for Ayana Stonebriar from 05/31/2016 @ 1:40am	PD		
1605-66	05/31/2016	06/14/2016	06/01/2016	Carole Bartholomew	811	May permit report	Cust Svcs		
1605-67	05/31/2016	06/14/2016	06/03/2016	Celeste Reynolds	812	Any new businesses in or coming to TC for years 2015-2017	Planning		

Request #: Month, Date, sequential number

Manner Received: P = In Person, E = Email, F = Fax, M = Mail

Red: Open requests

Black: Completed requests

Yellow: Sent to Attorney General

Blue: Request completed after 10 business days

Request #	Date Rec'd	Date Due	Date Closed	Name of Requestor	Rec'd via	Document Requested	Department Responsible	Notes	Fee
1606-01	06/01/2016	06/15/2016	06/01/2016	Britini Robertson	813	Permits 05/23-05/27/2016	Cust Svcs		
1606-02	06/01/2016	06/15/2016	06/01/2016	George Harper	814	Info on 6360 N. Josey - Replied not in the city limits of TC	CS		
1606-03	06/01/2016	06/15/2016	06/01/2016	Kamel Maude	E81	Sent to EDC to set up appt	CS		
1606-04	06/02/2016	06/16/2016	06/02/2016	Tania Cavazos	E82	Environmental Lewisville Town Crossing - not in TC limits	CS		
1606-05	06/03/2016	06/17/2016	06/14/2016	Alex Ellis	815	dashcam & body video from citation 06011769	PD		
1606-06	06/03/2016	06/17/2016	06/16/2016	Alycia Bennett	816	Report 2016-8110	PD		
1606-07	06/03/2016	06/17/2016		Angela Vlack	817	Any records involving Jay Dirk Moses from PD	PD	06/16/16 Sent to AG	
1606-08	06/03/2016	06/17/2016	06/06/2016	Micah Piller	P	code violations for the last 12 months	CI		
1606-09	06/06/2016	06/20/2016	06/06/2016	Marcy Bolding	819	Fire damaged properties 05/21-06/04/2016	FD		
1606-10	06/06/2016	06/20/2016		Alethia Miller	818	Police Report/Incident report for Alexis Campos Avendano	PD	06/16/2016 Sent to AG	
1606-11	06/07/2016	06/21/2016		Mike Smith	820	Water Disconnects for May 2016	Cust Svcs	Pend 30 days - sent prepay ltr	
1606-12	06/07/2016	06/21/2016	06/07/2016	Holli Pozo	821	DSC report for May 2016	MC		
1606-13	06/07/2016	06/21/2016	06/21/2016	Ted Ringener	822	All voicemails, and emails from 12/15-05/31/16 from Executive Officers	IT		
1606-14	06/07/2016	06/21/2016	06/07/2016	Ted Ringener	823	All personnel write ups with rebuttals	HR		
1606-15	06/07/2016	06/21/2016	06/09/2016	Bonneau Hunt	824	Accident Report 2016-5176	PD		
1606-16	06/08/2016	06/22/2016	06/21/2016	Ted Ringener	825	Employee Chg Status' from 3/12-12/16 - Employee Handbook	HR		
1606-17	06/08/2016	06/22/2016	06/08/2016	Britini Robertson	826	Permits 05/30-06/03/16	Cust Svcs		
1606-18	06/07/2016	06/21/2016	06/08/2016	Steven Gonzales	E83	Are mobil home dealers permitted in the City	Planning		
1606-19	06/08/2016	06/22/2016	06/21/2016	Rene Picanes Jr	827	Fire damaged properties 04/15-06/08/16	FD		

Request #	Date Rec'd	Date Due	Date Closed	Name of Requestor	Rec'd via	Document Requested	Department Responsible	Notes	Fee
1606-20	06/08/2016	06/22/2016	06/08/2016	Steve Riseman	828	Permits 12/1/15-05/30/16	Cust Svcs		
1606-21	06/09/2016	06/23/2016	06/09/2016	Christi Martin	e	Metro Relief Lease Agreement	CS		
1606-22	06/10/2016	06/24/2016		Milton Wood	P	Water Disconnects for 2012-2016	Cust Svcs	Pend 30 days - sent prepay ltr	
1606-23	06/13/2016	06/27/2016	06/14/2016	Khusboo Bansal	829	Code violations for May 2016	CI		
1606-24	06/13/2016	06/27/2016		Khusboo Bansal	830	Water Disconnects May 2016	Cust Svcs	Pend 30 days - sent prepay ltr	
1606-25	06/13/2016	06/27/2016	06/21/2016	Rene Picanes Jr	831	Fire damaged prop 04/15/16 to present	FD	Duplicate to 1606-19	
1606-26	06/13/2016	06/27/2016	06/14/2016	Britni Robertson	832	Permits from 06/06-06/10/2016	Cust Svcs		
1606-27	06/13/2016	06/27/2016	06/14/2016	Margret Howell	P	permits for the month of May 2016	Cust Svcs		
1606-28	06/14/2016	06/28/2016	06/14/2016	Suna Sureshchandra	833	Permits month of May 2016	Cust Svcs		
1606-29	06/14/2016	06/28/2016	06/15/2016	Ty Armstrong - Creekside Austin Waters	84	City Sec. contact info	CS		
1606-30	06/15/2016	06/29/2016	06/15/2016	Amanda Gaffaney - NTMWD	e	Emergency Contact Info - Public Works	PW		
1606-31	06/16/2016	06/30/2016	06/17/2016	Ryan Autery	834	Permits May 15 - June 16, 2016	Cust Svcs		
1606-32	06/20/2016	07/01/2016	06/22/2016	Alex Ellis	835	Use of force report 06/20/2016 Citation 0611769	PD		
1606-33	06/20/2016	07/01/2016	06/22/2016	Marcy Bolding	836	Fire Damaged Properties 06-04 thru 06/18/2016	FD		
1606-34	06/20/2016	07/01/2016	06/22/2016	Kory Redding	E	Judgment; Judicial findings; disposition for Cause 06009881	CS		
1606-35	06/20/2016	07/01/2016	06/21/2016	Christi Martin	e	Metro Relief emails	CS		
1606-36	06/21/2016	07/06/2016	06/21/2016	Dwayne Ryman	837	COO for 06/01-06/19/2016	Cust Svcs		
1606-37	06/21/2016	07/06/2016	06/21/2016	Britni Robertson	838	Permits for 06/13-06/17/2016	Cust Svcs		
1606-38	06/21/2016	07/06/2016		Bonnie Brimer	839	Report on Craig Gibson/Jenny Mitchell 10/01/2015	PD		

Request #	Date Rec'd	Date Due	Date Closed	Name of Requestor	Rec'd via	Document Requested	Department Responsible	Notes	Fee
1606-58									
1606-59									
1606-60									

Request #: Month, Date, sequential number

Manner Received: P = In Person, E = Email, F = Fax, M = Mail

Red: Open requests

Black: Completed requests

Yellow: Sent to Attorney General

Blue: Request completed after 10 business days

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: June 28, 2016

MEETING DATE: 07/05/2016

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

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:



AGENDA ITEM

City Secretary

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: June 29, 2016

MEETING DATE: 07/05/2016

SUMMARY OF REQUEST: Consider approving City Council and Community Development Corporation Special Session minutes for June 20, 2016, and City Council Regular Session minutes for June 21, 2016 (Interim City Secretary, Stewart)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

CC/CDC Special Session Minutes
CC Regular Session Minutes

**MINUTES OF JOINT SPECIAL SESSION
CITY COUNCIL & COMMUNITY DEVELOPMENT CORPORATION
HELD ON
JUNE 20, 2016**

The Special Session of the City Council of the City of The Colony, Texas, was called to order at 6:40 p.m. on the 20th day of June, 2016, at City Hall, 6800 Main Street, The Colony, Texas, with the following roll call:

Joe McCourry	Mayor	Present
Kirk Mikulec	Councilmember	Present
Richard Boyer	Councilmember	Present
Jeff Connelly	Councilmember	Present
David Terre	Mayor Pro-Tem	Present
Perry Schrag	Councilmember	Absent
Joel Marks	Councilmember	Absent
Daniel Mahle	Community Development Corporation	Present
Steve Sohn, Vice President	Community Development Corporation	Present
Kathy Braby, Treasurer	Community Development Corporation	Present
Lisa Leary, Secretary	Community Development Corporation	Present
Donna Cole	Community Development Corporation	Present
Don Beckel	Community Development Corporation	Present
Allen Harris	Community Development Corporation	Present

And with five (5) council members present and seven (7) Community Development Corporation members present, a quorum was established and the following items were addressed:

1. Call to Order-

- **City Council** – *Mayor McCourry called the meeting to order at 6:40 p.m.*
- **Community Development Corporation** – *Vice President Sohn called the meeting to order at 6:40 p.m.*

2. City Council and the Community Development Corporation Board of Directors to jointly conduct a work session to discuss upcoming/current CDC projects as follows and provide direction to staff:

(b) Proposed City Hall and potential relocation of Practice Fields.

City Council discussed this project and advised CDC to move forward with the project conducting meetings with the Economic Development Corporation for the relocation of

June 20, 2016 Special Session

practice fields, and the proposed site of a new City Hall. However, noted this transition to start once the construction of FM 423 has been completed.

(c) CDC's proposed CIP Projects for Fiscal Year 2016-17.

City Council and CDC discussed and reviewed the following projects: Pump Replacement, Starter's Platforms; Water Canon Aeration System; Splash Zone, Utility Vehicle, Laser Grader Attachment, Storage Cover at Five Star, 1993 Front End Loader, Soccer Goals and Bleachers, 5 Ton Spreader, Slay-Baker Pavilion, Friendship Park Pavilion, GIS System, Bill Allen Park Erosion, Shoreline Trail Erosion, Shade Structures at North Colony Practice Fields; Council requested the following:

- 1. Front End Loader – records from fleet maintenance in order to consider request*
- 2. GIS Project – coordinate with IT to make things compatible for all; Technologies Board to validate the project*
- 3. Bill Allen Park Erosion Project – hold on project*
- 4. Shade Structure Project – hold on project*

Councilmember Mikulec stepped out at 8:04 p.m. and returned at 8:07 p.m.

(d) Stewart Creek Park Master Plan

City Council discussed this item and advised CDC to review the proposed list and email the Director of Government Relations Brant Shallenburger their top three projects in priority order.

Councilmember Marks stepped out at 8:41 p.m. and returned at 8:45 p.m.

(e) Erosion Projects in Parks and Trail Corridors (Bill Allen Park, Taylor Street, Shoreline Trail)

Council discussed this item and advised CDC of the following:

- 1. Bill Allen Park – hold on project*
- 2. Taylor Street – further evaluate project*
- 3. Shoreline Trail – move forward with project*

(f) Future Trail Connections (Oncor Easement, Cascades to Grandscape, etc.)

Council discussed this item and considered not a priority at this time. Council advised CDC to continue working with North Texas Central of Government on these projects.

(a) Council's overall vision and expectations for use of CDC Funds

City Council discussed this item and advised CDC that due to restrictions on EDC funds, the CDC board will be called upon more from Council with new business proposals. Council advised the Board that some CDC projects may need to be placed on hold once a

June 20, 2016 Special Session

higher priority comes along, but suggest the Board to continue moving forward in the direction of proposed plans.

3. Executive Session

- (a) City Council/CDC 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 concerning damage to the Park Loop Trail matter.**

City Council and CDC reconvened into Special Session at 9:43 p.m.

- (b) Any action as a result of executive session regarding pending or contemplated litigation concerning damage to the Park Loop Trail matter.**

No action

4. Adjourn

**Community Development Corporation
City Council**

There being no further business to discuss, the City Council meeting and the Community Development Corporation meeting adjourned at 9:43 p.m.

APPROVED:

Joe McCourry, Mayor
City of The Colony

ATTEST:

June 20, 2016 Special Session
Tina Stewart, TRMC
Interim City Secretary

**MINUTES OF COUNCIL REGULAR SESSION
HELD ON
JUNE 21, 2016**

The Regular Session of the City Council of the City of The Colony, Texas, was called to order at 6:37 p.m. on the 21st day of June, 2016, at City Hall, 6800 Main Street, The Colony, Texas, with the following roll call:

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

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

1.0 ROUTINE ANNOUNCEMENTS, RECOGNITIONS AND PROCLAMATIONS

1. Call to Order – 6:37 p.m.

1.1. Invocation – David Terre

1.2. Pledge of Allegiance to the United States Flag

The Pledge of Allegiance to the United States Flag was recited.

1.3. Salute to the Texas Flag

Salute to the Texas Flag was recited.

1.4. Recognition of Horizons Church Rev. Brian Bradford (General Admin, Perez)

Joe Perez recognized Pastor Brian Bradford of Horizons Church for his dedication to the community and for his service as Police Chaplain for the City of The Colony. Mayor McCourry presented an award to Pastor Bradford for his commitment and hard work. Mr. Perez accepted the award in Pastor Bradford's absence.

1.5. Items of Community Interest

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

Lindsey Stansell provided upcoming events and activities to the council.

Parks and Recreation Director Pam Nelson recognized City employee Stephen Stark for his heroic efforts to assist and protect unattended children at two local parks in the community. Ms. Nelson and City Manager Troy Powell presented Mr. Starks with tokens

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.

of appreciation for his exemplary actions taken on June 7, 2016.

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 with Denton County Appraisal District regarding the property tax appraisal process (Council, Terre)

Councilmember Terre recognized members of the Denton County Appraisal District to Council. Chief Appraisal Director and Mayor of the City of Lewisville Rudy Durham introduced Deputy Chief Appraiser George Clerihew and Deputy Chief of Administration Kathy Williams. Mr. Clerihew provided a brief update on the following:

- 1. Property Tax Appraisal Values*
 - Four Main Phase Cycle – evaluation of universal properties*
 - ✓ Appraisal District Phase (Jan – April)*
 - ✓ Equalization Phase (May – July)*
 - ✓ Assessment Phase (Jul - Sept)*
 - ✓ Collection Phase (Oct - Jan)*
- 2. Market Activity*
 - New Construction Building Permits 2015 (Residential and Commercial Properties) - 8,080 new permits received*
 - Average Homestead Value Denton County - \$285,861 up 12%*
 - Average Homestead Value The Colony – \$224,673 up 15%*
 - Average Home Price Denton County in 2011 was \$219,000 and 2016 is \$312,000*
 - Average Home Price The Colony in 2011 was \$147,602 and in 2016 is \$234,333*
 - 2015 50% of homes sold in The Colony the price ranged from \$150,00 to \$250,000*
 - Overall in 2015 the appraisal roll for Denton County was up 17% and for The Colony up 26%*
- 3. Protest Information*
 - Denton County - 66,399 residents filed for protest in 2016; approximately 16% total accounts that make up the district*
 - The Colony – 2,752 residents filed for protest in 2016: 4% of total overall and approximately 19% total accounts from The Colony*
 - Efile - 15,411 residents filed for protest in 2016; 60% increase from 2015; a total of 14,000 residents equaled 91%, were provided value settlement offers; and 9,000 residents have accepted those offers*

Councilmember Mikulec asked if there was a maximum percentage increase on a residential property value at 100% market value. Mr. Clerihew explained on homestead properties, the market value will go up or down, but the appraised taxable value cannot

go up more than 10% from one year to the next.

Mayor asked if the Appraisal District would consider and factor in resident qualifications and evaluate the property sales in the area. Mr. Clerihew stated the district has access to multiple listing services or classification sources in retrieving resident's information.

Mayor asked during protest periods, if citizens receive appraisal notices up to 10%, will there be an opportunity to come in and discuss options. Mr. Clerihew strongly advised citizens to come in the office within the first two-three week period of receiving appraisal notices, Monday through Friday between the hours of 8 a.m. and 5:00 p.m. Mr. Clerihew asked for residents to submit supporting documentation that could affect the value of the property. He strongly recommended citizens to file a protest form regardless of being sure or unsure of a decision.

2.2. Discussion of Utility Surcharge for the Plano Water Service Area (City Manager, Maurina)

Assistant City Manager of Operations Tod Maurina presented this item to Council. He stated there are two sources of water serving the City of The Colony the one that is being discussed involves our contractual agreement with the City of Plano. The city is charged wholesale rates and services primarily the Austin Ranch area and extends service East of the Burlington Northern Santa Fe Railroad tracks within the city's limits. The water to service this area is approximately \$.90 to \$.94 cent per thousand gallons higher than the water that supplies the rest of The Colony creating a deficient of approximately \$135,000.00 per year. The long term strategy is to add the overall difference of the surcharge cost to customers utility bills in the Austin Ranch area which would be calculated on a volume used basis. Currently the contract between the City of The Colony and the City of Plano prohibits the The Colony from building their own water tower.

City Manager Troy Powell stated this item will be discussed during upcoming budget meeting discussions.

2.3. Update on the Water Tower Rehabilitation located on North Colony Boulevard (Water Distribution, Groeschel)

Evan Groeschel presented the water tank structural rehabilitation item to Council. Council provided discussion and advised staff to be consistent and move forward with adding the City logo to the water tower.

2.4. Discussion on the Children's Advocacy Center of Denton County support request for FY 2016-17 (Finance, Cranford)

This item was pulled from the agenda and not discussed.

2.5. Discuss the Special Events Budget and Grant Fund Requests seeking input from

Council for the 2016-17 Budget (General Admin, Shallenburger)

Brant Shallenburger briefed Council on the Special Events budget and grant fund requests for 2016-2017. Mayor advised to bring agenda item back at a future meeting date.

- 2.6. Discuss and provide direction to staff regarding the current policy in regards to use of alcohol on City property and any possible changes thereto. (General Admin, Shallenburger)**

This item was pulled from the agenda and not discussed.

- 2.7. Discuss and provide direction to staff regarding the adoption of an amendment to the Code of Ordinances, Chapter 6, Article VI, by adding Section 6-170, Entitled “Variance for Dogs on Premises of a Food Establishment (General Admin, Perez)**

Joe Perez provided an update on this item and stated the following updates:

- *Assessment of variance fee \$100.00 - \$150.00*
- *No preparation or service of food, mixed drinks or ice on patios near animals*
- *Variance renewal to run concurrent with renewal of health permits*

Councilmember Marks asked for clarification regarding the mixing of alcohol and having dogs on patios. Mr. Perez explained there has to be some tractable separation from the bar and where animals will be. This item will be brought back on a future agenda for approval.

- 2.8. Council to provide direction to staff regarding future agenda items (Council)**
NONE

3.0 CITIZEN INPUT

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

NONE

4.0 CONSENT AGENDA

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

- 4.1. Consider approving City Council Special Session meeting minutes for June 6, 2016, City Council Regular Session meeting minutes for June 7, 2016, and City Council Special Session meeting minutes for June 13, 2016 (Interim City Secretary, Stewart)**

Motion to approve all items from consent- Marks; second by Wade; motion passed with all ayes.

5.0 REGULAR AGENDA ITEMS

- 5.1. Conduct a public hearing, discuss and consider an ordinance approving Specific Use Permit (SUP) to allow a limited service hotel, Woodspring Suites, to be located on a 3.22 acre tract of land along west side of S. Colony Blvd, approximately 500' south of Memorial Drive within Planned Development 16 (PD 16) aka the Cascades Planned Development zoning district (Development Services, Scruggs)**

This item was pulled from the agenda and not discussed.

- 5.2. Conduct a public hearing, discuss and consider an ordinance approving a Specific Use Permit (SUP) to allow EIFS exterior construction on a proposed limited service hotel, Woodspring Suites, to be located on a 3.22 acre tract of land along west side of S. Colony Blvd, approximately 500' south of Memorial Drive within Planned Development 16 (PD 16) aka the Cascades Planned Development zoning district (Development Services, Scruggs)**

This item was pulled from the agenda and not discussed.

- 5.3. Discuss and consider an ordinance approving a Site Plan to allow Victory at The Colony, a retail/restaurant complex with three buildings totaling 48,150 square feet on a 5.684-acre parcel of land located on SH 121, east of Top Golf and west of Firestone, within the Business Park (BP) zoning district (Development Services, Scruggs)**

Engineering Director Gordon Scruggs reviewed the site plan to allow Victory at The Colony. He stated the applicant is proposing three retail/restaurant buildings 26,150, 11,500 and 10,500 in square feet respectfully in size. Mr. Scruggs advised Council of the parking, landscaping, and proposed development plan regulations. The Development Review Committee finds that the Development Plan meets all applicable requirements, and Planning and Zoning recommended approval.

Mayor asked if there were letters received from surrounding property owners regarding the shared parking agreement. Kris Rimiji Chief Operating Officer Victory Real Estate Group stated no letters received, but they are willing to develop only the middle building in order to reduce parking issues and balance out tenancies in the shopping strip center.

Mayor asked City Attorney Jeff Moore if Council could move forward with approving only a part of the proposed site plan. Mr. Moore explained Council could approve this item with stipulations relative to parking per the Code of Ordinances. Mr. Scruggs suggested a note would be required stating building permits could not be issued until a parking agreement is in place.

Motion to approve Victory at The Colony Site Plan, but with the stipulation that before building permits can be issued for either of the front Southern buildings, the underage of parking spaces will need to be addressed with either an agreement with the neighboring businesses, or with bringing the parking up to current requirements-Schrag; second by Mikulec; motion passed with all ayes.

- 5.4. Discuss and consider approving a resolution authorizing the City Manager to execute an agreement for additional payment locations for water utility customers by Fidelity Express, allowing water utility customers to pay at Fidelity Express payment locations including Kroger Stores (Customer Services, Owczar)

This item was pulled from the agenda and not discussed.

Executive Session was convened at 8:25 p.m.

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 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.

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 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.

C. 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 10:21 p.m.

- 6.2. A. 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.

No Action

B. 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.

No Action

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

No Action

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.

And with no further business to discuss the meeting was adjourned at 10:22 p.m.

APPROVED:

Joe McCourry, Mayor
City of The Colony

ATTEST:

Tina Stewart, TRMC
Interim City Secretary

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: June 29, 2016

MEETING DATE: 07/05/2016

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

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

CC May 2016 Expenditures

Memo

To: Members of the City Council
From: Tina Stewart, Interim City Secretary
Date: July 5, 2016
Re: Council Expenditures for approval

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

Mayor cell phone	119.38
Mayor- data plan for iPad	30.53
Food for council meetings	514.01
SPAN Charges for May	17,178.44
Personnel Services	(118.00) credit
Total	\$17,842.36

FINANCIAL STATEMENT
AS OF: MAY 31ST, 2016

100-GENERAL FUND
623 - CITY COUNCIL
DEPARTMENT EXPENSES

ACCT #	ACCOUNT NAME	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
61-PERSONNEL SERVICES							
623-6112	SALARIES, PART-TIME	8,400.00	0.00	4,200.00	50.00	0.00	4,200.00
623-6115	SOCIAL SECURITY TAXES	672.00	0.00	321.30	47.81	0.00	350.70
623-6118	UNIFORMS	200.00	0.00	0.00	0.00	0.00	200.00
623-6125	EDUCATION & TRAINING	500.00	0.00	0.00	0.00	0.00	500.00
623-6126	TRAVEL EXPENSE	2,400.00	(118.00)	1,317.54	54.90	0.00	1,082.46
623-6127	DUES & MEMBERSHIPS	0.00	0.00	50.00	0.00	0.00	(50.00)
	TOTAL 61-PERSONNEL SERVICES	12,172.00	(118.00)	5,888.84	48.38	0.00	6,283.16
62-CONTRACTUAL SERVICES							
623-6235	PRINTING SERVICES	100.00	0.00	12.58	12.58	0.00	87.42
623-6244	TELEPHONE SERVICE	2,000.00	149.91	1,167.52	58.38	0.00	832.48
	TOTAL 62-CONTRACTUAL SERVICES	2,100.00	149.91	1,180.10	56.20	0.00	919.90
63-SUPPLIES							
623-6390	MISCELLANEOUS SUPPLIES	3,800.00	514.01	2,958.29	77.85	0.00	841.71
	TOTAL 63-SUPPLIES	3,800.00	514.01	2,958.29	77.85	0.00	841.71
64-MAINTENANCE							
66-CAPITAL OUTLAY							
67-OVERHEAD ALLOCATION							
68-SUNDRY CHARGES							
623-6845	GENERAL GOVERNMENT	124,377.00	17,178.44	81,244.42	65.32	0.00	43,132.58
	TOTAL 68-SUNDRY CHARGES	124,377.00	17,178.44	81,244.42	65.32	0.00	43,132.58
	TOTAL 623 - CITY COUNCIL	142,449.00	17,724.36	91,271.65	64.07	0.00	51,177.35

FUND : 100-GENERAL FUND

ACTIVE ACCOUNTS ONLY

PERIOD TO USE: May-2016 THRU May-20

DEPT : 23 CITY COUNCIL

SUPPRESS ZEROS

ACCOUNTS: 600-6000-0000 THRU 699-69

POST DATE TRAN # REFERENCE PACKET=====DESCRIPTION===== VEND INV/PO/JE # NOTE =====AMOUNT=====

623-6126 TRAVEL EXPENSE
B E G I N N I N G B A L A N C E

5/13/16	5/18	A25868	VOID: 145338	09965	REVERSE VOIDED CHECK	108750			118.00CR
					PERRY SCHRAG	INV# 201604288194	/PO#		
			=====		MAY ACTIVITY	DB: 0.00	CR: 118.00CR		118.00CR ✓

623-6244 TELEPHONE SERVICE
B E G I N N I N G B A L A N C E

5/05/16	6/01	B67726	Misc 000000	09289	DATA PLAN FOR IPAD		JE# 053540		30.53 ✓
5/18/16	6/09	A26873	CHK: 145771	09992	AT&T MOBILITY	114320			119.38 ✓
					AT&T MOBILITY	INV# 201606088376	/PO#		
			=====		MAY ACTIVITY	DB: 149.91	CR: 0.00		149.91 ✓

623-6390 MISCELLANEOUS SUPPLIES
B E G I N N I N G B A L A N C E

5/03/16	6/01	A26521	CHK: 145722	09983	THE KROGER COMPANY	111250			41.55 ✓
					THE KROGER COMPANY	INV# 0416219250	/PO#		
5/05/16	6/01	B67726	Misc 000000	09289	SPECS LIQUOR		JE# 053540		102.03 ✓
5/05/16	6/01	B67726	Misc 000000	09289	CHICK FIL A		JE# 053540		172.00 ✓
5/05/16	6/01	B67726	Misc 000000	09289	TEXAN BROTHERS BBQ		JE# 053540		129.34 ✓
5/16/16	5/19	A26017	CHK: 145436	09967	DIANNE JOHNSON	141890			38.74 ✓
					DIANNE JOHNSON	INV# 201605188284	/PO#		
5/19/16	5/26	A26313	CHK: 145710	09977	DRAWING BOARD PRINTING	117020			30.35 ✓
					DRAWING BOARD PRINTING	INV# 8992664	/PO#		
			=====		MAY ACTIVITY	DB: 514.01	CR: 0.00		514.01 ✓

623-6845 GENERAL GOVERNMENT
B E G I N N I N G B A L A N C E

5/01/16	5/12	A25613	CHK: 145656	09958	SPAN	3251			9,053.44 ✓
					SPAN	INV# 808	/PO#		
5/18/16	6/09	A26959	CHK: 145855	09992	SPAN	3251			5,000.00 ✓
					SPAN	INV# 1184	/PO#		
5/18/16	6/09	A26960	CHK: 145855	09992	SPAN	3251			3,125.00 ✓
					SPAN	INV# 1189	/PO#		
			=====		MAY ACTIVITY	DB: 17,178.44	CR: 0.00		17,178.44 ✓

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

ACCOUNT NUMBER 5567-0800-1007-2490
STATEMENT DATE 06-06-16
NET CHARGES \$690.10



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

**T0030902

FOR RECONCILIATION PURPOSES ONLY. DO NOT SEND PAYMENT.

NAME: JOSEPH M MCCOURRY

CYCLE LIMIT: \$3,000

ACCOUNTING CODE:

CARDHOLDER ACTIVITY

Telecommunication Activity

Post Date	Tran Date	Reference Number	Transaction Description	Amount
05-23	05-22	55480776143002157684673	AT&T DATA 08003310500 GA 23-6244	30.53
Total Miscellaneous Activity				30.53

Travel Activity

Post Date	Tran Date	Reference Number	Transaction Description	Amount
05-25	05-23	55490406145262626949244	WEEDSB, LLC. TAXI LAS VEGAS NV 23-6126	39.88
05-27	05-25	55490406147261994905810	TAXI CAB SERVICE LAS VEGAS NV 23-6126	19.97
05-27	05-25	55490406147261995084623	TAXI CAB SERVICE LAS VEGAS NV 23-6126	21.96
05-30	05-26	55310206149006022589668	PH LODGING LAS VEGAS NV 23-6126 0002382579 ARRIVAL: 05-21-16	561.12
05-30	05-26	55490406148261994902329	TAXI CAB SERVICE LAS VEGAS NV 23-6126	16.64

FOR CUSTOMER SERVICE CALL:
1-800-316-6056

FOR LOST/STOLEN CARDS CALL:
1-800-316-6056

FOR TTY/TDD SERVICE CALL:
1-800-955-8060

ACCOUNT NUMBER

5567-0800-1007-2490

STATEMENT DATE:

06/06/16

ACCOUNT SUMMARY

PURCHASES & OTHER CHARGES 690.10

CASH ADVANCES .00

CREDITS .00

CASH ADVANCE FEE .00

NET CHARGES \$690.10

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: 04/19/16 - 05/18/16
 Account: 287242020808
 Foundation Account: FAN 02296560
 Invoice: 287242020808X05262016

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

Wireless Statement

Bill-At-A-Glance

Previous Balance	\$119.38
Payment - 05/13 - Thank You!	\$119.38CR
Adjustments	\$0.00
Balance	\$0.00
New Charges	\$119.38

Total Amount Due \$119.38

Amount Due in Full by Jun 13, 2016

Service Summary

Service	Page	Total
Wireless		\$119.38
469 999-3343 \$119.38	2	
Total New Charges		\$119.38

23-60244



Get the new
Samsung Galaxy S7
 for \$0 down on AT&T Next!

Add a smart phone today!

Visit att.com/adtoday
 Go to an AT&T store
 Call 877.981.7155

AT&T Next®: \$0 down req's elig. installment agmt. Tax due at sale. Down payment option avail. Service: Qual. voice & data req'd. If svc cancelled, remaining installment agmt balance due. Deposit may be req'd. Subj. to Wireless Customer Agmt. Activ./Upgrade (\$20), restocking & other fees, monthly & other charges & restr's apply. Subject to change. Visit att.com/next for details.

Wireless

Group 2 Usage Summary - Apr 19 thru May 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
469 999-3343	189	233
Total	189	233

Rollover Minutes Summary

Last Month's Rollover Balance	14,528
Current Month Added to Rollover	+ 1,211
Expired Rollover Minutes *	- 1,309
NEW ROLLOVER MINUTES BALANCE	14,430

* 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



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

Page: 2 of 3
 Bill Cycle Date: 04/19/16 - 05/18/16
 Account: 287242020808
 Foundation Account: FAN 02296560
 Invoice: 287242020808X05262016

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

Wireless - Continued

Messages

69 999-3343 46
 Total 46

469 999-3343
 CITY OF THE COLONY

ataPro 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 - Apr 19 thru May 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	189
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	233

Data Usage Summary

Messaging Unlimited	Unlimited
Used	46

GB 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	3.52
6. State Cost-Recovery Fee	0.40
7. Texas Universal Service	1.30
Total Surcharges and Other Fees	5.22

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 11.68

Total for 469 999-3343 119.38

Total for Wireless accounts 119.38

News You Can Use

IMPORTANT INFORMATION RE: ADMINISTRATIVE FEE

Starting with your June 2016 bill, the Administrative Fee will be \$0.76 per line per month. Please visit www.att.com/additionalcharges for more information about the Administrative Fee.

TTY LIMITATIONS FOR 911 CALLS & RTT PROGRESS

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 about TTY and progress with Real-Time Text (RTT).

GET NEW SMARTPHONES FOR EVERYONE IN YOUR FAMILY

With options for dads, grads, moms and kids on the go, there's never been a better time to add a smartphone on AT&T Next(SM). With the Samsung Galaxy S7 you can surf and stream with a 5.1" display, while the dual-edge design of the Samsung Galaxy S7 edge expands your entertainment with ease. And since both are



23-6390



Great food.
Low prices.

6805 N. MAIN
972-370-0889
Your cashier was Andrea

1 @ 2/8.00

SC	YORK PPPRINT MINIPC		3.50 B
	KROGER SAVINGS	0.50	
	NUTTERBUTTER CKY		2.69 F
	BLUE BELL CUPS		5.89 F
	HRSHY MINIS		11.99 B
	CHNT PLATES	<+	5.99 T
SC	KROGER SAVINGS	1.00	
	KRO NAPKINS		3.29 T
SC	WELCH GRAPE JUICE PC		3.37 F
	KROGER SAVINGS	0.32	
SC	MOTTS APPLE JUICE PC		2.79 F
	KROGER SAVINGS	0.50	
SC	KROGER PLUS CUSTOMER TAX	*****3905	
	**** BALANCE		2.04
	TX 75056		41.55

PRVT LABEL Purchase
*****9004 - SWIPED
REF#: 087620 TOTAL: 41.55

PRVT LABEL	41.55
CHANGE	0.00
TOTAL NUMBER OF ITEMS SOLD =	8
KROGER SAVINGS	\$ 2.32
TOTAL COUPONS	\$ 2.32
TOTAL SAVINGS (5%)	\$ 2.32

05/03/16 11:54am 879 8 72 108
MAY FUEL POINTS
REDEEM 100PTS TO SAVE .10 PER GAL.
ON ONE PURCHASE OF UP TO 35 GAL.
SAVE UP TO \$1 PER GAL AT KROGER OR
.10 PER GAL AT SHELL ON 1 FILL-UP.

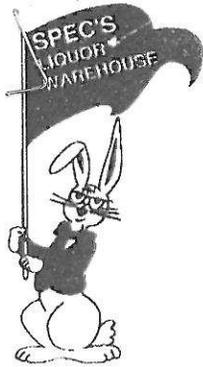
FUEL POINTS THIS ORDER = 40
FUEL POINTS THIS MONTH = 113

THIS MONTHS POINTS EXPIRE 06/30/16.
VISIT WWW.KROGER.COM/FUEL FOR DETAILS

With Our Low Prices, You Saved
\$2.32

Annual Card Savings \$349.19
PARTICIPATING ITEMS <+ = 1
Now Hiring - Apply Today!
jobs.kroger.com
www.kroger.com

23-6390



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Wine
Spirits &
Finer Foods

SPEC'S LIQUOR STORE
4901 Hwy 121

YOUR CASHIER: Cindy

EVERYDAY LOW PRICE

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BANKCARD CONVENIENCE & BIG SAVINGS TOO

00000000782

5 @ 6.58

BABY BUNNY CLUB 32.90 T

000000004879

4 @ 8.41

THE TEXAN 33.64 T

000000004771

3 @ 7.63

TURKEY & PEPPERED 22.89 T
BACON

00000000779

3 @ 4.20

CHICKEN SALAD 12.60 T
SANDWICH

TAX 8.42

TAX EXEMPTION 8.42-

**** BALANCE 102.03

MO MASTERCARD 102.03

CHANGE 0.00

TOTAL NUMBER OF ITEMS SOLD = 15

04/19/16 04:28pm 163 5 34 9683

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

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

23-6390

TEXANS BROTHERS BBQ

4911 MAIN ST
THE COLONY, TX 75056
2144691744

Cashier: Juan C
03-May-2016 4:33:51P

Transaction **005642**

1 Manual Transaction	\$129.34
Total	\$129.34
CREDIT CARD SALE	\$129.34
MASTERCARD 4015	
Tip	_____
Total	_____

Retain this copy for statement validation

03-May-2016 4:34:12P
\$129.34 | Method: OFFLINE KEYED
MASTERCARD XXXXXXXXXXXX4015
MID: 485200870999
SIGNATURE VERIFIED

Order 7JZDPNNCRD61J

Online: <https://clover.com/p/HRMWS8Y3NQGVP>



HRMWS8Y3NOGVP

Welcome to Chick-fil-A
The Colony FSU (#00774)
The Colony, TX
(972) 370-2760

Operator: Warren Leonhardi
CUSTOMER COPY

4/5/2016 4:35:11 PM
PICKUP

Order Number: 3301750

Guest: Tina The City Of The Colony
Phone 9726243105
Promised Time: 4/5/2016 4:45 PM

1 Nugget Tray MD	43.50
+ 8oz BBQ	
1 Nugget Tray MD	43.50
+ 8oz Hny Must	
1 RED FLAG	0.00
1 Wrap/CSS Tray LG	56.50
1 Ck Tray 24ct	28.50
1 Blue Flag	0.00
3 + FF Hny Must.	
3 + Gar&Hrb Ranch	
3 + Avo Ranch	

Sub. Total:	\$172.00
Tax:	\$0.00
Total:	\$172.00

Change	\$0.00
MasterCard:	\$172.00
Register:4	Tran Seq No: 3301750
Cashier:Leah	

It was our pleasure serving you!
Have a wonderful day.

MasterCard
Card Num : XXXXXXXXXXXX4015
Terminal : KA13521747004
Approval : O31368
Sequence : O55110

I agree to pay the above Total Amount
according to Card Issuer Agreement.

Signature: _____

INVOICE

DrawingBoard Printing
 101 E. Ninth St
 Waynesboro, PA 17268
 TEL: 800-527-9530 FAX: 800-253-1838
 OUR FEDERAL ID # IS: 20-0921925

CUSTOMER NO.		INVOICE NO.	
1795749		8992664	
P.O. NUMBER		TERMS	DATE
		N20	05/19/16

BILL TO:

TINA STEWART
 CITY OF THE COLONY
 6800 MAIN ST.
 THE COLONY, TX 75056

SHIP TO:

QUANTITY	ITEM	ITEM DESCRIPTION	AMOUNT
1	.G.MBDG2	METAL NAME BADGE	21.40
			DISCOUNT 0.00
			SUBTOTAL 21.40
			SHIPPING/HANDLING 8.95
			TAX 0.00
			TOTAL 30.35
			AMT PAID 0.00
Visit www.drawingboard.com today!		PAYMENT TYPE	AMOUNT DUE
* Please note our address: 101 E. Ninth St, Waynesboro, PA 17268		AR	30.35

***** PLEASE INSPECT YOUR PRODUCT UPON RECEIPT *****

THANK YOU FOR YOUR ORDER ... Celebrating 60 Years of Customer Satisfaction! 1956 -- 2016
 * Please note our new address: 101 E. Ninth St, Waynesboro, PA 17268

*** If you have already submitted payment, please disregard. Thank You. ***

Remit To:

DrawingBoard Printing
 101 E. Ninth St
 Waynesboro, PA 17268
 TEL: 800-527-9530 FAX: 800-253-1838

Remittance Stub

CUSTOMER NO.	INVOICE NO.	INVOICE DATE	DUE DATE
1795749	8992664	05/19/16	06/08/16
Amount Due			30.35

Method of Payment:

- Check Money Order
 Bill to my credit card:
 Visa (13 or 16 digits) Discover/Novus (16 digits)
 MasterCard (16 digits) American Express (15 digits)

Account Number

Expiration Date

Cardholder Signature _____

Please make necessary changes to your address, phone and fax number.

Drawing Board, Inc's assent to this sale is expressly conditional to the terms posted at www.standardtermsofsale.com and no terms of the buyer which are different or additional to or in conflict with those herein are accepted.

SPAN, INC.
 1800 Malone St.
 Denton TX 76201

INVOICE	INV000808
Type	
Date	4/30/2016
Page	1

Bill to:

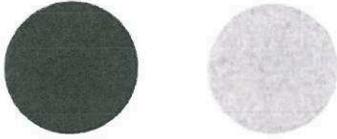
City of The Colony
 5151 N. Colony Blvd.
 The Colony TX 75056

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	
211	Trips to the Senior Center in April 2016	Each	\$0.00	\$2,713.46	
493	Trips for Demand Response in April 2016	Each	\$0.00	\$6,339.98	
Subtotal				\$9,053.44	
Misc				\$0.00	
Tax				\$0.00	
Freight				\$0.00	
Trade Discount				\$0.00	
Total				\$9,053.44	

Client #	Funding	Street #	Street Name	Unit #	Residence	Destination	Street #	Street Name	Trip Count	Client Count
1464	COUNTY	5900	LONGO ST		THE COLONY	LEWISVILLE	103	KATHRYN DR	16	0
1464	COUNTY	5900	LONGO ST		THE COLONY	THE COLONY	5900	LONGO ST	15	1
1751	COUNTY	4508	LAKECREST DR		THE COLONY	LEWISVILLE	2680	DENTON TAP	13	0
1751	COUNTY	4508	LAKECREST DR		THE COLONY	THE COLONY	4508	LAKECREST DR	13	1
12475	COUNTY	6046	MC AFEE DR		THE COLONY	LEWISVILLE	500	W MAIN ST	1	0
12475	COUNTY	6046	MC AFEE DR		THE COLONY	THE COLONY	6046	MC AFEE DR	1	1
13632	COUNTY	5613	GREEN HOLLOW LN		THE COLONY	LEWISVILLE	103	KATHRYN DR	8	0
13632	COUNTY	5613	GREEN HOLLOW LN		THE COLONY	LEWISVILLE	328	W MAIN ST	7	1
14063	COUNTY	4605	W LAKE HIGHLANDS RD		THE COLONY	LEWISVILLE	1511	FM-407	2	0
14063	COUNTY	4605	W LAKE HIGHLANDS RD		THE COLONY	LEWISVILLE	1960	ARCHER AVE	6	0
14063	COUNTY	4605	W LAKE HIGHLANDS RD		THE COLONY	THE COLONY	4605	W LAKE HIGHLANDS RD	7	1
14350	COUNTY	4601	CARR ST		THE COLONY	THE COLONY	4601	CARR ST	10	1
17801	COUNTY	5548	ROCKWOOD DR		THE COLONY	LEWISVILLE	103	KATHRYN DR	16	0
17801	COUNTY	5548	ROCKWOOD DR		THE COLONY	THE COLONY	5548	ROCKWOOD DR	16	1
19384	COUNTY	5229	KNOX DR		THE COLONY	THE COLONY	5229	KNOX DR	19	0
19384	COUNTY	5229	KNOX DR		THE COLONY	LEWISVILLE	1511	FM-407	4	0
19384	COUNTY	5229	KNOX DR		THE COLONY	LEWISVILLE	1960	ARCHER AVE	16	1
19541	COUNTY	6245	MORNING STAR DR	337	THE COLONY	CARROLLTON	4333	N JOSEY LN	1	0
19541	COUNTY	6245	MORNING STAR DR	337	THE COLONY	THE COLONY	6245	MORNING STAR DR	1	1
20022	COUNTY	3916	OAKMONT		THE COLONY	THE COLONY	4675	ST HWY 121	11	1
20467	COUNTY	5001	N COLONY BLVD		THE COLONY	LEWISVILLE	1511	FM-407	4	0
20467	COUNTY	5001	N COLONY BLVD		THE COLONY	LEWISVILLE	1960	ARCHER AVE	16	0
20467	COUNTY	5001	N COLONY BLVD		THE COLONY	THE COLONY	5001	N COLONY BLVD	20	1
20966	COUNTY	5220	COLE DR		THE COLONY	ARGYLE	9554	DAVID FORT RD	1	1
21275	COUNTY	6004	MAYES DR		THE COLONY	THE COLONY	3805	MAIN ST	13	0
21275	COUNTY	6004	MAYES DR		THE COLONY	THE COLONY	6004	MAYES DR	20	1
23966	COUNTY	6245	MORNINGSTAR	427	THE COLONY	LEWISVILLE	617	E MAIN ST	1	1
24423	COUNTY	6529	TERRACE DR		THE COLONY	THE COLONY	6529	TERRACE DR	2	0
24423	COUNTY	6529	TERRACE DR		THE COLONY	THE COLONY	6529	TERRACE DR	2	0
24423	COUNTY	6529	TERRACE DR		THE COLONY	THE COLONY	6529	TERRACE DR	2	1
26205	COUNTY	4913	WAGNER DR		THE COLONY	FRISCO	5575	WARREN PKWY	1	0
26205	COUNTY	4913	WAGNER DR		THE COLONY	THE COLONY	4913	WAGNER DR	2	1
26688	COUNTY	5000	WALKER DR		THE COLONY	THE COLONY	4691	ST HWY 121	1	0
26688	COUNTY	5000	WALKER DR		THE COLONY	THE COLONY	5000	WALKER DR	2	0
26688	COUNTY	5000	WALKER DR		THE COLONY	THE COLONY	6700	MAIN ST	2	0
26688	COUNTY	5000	WALKER DR		THE COLONY	CARROLLTON	4323	N JOSEY LN	1	0
26688	COUNTY	5000	WALKER DR		THE COLONY	THE COLONY	5000	MAIN ST	1	0
26688	COUNTY	5000	WALKER DR		THE COLONY	THE COLONY	5000	WALKER DR	2	0
26688	COUNTY	5000	WALKER DR		THE COLONY	THE COLONY	4691	ST HWY 121	1	0
26688	COUNTY	5000	WALKER DR		THE COLONY	THE COLONY	5000	WALKER DR	1	1
26693	COUNTY	6245	MORNING STAR DR	213	THE COLONY	PLANO	6300	W PARKER	1	0
26693	COUNTY	6245	MORNING STAR DR	213	THE COLONY	PLANO	6300	W PARKER RD	1	0
26693	COUNTY	6245	MORNING STAR DR	213	THE COLONY	THE COLONY	6245	MORNING STAR DR	3	1
26780	COUNTY	4526	NERVIN ST		THE COLONY	THE COLONY	4526	NERVIN ST	1	0
26780	COUNTY	4526	NERVIN ST		THE COLONY	THE COLONY	4526	NERVIN ST	10	1
27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	LEWISVILLE	2700	VILLAGE PKY	13	0
27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	THE COLONY	6245	MORNING STAR DR	13	0
27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	CARROLLTON	4525	N JOSEY LN	1	0
27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	LEWISVILLE	560	W MAIN	1	0
27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	THE COLONY	6245	MORNING STAR DR	2	1
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	4691	ST HWY 121	1	0
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	4703	STATE HWY 121	4	0
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	4897	STATE HWY 121	1	0
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	5201	S COLONY BLVD	6	0
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	5301	SAGERS BLVD	5	0
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	4897	STATE HWY 121	1	0
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	5301	SAGERS BLVD	1	0
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	4703	STATE HWY 121	1	0
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	5301	SAGERS BLVD	1	1
27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	DENTON	1225	WILSON ST	1	0
27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	DENTON	1314	TEASLEY LN	1	0
27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	THE COLONY	6245	MORNINGSTAR DR	1	0
27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	FRISCO	5550	FM 423	1	0
27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	THE COLONY	4691	ST HWY 121	1	0
27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	THE COLONY	6245	MORNINGSTAR DR	2	1
27443	COUNTY	5616	PERRIN ST		THE COLONY	THE COLONY	6805	F-M RD 423	4	0
27443	COUNTY	5616	PERRIN ST		THE COLONY	CARROLLTON	4325	N JOSEY LN	1	0
27443	COUNTY	5616	PERRIN ST		THE COLONY	CARROLLTON	4323	N JOSEY LN	1	0
27443	COUNTY	5616	PERRIN ST		THE COLONY	THE COLONY	5616	PERRIN ST	1	1
27508	COUNTY	5724	BAKER DR		THE COLONY	LEWISVILLE	151	W CHURCH ST	9	0



SPAN, INC.

I N V O I C E

Invoice # 1189
Invoice Date: 05/18/16
Customer ID: Colo

Bill To:
City of The Colony
5151 North Colony Blvd
The Colony, TX 75056

Ship To:
Same

Date	Your Order #	Our Order #	Sales Rep.	FOB	Ship Via	Terms	Tax ID
05/18/16						On Receipt	

Quantity	Item	Units	Description	Discount %	Taxable	Unit Price	Total
1250	1	Ea	Senior Center Trip Fares			2.50	3,125.00
			Oct. 1, 2015 to March 31, 2016				
			(1,337 Total Trips)				
						Subtotal	3,125.00
						Tax	
						Shipping	
						Miscellaneous	
						Balance Due	3,125.00

REMITTANCE

Customer ID: colo
Date: 05/18/16
Amount Due: \$3,125.00
Amount Enclosed:

If Payment has been submitted please disregard this notice.

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: June 29, 2016

MEETING DATE: 6/7/2016

SUMMARY OF REQUEST: Consider approving a resolution authorizing the city manager to execute an Interlocal Cooperation Agreement with the City of Carrollton for assistance in Engineering Inspections for Private Subdivisions (Engineering, Scruggs)

Background:

Because of the increasing number of construction projects for private developments and the recent retirement of an inspector, the City needs short term assistance with engineering inspections. The cost of a private firm's assistance is about \$20,000 per month. Since Carrollton is able to assist, the cost is reduced to about \$10,000 per month.

This Interlocal Cooperation Agreement (ICA) will permit Carrollton to provide the needed inspections assistance for water, wastewater and paving at an hourly rate of \$65.

Purpose:

To approve an ICA with the City of Carrollton for assistance in engineering inspections for private subdivisions.

Issues:

Item will be considered by City of Carrollton City Council on July 12, 2016.

Alternatives:

N/A

Recommendations:

Staff and the City Attorney have reviewed the ICA and staff recommends approval.

Suggested motion: Motion to approve an Interlocal Cooperation Agreement with the City of Carrollton for assistance in engineering inspections for private subdivisions.

FINANCIAL SUMMARY: (Leave blank if N/A)

Are budgeted funds available: Yes No Amount budgeted/available: \$15,000

Fund(s) (Name and number): FY 2015-2016 Engineering Budget

Source of Funds: FY 2015-2016 Engineering Budget

Cost of recommended contract amendment: \$15,000 approx.

Total estimated project cost:

\$ 15,000.00 Inspections (Approx.)

Already authorized Yes No

\$ _____ Construction

\$ _____ Other costs

\$ 15,000.00 Total estimated costs

Future Costs (if any): \$ _____

Revenue Generated: \$ _____

FISCAL IMPACT STATEMENT (Leave blank if N/A)

If this is a non-budgeted item, identify probable gain, loss, or cost for each of the next 3 years. Identify whether any cost will be incurred thereafter. N/A

Attachments:

Location Map

Interlocal Cooperation Agreement

Resolution

**INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF
THE COLONY AND THE CITY OF CARROLLTON
FOR
ASSISTANCE IN ENGINEERING INSPECTIONS FOR PRIVATE
SUBDIVISIONS**

THIS AGREEMENT, (the "Agreement"), is made and entered into by and between the City of Carrollton, Texas a home-rule municipal corporation located in Collin, Dallas and Denton counties, Texas (hereinafter referred to as "Carrollton") and the City of The Colony, Texas, a home-rule municipal corporation located in Denton County, Texas (hereinafter referred to as "The Colony")

WHEREAS, this Agreement is being entered into pursuant to the Interlocal Cooperation Act, V.T.C.A., Government Code, Section 791.001, et seq. (the "Act"); and

WHEREAS, Carrollton and The Colony are both local governments as defined by Section 791.003(a) of the Act engaged in the provision of governmental functions and services to their citizens. Part of these governmental functions and services includes review of residential and commercial subdivision infrastructure design and construction; and

WHEREAS, these functions and services serve the public health, safety and welfare, promote efficiency and effectiveness of local governments, and are of mutual concern to the contracting parties; and

WHEREAS, Carrollton Engineering Department performs infrastructure examination, inspections and The Colony has a need for such services on a temporary basis; and

WHEREAS, The Colony has current revenues available to satisfy the fees and/or expenses incurred pursuant to this Agreement; and

WHEREAS, The Colony may utilize Carrollton on an as needed basis when necessary to keep up with work load demands as specifically requested; and

WHEREAS, Carrollton and The Colony mutually desire to be subject to the provisions of V.T.C.A. Government Code §791.001, et. seq., the Interlocal Cooperation Act, and other applicable sections, statutes and contracts pursuant thereto;

NOW THEREFORE, for mutual consideration hereinafter stated, Carrollton and The Colony agree as follows:

I. TERM

The initial term of this Agreement shall be for a period beginning on the effective date of the Agreement, as provided herein, and ending August 26, 2016. Thereafter, upon mutual agreement of the parties hereto, this Agreement may be renewed for an additional 45 days term, unless terminated earlier by either Carrollton or The Colony as set forth below.

II. AGREEMENT

Carrollton agrees to provide infrastructure inspection services to The Colony at the rate of \$65.00 per hour, subject to the following conditions:

- 1) The Colony City Manager, or his duly authorized designee shall identify the projects for which The Colony is requesting assistance and Carrollton's Director of Engineering will coordinate Carrollton staff to provide these services to The Colony on an "as available" basis. Carrollton's own projects shall take precedence over The Colony's projects.
- 2) The Colony will make available all plans for projects to be inspected by the Carrollton's Engineering Department either by deliver to Carrollton City Hall located at 1945 East Jackson Road, Carrollton, Texas 75006 or by providing a copy at the Colony City Hall.
- 3) Carrollton will perform:
 - a) Standard pavement inspection including inspection of steel rebar spacing, size and tied;
 - b) Review material tests lab reports prior to accepting concrete shipment. In the event of a failure to meet the applicable standard, have the authority to not accept the concrete mix;
 - c) Inspect placement of underground water and sewer pipes to ensure they are placed in accordance with applicable specifications;
 - d) Request Materials Testing services, CATV pipeline services and other testing services necessary to ensure conformance with project requirement.
- 4) Carrollton will perform other associated surface and subsurface inspection work as needed.

**III.
PAYMENT/FUNDING**

The Colony shall compensate Carrollton at the rate of \$65.00 per hour for the time that Carrollton spends inspecting subdivision projects for The Colony. Carrollton will invoice The Colony for services rendered once a month. Carrollton will invoice The Colony in increments no smaller than one-half of an hour. The Colony shall make payment to Carrollton within thirty (30) days of receipt of invoice. All charges incurred by The Colony as a result of its obligations hereunder shall be paid from current revenues legally available to The Colony. The Colony and Carrollton recognize that the continuation of any contract after the close of any given fiscal year of either The Colony or Carrollton, which fiscal year's end on September 30th of each year, shall be subject to approval by the Carrollton City Council and/or The Colony City Council. In the event that either the Carrollton City Council or The Colony City Council does not approve the appropriation of funds for this contract, the contract shall terminate at the end of the fiscal year for which funds were appropriated and the parties shall have no further obligations hereunder.

**IV.
TERMINATION**

This Agreement may be terminated at any time, with or without cause, by either party giving thirty (30) days advance written notice to the other party. In the event of such termination by either party, The Colony shall immediately pay all fees which may be due and owing to Carrollton for work performed through the date of termination of the agreement.

**V.
NOTICE**

Notice as required by this Agreement shall be in writing delivered to the parties via facsimile or certified mail at the addresses listed below:

CARROLLTON

Cesar Molina
Director of Engineering
City of Carrollton
1945 East Jackson Road
Carrollton, Texas 75006
Telephone: 972 466-3051
Facsimile: 972 466-3193

THE COLONY

Gordon Scruggs
Director of Engineering
City of The Colony
6800 Main Street
The Colony, Texas 75056
Telephone: 972 624-
Facsimile: 972 624-2229

Each party shall notify the other in writing within ten (10) days of any change in the information listed in this paragraph.

**VI.
HOLD HARMLESS**

Each party does hereby agree to waive all claims against, release, and hold harmless the other party and its respective officials, officers, agents, employees, in both their public and private capacities, from any and all liability, claims, suits, demands, losses, damages, attorney's fees, including all expenses of litigation or settlement, or causes of action which may arise by reason of injury to or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this contract.

In the event of joint or concurrent negligence of the parties, responsibility, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to either party individually under Texas law. Carrollton shall be responsible for its sole negligence. THE COLONY shall be responsible for its sole negligence. The provisions of this paragraph are solely for the benefit of the parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

**VII.
ENTIRE AGREEMENT**

This Agreement represents the entire and integrated agreement between Carrollton and The Colony and supersedes all prior negotiations, representations and/or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties.

**VIII.
VENUE**

This Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas, and this Agreement is performable in Denton County, Texas. Exclusive venue shall be in Denton County, Texas.

**IX.
SEVERABILITY**

The provisions of this agreement are severable. In the event that any paragraph, section, subdivision, sentence, clause, or phrase of this agreement shall be found to be contrary to the law, or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of this agreement. However, upon the occurrence of such event, either party may terminate this Agreement by giving the other party thirty (30) days written notice of its intent to terminate

**X.
AUTHORITY TO SIGN / CITY COUNCIL AUTHORIZATION**

The undersigned officer and/or agents of the parties hereto are the duly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto. **THE COLONY** has executed this Agreement pursuant to duly authorized action of the governing body for the City of The Colony, Texas on _____, 2016. **CARROLLTON** has executed this Agreement pursuant to duly authorized City Council Resolution No. _____ dated _____, 2016.

**XI.
ASSIGNMENT AND SUBLETTING**

This Agreement may not be assigned without the prior written consent of the parties.

**XII.
INTERPRETATION OF AGREEMENT**

This is a negotiated document. Should any part of this Agreement be in dispute, the parties agree that the Agreement shall not be construed more favorably for either party.

**XIII.
REMEDIES**

No right or remedy granted herein or reserved to the parties is exclusive of any right or remedy granted by law or equity; but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Agreement may be waived without the express written consent of the parties. It is further agreed that one (1) or more instances of forbearance by either party in the exercise of its respective rights under this Agreement shall in no way constitute a waiver thereof.

EXECUTED in duplicate originals this _____ day of _____, 2016.

CITY OF CARROLLTON, TEXAS

By: _____

Leonard Martin
CITY MANAGER
1945 East Jackson Road
Carrollton, Texas 75006

APPROVED AS TO FORM:

Meredith Ladd, CITY ATTORNEY

CITY OF THE COLONY, TEXAS

By: _____
Troy C. Powell
CITY MANAGER
6800 Main Street
The Colony, TX 75056

ACKNOWLEDGMENTS

STATE OF TEXAS)
)
DENTON COUNTY)

This instrument was acknowledged before me on the _____ day of _____, 2016, by **Troy C. Powell**, City Manager of **THE COLONY, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public, State of Texas

STATE OF TEXAS)
)
DALLAS COUNTY)

This instrument was acknowledged before me on the _____ day of _____, 2016, by **Leonard Martin**, City Manager of the **CITY OF CARROLLTON, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public, State of Texas

**CITY OF THE COLONY, TEXAS
RESOLUTION NO. 2015 - _____**

A RESOLUTION OF THE CITY OF THE COLONY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF THE COLONY AND THE CITY OF CARROLLTON FOR ASSISTANCE IN ENGINEERING INSPECTIONS FOR PRIVATE SUBDIVISIONS AS PROVIDED IN ATTACHMENT “A”, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; AND 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 Manager of the City of The Colony, Texas, is hereby authorized to execute an Interlocal Cooperation Agreement with the City of Carrollton for assistance in engineering inspections for private subdivisions as defined in the Agreement, which is attached hereto and incorporated herein by reference as Attachment “A”.

Section 2. That a true and correct copy of the Interlocal Cooperation Agreement is attached hereto and incorporated herein.

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 **July, 2016**.

Joe McCourry, Mayor

ATTEST:

Tina Stewart, TRMC, Interim City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: June 29, 2016

MEETING DATE: 07/05/2016

SUMMARY OF REQUEST: Consider approving a resolution authorizing the City Manager to execute a Letter of Direction with CD Builders, Inc., Endurance Reinsurance Corporation of America, and Dayhill Group, LLC to amend Payment Provisions for the Phase 5 Residential Street re-construction (Engineering, Scruggs)

Background:

The City entered in to an agreement CD Builders, Inc. on April 7, 2015 for re-construction of Ragan Road, Nash Drive, and Roberts Drive. The contract was amended to remove Ragan Road from the construction on May 10, 2016.

The contractor and surety companies have request that the City pay a third party and this third party will pay the subcontractors on the project. Staff recommends approval of the Letter of Direction.

Purpose:

To approve a Letter of Direction with CD Builders, Inc. for the Phase 5 street re-construction.

Issues:

N/A

Alternatives:

N/A

Recommendation:

Staff and the City Attorney have reviewed the Letter of Direction and staff recommends approval.

Suggested motion: I move to recommend approval of the Letter of Direction for re-construction of Nash Drive and Roberts Drive.

Attachments:

Location Map
Letter of Direction
Resolution

LETTER OF DIRECTION

This Letter of Direction ("Agreement") is made by and between the City of The Colony, Texas, a Texas home-rule municipality (the "City"), CD Builders, Inc., a Texas corporation (the "Contractor"), Endurance Reinsurance Corporation of America, a corporation licensed to conduct business in Texas as a construction surety (the "Surety"), and the Dayhill Group, LLC, a Pennsylvania limited liability company ("Dayhill"), and is effective as of the 1st day of April, 2016.

RECITALS

WHEREAS, the City and the Contractor entered into that certain construction contract whereby the Contractor agreed to perform work on the Phase V Street Reconstruction Project for the City (the "Project"); and

WHEREAS, the Surety provided performance and payments bonds for the Contractor in connection with the above-referenced Project; and

WHEREAS, as a condition precedent for handling claims under the performance and payment bonds for the Project, the Surety has required the Contractor to employ Dayhill to be the Disbursement Agent which the Contractor will use to assist the Contractor in discharging the Contractor's payment duties noted in the construction contract between the City and the Contractor; and

WHEREAS, as Disbursement Agent, Dayhill is employed directly by the Contractor and is in no way a party to the construction contract executed by the City and the Contractor on the Project; and

WHEREAS, the Contractor desires to amend the construction contract payment provisions regarding where the City's payments for work are to be sent; and

WHEREAS, the Surety desires to amend that certain letter of instruction, dated February 3, 2016, wherein the Surety instructed the City to release no further funds to the Contractor in connection with the Project, including any progress payments, retainage or additional claim amounts, without the advanced written consent and direction of Surety; and

WHEREAS, the Contractor desires to amend that certain letter of instruction, dated February 22, 2016, wherein the Contractor directed the City to make future payments under the Project jointly to the Contractor and to MAPFRE, as agent for the Surety; and

WHEREAS, the City understands that the Contractor, Surety and Dayhill agree that the Contractor has assigned any and all future contract proceeds and payments made by the City to the Contractor, on the Project, to Dayhill; and

WHEREAS, the City, the Surety, and the Contractor desire to enter into this Agreement as an amendment to the construction contract for the Project whereby all contract funds paid by

such obligation or requirement shall be extended for a period of time equal to the period such party was delayed.

8. The persons executing this Agreement are authorized to execute this Agreement on behalf of each of the respective parties.
9. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation that has the force and effect of law, the remaining portions of this Agreement shall be enforced as if the invalid provision had never been included.
10. This Agreement shall be binding upon and inure solely to the benefit of the parties hereto, and their respective legal representatives, successors and assigns, however nothing herein is intended to waive any of the respective rights, remedies, claims or defenses of the parties that they may already exist or may have arisen prior hereto. This Agreement may not be assigned, transferred or otherwise conveyed by any party without the prior written consent of the parties to this Agreement.

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be executed by its undersigned duly authorized representative as of the date hereinabove first mentioned.

CITY OF THE COLONY, TEXAS

By: _____

Print name: _____

CD BUILDERS, INC.

By: _____

Print name: Ismael Carrasquillo

ENDURANCE REINSURANCE CORPORATION OF AMERICA

By: _____

Print name: Roberto A. De Soto Lopez

DAYHILL GROUP, LLC

By: _____

Print name: Kevin Deasy

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

**A RESOLUTION OF THE CITY OF THE COLONY, TEXAS
AUTHORIZING THE CITY MANAGER TO EXECUTE A
LETTER OF DIRECTION WITH CD BUILDERS, INC.,
ENDURANCE REINSURANCE CORPORATION OF AMERICA,
AND DAYHILL GROUP, LLC, TO AMEND PAYMENT
PROVISIONS FOR THE PHASE 5 RESIDENTIAL STREET RE-
CONSTRUCTION PROJECT; PROVIDING FOR AN IMMEDIATE
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 approves a letter of direction for the purpose of amending payment provisions for the Phase 5 Residential Street Reconstruction Project.

Section 2. The City has determined that it is in the best interest of the City to approve a letter of direction with CD Builders Inc., Endurance Reinsurance Corporation of America, and Dayhill Group, LLC which is attached hereto and incorporated herein by reference as Exhibit "A," under the terms and conditions provided therein; and

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 July, 2016.

Joe McCourry, Mayor
City of The Colony, Texas

ATTEST:

Tina Stewart, TRMC, Interim City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: June 29, 2016

MEETING DATE: 7/5/2016

SUMMARY OF REQUEST: Consider approving a resolution authorizing the City Manager to execute an Amendment to the Interlocal Cooperation Agreement with the Texas Department of Transportation and City of Lewisville for Maintenance of Traffic Signals on FM 423 and SH 121 (Engineering, Scruggs)

Background:

The City currently has an agreement with TxDOT for the City of Lewisville to operate and maintain the traffic signals on FM 423 and SH121. Signals are being added at the intersections of FM 423 with Lake Highlands Drive and Lone Star Ranch Parkway. This second amendment to the agreement will add the maintenance and operation of these two intersections by Lewisville.

Purpose:

To consider approving an Amendment to the Interlocal Cooperation Agreement with the Texas Department of Transportation and City of Lewisville for Maintenance of Traffic Signals on FM 423 and SH 121.

Issues:

N/A

Alternatives:

N/A

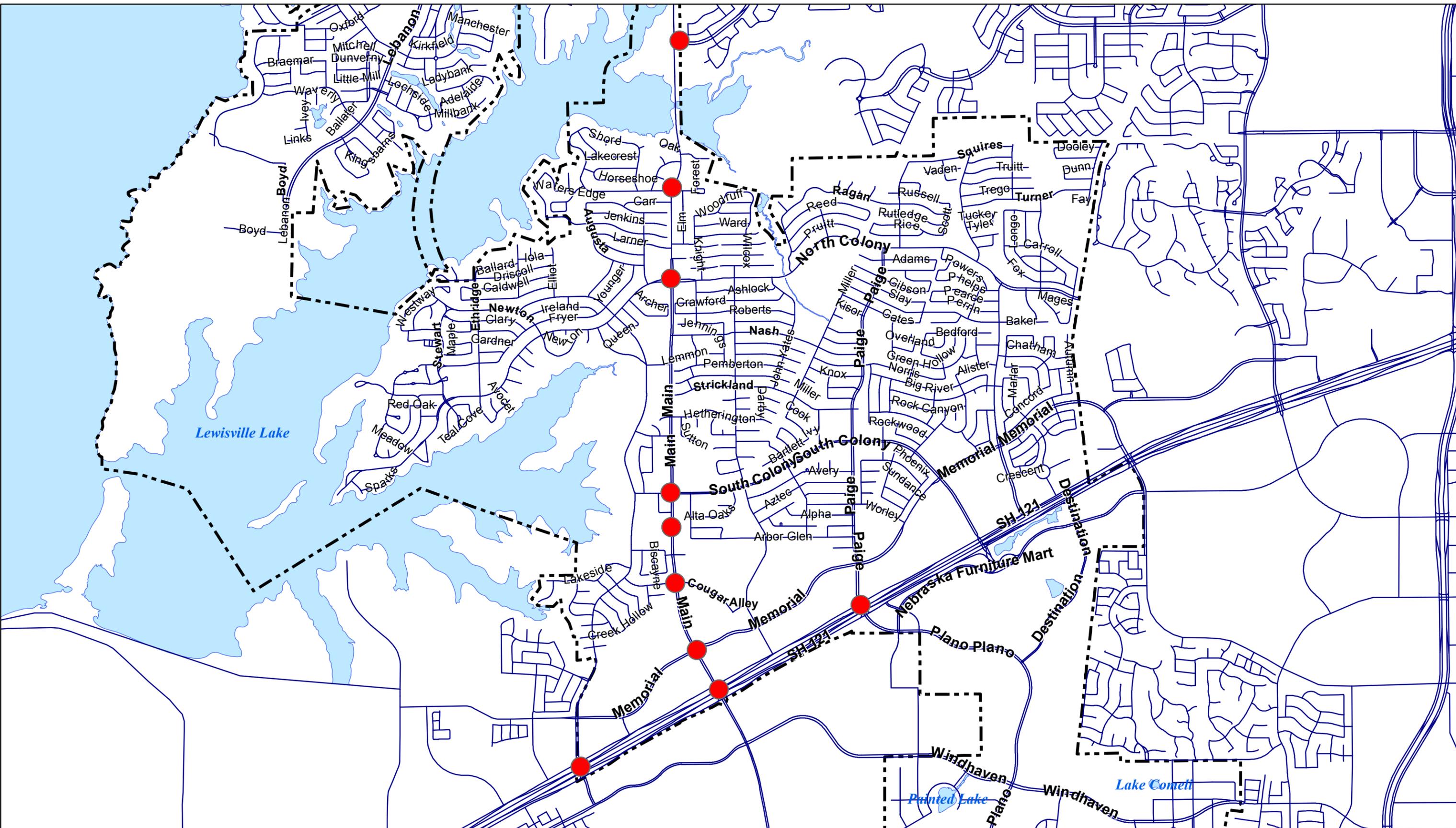
Recommendations:

The City Attorney and staff have reviewed the agreement and staff recommends approval.

Suggested motion: I move to recommend approval of the Amendment to the Interlocal Cooperation Agreement with the Texas Department of Transportation and City of Lewisville for Maintenance of Traffic Signals on FM 423 and SH 121.

Attachments:

Location Map
Traffic Signal Maintenance Agreement
Resolution



Location Map



THE STATE OF TEXAS §

THE COUNTY OF TRAVIS §

**AMENDMENT TO VOLUNTARY INTERLOCAL COOPERATION AGREEMENT
FOR THE OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS
Amendment Number 2**

It is mutually understood and agreed by and between the undersigned contracting parties to the above numbered Voluntary Interlocal Cooperation Agreement for the Operation and Maintenance of Traffic Signals to amend said Agreement as follows:

Article 4 – Compensation (a) shall be voided in its entirety and replaced with the following:

Article 4 – Compensation (a) The maximum amount payable under this Agreement is \$81,555 per year.

Exhibit 1-A shall be voided in its entirety and replaced with the attached EXHIBIT 1-B to add FM 423 at Lake Highlands and FM 423 at Lone Star Ranch Parkway.

This amendment shall become effective when fully executed. All other terms and conditions of the above numbered Voluntary Interlocal Cooperation Agreement for the Operation and Maintenance of Traffic Signals not hereby amended remain in full force and effect.

ADMINISTRATOR—CITY OF LEWISVILLE

By *Donna Barron* Date 06/17/14
AUTHORIZED SIGNATURE

Donna Barron
TYPED OR PRINTED NAME AND TITLE

Title City Manager

LOCAL GOVERNMENT—CITY OF COPPELL

By _____ Date _____
AUTHORIZED SIGNATURE

TYPED OR PRINTED NAME AND TITLE

Title _____

LOCAL GOVERNMENT—CITY OF CORINTH

By _____ Date _____
AUTHORIZED SIGNATURE

TYPED OR PRINTED NAME AND TITLE

Title _____

CITY SECRETARY OFFICE
OFFICIAL FILE COPY

EXHIBIT 1-B

Signalized intersections with one (1) controller on State Highways located within the Local Government of The Colony.

SH 121 at Standridge
SH 121 at FM 423/Crider
SH 121 at Paige/Plano Parkway
FM 423 at Lake Highlands
FM 423 at Lone Star Ranch Parkway
FM 423 at Memorial Drive
FM 423 at Cougar Alley
FM 423 at South Colony
FM 423 at North Colony
FM 423 at Quick Trip Driveway

Signalized intersections with one (1) controller on State Highways located within the Local Government of Coppell.

SH 121 at Denton Tap Road

Signalized intersections with one (1) controller on State Highways located within the Local Governments of Corinth, Hickory Creek and Lake Dallas.

IH35E at FM 2181 (Swisher)

Signalized intersections with one (1) controller on State Highways located within the Local Governments of Corinth and Hickory Creek.

FM 2181 (Teasley Drive) at Hickory Creek Blvd.
FM 2181 (Teasley Drive) at Town Hall/Garrison
FM 2181 (Teasley Drive) at Parkridge/Sycamore Bend

Signalized intersections with one (1) controller on State Highways located within the Local Government of Corinth.

FM 2181 at Post Oak
FM 2181 at FM 2499

Signalized intersections with two (2) controllers on State Highways located within the Local Government of Corinth.

IH35E at Corinth Parkway
IH 35E at Post Oak

CITY SECRETARY OFFICE
OFFICIAL FILE COPY

**CITY OF THE COLONY, TEXAS
RESOLUTION NO. 2015 - _____**

A RESOLUTION OF THE CITY OF THE COLONY, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF THE COLONY AND THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF LEWISVILLE FOR MAINTENANCE OF TRAFFIC SIGNALS ON FM 423 AND SH 121 AS PROVIDED IN ATTACHMENT "A", WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. That the Mayor of the City of The Colony, Texas, is hereby authorized to execute an amendment to the Interlocal Cooperation Agreement with the Texas Department of Transportation and the City of Lewisville for maintenance of traffic signals on FM 423 and SH 121 as defined in the Agreement, which is attached hereto and incorporated herein by reference as Attachment "A".

Section 2. That a true and correct copy of the Interlocal Cooperation Agreement is attached hereto and incorporated herein.

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 **July, 2016**.

Joe McCourry, Mayor

ATTEST:

Tina Stewart, TRMC, Interim City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: June 29, 2016

MEETING DATE: 7/5/2016

SUMMARY OF REQUEST: Consider approving a resolution authorizing the City Manager to execute an Agreement with the Texas Department of Transportation for Furnishing, Installing and Maintenance of Traffic Signal Preemption Equipment (Engineering, Scruggs)

Background:

This equipment allows the normal traffic signal operation to be preempted to provide right-of-way through intersections for emergency vehicles. With the widening of FM 423 / Main Street, the City is installing new preemption equipment at all of the signals. Due to new intersections on FM 423 having traffic signals, TxDOT requested that the City update the preemption agreement. This agreement includes preemption equipment all of the intersections on FM 423 and SH 121.

Purpose:

To consider approving an Agreement with TxDOT for Furnishing, Installing and Maintaining Traffic Signal Preemption Equipment.

Issues:

N/A

Alternatives:

N/A

Recommendations:

The City Attorney and staff have reviewed the agreement and staff recommends approval.

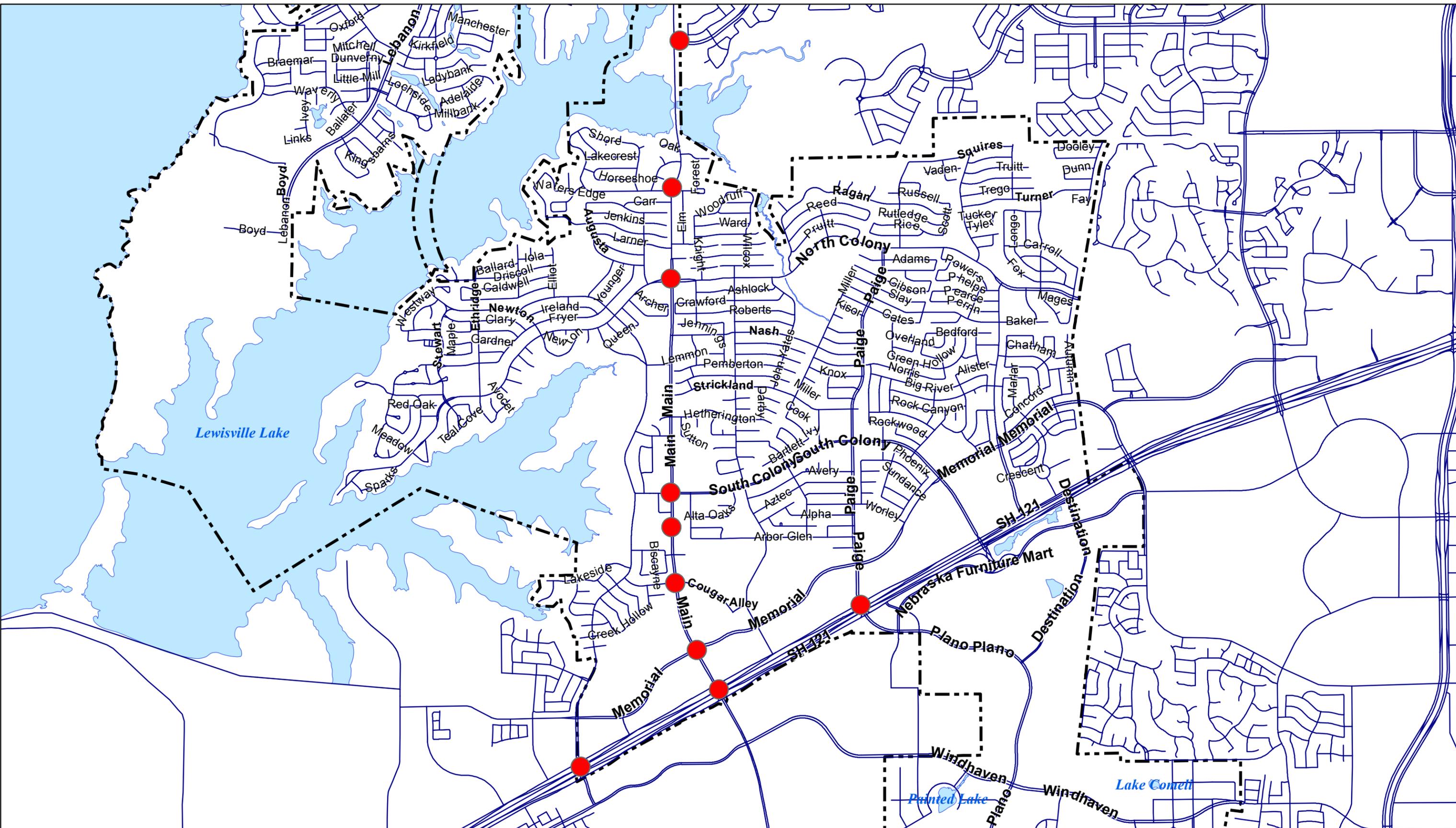
Suggested motion: I move to recommend approval of the Agreement with TxDOT for Furnishing, Installing and Maintaining Traffic Signal Preemption Equipment.

Attachments:

Location Map

Agreement

Resolution



Location Map



THE STATE OF TEXAS §

THE COUNTY OF TRAVIS §

**AGREEMENT FOR THE FURNISHING, INSTALLING AND
MAINTENANCE OF TRAFFIC SIGNAL PREEMPTION EQUIPMENT**

THIS AGREEMENT is made by and between the State of Texas, acting through the Texas Department of Transportation, hereinafter called the "State", and the City of The Colony, hereinafter called the "City", acting by and through its duly authorized officers.

W I T N E S S E T H

WHEREAS, the State owns and maintains a system of highways and roadways in the City of Princeton pursuant to Transportation Code, Section 201.103; and

WHEREAS, the City or its contractor has requested to install emergency vehicle preemption systems at the locations listed on Exhibit A;

WHEREAS, the State and the City are in agreement that the proposed systems will be installed;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

A G R E E M E N T

ARTICLE 1. CONTRACT PERIOD

This agreement becomes effective on final execution by the State and shall remain in effect as long as said traffic signal preemption equipment is in operation at the described locations.

ARTICLE 2. TERMINATION

This agreement may be terminated by one of the following conditions:

- 1) By mutual agreement of both parties;
- 2) By the State giving written notice to the City or its contractor as consequence of failure by the City or its contractor to satisfactorily perform the services and obligations set forth in this agreement, with proper allowances being made for circumstances beyond the control of the City or its contractor;
- 3) By either party upon thirty (30) days written notice to the other.

ARTICLE 3. COMPENSATION

No compensation shall be paid for this agreement.

ARTICLE 4. PERSONNEL, EQUIPMENT, AND MATERIAL

- A. The City or its contractor will use labor and supervisory personnel employed directly by the City or its contractor, and use City owned or its contractor owned machinery, equipment, and vehicles necessary for the work. In the event that the City or its contractor does not have the machinery, equipment, and vehicles necessary to perform the work, the machinery, equipment, and vehicles may be rented or leased as necessary.
- B. No reimbursement shall be paid for any materials supplied by the City or its contractor. All materials shall be new and undepreciated stock.

- C. Any necessary changes to the existing signal required to install the preemption system will be at the City's expense.
- D. If it becomes necessary to adjust, replace or reinstall the preemption system due to reconstruction of the intersection or upgrading of the signals, it shall be done by the City at City expense.

ARTICLE 5. INSPECTION OF WORK

- A. The State shall make suitable and complete inspection of all materials, and equipment, and the work of installation to determine and permit certification that the components meet all applicable requirements and are in suitable condition for operation and maintenance by the City or its contractor after its completion. All components of the system will be subject to random testing and inspections by the State.
- B. The City or its contractor will provide opportunities, facilities, and representative samples, as may be required, to enable the State to carry on initial and random inspections of all materials and application methods; sufficient to afford determination and certification by the State that all parts of the installation and the component materials comply with the State standards and specifications. The State will promptly notify the City or its contractor of any failure of materials, equipment, or installation methods, and the City or its contractor will take such measures necessary to obtain acceptable systems components and installation procedures without delay.

ARTICLE 6. RESPONSIBILITIES OF THE PARTIES

The parties agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives and agents. State shall not be held responsible for the operation (or non-operation) of the preempt equipment, or for any effect it may have on emergency vehicle response.

ARTICLE 7. DE-ACTIVATION OF THE PREEMPT SYSTEM

The State reserves the right to disconnect the preempt system from the traffic signals should any problem arise affecting the State including that the State has determined that the preemption is being abused. The State will notify the appropriate City office of the de-activation of the preempt system. Upon correction of the problem the preempt system would be re-connected.

ARTICLE 8. PREEMPTION INSTALLATION REQUIREMENTS

The City or its contractor shall furnish and install an aluminum lockable cabinet for the preemption system equipment. The preemption cabinet shall be attached to the State's traffic signal cabinet by means of a two (2) inch Myer's hub supplied by the City or its contractor. The City or its contractor will furnish and install a Cannon type disconnect plug between the State's traffic signal cabinet and the preemption cabinet. The State will furnish 120 volts AC power to the preemption cabinet for all auxiliary equipment. All transformation of power shall take place within the preemption cabinet. The State will allow the preemption equipment to monitor all outgoing green traffic signal indications. The preemption equipment will supply a maximum of four preemption inputs.

ARTICLE 9. REPORTS

Upon written request, the City will be required to supply the State with a list of preemptions. The list shall show date, time, intersection, direction, and duration of each preemption and vehicle identification information of the emergency vehicle requesting each preemption. At the request

of the State, the Local Government shall submit any information required by the State in the format directed by the State.

ARTICLE 10. REMEDIES

Violation or breach of contract terms by the City or its contractor shall be grounds for termination of the agreement, and any increased cost arising from the City or its contractor's default, breach of contract, or violation of terms shall be paid for by the City or its contractor. This agreement shall not be considered as specifying the exclusive remedy for default, but all remedies existing at law and in equity may be availed of by either party and shall be cumulative.

If at any time, the City or its contractor fails to assume the maintenance and operations responsibilities for the preemption systems in a satisfactory manner as determined by the State, the State reserves the right to arrange for maintenance and operations at the expense of the City or its contractor. The State shall contact the appropriate City authority prior to the arrangement for alternative maintenance.

ARTICLE 11. INSURANCE

The City shall provide necessary safeguards to protect the public on State-maintained highways including adequate insurance for payment of any damages which might result during the construction, maintenance and operation of the preemption equipment, and to save the State harmless from damages, to the extent of said insurance coverage and insofar as it can legally do so. Prior to beginning work on the State's right-of-way, the City's construction contractor shall submit to the State a fully executed copy of the State's form 1560 Certificate of Insurance and shall maintain the required coverage during the construction of all work associated with this agreement.

ARTICLE 12. SUBLETTING

The City or its contractor shall not sublet or transfer any portion of its responsibilities and obligations under this agreement unless specifically authorized in writing by the State. In the event the City or its contractor enters into subcontracts, the subcontractors must adhere to the provisions of this agreement.

ARTICLE 13. SUCCESSORS AND ASSIGNS

The City or its contractor shall not assign or otherwise transfer its rights or obligations under this agreement except with the prior written consent of the State.

ARTICLE 14. LEGAL CONSTRUCTION

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

ARTICLE 15. INSPECTION OF CITY'S BOOKS AND RECORDS

- A. The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds.
- B. The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract.

Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

ARTICLE 16. NOTICES

All notices to either party by the other required under this Agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to such party at the following respective addresses:

City:	State:
City of The Colony Attn: Director of Engineering 6800 Main Street The Colony, TX 75056	Texas Department of Transportation Attn: Director of Operations 4777 E. Highway 80 Mesquite, TX 75150

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party hereto may change the above address by sending written notice of such change to the other in the manner provided herein.

ARTICLE 17. GOVERNING LAWS AND VENUE

This agreement shall be construed under and in accordance with the laws of the State of Texas. Any legal actions regarding the parties' obligations under this agreement must be filed in Travis County, Texas.

ARTICLE 18. PRIOR AGREEMENTS SUPERSEDED

This agreement constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties respecting within the subject matter.

ARTICLE 19. REVISIONS TO EXHIBIT A

Revisions to the locations listed in Exhibit A may be made if submitted in writing by the City and initialed by both parties.

IN WITNESS WHEREOF, the State and the City have signed duplicate counterparts of this agreement.

THE CITY OF THE COLONY

Executed on behalf of the City by:

By _____ Date _____

Typed or Printed Name and Title _____

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____

James K. Selman, P.E.
Dallas District Engineer

EXHIBIT A

- 1) SH 121 at Standridge
- 2) SH 121 at FM 423 / Josey
- 3) SH 121 at Paige / Plano Pkwy
- 4) FM 423 at Memorial Dr
- 5) FM 423 at Cougar Alley / Ridgepointe Dr
- 6) FM 423 at South Colony
- 7) FM 423 at North Colony
- 8) FM 423 at Quick Trip Driveway
- 9) FM 423 at Lake Highlands
- 10) FM 423 at Lone Star Ranch Pkwy

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

**A RESOLUTION OF THE CITY OF THE COLONY, TEXAS,
AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT
BY AND BETWEEN THE CITY OF THE COLONY AND THE
TEXAS DEPARTMENT OF TRANSPORTATION, WHICH IS
ATTACHED HERETO AND INCORPORATED HEREIN AS
EXHIBIT "A", FOR THE PURPOSE OF PROVIDING
FURNISHING, INSTALLATION AND MAINTENANCE OF
TRAFFIC SIGNAL PREEMPTION EQUIPMENT; 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 approves an agreement for the purpose of furnishing, installation and maintenance of traffic signal preemption equipment.

Section 2. The City has determined that it is in the best interest of the City to approve an agreement with the Texas Department of Transportation which is attached hereto and incorporated herein by reference as Exhibit "A," under the terms and conditions provided therein; and

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 July, 2016.

Joe McCourry, Mayor
City of The Colony, Texas

ATTEST:

Tina Stewart, TRMC, Interim City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: June 28, 2016

MEETING DATE: 07/05/2016

SUMMARY OF REQUEST: Conduct a public hearing, discuss and consider an ordinance approving revocation of a Specific Use Permit (SUP) in a General Retail Zoning District that allowed outside display of vehicles and merchandise on a tract of land totaling approximately 0.88 acres, generally located on the East side of Main Street (FM 423) at 7228, 7300 and 7320 Main Street (Development Services, Scruggs)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

Council Staff Report

Location Map

Staff Enhanced Drawing

SUP Ordinance No 2012-1981

Proposed Ordinance

Minutes of June 14, 2016 Planning and Zoning Commission meeting

CITY COUNCIL REPORT

AGENDA DATE: July 5, 2016

DEPARTMENT: Engineering/Development Services Department

SUBJECT *SUP12-0004, Lots 77 through 88 of the Garza Little Elm Lake Estates*

Conduct a public hearing, discuss and consider revocation of a Specific Use Permit in a General Retail zoning district which allowed outside display of vehicles and merchandise on a tract of land totaling approximately 0.88 acres, generally located on the east side of Main Street (FM 423). The property is located at 7228, 7300 and 7320 Main Street.

APPLICANT/OWNER

UAC of Garland, Inc. c/o Mr. James Ramsey

Rochelle, TX

EXISTING CONDITION OF PROPERTY

The property at 7228, 7300 and 7320 Main Street has Low Price Auto Sales business who were allowed to park vehicles outside through approval of SUP12-0004 in 2012 with certain conditions of improvements to the site.

PLANNING AND ZONING COMMISSION RECOMMENDATION

June 14, 2016 – The Planning and Zoning Commission voted (5-0) to recommend revocation of the Specific Use Permit in a General Retail zoning district which allowed outside display of vehicles and merchandise on a tract of land totaling approximately 0.88 acres, generally located on the east side of Main Street (FM 423). The property is located at 7228, 7300 and 7320 Main Street.

DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW

The Development Review Committee (DRC) finds the Specific Use Permit (SUP) does not meet the requirements of Section 10-905 of the Zoning Ordinance, as outlined in the Staff Report.

OPTIONS

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

ATTACHMENTS

1. Staff Analysis
2. Location Map
3. Phase I and Phase II Exhibit – Staff-Enhanced Drawing
4. SUP Ordinance 2012-1981
5. Proposed Ordinance
6. Minutes of June 14, 2016 Planning and Zoning Commission meeting

Staff Analysis

Summary of Request

On October 2, 2012, the City Council approved Ordinance 2012-1981 for a Specific Use Permit (SUP) to allow the outside display of motor vehicles on approximately 0.88-acre tracts or tracts of land consisting of Lots 77 through 88 of Little Garza Elm Lake Estates Addition. These tracts are addressed as 7228, 7300, and 7320 Main Street in The Colony, Texas. The applicant, Mr. James Ramsey was represented by Mr. Lewis Jue, who was one of Mr. Ramsey’s tenants at that time.

The 2012 SUP approval by the City Council was based on the applicant completing specific improvements to the subject property in two (2) phases. In Phase I, the applicant proposed to clean-up the subject properties and make repairs and/or replace portions to the existing asphalt parking areas to allow positive drainage off the property. Improvements for Phase II included additional concrete parking for the existing automobile sales/tire repair building behind 7300 Main Street building . This new paving would have been used in conjunction with an existing concrete slab found north of the existing building at 7420 Main Street.

On June 3, 2014, The City Council received a presentation from the Planning staff indicating that the approved stipulations from the 2012 SUP approval had not been complied with or completed. At this meeting, Mr. Jew addressed the City Council requesting a six (6) month extension of the deadline to complete the property improvements required in the SUP. The City Council approved this extension request, which has now expired. To date, none of the 2012 required improvements in either Phase1 or Phase 2 have been completed except for the picking up of site rubbish.

On November 19, 2015, a letter was sent to the owner of the property, Mr. James Ramsey & the tenants which indicated the City was going to begin the process of revoking the SUP. The Planning and Engineering Staff met with Mr. Ramsey’s attorney in late November 2015 concerning the paving and site drainage improvements which needed to be made to the property per the SUP stipulations. It was also indicated that a Civil Engineer was required to design the paving and drainage plans as well.

On March 1, 2016, the staff made a presentation to City Council requesting that the revocation of the Specific Use Permit occur due to none of the required site improvements being completed. Also at this meeting, the City Council was notified that Mr. Jue’s offices were no longer located on the subject property and he was no longer involved with project. The City Council agreed at this meeting for the City staff to begin the process to revoke the Specific Use Permit.

Subject Property Zoning and Adjacent Property Zoning and Land Use

Subject Property	General Retail Zoning District (GR) – <i>Vacant Building formerly State Farm Insurance, Low Price Auto Sales and The Tire Shop</i>
North	General Retail Zoning District (GR) – <i>Stained Glass Unlimited retail store.</i>
South	General Retail Zoning District (GR) – <i>Meridian Wellness Center</i>
East	General Retail Zoning District (GR) – <i>Colony Car Care and single family residences</i>
West	Duplex Zoning District (D) – <i>two-family residences</i>

Specific Use Permit Revocation Criteria

Section 10-907 “Specific Use Permit Revocation/Abandonment Criteria,” of Appendix A, Zoning Ordinance, states that the Planning and Zoning Commission and City Council shall review and evaluate a Specific Use Permit revocation using the following criteria:

- (a) A Specific Use Permit shall be deemed revoked if the proposed use or phase does not possess an approved building permit within one year from date of approval, unless a longer period is approved by City Council. If the permit requires Site Plan review approval, the permit shall be deemed revoked if the use or phase is not developed within one year of the date of Site Plan being approved.
- (b) A Specific Use Permit may be revoked or modified, after notice to the property owner and a hearing before the City Council, for either of the following reasons:
 - 1. The Specific Use Permit was obtained or extended by fraud or deception; or
 - 2. The one or more of the conditions imposed by the permit has not been met or has been violated.

The 2012 Concept Plan indicated the site improvements the petitioner was to accomplish on the site in two (2) phases. As of today, the owner of the property or property tenants have not completed any of the site improvements (paving and/or drainage improvements) required when the Specific Use Permit and Concept Plan which was approved by the City Council in 2012.

Specific Use Permit Revocation Procedure

Section 10-908, Public Hearings. The notification and public hearing process for a Specific Use Permit or revocation thereof shall be the same as for zoning amendments under Section 24.

- 1. Conformance with the City of The Colony's Comprehensive Plan;

The request for the SUP designation is in conformance with the 2007 Comprehensive Plan as the plan calls for this area to be developed with commercial uses.

- 2. Conformance with applicable regulations and standards established by the zoning regulations;

The existing property is not in conformance with applicable zoning regulations and is “legally nonconforming.” Section 20-100, “Nonconforming Uses and Structures,” of the Zoning Ordinance states that when a use or structure which does not conform to the regulations prescribed in the zoning district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the previous Zoning Ordinance and has been operating without discontinuance, it is labeled “legally non-conforming.”

In this case, the two businesses locations were in existence prior to the incorporation of Eastvale into The City of The Colony and, as far as staff can ascertain, have had tenants in the buildings more or less on a continuous basis. This means that as long as they are continually used as businesses, they may remain in the legally non-conforming status that they have currently established.

3. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features, architectural compatibility;

The proposed use (outside display of vehicles and merchandise) is compatible with some of the uses found in the general area. This area of Main Street is a mix of office, retail and commercial uses. There is an automobile dealership to the north of the subject property which has been in existence since the early 1980s when the Town of Eastvale was incorporated into the City of The Colony.

4. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use;

This Specific Use Permit (SUP) was proposed to provide for the outside storage and display of vehicles. With the pavement improvements proposed in Phase I and Phase II, dust and other impacts of deteriorating pavement would have been abated and allowed for positive drainage off the property. The proposed planting of trees and the vegetative screening of the air conditioning units would have provided more aesthetic appeal on the site.

5. Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare;

The attached Concept Plan from October 2, 2012 indicated the petitioner proposed to accomplish improvements to the site in two (2) phases.

In Phase I, the applicant proposed to clean-up the subject properties and make repairs and/or replace portions to the existing asphalt parking areas. Parking spaces would have been delineated on the new pavement which would increase the number of paved parking spaces currently found on the property. The repaving of the parking lots, as shown on the rough drawing completed by staff, indicates that an additional ten (10) off-street parking spaces could be placed on the property. Drive aisles were proposed which met or exceeded the minimum two-way traffic width standard of twenty-four (24) feet. The applicant also proposed to provide a minimum of five (5) outdoor display spaces for automobile sales. The planting of five (5) trees were also proposed to occur in Phase I. These trees are to be planted along Main Street (FM 423) outside of the new right-of-way of the expansion of the road.

Phase II is proposed to be developed on the property located north of the existing automobile sales/tire repair building. Proposed for construction is an additional concrete parking area to be used in conjunction with the existing concrete slab found on this portion of the subject property. An additional two (2) trees is to be provided as well as screening of the existing air conditioning units that are now visible from the street.

6. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area, existing zoning and land uses in the area;

The ingress to the building at 7228 Main Street is provided by a shared access easement with the property to the south, *Meridian Wellness*.

The driveway ingress to the building at 7300 Main Street, which houses *Low Cost Auto Sales* and *The Tire Shop*, is existing and was built prior to the currently adopted City's standards. At this time, there is no sidewalk in this area.

With the completion of the widening of Main Street (FM 423), the subject property will have two (2) new driveways and sidewalks provided which will meet both TxDOT and City standards. The two approved driveway locations are shown on the Concept Plan.

With the Phase I parking lot improvements proposed, the delineated parking areas and drive aisles should provide a safer condition for both vehicles and pedestrians.

7. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, air quality, generation of dust and odors, and similar hazards and impacts;

This criterion does not apply.

8. Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties;

The location and type of signs on the property meet the Code standards.

9. Adequacy and convenience of off-street parking and loading facilities;

Section 13-102, Parking Space Schedule Nonresidential Uses, of the Zoning Ordinance, provides only a cursory parking space schedule. The applicant's representative in the past has stated that only the first floor of the two story building at 7228 Main Street was utilized as general office space. The Code standard for parking for general office is 1 space per 300 square feet of total floor area. Using only the 1,440 square foot first floor to determine the parking requirement, this office building has adequate parking.

Determining the required off-street parking for the building at 7300 Main Street is more difficult due to the limited categories available in Section 13-102. Using a general retail category would require that the 5,881 square foot building provide 30 off-street parking spaces. However, the two actual uses of a tire store and auto sales do not fit in the model of a typical retail sales establishment.

Within Section 13-102, the gasoline service station use requires a minimum of 6 spaces, which more closely relates to the tire store use than the general retail parking ratio. Additionally, Section 13-102 does not have a category for automobile or other vehicle sales. In writing the new Zoning Ordinance, staff has researched numerous ordinances from several cities located within the Metroplex. The new Zoning Ordinance standard staff is proposing to use for vehicle sales/leasing would require 1 parking space per each 4,000 SF of site area with a minimum of 4 parking spaces. Using the two standards would require that 7300 Main Street provide 10 parking spaces, in lieu of the 30 parking spaces if the building was considered a typical retail establishment. Additionally, no off-street loading space is required.

10. Determination that the proposed use is in accordance with the objectives of these zoning regulations and the purpose of the zoning district in which the site is located;

As the subject property now exists, it is considered to be a legally non-conforming use. The submitted Concept Plan indicates that with the completion of the proposed Phase I and Phase II site improvements and driveway and sidewalk improvements for the widening of Main Street (FM 423), the applicant is working toward the site becoming a conforming land use under the Zoning Ordinance and becoming compliant with the zoning regulations and purpose of the zoning district in which the site is located.

11. Determination that the proposed use will comply with each of the applicable provisions of these zoning regulations;

As stated in the review of Criterion 10, the improvements proposed with the completion of the proposed Phase I and Phase II site improvements and the planned State-funded improvements of Main Street (FM 423), the applicant is working toward the site and land uses becoming compliant with the zoning regulations.

12. Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity;

The proposed outdoor storage and sales of vehicles and the existing tire store is compatible with some of the existing uses found in the general area. This area of Main Street is a mix of office, retail and commercial uses. There is an automobile dealership to the north of the subject property which has been in existence when the Town of Eastvale was incorporated into the City of The Colony. Additionally, there is a combination oil change and tire sales located further north on the same side of Main Street.

13. Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses in the same district and the surrounding area; and,

The proposed Phase I and Phase II site improvements would minimize potentially unfavorable impacts on nearby uses in the same district and the surrounding area.

14. Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

The proposed Phase I and Phase II site improvements should not have been detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

Notification

The Zoning Ordinance requires newspaper notification a minimum of ten (10) days prior to the Planning and Zoning Commission meeting. Notice for this SUP Public Hearing was published in *The Dallas Morning News* on June 3, 2016. In addition, Zoning Ordinance also requires notification of property owners located within 200 feet of the subject property a minimum of ten (10) days prior to the public hearing. Postcards were mailed on June 1, 2016 to twenty-nine (29)

property owners. No comments either for or against the SUP revocation was received as of the printing of this packet.

Development Review Committee Review

The Development Review Committee (DRC) recommends revocation of the SUP which would disallow the outdoor storage of automobiles since one or more of the approval conditions imposed by the permit have not been met.



Project No. SUP2012-1981 - Project Name: SUP Revocation

- SUP 2012-1981 Revocation
- Business Park/Industrial
- Heavy Commercial
- Mobile Home
- Agricultural
- Duplex Dwelling
- Industrial
- Neighborhood Service
- Planned Development
- Business Park
- General Retail
- Light Commercial
- Office District 1
- Shopping Center
- Single Family Dwelling

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



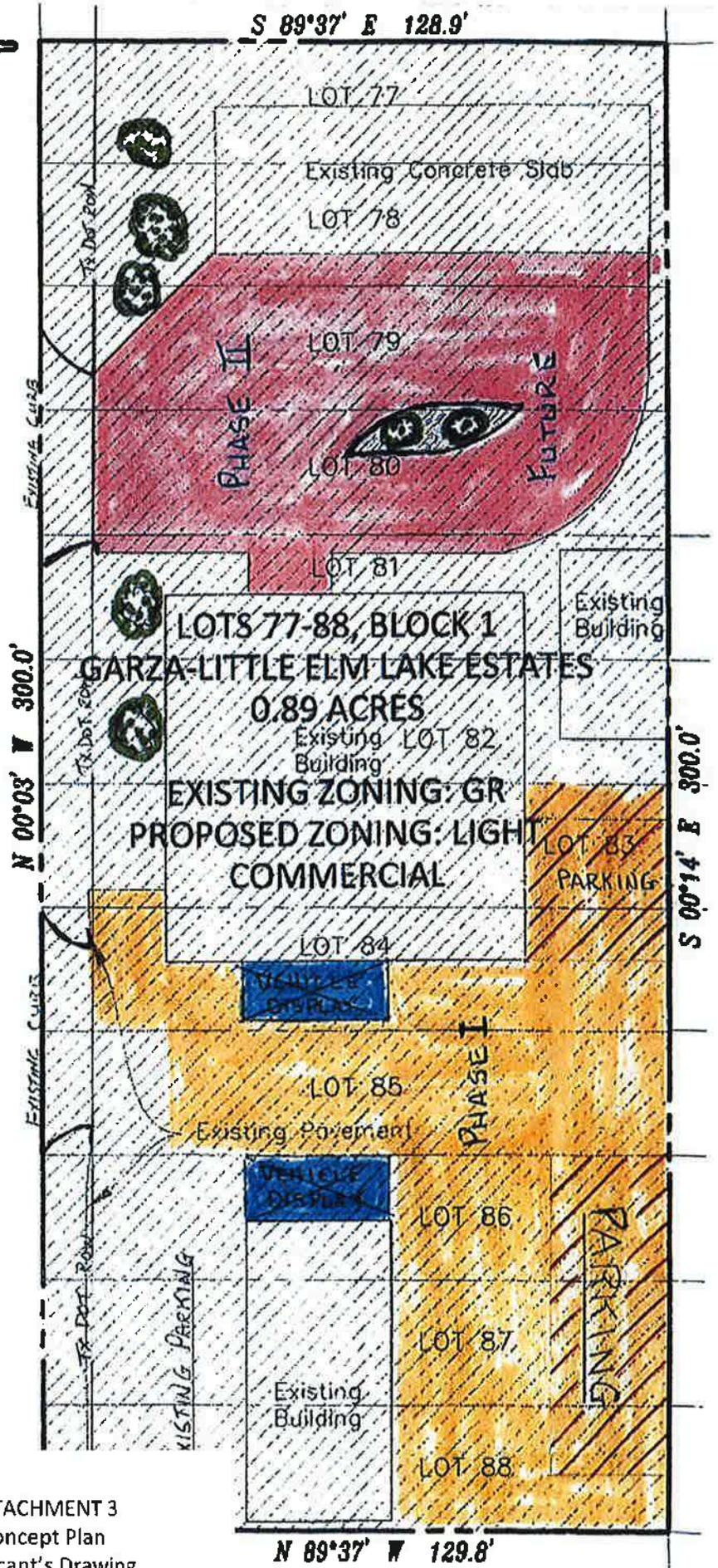
Notes:

Phase I - Area is comprised of existing concrete and asphalt pavement. Project calls for clean-up, repairs and designation of additional parking. This will allow for more efficient use of the property in addition to making the area more aesthetically pleasing. Proposed Tx Dot R.O.W. will remove any existing shrubs and bushes along FM 423 frontage. Project calls for the planting of new trees along street frontage as shown below. Proposed project will allow an initial display of 5 to 7 vehicles and an allowance of 25ft width for the driveway into property.

Phase II - Area is comprised of an existing concrete slab and remaining area undeveloped. Possible future expansion would be a new concrete parking lot. A barrier will be built to shield the A/C units that are now visible from the street.

POB 

MAIN STREET (FM 423)



ATTACHMENT 3
 Concept Plan
 Applicant's Drawing

CITY OF THE COLONY, TEXAS

ORDINANCE NO. 2012-1981

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF THE COLONY, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM GR (GENERAL RETAIL) TO GR-SUP (GENERAL RETAIL-SPECIFIC USE PERMIT) APPROVING A SPECIFIC USE PERMIT ALLOWING OUTSIDE DISPLAY OF VEHICLES ON AN APPROXIMATELY 0.88 ACRE TRACT OR TRACTS OF LAND CONSISTING OF LOTS 77 THROUGH 88 OF THE GARZA LITTLE ELM LAKE ESTATES ADDITION, LOCATED WITHIN THE CITY OF THE COLONY, DENTON COUNTY, TEXAS, COMMONLY KNOWN AS 7228, 7300, AND 7320 MAIN STREET, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council of the City of The Colony, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of The Colony, Texas, have given requisite notices by publication and otherwise, and after holding due public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the City Council of the City of The Colony, Texas, is of the opinion and finds that Zoning Application No. SUP12-0004 to allow the outside display of vehicles, on the approximately 0.88 acres of land, consisting of Lots 77 through 88 of the Garza Little Elm Lake Estates addition, located within the City of The Colony, Denton County, Texas, and generally located at 7228, 7300, and 7320 Main Street, The Colony, Texas, should be approved, and in the exercise of legislative discretion have conclude that the Comprehensive Zoning Ordinance and Map should be amended.

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of The Colony, Texas, duly passed by the governing body of the City of The Colony, Texas, as heretofore amended, be and the same is hereby amended to grant a change in zoning from General Retail (GR) to General Retail-Specific Use Permit (GR-SUP) to allow the outside display of vehicles on the approximately 0.88 acres of land, consisting of Lots 77 through 88 of the Garza Little Elm Lake Estates addition, located within the City of The Colony, Denton County, Texas, and generally located at 7228, 7300, and 7320 Main Street, The Colony, Texas, and being more particularly described in *Exhibit A* which is attached hereto and incorporated herein.

SECTION 2. That the City Council of the City of The Colony, Texas, does hereby approve the Specific Use Permit.

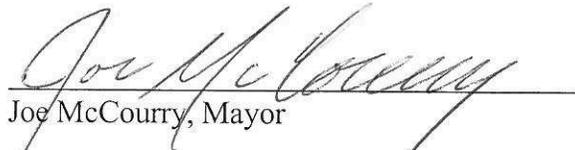
SECTION 3. That, the Specific Use Permit granted by this Ordinance shall be subject to the requirement that the property for which the Specific Use Permit is issued must actually be used for the use designated within one (1) year from the date of issuance by October 2, 2013. If such designated use is not made of the property within the above-described time period, the City Council reserves the right to initiate a rezone of the property to cancel and revoke this Specific Use Permit.

SECTION 4. That it is hereby declared to be the intention of the City Council of the City of The Colony, Texas, that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5. That any provision of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

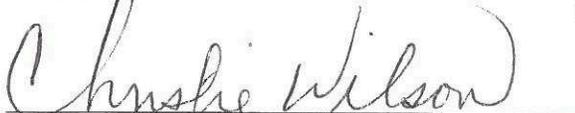
SECTION 6. That this Ordinance shall become effective immediately upon its passage.

DULY PASSED by the City Council of the City of The Colony, Texas, this the 2nd day of October, 2012.



Joe McCourry, Mayor

ATTEST:



Christie Wilson, City Secretary

APPROVED AS TO FORM:

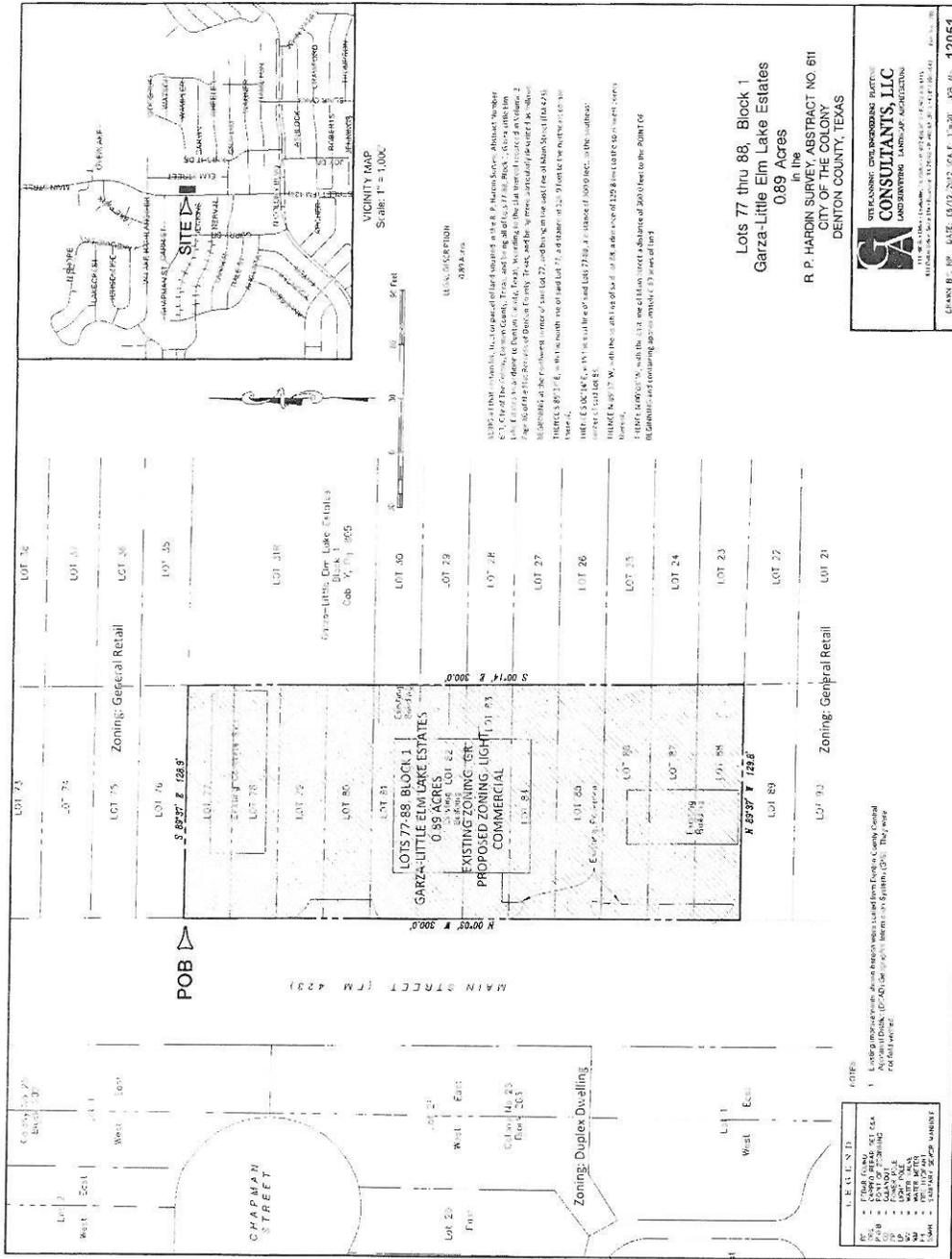


Jeff Moore, City Attorney



Exhibit A

Legal Description and/or Depiction
of
Lots 77 through 88
of the
Garza Little Elm Lake Estates



CONSULTANTS, LLC
 LAND SURVEYING & ARCHITECTURE
 1110 S. GARDEN STREET, SUITE 100
 DENTON, TEXAS 76205
 PHONE: 817.382.1234
 FAX: 817.382.1235
 WWW.CONSULTANTSLLC.COM

DATE: 05/22/2012 **SCALE:** 1"=100' **JOB NO.:** 12051

CITY OF THE COLONY, TEXAS

ORDINANCE NO. 2016 - _____

SPECIFIC USE PERMIT REVOCATION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, REVOKING A SPECIFIC USE PERMIT THAT ALLOWED OUTSIDE DISPLAY AND STORAGE OF VEHICLES AT 7228, 7300 AND 7320 MAIN STREET, THE COLONY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council of the City of The Colony, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of The Colony, Texas, have given any requisite notices by publication and otherwise, and have held due public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and is of the opinion and finds that Specific Use Permit No. SUP12-0004 to allow outside display and storage of vehicles at 7228, 7300 and 7320 Main Street, The Colony, Texas, should be revoked.

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

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

SECTION 2. That the City Council of the City of The Colony, Texas, does hereby revoke the Specific Use Permit.

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

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

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

DULY PASSED by the City Council of the City of The Colony, Texas, this the _____ day of _____, 2016.

JOE McCOURRY, MAYOR

ATTEST:

Tina Stewart, Interim City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

**MINUTES
CITY OF THE COLONY
PLANNING AND ZONING COMMISSION
JUNE 14, 2016**

After determining that a quorum was present, the Planning and Zoning Commission of the City of The Colony, Texas convened into Regular Session which was held on Tuesday, June 14, 2016 at 6:30 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items were addressed:

Board Members Present: Karen Hames, Chairman, Brian Buffington, Cesar Molina Jr., Shawn Rockenbaugh, and Janece Pool

Board Members Absent: Detrick DeBurr, Vice Chairman and Shannon Hebb

City Council Liaison: David Terre, City Council Place 4

Staff Present: Gordon Scruggs, P.E. Director of Engineering and Development Services, Mike Joyce, AICP, Planning Director, Surupa Sen, AICP, Senior Planner, Brian McNuelty, Engineering Technician, and Ed Voss, City Attorney.

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

1.1	CITIZEN INPUT
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No citizens came forward during Citizen Input.

1.3	Election of Chair and Vice Chair for the Commission.
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Commissioner Molina moved to nominate Karen Hames as Chairman, Commissioner Pool seconded the motion. Motion carried (5-0).

Commissioner Rockenbaugh moved to nominate Detrick DeBurr as Vice-Chairman, Commissioner Molina seconded the motion. Motion carried (5-0).

2.0	PUBLIC HEARING ITEMS
2.1	<i>SUP12-0004, Lots 77 through 88 of the Garza Little Elm Lake Estates</i> Conduct a public hearing, discuss and consider making a recommendation to City Council regarding the revocation of a Specific Use Permit in a General Retail zoning district which allowed outside display of vehicles and merchandise on a tract of land totaling approximately 0.88 acres, generally located on the east side of Main Street (FM 423). The property is located at 7228, 7300 and 7320 Main Street.

Chairman Hames read the public hearing item 2.1 into record.

Mr. Joyce presented the staff report.

Commissioner Rockenbaugh asked if the revocation of SUP will restrict the applicant from displaying cars outside.

Mr. Joyce responded affirmative.

Commissioner Molina asked that the Planning and Zoning Commissioner is only making a recommendation on the SUP revocation, the Council will have the final authority to revoke the SUP.

Mr. Voss answered affirmative.

Chairman Hames opened the public hearing at 6:44 p.m.

Property owner Mr. James Ramsey approached the Council. He stated that this property was being manager by one of the renters and he had not been personally involved with this SUP process and the requirements set forth by the Council. There were environmental issues on this land that he was deemed responsible party even though he had bought the property without any knowledge of environmental impacts. He would like to resolve this issue and would like for Commission and Council direction on how to amend the situation.

Commissioner Buffington enquired of Mr. Ramsey that when he was notified about the issues on this property.

Mr. Ramsey stated that Mr. Louis Jue was primarily handling the matters at that time and he was only informed when last year his attorney came and met with staff.

Chairman Hames asked who is currently renting the property.

Mr. Ramsey informed that the auto sales business is the only renter he has currently and confirmed Chairman Hames' statement that the renter is currently displaying automobiles outside, even though no improvements have been made to the property.

Commissioner Rockenbaugh enquired that under typical procedure, property owner should have been notified in 2012 when the SUP was approved and why Mr. Ramsey is stating that he wasn't aware of the situation and nothing has been done.

Mr. Ramsey stated that Mr. Jue did not keep him in the loop as to what was going on or what requirements have been put in place. He has caused a lot of damage when he left the building and occupied the store next to this property.

Commissioner Pool asked whether the notices were sent to the property owner or the tenant at that time.

Mr. Joyce stated that the tenant was notified as the owner had listed him as the primary point of contact handling the business.

Chairman Hames closed the public hearing at 6:45 p.m.

Commissioner Molina moved to revoke the SUP for Item 2.1 Commissioner Pool seconded the motion. Motion carried (5-0).

2.2	<i>SUP16-0004 – Pappy’s Pet Lodge at 4000 Paige Road</i> Conduct a public hearing, discuss, and consider making a recommendation to City Council regarding a Specific Use Permit request for proposed Pappy’s Pet Lodge at 4000 Paige Road.
-----	---

Chairman Hames read the public hearing item 2.2 into record.

Ms. Sen presented the staff report.

Chairman Hames stated that a shade structure should be added to the proposal for the outside play area.

Chairman Hames opened the public hearing at 7:00 p.m.

Applicant Bill Kinder from Pappy's Pet Lodge approached the Commission. He described Pappy's Pet Lodge business, location and reputation for its operation of award winning pet care facilities.

Commissioner Buffington enquired why this particular address or the building was chosen as being behind the gas station and convenience store.

Mr. Kinder responded that the size of the building is optimum for their use. The demographics around the area (2 – 5 mile radius) are supportive of this need. The population around have 55% people with pets. There is good signage available on SH 121. Enough traffic on SH 121 and Paige Road to generate interest. So they feel this location to be successful.

Commissioner Buffington asked if this facility will be set up in similar fashion like their rest of the location.

Mr. Kinder responded that this facility will have similar basic setup like the other locations currently open.

Chairman Hames closed the public hearing at 7:05 p.m.

Commissioner Molina moved to approve Item 2.2 with condition that a shade structure will be added to the play area, Commissioner Buffington seconded the motion. Motion carried (5-0).

There being no further business to come before the Commission, Chairman Hames adjourned the Regular Session of the Planning and Zoning Commission at 7: 06 p.m.

Karen Hames, Chairman

Surupa Sen, AICP, Senior Planner

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: June 28, 2016

MEETING DATE: 07/05/2016

SUMMARY OF REQUEST: Conduct a public hearing, discuss and consider an ordinance approving a Specific Use Permit (SUP) for proposed Pappy's Pet Lodge at 4000 Paige Road within Planned Development 9 (PD-9) zoning district (Development Services, Scruggs)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

Council Staff Report
Location Map
Property Owner's Letter of Request
Proposed Site Plan
Proposed Interior Layout
Proposed Ordinance
Minutes of June 14, 2016 P&Z meeting

CITY COUNCIL REPORT

AGENDA DATE: July 5, 2016

DEPARTMENT: Engineering/Development Services Department

SUBJECT: *SUP16-0004 Pappy's Pet Lodge Specific Use Permit*

Conduct a public hearing, discuss and consider a Specific Use Permit request for proposed Pappy's Pet Lodge at 4000 Paige Road within Planned Development 9 (PD-9) zoning district.

OWNER/APPLICANT

Applicant:	Pappy's Pet Lodge	Dallas, Texas
Owner:	Pflaster Antiques Ltd.	Dallas, Texas

EXISTING CONDITION OF PROPERTY

The property at 4000 Paige Road previously housed Cheers Liquor. The business has been closed for some time with the building unoccupied.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

June 14, 2016 – The Planning and Zoning Commission voted (5-0) to recommend approval for the Specific Use Permit request for proposed Pappy's Pet Lodge at 4000 Paige Road within Planned Development 9 (PD-9) zoning district with the condition that a shade structure be added to the outside play area.

DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW

The Development Review Committee (DRC) finds the Specific Use Permit (SUP) meet the requirements of Section 10-905 of the Zoning Ordinance, as outlined in the Staff Report.

OPTIONS

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

ATTACHMENTS

1. Staff Analysis
2. Location Map
3. Property Owner's letter of request
4. Proposed Site Plan
5. Proposed interior layout
6. Proposed Ordinance
7. Minutes of June 14, 2016 Planning and Zoning Commission meeting

ATTACHMENT 1

Staff Analysis

Summary of Request

The applicant, Pappy's Pet Lodge proposes to lease the building at 4000 Paige Road with a dog boarding/kennel facility with outside play area. The building is 5,541 sf in area and 22.5' tall. The applicant proposes to fence a portion of the parking lot and convert the area to an outdoor play area for dogs. The concrete will be kept in place and sealed for sanitation with artificial turf pads. The artificial turf pads are removable for cleaning and to be sanitized. A 8 foot tall solid cedar wood fence will be constructed to fully enclose the space for safety and additional sound buffering. It is likely that a shade structure for the comfort of the animals will also be added.

The primary time that the pets could be kept in the outside enclosed area will be between 8:30 a.m. and 6:30 p.m. In no case will there be pets outside the building before 7 a.m. or after 7 p.m. There will be days when very few pets will be outside more than a few minutes at a time each day if there is inclement weather, very cold temperatures or further because of safety requirements with temperatures above 90 degrees. With Planning and Zoning Commission advise the applicant has added a shade structure to the outside play area.

Existing Condition of Property

The property at 4000 Paige Road previously housed Cheers Liquor. The business has been closed for some time with the building unoccupied.

Platting Status

The subject property is platted as Centennial Addition, Block A, Lot 1R.

Adjacent Zoning/Land Use

North - Planned Development 16 (PD 16) – Home Depot
South - Planned Development 9 (PD-9) – Gas station and SH 121
East- Planned Development 16 (PD 16) – Home Depot, Wendy's
West- Business Park (BP) – Walgreens across Paige Road

Land Use Analysis

The property is PD 9 and it allows land uses allowed under General Retail (GR) zoning district. The Zoning Ordinance requires a Specific Use Permit (SUP) for Kennels with outside runs, within GR zoning.

Infrastructure Improvements

There are no infrastructure improvements planned for this area.

Kennel with outside run requirements

Section 13-1385 of the Zoning Ordinance states: "Kennels that include any outdoor area shall be located a minimum of 2,000 feet from any single family property or zoning district".

The subject property is within the 2,000 feet distance of a single family subdivision on the other side of Paige Road north of the new Holiday Inn hotel. The applicant had requested a variance from this section of the Zoning Ordinance from the Board of Adjustment (BOA). BOA has approved the variance request at their May 18, 2016 meeting.

Specific Use Permit (SUP) Criteria

In accordance with Section 10-905 (Special Use Permits - Approval Criteria) of the Zoning Ordinance, the Planning and Zoning Commission and City Council shall review and evaluate a Specific Use Permit application using the following criteria:

1. **Conformance with the City of The Colony's Comprehensive Plan;**
The Future Land Use Map identifies this area as "SH 121 Corridor Development Zone". This area contains a variety of existing and planned land uses including single-family, multi-family, commercial, retail, office and industrial. During development of SH 121 Corridor Plan, destination oriented recreational and entertainment land uses were identified as the most favorable for the future growth of the corridor. The proposed Pappy's Pet Lodge is a commercial operation and is in compliance with the Comprehensive Plan.
2. **Conformance with applicable regulations and standards established by the zoning regulations;**
With the approval of the SUP, the application will be in conformance with the Zoning Ordinance.
3. **Compatibility with existing or permitted uses on abutting sites, in terms of building height, build and scale, setbacks on open spaces, landscaping and site development, access and circulation features, architectural compatibility;**
The proposed Pappy's Pet Lodge will be located in primarily a commercial area facing SH 121. Noise issues generated by this use are greatly mitigated by proximity to the highway and commercial nature of the surrounding businesses.
4. **Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area, existing zoning and land uses in the area;**
10 parking spaces will be converted to an outdoor fenced in play area for the pets. Pappy's Pet Lodge being the sole occupant of the building, remaining parking spaces should suffice for their customer and employee needs.
5. **Protection of persons and property from erosion, flood, or water damage, fire, noise, glare, air quality, generation of dust and odors, and similar hazards and impacts;**
There are no potential hazardous impacts from this proposed use.
6. **Location, lighting and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties;**
There is pylon sign available for this business and they are allowed to have wall signs and monument sign if needed.
7. **Adequacy and convenience of off-street parking and loading facilities;**
There is adequate parking on site.
8. **Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity;**
The proposed use will be compatible with existing uses in the vicinity.

9. **Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses in the same district and surrounding area; and**

No special conditions are being recommended by staff.

10. **Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare of materially injurious to properties or improvements in the vicinity.**

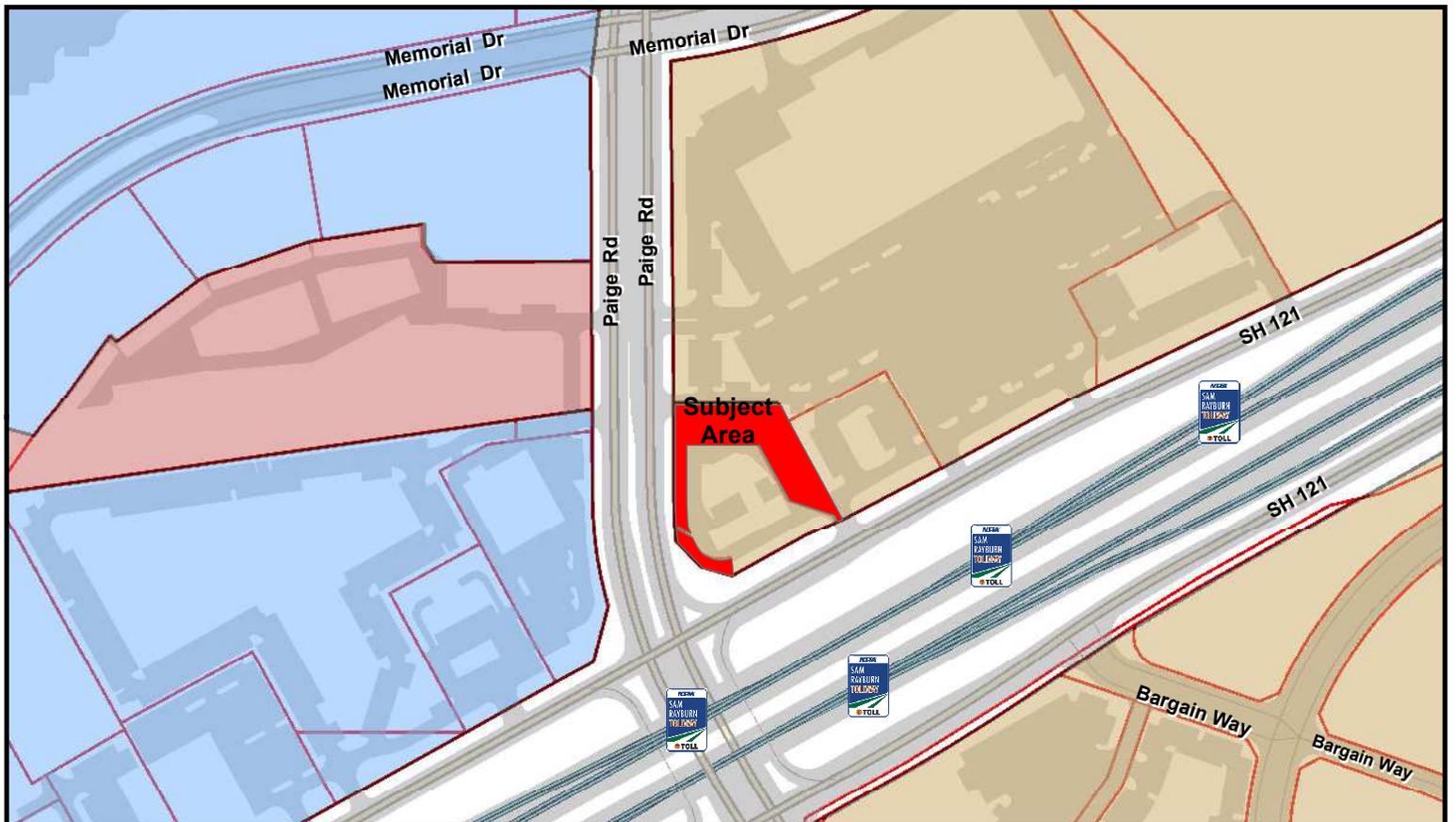
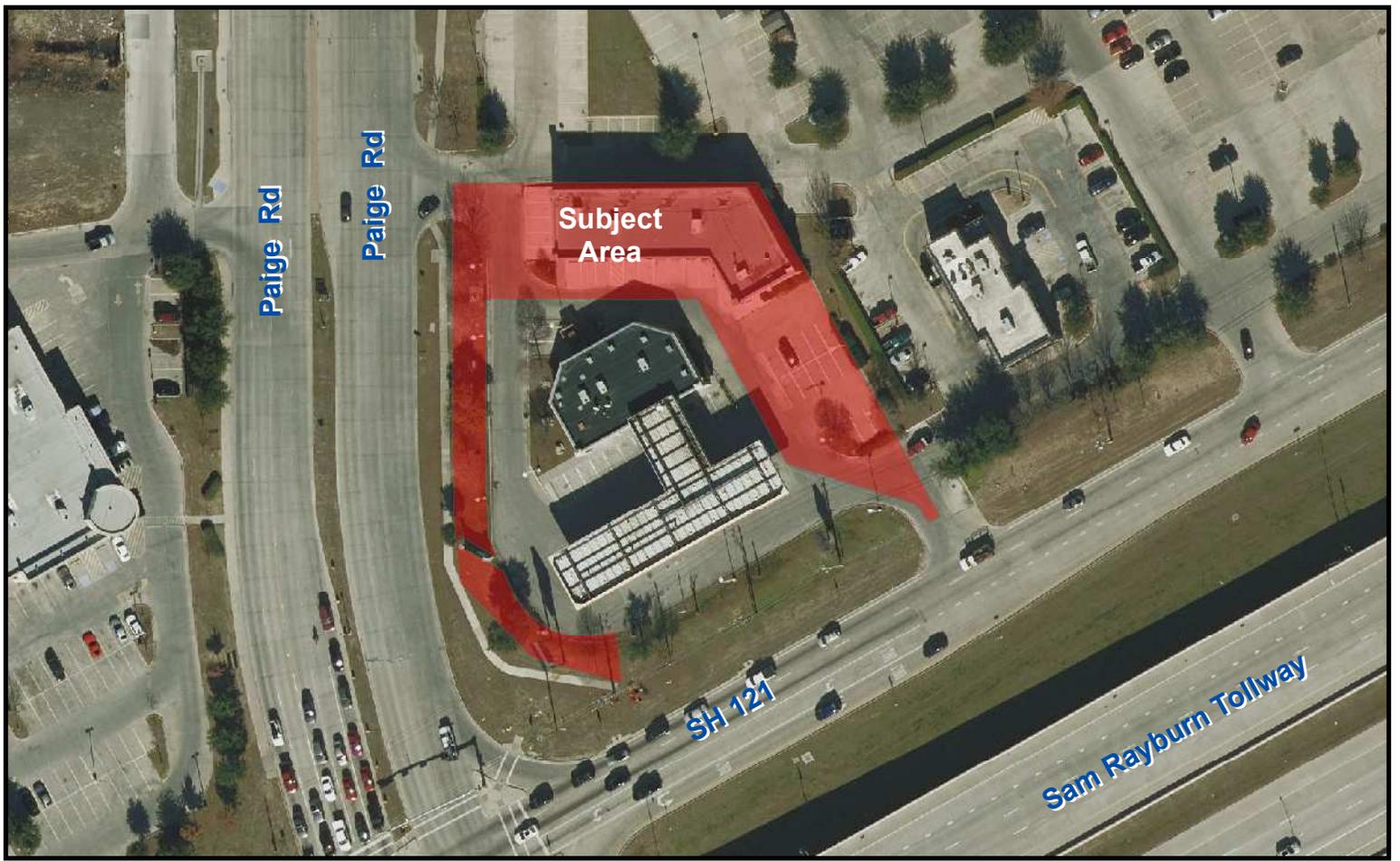
The proposed use is not detrimental to the public health, safety, or welfare.

Notification

The Zoning Ordinance requires newspaper notification a minimum of ten (10) days prior to the Planning and Zoning Commission meeting. Notice for this SUP Public Hearing was published in *The Dallas Morning News* on June 3, 2016. In addition, Zoning Ordinance also requires notification of property owners located within 200 feet of the subject property a minimum of ten (10) days prior to the public hearing. Notices were mailed on June 1, 2016 to six (6) property owners. No comments have been received as of printing of this packet.

Development Review Committee Review

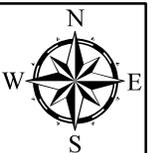
The Development Review Committee (DRC) recommends approval for the SUP.



Project No. SUP16-0004 - Project Name: Pappy's Pet Lodge

- | | | | | |
|-------------------|--------------------------|------------------|----------------------|------------------------|
| Pappy's Pet Lodge | Business Park/Industrial | Heavy Commercial | Mobile Home | Planned Development |
| Agricultural | Duplex Dwelling | Industrial | Neighborhood Service | Shopping Center |
| Business Park | General Retail | Light Commercial | Office District 1 | Single Family Dwelling |

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



May 2, 2016

City of the Colony
6800 Main Street,
The Colony, TX 75056

Ziggy Pflaster
Pflaster Antiques, Ltd.
7522 Campbell Road #113
Dallas, TX 75248
ziggy@dazillc.com
terri@dazillc.com
469-826-7813

Dear City Council Members:

Thank you for considering our case. Please forgive us for not being at this meeting in person due to the need to work abroad, as we manufacture furniture and had already purchased tickets to be working overseas at the time when we learned of the meeting.

We wish for you to know that we have every confidence in Bill Kinder the owner of Pappy's Pet Lodge and in Peter Nguyen the Franchisee and are in agreement with them to represent information and any requests they have, we give them our full support. Bill has 6 Pappy's locations and his family has years of experience in owning and operating award winning facilities. Peter has years of experience with two other franchises and his passion is to take care of pets.

We ask you to please take into consideration the following when hearing this case:

Approving the Paddy's requests will provide the City with the following benefits:

1. Additional revenue for the City from Pappy's
2. Higher property taxes paid to the City
3. More traffic and draw and more revenue for the surrounding businesses
4. Pet services is a much needed service in this area with all the large companies moving into the area.
5. Family oriented business and positive service for folks, unlike the old use of a liquor store.
6. Looks good for a building to be full, this building has been sitting empty for almost 3 years. Businesses want to be near more businesses.
7. A full building keeps away criminal elements and lowers crime risks to businesses around the building.
8. Owners and pets will be happier and healthier with access to sunshine and fresh air.

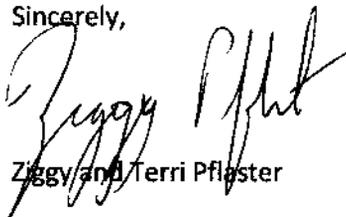
We realize this request will be for a variance and we think that the benefits outweigh the original intent of the code and would also ask for you to consider the following when making the decision to grant the variance or SUP:

1. The change in the parking area is easily converted back to more parking if the building has a different use later.
2. Home Depot is a buffer for any possible noise issues.
3. Holiday Inn is a buffer for possible noise issues
4. Hawaiian Falls Sits behind Home Depot, to act as a further buffer to the homes that could be affected by noise and tends to have its own noise level due to the nature of their business.
5. Operating hours for Pappy's would only have pets outside during normal business hours and for a limited period of time.
6. Dog space would sit in front of the building to further buffer noise and face the freeway, which would likely washout any noise from pets.

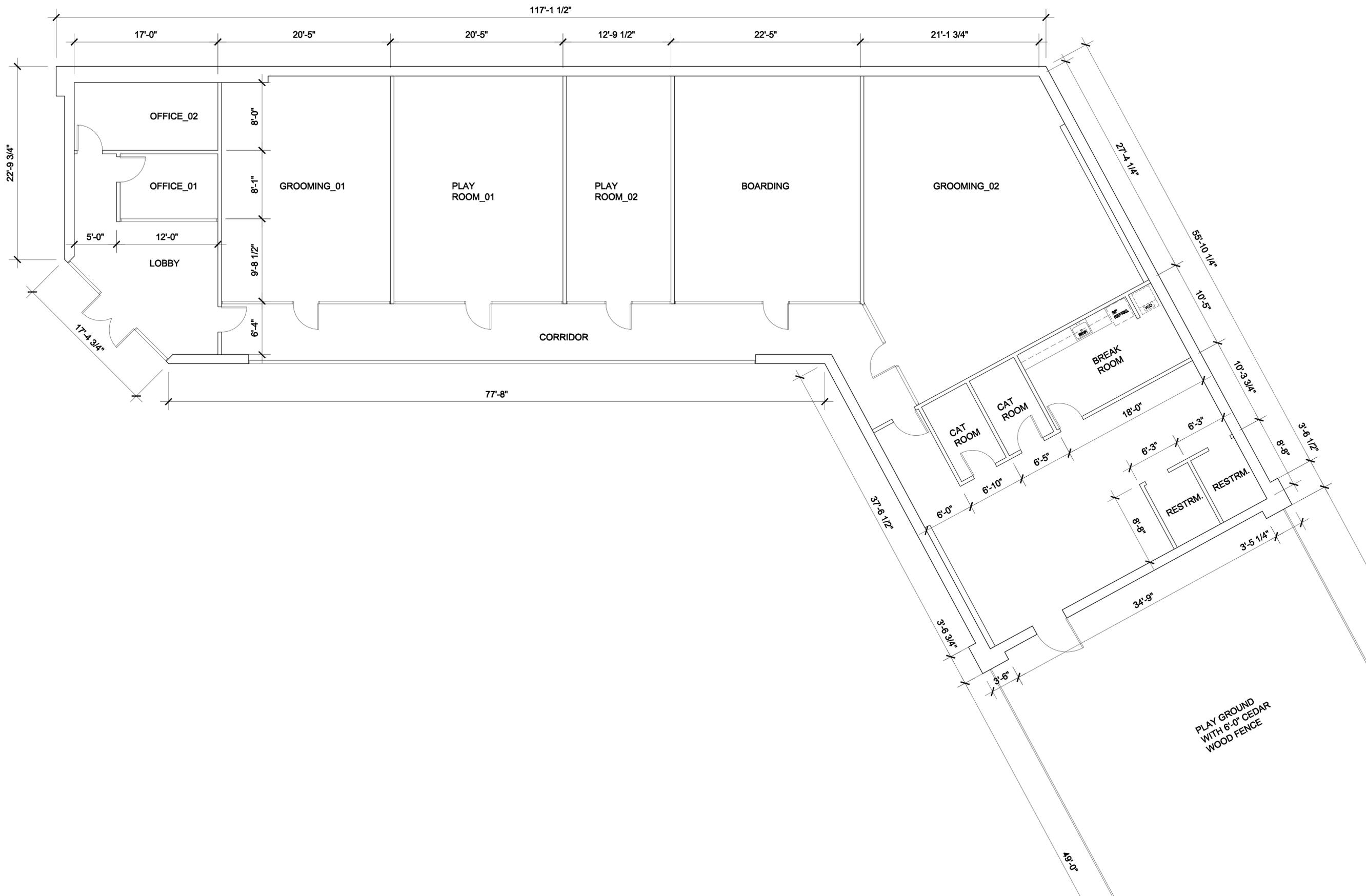
On a personal note, we would like to share with you that we originally purchased this building to be Ziggy's retirement income (he is nearly 67), and instead it pulls \$3,000 a month from our personal income which has not been easy for us to meet for almost 3 years. We have tried hiring multiple companies and agents to find a tenant for this building and even take calls personally with not much success so it is very valuable to us to do everything we can to approach this process with open minds and do what we can to create a positive mutually beneficial way to work this out.

Thank you kindly for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Ziggy and Terri Pflaster". The signature is fluid and cursive, with the first name "Ziggy" being larger and more prominent than the second name "Terri".

Ziggy and Terri Pflaster



Engineer:

**CHRIS
STEPHAN
CONSTRUCTION, LLC**



301 S. Sherman St., Suite #117 Richardson, TX 75081
 Cell: (214) 315-0549 Fax: (903) 347-0980
 Email: cstephanconstruction@gmail.com

Revisions:

No.	Date	Description

Project No.: E335

Issue Date: 04/27/16

Draw By: kd

Project Name:

PET GROOMING

State Hwy 121 & Paige Road TX 7...

Sheet Number:

A2-1

CITY OF THE COLONY, TEXAS

ORDINANCE NO. 2016 - _____

SPECIFIC USE PERMIT

Pappy's Pet Lodge

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, APPROVING A SPECIFIC USE PERMIT ALLOWING PAPPY'S PET LODGE, A PET BOARDING/KENNEL FACILITY WITH OUTSIDE RUNS AT 4000 PAIGE ROAD, THE COLONY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council of the City of The Colony, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of The Colony, Texas, have given any requisite notices by publication and otherwise, and have held due public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and is of the opinion and finds that Specific Use Permit No. SUP16-0004 to allow Pappy's Pet Lodge, a pet boarding/kennel facility with outside runs at 4000 Paige Road, The Colony, Texas, should be approved.

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

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

SECTION 2. That the City Council of the City of The Colony, Texas, does hereby approve the Specific Use Permit.

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

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

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

DULY PASSED by the City Council of the City of The Colony, Texas, this the _____ day of _____, 2016.

JOE McCOURRY, MAYOR

ATTEST:

Tina Stewart, Interim City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

**MINUTES
CITY OF THE COLONY
PLANNING AND ZONING COMMISSION
JUNE 14, 2016**

After determining that a quorum was present, the Planning and Zoning Commission of the City of The Colony, Texas convened into Regular Session which was held on Tuesday, June 14, 2016 at 6:30 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items were addressed:

Board Members Present: Karen Hames, Chairman, Brian Buffington, Cesar Molina Jr., Shawn Rockenbaugh, and Janece Pool

Board Members Absent: Detrick DeBurr, Vice Chairman and Shannon Hebb

City Council Liaison: David Terre, City Council Place 4

Staff Present: Gordon Scruggs, P.E. Director of Engineering and Development Services, Mike Joyce, AICP, Planning Director, Surupa Sen, AICP, Senior Planner, Brian McNulty, Engineering Technician, and Ed Voss, City Attorney.

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

1.1	CITIZEN INPUT
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No citizens came forward during Citizen Input.

1.3	Election of Chair and Vice Chair for the Commission.
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Commissioner Molina moved to nominate Karen Hames as Chairman, Commissioner Pool seconded the motion. Motion carried (5-0).

Commissioner Rockenbaugh moved to nominate Detrick DeBurr as Vice-Chairman, Commissioner Molina seconded the motion. Motion carried (5-0).

2.0	PUBLIC HEARING ITEMS
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2.1	<p><i>SUP12-0004, Lots 77 through 88 of the Garza Little Elm Lake Estates</i> Conduct a public hearing, discuss and consider making a recommendation to City Council regarding the revocation of a Specific Use Permit in a General Retail zoning district which allowed outside display of vehicles and merchandise on a tract of land totaling approximately 0.88 acres, generally located on the east side of Main Street (FM 423). The property is located at 7228, 7300 and 7320 Main Street.</p>
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Chairman Hames read the public hearing item 2.1 into record.

Mr. Joyce presented the staff report.

Commissioner Rockenbaugh asked if the revocation of SUP will restrict the applicant from displaying cars outside.

Mr. Joyce responded affirmative.

Commissioner Molina asked that the Planning and Zoning Commissioner is only making a recommendation on the SUP revocation, the Council will have the final authority to revoke the SUP.

Mr. Voss answered affirmative.

Chairman Hames opened the public hearing at 6:44 p.m.

Property owner Mr. James Ramsey approached the Council. He stated that this property was being manager by one of the renters and he had not been personally involved with this SUP process and the requirements set forth by the Council. There were environmental issues on this land that he was deemed responsible party even though he had bought the property without any knowledge of environmental impacts. He would like to resolve this issue and would like for Commission and Council direction on how to amend the situation.

Commissioner Buffington enquired of Mr. Ramsey that when he was notified about the issues on this property.

Mr. Ramsey stated that Mr. Louis Jue was primarily handling the matters at that time and he was only informed when last year his attorney came and met with staff.

Chairman Hames asked who is currently renting the property.

Mr. Ramsey informed that the auto sales business is the only renter he has currently and confirmed Chairman Hames' statement that the renter is currently displaying automobiles outside, even though no improvements have been made to the property.

Commissioner Rockenbaugh enquired that under typical procedure, property owner should have been notified in 2012 when the SUP was approved and why Mr. Ramsey is stating that he wasn't aware of the situation and nothing has been done.

Mr. Ramsey stated that Mr. Jue did not keep him in the loop as to what was going on or what requirements have been put in place. He has caused a lot of damage when he left the building and occupied the store next to this property.

Commissioner Pool asked whether the notices were sent to the property owner or the tenant at that time.

Mr. Joyce stated that the tenant was notified as the owner had listed him as the primary point of contact handling the business.

Chairman Hames closed the public hearing at 6:45 p.m.

Commissioner Molina moved to revoke the SUP for Item 2.1 Commissioner Pool seconded the motion. Motion carried (5-0).

2.2	<i>SUP16-0004 – Pappy’s Pet Lodge at 4000 Paige Road</i> Conduct a public hearing, discuss, and consider making a recommendation to City Council regarding a Specific Use Permit request for proposed Pappy’s Pet Lodge at 4000 Paige Road.
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Chairman Hames read the public hearing item 2.2 into record.

Ms. Sen presented the staff report.

Chairman Hames stated that a shade structure should be added to the proposal for the outside play area.

Chairman Hames opened the public hearing at 7:00 p.m.

Applicant Bill Kinder from Pappy's Pet Lodge approached the Commission. He described Pappy's Pet Lodge business, location and reputation for its operation of award winning pet care facilities.

Commissioner Buffington enquired why this particular address or the building was chosen as being behind the gas station and convenience store.

Mr. Kinder responded that the size of the building is optimum for their use. The demographics around the area (2 – 5 mile radius) are supportive of this need. The population around have 55% people with pets. There is good signage available on SH 121. Enough traffic on SH 121 and Paige Road to generate interest. So they feel this location to be successful.

Commissioner Buffington asked if this facility will be set up in similar fashion like their rest of the location.

Mr. Kinder responded that this facility will have similar basic setup like the other locations currently open.

Chairman Hames closed the public hearing at 7:05 p.m.

Commissioner Molina moved to approve Item 2.2 with condition that a shade structure will be added to the play area, Commissioner Buffington seconded the motion. Motion carried (5-0).

There being no further business to come before the Commission, Chairman Hames adjourned the Regular Session of the Planning and Zoning Commission at 7: 06 p.m.

Karen Hames, Chairman

Surupa Sen, AICP, Senior Planner

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: June 28, 2016

MEETING DATE: 07/05/2016

SUMMARY OF REQUEST: Discuss and consider approving an ordinance adopting an amendment to the Code of Ordinances, Chapter 6, Article VI, by adding Section 6-170, Entitled "Variance for Dogs on Premises of a Food Establishment; and approve a resolution amending resolution No. 2015-070 adopting the 2015-16 Master Fee Schedule, by amending the Master Fee Schedule to establish a variance fee for dogs on the premises of food establishments (General Admin, Perez)

Background:

Purpose:

This is a continuation of the discussion on approving a variance process for the allowance of dogs in food establishment patio areas as currently they are prohibited by ordinance. As the popularity of food establishments that are "pet" friendly rises, staff recognized a need to discuss with Council to consider amending the current ordinance as development and recruitment of new food establishments continues; some of which are dog friendly. The ordinance is modeled after the Texas Food Establishment Regulations suggested regulations for this issue. Attached is the presentation given at a recent Council workshop detailing this item.

Issues:

Alternatives:

Recommendations:

Attachments:

Ordinance
Resolution

CITY OF THE COLONY, TEXAS

ORDINANCE NO. 2016-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 5, ARTICLE I, BY ADDING A NEW SUBSECTION 5-4(I), ENTITLED “ANIMALS PROHIBITED IN ESTABLISHMENTS SELLING FOOD,” PROHIBITING ANIMALS OTHER THAN SERVICE ANIMALS IN ESTABLISHMENTS SELLING FOOD, AND ESTABLISHING EXCEPTIONS TO THE GENERAL PROHIBITION; AMENDING CHAPTER 6, ARTICLE VI, BY ADDING A NEW SECTION 6-170, ENTITLED “VARIANCE FOR DOGS ON PREMISES OF A FOOD ESTABLISHMENT,” BY ESTABLISHING A VARIANCE PROCEDURE TO THE GENERAL PROHIBITION OF ANIMALS AT FOOD ESTABLISHMENTS; AUTHORIZING THE FOOD AUTHORITY TO GRANT VARIANCES; AUTHORIZING THE FOOD AUTHORITY TO DENY OR REVOKE A VARIANCE; AUTHORIZING THE FOOD AUTHORITY TO GRANT VARIANCES TO FOOD ESTABLISHMENTS TO ALLOW DOGS ON PATIOS OF FOOD ESTABLISHMENTS; ESTABLISHING STANDARDS AND CONDITIONS FOR FOOD ESTABLISHMENTS; ESTABLISHING SIGNAGE REQUIREMENTS FOR FOOD ESTABLISHMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500) FOR EACH AND EVERY OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Title 25, Part 1, Chapter 228, Subchapter F, Section 228.186(o) of the Texas Administrative Code generally prohibits live animals on the premises of a food establishment;” and

WHEREAS, Title 25, Part 1, Chapter 228, Subchapter I, Section 228.243 of the Texas Administrative Code provides the authority for the City of The Colony, Texas, to grant a variance by modifying or waiving the requirements provide in the Texas Administrative Code if in the opinion of the regulatory authority a health hazard or nuisance will not result from the variance; and

WHEREAS, the City Council of the City of The Colony, Texas, finds and determines that a health hazard or nuisance will not result from the granting of variances consistent with this Ordinance, further 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 5, Article I, Section 5-4, entitled “Animal provisions generally,” by adding a new subsection (i) which shall read as follows:

Sec. 5-4. – Animal provisions generally.

...

“(i) *Animals prohibited in establishments selling food.* It shall be unlawful for any person to allow any animal, other than a dog that is an assistance animal, to enter or remain inside any establishment in the city where food is served or sold.

- (1) *Exceptions:* as provided by title 25 of the Texas Administrative Code, Section 228.44(a), as amended or pursuant to a variance granted pursuant to section 6-170 of this Code.”

SECTION 3. That the Code of Ordinances of the City of The Colony, Texas be, and the same is, hereby amended by amending Chapter 6, Article VI, entitled “Food and Food Establishments,” by adding a new section 6-170, entitled “Variance for dogs on premises of a food establishment,” which shall read as follows:

“Section 6-170.- Variance for dogs on premises of a food establishment.

- (a) A food establishment with an outdoor patio under its exclusive ownership or control may apply to the health authority for a variance modifying or waiving the prohibition against dogs on the premises of a food establishment contained in section 5-4(i) of this Code, and Section 228.186(o) of the Texas Food Establishment Rules (“TFER”). The food establishment shall apply for the variance on a form provided by the health authority and shall include in the application all of the information required by Section 228.186(o) of the TFER. The application shall be accompanied by a nonrefundable variance application fee per the fee schedule.
- (b) The health authority may grant a variance, as authorized in section 5-4 (i) of this Code and Section 228.243 of the TFER, by modifying or waiving the requirements of TFER or the requirements of section 5-4(i) of this Code.
- (c) A food establishment granted a variance shall comply with any conditions or standards for the variance established by the health authority or this chapter.
- (d) A variance granted under this section is nontransferable. The variance shall expire December 31st of each year once it is granted by the health authority, unless it is revoked by the health authority or terminated by the food establishment. A variance may be renewed through the application process in conjunction with annual health permits.

- (e) The health authority shall deny or revoke a variance if
 - (1) The application for variance contains a false statement as to a material matter;
 - (2) The food establishment does not hold a valid permit issued under this chapter;
 - (3) The health authority determines that a health hazard or nuisance will result or has resulted from the variance;
 - (4) The food establishment failed to pay fee(s) required at the time it was due; or
 - (5) The food establishment is in violation of any term or condition of the variance as established by the health authority, this chapter, or state law.
- (f) If the health authority denies or revokes a variance, the health authority shall notify the applicant in writing by personal service or regular United States mail. The notice must include the reasons for the denial or revocation and a statement informing the applicant of the right to appeal the decision in accordance with section 6-142 of this article.
- (g) If the health authority grants a variance allowing dogs to be present in the outdoor patio area of a food establishment, then the food establishment shall comply with the following conditions and standards in addition to any other conditions and standards established by the health authority for the variance under the authority of Section 228.243 of the TFER:
 - (1) Except as allowed under section 5-4 of this Code, no dog may be present inside the food establishment or on any playground area of the food establishment.
 - (2) A separate entrance must be provided from the outside of the food establishment to the outdoor patio so that a dog will have direct access to the patio without entering the interior of the food establishment or any playground area of the food establishment. A dog may not be allowed within seven feet (7') of any entrance to the interior of the food establishment, except when necessary to enter or exit the patio.
 - (3) A sign must be posted at the front entrance of the food establishment so that it is easily visible to the public. The sign must state: "DOG FRIENDLY PATIO - DOG ACCESS ONLY THROUGH OUTDOOR PATIO."
 - (4) Doors equipped with self-closing devices must be provided at all entrances to the outdoor patio from the interior of the food establishment, and must be kept closed when not in use.
 - (5) No food preparation, including mixing drinks or serving ice, may be performed in the outdoor patio area, except that a beverage glass may be filled on the patio from a pitcher or other container that has been filled or otherwise prepared inside the food establishment.

- (6) The outdoor patio must be continuously maintained free of visible dog hair, dog dander, and other dog-related waste or debris. The outdoor patio must be hosed down or mopped with an approved product at the beginning of each shift during which food or beverages will be served (breakfast, lunch, dinner, or late-hours), except that cleaning under this subparagraph is not required if no dog has been present on the outdoor patio since the last cleaning.
- (7)
 - (A) All table and chair surfaces shall be non-porous, easily cleanable material and cleaned and sanitized with an approved product.
 - (B) Spilled food and drink shall be removed from the floor or ground within five (5) minutes of the spill.
- (8) Waste created from a dog's bodily functions must be cleaned up with an approved product within five (5) minutes after each occurrence. All dog waste must be disposed of outside of the food establishment in an appropriate waste receptacle. Equipment used to clean the outdoor patio must be kept outside of the food establishment.
- (9) While on duty, wait staff or other food handlers at the food establishment may not pet or have contact with any dog.
- (10) A card, sign, or other effective means of notification shall be displayed to notify patrons in the outdoor patio area that they should wash their hands before eating.
- (11) A dog must be kept on a leash, or in a secure bag or container specifically designed to carry and provide continuous restraint of dogs while providing adequate ventilation, and remain under continuous physical control of the customer while in the outdoor patio area. The dog must be wearing a collar or harness with a current rabies tag attached to it.
- (12) A dog is not allowed on a seat, table, countertop, or similar surface in the outdoor patio area.
- (13) A dog is not allowed to have contact with any dishes or utensils used for food service or preparation at the food establishment.
- (14) A dog may not be given any food (including, but not limited to, dog kibble, biscuits, and edible treats) while in the outdoor patio area, but may be given water in a disposable container.
- (15) The food establishment shall maintain written procedures to notify the City of The Colony Animal Services Division of any local rabies control incident as required by section 5-13 of this Code, or any other incident in which two (2) or more dogs

are involved in any sort of altercation where they physically come into contact with each other, regardless of whether any of the animals are injured.”

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

SECTION 7. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS 5th day of July, 2016.

Joe McCourry, Mayor

ATTEST:

Tina Stewart, Interim City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

CITY OF THE COLONY, TEXAS

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING RESOLUTION NO. 2015-070 ADOPTING THE 2015-2016 MASTER FEE SCHEDULE, BY AMENDING THE MASTER FEE SCHEDULE TO ESTABLISH A VARIANCE FEE FOR DOGS ON PREMISES OF A FOOD ESTABLISHMENT; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of The Colony established, by ordinance, to provide for all fees under the Code of Ordinances by resolution; and

WHEREAS, the City adopted a Master Fee Resolution, being Resolution No. 2015-070, a resolution of the City of The Colony, Texas; and

WHEREAS, after review of the fees contained therein, the City has found that a variance fee for dogs on premises of a food establishment should be established; and

WHEREAS, the City Council has determined that the Master Fee Schedule, Resolution No. 2015-070, should be amended to provide for a variance fee for dogs on premises of a food establishment.

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

SECTION 1. Resolution No. 2015-070 is hereby amended by amending the Health Permit Fees to provide for a “Variance Fee for Dogs on Premises of a Food Establishment,” which shall read as follows:

“RESOLUTION NO. 2016-_____

<u>Item</u>	<u>Existing Fee</u>	<u>Proposed Fee</u>	<u>Eff Date</u>
HEALTH PERMITS			
Variance Fee for Dogs on Premises of a Food Establishment	\$0	-----	7/5/16

SECTION 2. That all provisions of any resolution of the City Council of the City of The Colony, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

SECTION 3. This Resolution shall become effective immediately 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 July, 2016.

Joe McCourry, Mayor

ATTEST:

Tina Stewart, Interim City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: June 28, 2016

MEETING DATE: 07/05/2016

SUMMARY OF REQUEST: Discuss and consider cancelling or rescheduling the August 2, 2016 City Council meeting due to National Night Out (Council)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: June 28, 2016

MEETING DATE: 07/05/2016

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 Tax Increment Reinvestment Zone Number One, City of The Colony, Texas.

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 pending or contemplated litigation – Quality Excavation, Ltd. v. City of The Colony, Texas, Cause Number 16-03350-442.

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: June 28, 2016

MEETING DATE: 07/05/2016

SUMMARY OF REQUEST:

- A. Any action as a result of executive session regarding Tax Increment Reinvestment Zone Number One, City of The Colony, Texas.
- B. Any action as a result of executive session regarding pending or contemplated litigation – Quality Excavation, Ltd. v. City of The Colony, Texas, Cause Number 16-03350-442.
- 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.
