



**CITY OF THE COLONY
CITY COUNCIL MEETING AGENDA
TUESDAY, MAY 3, 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, May 3, 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: National Travel and Tourism Week May 1-7, 2016 (Communications, Baxter)
 - 1.5. Proclamation: Motorcycle Safety and Awareness Month (Council)
 - 1.6. Proclamation: National Bike Month (PARD, Morgan)
 - 1.7. Proclamation: National Police Week 2016 (Police, Coulon)
 - 1.8. Proclamation: Eagle Scout Court of Honor for Christopher DeGrendele (Council)
 - 1.9. Presentation of Mayor's Monarch Pledge (General Admin, Perez)
 - 1.10. Mother's Opposing Bullying Presentation of Appreciation to City Council for Support of MOB World Unity Festival and Run (General Admin, Shallenburger)
 - 1.11. Items of Community Interest
 - 1.11.1. Presentation from the Library Director regarding current and upcoming programs, events, and service improvements (Library, Sveinsson)

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

2.0 WORK SESSION

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

- 2.1. Discuss a rental inspection program from the 2016 City Council Retreat (General Admin, Perez)
- 2.2. 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)
- 2.3. 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.

4.0 CONSENT AGENDA

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

- 4.1. Consider approving city council meeting minutes for April 19, 2016 (Interim City Secretary, Stewart)
- 4.2. Consider approving city council expenditures for the month of March 2016 (Council)
- 4.3. Consider approving a resolution authorizing the city manager to terminate the Boathouse Development Agreement (Development Services, Joyce)
- 4.4. Consider approving an ordinance amending the Fiscal Year 2015-2016 Municipal Budget for the purpose of drainage improvements on West Shore Drive in Eastvale (Engineering, Scruggs)

5.0 REGULAR AGENDA ITEMS

- 5.1. Discuss and consider approving an ordinance authorizing a Development Plan allowing The Shacks at Austin Ranch, a combination of retail and restaurant buildings on 1.494-acre parcel of land located at the southeast corner of Plano Parkway and Windhaven Parkway in the Planned Development 22 (PD-22 – Austin Ranch) Zoning District (Development Services, Joyce)
- 5.2. Discuss and consider appointing members to the new city hall building committee (Council)

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- 5.3. Discuss and consider appointing members to the new athletic practice field committee (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 permissible uses of the Type B sales tax revenue.

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

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 – 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.

D. Council shall convene into a closed executive session pursuant to Section 551.074 of the TEXAS GOVERNMENT CODE to seek legal advice from the city attorney and 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 permissible uses of the Type B sales tax revenue.

B. 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.

C. 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.

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

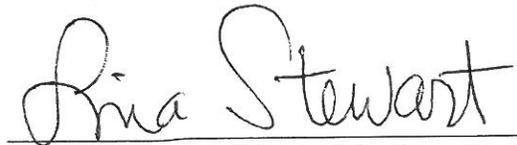
Pursuant to the Texas Open Meeting Act, Government Code Chapter 551 one or more of the above items may be considered in executive session closed to the public, including but not limited to consultation with attorney pursuant to Texas Government Code Section 551.071 and Section 551.074 arising out of 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 28th day of April, 2016.

A handwritten signature in cursive script that reads "Tina Stewart". The signature is written in black ink and is positioned above a horizontal line.

Tina Stewart, Interim City Secretary

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 27, 2016

MEETING DATE: 5/3/2016

SUMMARY OF REQUEST: Proclamation: National Travel and Tourism Week May 1-7, 2016 (Communications, Baxter)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:
Proclamation

MAYORAL PROCLAMATION

Whereas, travel has a positive effect on Texas and the nation's economic prosperity and image abroad, it also impacts business productivity and to individual travelers' well-being; and

Whereas, travel to and within the United States provides significant economic benefits for the nation, generating more than \$2.1 trillion in economic output in 2014, with \$927.9 billion spent directly by travelers; and

Whereas, travel is among the largest private-sector employers in the United States, supporting 15 million jobs in 2014, including 8 million directly in the travel industry and 7 million in other industries; and

Whereas, travelers' spending directly generated tax revenues of \$141.5 billion for federal, state and local governments, funds used to support essential services and programs; and

Whereas, international travel to the United States is the nation's No. 1 services export. In 2015, travel generated \$220.6 billion in exports, creating a \$74 billion trade surplus for the United States; and

Whereas, meetings, events and incentive travel are core business functions that help companies strengthen business performance, educate employees and customers and reward business accomplishments—which in turn boosts the U.S. economy. In 2014, domestic and international business travelers spent \$283 billion; and

Whereas, leisure travel, which accounts for more than three-quarters of all trips taken in the United States, spurs countless benefits to travelers' health and wellness, creativity, cultural awareness, education, happiness, productivity and relationships; and

Whereas, travel is a pillar of economic growth, creating jobs at a faster rate than other sectors; and

Now, therefore, I, Joe McCourry, Mayor of The Colony do hereby proclaim May 1-7, 2016 as National Travel and Tourism Week in The Colony, Texas and urge the citizens of The Colony to join me in this special observance.

SIGNED and SEALED this 3rd day of May, 2016.

Joe McCourry, Mayor
City of The Colony, Texas

ATTEST:

Tina Stewart, Interim City Secretary

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 27, 2016

MEETING DATE: 5/3/2016

SUMMARY OF REQUEST: Proclamation: Motorcycle Safety and Awareness Month (Council)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:
Proclamation

MAYORAL PROCLAMATION

***WHEREAS**, today's society is finding more citizens involved in motorcycling on the roads of our country; and*

***WHEREAS**, motorcyclists are roughly unprotected and much more likely to be injured or killed in a crash than other vehicle drivers; and*

***WHEREAS**, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and most of all fatalities, through a comprehensive approach to motorcycle safety; and*

***WHEREAS**, it is the responsibility of all who put themselves behind the wheel to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and*

***WHEREAS**, urging all of our community to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike to give each other the mutual respect they deserve.*

***NOW, THEREFORE**, I, Joe McCourry, Mayor of The Colony, Texas, do hereby proclaim the month of May, 2016 as:*

MOTORCYCLE SAFETY and AWARENESS MONTH

***SIGNED and SEALED** this 3rd day of May, 2016.*

*Joe McCourry, Mayor
City of The Colony, Texas*

ATTEST:

Tina Stewart, Interim City Secretary

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 27, 2016

MEETING DATE: 5/3/2016

SUMMARY OF REQUEST: Proclamation: National Bike Month (PARD, Morgan)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:
Proclamation

MAYORAL PROCLAMATION

WHEREAS, the bicycle is a viable and environmentally sound form of transportation and an excellent form of recreation and fitness; and

WHEREAS, many citizens of The Colony will experience the joys of bicycling through educational programs, club and charity rides, commuting and trail events, safety promotion, or just getting out and going for a ride; and

WHEREAS, The Colony encourages bicycling activities on its bike trails along thoroughfares, and at Stewart Creek Park, the Shoreline Trail, Hidden Cove Park, The Tribute Nature Trail, the Park Loop Trail and many other locations that attract cyclists from around the region and nation; and

WHEREAS, these bicycling activities and attractions have a positive impact on The Colony's economy and tourism industry, and stimulate economic development by making the city attractive to businesses and citizens who enjoy the out of doors and healthy lifestyles; and

WHEREAS, creating bicycle-friendly communities has been shown to improve citizens' health, well-being, and quality of life, boosts community spirit, improves traffic safety, and reduces pollution and congestion; and

WHEREAS, May has been declared National Bike Month for each of the last 60 years, and is so again in 2016; and

WHEREAS, the League of American Bicyclists, BikeTexas, bicycle clubs, schools, parks and recreation departments, police departments, hospitals, companies and civic groups throughout the state and our community will be promoting bicycling as a leisure and fitness activity, as well as an environmentally-friendly alternative to the automobile during the month of May; and

WHEREAS, the education of bicyclists and motorists as to the proper and safe operation of bicycles and interaction with vehicular traffic is important to ensure the safety and well-being of all users; and

WHEREAS, BikeTexas, Shawnee Trail Cycling Club, local cyclists, and other organizations across the region are promoting bicycle safety during the month of May of 2016; and

WHEREAS, The Colony City Council recognizes the significance and value of bicycle activities and the role they play in enhancing the overall quality of life of our community,

NOW, THEREFORE, I, Joe McCourry, Mayor of the City of The Colony hereby recognize the month of May as National Bike Month; the week of May 16-20, 2016 as Bike to Work Week; and May 20th, 2016 as Bike to Work Day. We, further urge all who support bicycling to participate in cycling activities and urge all road users to share the road safely with bicyclists.

SIGNED AND SEALED this 5th day of May, 2016.

Joe McCourry, Mayor
City of The Colony, Texas

ATTEST:

Tina Stewart, Interim City Secretary

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 27, 2016

MEETING DATE: 5/3/2016

SUMMARY OF REQUEST: Proclamation: National Police Week 2016 (Police, Coulon)

Background:

Purpose:

To recognize National Police Week 2016 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

Issues:

Alternatives:

Recommendations:

Attachments:

Proclamation

MAYORAL PROCLAMATION

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the The Colony Police Department;

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty;

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.;

WHEREAS, 252 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 123 officers killed in 2015 and 129 officers killed in previous years;

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 28th Annual Candlelight Vigil, on the evening of May 13, 2016;

WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 15th through the 21st;

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

NOW, THEREFORE, I, Joe McCourry, Mayor of The Colony, do hereby proclaim **May 15-21, 2016 as Police Week** in The Colony, and publicly salute the service of law enforcement officers in our community and in communities across the nation.

SIGNED AND SEALED this 5th day of May, 2016.

Joe McCourry, Mayor
City of The Colony, Texas

ATTEST:

Tina Stewart, Interim City Secretary

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 28, 2016

MEETING DATE: 5/3/2016

SUMMARY OF REQUEST: Proclamation: Eagle Scout Court of Honor for Christopher DeGrendele (Council)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:
Proclamation

MAYORAL PROCLAMATION

WHEREAS, Christopher DeGrendele, is honored by the Boys Scouts of America Troop 1001 with an Eagle Scout Court of Honor Ceremony on May 3, 2016; and

WHEREAS, the rank of Eagle Scout is the highest rank achievable in scouting and is an honor earned by only a small percentage of the youth involved in the organization; and

WHEREAS, Christopher has earned the ranks of Order of the Arrow for the National Honor Society of the Boys Scouts of America, Eagle Scout 2016, Senior Patrol Leader, Den Chief, and is a selected member of the Texas State Representative, Pat Fallon's, LLC under the Legislative Leadership Council; and

WHEREAS, Christopher's Eagle Service Project consisted of the construction of two "Little Free Libraries" in coordination with Principal Thompson of Ethridge Elementary; and

WHEREAS, Christopher, a senior at The Colony High School, has received the College Board's AP Scholar with National Honors; National Honor Society for English, Math and Science; All-Academic District Runner (State and Regional); Cross Country Team Captain; Team District Champion, and he has received the The Colony High School Cougar Award; and

WHEREAS, Christopher has demonstrated that he is a contributing member of the community and by using the skills learned as a Scout, will undoubtedly continue to be.

NOW, THEREFORE, I, Joe McCourry, Mayor of The City of The Colony, do hereby recognize and commend:

Christopher DeGrendele
for his achievement of the rank of Eagle Scout.

SIGNED and SEALED this 3rd day of May, 2016.

*Joe McCourry, Mayor
City of The Colony, Texas*

ATTEST:

Tina Stewart, Interim City Secretary

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 27, 2016

MEETING DATE: 5/3/2016

SUMMARY OF REQUEST: Presentation of Mayor's Monarch Pledge (General Admin, Perez)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

Mayor Monarch Pledge

MAYORAL PROCLAMATION

WHEREAS, the monarch butterfly is an iconic North American species whose multigenerational migration and metamorphosis from caterpillar to butterfly has captured the imagination of millions of Americans; and

WHEREAS, 20 years ago, more than one billion Eastern monarch butterflies migrated to Mexico, but in the winter of 2014, only 60 million made the trip; and

WHEREAS, cities, towns and counties have a critical role to play to help save the monarch butterfly, and the City of The Colony in conjunction with the Keep The Colony Beautiful has played a leadership role by promoting the development of the Monarch Butterfly; and

WHEREAS, every citizen of The Colony can make a difference for the monarch by planting native milkweed and nectar plants to provide habitat for the monarch and pollinators in locations where people live, work, learn, play and worship; and

WHEREAS, on behalf of the people of the City of The Colony who have already joined me in creating healthy habitat for these magnificent butterflies, I am honored to lead the way by signing the National Wildlife Federation's Mayors' Monarch Pledge; and I encourage other city officials across our great nation to take a stand with me so that the monarch butterfly will once again flourish across the continent.

NOW THEREFORE, I, Joe McCourry, Mayor of the City of The Colony, do hereby proclaim May 3rd, 2016, as:

“MAYORS’ MONARCH PLEDGE DAY” IN THE CITY OF THE COLONY

SIGNED and SEALED this 3rd day of May, 2016.

*Joe McCourry, Mayor
City of The Colony, Texas*

ATTEST:

Tina Stewart, Interim City Secretary

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 27, 2016

MEETING DATE: 5/3/2016

SUMMARY OF REQUEST: Mother's Opposing Bullying Presentation of Appreciation to City Council for support of MOB World Unity Festival and Run (General Admin, Shallenburger)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 27, 2016

MEETING DATE: 5/3/2016

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:

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 27, 2016

MEETING DATE: 5/3/2016

SUMMARY OF REQUEST: Discuss a rental inspection program from the 2016 City Council Retreat (General Admin, Perez)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 27, 2016

MEETING DATE: 5/3/2016

SUMMARY OF REQUEST: 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)

Background:

Purpose:

The current ordinance prohibits dogs other than service animals within food establishments. The Texas Food Establishment Regulations provide a suggested variance process and regulations to allow dogs in the patio areas of food establishments. Draft ordinance attached based of TFER suggestions.

Issues:

Alternatives:

Recommendations:

Attachments:

Ordinance

CITY OF THE COLONY, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING THE CODE OF ORDINANCES, 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.
- (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 two (2) years after the date 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.
- (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 _____ day of _____, 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: April 27, 2016

MEETING DATE: 5/3/2016

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

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:



TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 27, 2016

MEETING DATE: 5/3/2016

SUMMARY OF REQUEST: Consider approving city council meeting minutes for April 19, 2016 (Interim City Secretary, Stewart)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:
City Council Minutes



**MINUTES OF COUNCIL REGULAR SESSION
HELD ON
APRIL 19, 2016**

The Regular Session of the City Council of the City of The Colony, Texas, was called to order at 6:33 p.m. on the 19th day of April, 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	Present
Brian R. Wade	Councilmember	Present
David Terre	Councilmember	Present
Perry Schrag	Councilmember	Present
Joel Marks	Councilmember	Present (6:52 p.m.)

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 – 6:33 p.m.
- 1.1. Invocation – *Councilmember Terre*
- 1.2. Pledge of Allegiance to the United States Flag
- 1.3. Salute to the Texas Flag
- 1.4. Proclamation Recognizing the Month of April as National Distracted Driving Awareness Month
Mayor McCourry proclaimed the Month of April as “National Distracted Driving Awareness Month”.
- 1.5. Introduce the Dallas Roughnecks a professional ultimate disc team to the community. The Roughnecks are playing their 2016 home season at the Five Star Complex (PARD, Swain)
David Swain provided a presentation and introduced the Dallas Roughnecks to the community. Councilmember Terre welcomed the team to the city.
- 1.6. Presentation from the Human Resources Director regarding an overview of tools and processes introduced to the city in 2016; and an introduction to the new hire welcome video developed by the Communications Department (Human Resources, Wallican)

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.

Director of Human Resources Rodney Wallican provided an overview of tools and processes introduced to the city in 2016. Diane Baxter, Director of Communications and Tourism, presented the new hire welcome video to the council. Both Mayor and Councilmember Terre acknowledged staff for their hard work on these projects.

1.7. Items of Community Interest

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

Lindsey Stansell provided upcoming events and activities to the council.

Councilmember Boyer acknowledged Tina Stewart as the new Interim City Secretary.

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. Receive follow-up report from Mothers Opposing Bullying regarding the grant funded event MOB World Unity Festival and Run (General Admin, Shallenburger)

This item was pulled from the agenda and not discussed.

2.2. Discuss public information request Quarterly Report as presented for council review (City Secretary)

There was no discussion on this item.

2.3. Discuss and consider creating a committee to study and make recommendations to the city council regarding a future new city hall building (City Manager, Powell)

City Manager Troy Powell briefed council on the creation of a committee for a new city hall building. Councilmember Terre announced his interest in serving on the committee. The council provided discussion on this item with a recommendation for the committee to consist of Council, the City Manager, a member from the Economic Development Corporation, Community Development Corporation and citizens from the community. Council to provide other persons of interest to Mayor by the next council meeting.

2.4. Discuss and consider creating a committee to study and make recommendations to the City Council regarding future new athletic practice field locations (General Admin, Powell)

Councilmember Terre recommended Councilmember Wade for the committee. Councilmember Mikulec suggested Parks and Recreation youth leaders to be consider on the committee. Council agreed to move forward with the recommendations with plans to begin by the second meeting in May.

2.5. 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.

1. *Christi Martin spoke concerning customer feedback award for excellent customer service.*

4.0 CONSENT AGENDA

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

- 4.1. Consider approving city council meeting minutes for April 1, 2, and 5, 2016 (Interim City Secretary)
- 4.3. Discuss and consider approving a resolution authorizing the City Manager to execute the purchase of ProQA Emergency Medical Dispatch Program from Priority Dispatch for \$78,103.00 (Fire, Thompson)

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

- 4.2. Consider approving a grant request from Friends of The Colony Library Inc. for funding in the amount of \$8,775.00 for their event, "Jazzed About the Library Benefit" to be held in August, 2016 (General Admin, Shallenburger)
This item was pulled from the agenda and not discussed.

5.0 REGULAR AGENDA ITEMS

- 5.1. Presentation of the Comprehensive Annual Financial Report (CAFR) for the 2014-15 fiscal year from John Deburro with Weaver and Tidwell (Finance, Cranford)
Director of Finance David Cranford introduced John Deburro with Weaver and Tidwell to council. Mr. Deburro presented the 2014-2015 Fiscal Year Comprehensive Annual Financial Report (CAFR). Councilmember Terre thanked Mr. Deburro and city staff for their hard work preparing the financial highlights of the general fund.
- 5.2. Conduct a public hearing, discuss and consider an ordinance approving an application for a Specific Use Permit (SUP) to allow a thrift store called Renew Resale Thrift Store at 6700 Main Street, Suite 130 within the Shopping Center (SC) Zoning District (Development Services, Joyce)
Mike Joyce briefly reviewed the proposed Specific Use Permit for Renew Resale Thrift Store. Mike explained with the approval of two variances by the Board of Adjustments, the application was in conformance with the Zoning Ordinance. Planning and Zoning Commission recommended approval.

The public hearing was opened at 7:51 p.m., owner Carol Whites stated the boutique is a 501(c)3 organization that will assist those with mental health needs. She explained all proceeds would be used to fund NAMI (National Alliance Mental Illness). Donations will have a designated drop-off location, and items that do not fit the boutiques criteria will be passed on to another 501(c)3 organization. Christi Martin spoke in favor of the proposed request. There being no other speakers, the public hearing was closed at 7:56 p.m.

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

- 5.3. Discuss and consider approving a resolution authorizing the City Manager to execute a construction contract for the widening of Memorial Drive from Worley Drive to South Colony Boulevard (Engineering, Scruggs)
Gordon Scruggs reviewed the proposed request to council. Staff recommended to contract with Tiseo Paving Company in the amount of \$1,319,988.93 subject to the approval of funding from Denton County. Councilmember Boyer inquired on the timeframe to complete the project. Gordon stated eleven to twelve months.

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

- 5.4. Discuss and consider approving a resolution authorizing the city manager to execute a contract amendment with Austin Bridge & Road, L.P. for construction of Phase 1 of the South Colony Boulevard Grade Separation at the Sam Rayburn Tollway/SH 121 (Engineering, Scruggs)
Gordon Scruggs reviewed the purpose for this contract amendment with Austin Bridge & Road, L.P., adjusting quantities shown in the original plans and specifications. The total cost of this amendment is \$194,763.74 with construction cost funded at 100 percent by Denton County with Regional Toll Revenues (RTR) and TIRZ One.

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

- 5.5. Discuss and consider approving a resolution awarding a bid and authorizing the city manager to execute a construction contract for Pawsome Playground Dog Park to Wall Enterprises in the amount of \$356,360 with funding provided by the Community Development Corporation (PARD, Morgan)
Eve Morgan presented the construction contract for Pawsome Playground Dog Park to council.

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

Executive Session was convened at 8:15 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 the Development Agreement, Ground Lease Agreement and related agreements with Marine Quest - Hidden Cove, L.P. and Plains Capital Bank concerning Hidden Cove Park.

This item was pulled from the agenda and not discussed.

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

[8:30 p.m. Councilmember Wade left the executive session prior to the discussion on Item B. He returned to the closed session at 8:50 p.m.]

- 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 – 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.

- D. Council shall convene into a closed executive session pursuant to Section 551.087 of the TEXAS GOVERNMENT CODE to deliberate regarding commercial or financial information the city has received from a business prospect(s), and to deliberate the offer of a financial or other incentive to a business prospect(s).

- E. Council shall convene into a closed executive session pursuant to Section 551.071 and 551.074 of the TEXAS GOVERNMENT CODE to seek legal advice from the city attorney and to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Secretary.

Open Session was reconvened at 10:29 p.m.

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

No Action

- B. 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

C. 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

D. Any action as a result of executive session regarding commercial or financial information the city has received from a business prospect(s), and to deliberate the offer of a financial or other incentive to a business prospect(s).

Motion to approve a performance agreement between The Colony Economic Development Corporation and Jackson-Shaw on the terms as discussed in executive session- Marks; second by Mikulec; motion passed with all ayes.

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

Motion to approve a contract with Christie Wilson for consulting services with the terms as discussed in executive session – Marks; second by Wade; motion passed with all ayes.

And with no further business to discuss the meeting was adjourned at 10:32 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: April 27, 2016

MEETING DATE: 5/3/2016

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

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

March 2016 Expenditures

Memo

To: Members of the City Council
From: Tina Stewart, Interim City Secretary
Date: May 3, 2016
Re: Council Expenditures for approval

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

Mayor cell phone	119.43
Mayor- data plan for iPad	30.50
Food for council meetings	394.43
SPAN Charges for February	9,735.02
Personnel Services	2,260.65
Total	\$12,540.03

CITY OF THE COLONY
 FINANCIAL STATEMENT
 AS OF: MARCH 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	2,100.00	4,200.00	50.00	0.00	4,200.00
623-6115	SOCIAL SECURITY TAXES	672.00	160.65	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	0.00	94.18	3.92	0.00	2,305.82
623-6127	DUES & MEMBERSHIPS	0.00	0.00	50.00	0.00	0.00	(50.00)
	TOTAL 61-PERSONNEL SERVICES	12,172.00	2,260.65 ✓	4,665.48	38.33	0.00	7,506.52
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	149.93	867.70	43.39	0.00	1,132.30
	TOTAL 62-CONTRACTUAL SERVICES	2,100.00	149.93 ✓	880.28	41.92	0.00	1,219.72
63-SUPPLIES							
623-6390	MISCELLANEOUS SUPPLIES	3,800.00	394.43	2,225.15	58.56	0.00	1,574.85
	TOTAL 63-SUPPLIES	3,800.00	394.43 ✓	2,225.15	58.56	0.00	1,574.85
64-MAINTENANCE							
66-CAPITAL OUTLAY							
67-OVERHEAD ALLOCATION							
68-SUNDRY CHARGES							
623-6845	GENERAL GOVERNMENT	124,377.00	9,735.02	54,678.18	43.96	0.00	69,698.82
	TOTAL 68-SUNDRY CHARGES	124,377.00	9,735.02 ✓	54,678.18	43.96	0.00	69,698.82
	TOTAL 623 - CITY COUNCIL	142,449.00	12,540.03 ✓	62,449.09	43.84	0.00	79,999.91

4-14-2016 11:30 AM

DETAIL LISTING

PAGE: 19

FUND : 100-GENERAL FUND

ACTIVE ACCOUNTS ONLY

PERIOD TO USE: Mar-2016 THRU Mar-2016

DEPT : 23 CITY COUNCIL

SUPPRESS ZEROS

ACCOUNTS: 600-6000-0000 THRU 699-6999-9999

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

623-6112 SALARIES, PART-TIME
B E G I N N I N G B A L A N C E 2,100.00

3/21/16 3/22 P03159 PYEXP 00724 P/E 3/21/2016 2,100.00 CR: 0.00 2,100.00 4,200.00
===== MARCH ACTIVITY DB: 2,100.00 CR: 0.00

623-6115 SOCIAL SECURITY TAXES
B E G I N N I N G B A L A N C E 160.65

3/24/16 3/23 A22937 CHK: 000000 09888 FICA DEDUCTIONS PAYABLE 161 130.20 ✓ 290.85
JPMORGAN CHASE BANK NA INV# T3 PY32116 /PO#
3/24/16 3/23 A22937 CHK: 000000 09888 MEDICARE DEDUCTIONS PAYA 161 30.45 ✓ 321.30
JPMORGAN CHASE BANK NA INV# T4 PY32116 /PO#
===== MARCH ACTIVITY DB: 160.65 CR: 0.00 160.65

623-6244 TELEPHONE SERVICE
B E G I N N I N G B A L A N C E 717.77

3/18/16 4/07 A23573 CHK: 144569 09903 AT&T MOBILITY 114320 119.43 ✓ 837.20
AT&T MOBILITY INV# 201604068061 /PO#
3/31/16 4/05 B66885 Misc 000000 09096 AT&T DATA PLAN FOR IPAD JE# 052899 30.50 ✓ 867.70
===== MARCH ACTIVITY DE: 149.93 CR: 0.00 149.93

623-6350 MISCELLANEOUS SUPPLIES
B E G I N N I N G B A L A N C E 1,830.72

3/31/16 3/31 A23381 CHK: 144550 09897 CHRISTIE WILSON W00009 77.80 ✓ 1,908.58
CHRISTIE WILSON INV# 201603318016 /PO#
3/31/16 4/05 B66885 Misc 000000 09096 KROGER JE# 052899 57.58 ✓ 1,966.16
3/31/16 4/05 B66885 Misc 000000 09096 SUBWAY JE# 052899 108.25 ✓ 2,074.41
3/31/16 4/05 B66885 Misc 000000 09096 ZOE'S JE# 052899 150.74 ✓ 2,225.15
===== MARCH ACTIVITY DB: 394.43 CR: 0.00 394.43

623-6845 GENERAL GOVERNMENT
B E G I N N I N G B A L A N C E 44,943.16

3/01/16 3/22 A22843 CHK: 144345 09885 SPAN 3251 9,735.02 ✓ 54,678.18



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

Page: 1 of 3
Bill Cycle Date: 02/19/16 - 03/18/16
Account:
Foundation Account: FAN U229b5bU
Invoice: 287242020808X03262016

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

Wireless Statement

Bill-At-A-Glance

Previous Balance	\$119.43
Payment - 03/08 - Thank You!	\$119.43CR
Adjustments	\$0.00
Balance	\$0.00
New Charges	\$119.43
Total Amount Due	\$119.43
Amount Due in Full by	Apr 13, 2016

Service Summary

Service	Page	Total
Wireless		\$119.43
469 999-3343 \$119.43	2	
Total New Charges		\$119.43

Manage Your Account:

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



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

Second chance for Device Protection



Replacing a lost, stolen or damaged device can be expensive. Now you have a second chance to protect your eligible device and avoid sticker shock. Available even if you've had your device more than 30 days.

Device Protection Open Enrollment
Go to att.com/addprotection for more details. Offer runs March 1 - April 30, 2016.

Wireless

Group 2 Usage Summary - Feb 19 thru Mar 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	55	204
Total	55	204

Rollover Minutes Summary

Last Month's Rollover Balance	14,539
Current Month Added to Rollover	+ 1,345
Expired Rollover Minutes *	- 1,346
NEW ROLLOVER MINUTES BALANCE	14,538

* Unused Rollover Minutes expire after 12 bill periods.

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

Wireless Services provided by AT&T Mobility, LLC.

Equal Housing Lender



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

Page: 2 of 3
 Bill Cycle Date: 02/19/16 - 02/19/16
 Account:
 Foundation Account: FAN 02296560
 Invoice: 287242020808X03262016

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

Wireless - Continued

Messages	
469 999-3343	13
Total	13

469 999-3343
 CITY OF THE COLONY

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

Monthly Charges - Feb 19 thru Mar 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	55
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	204

Data Usage Summary

Messaging Unlimited	Unlimited
Used	13

2GB DATA

Plan MB	2,048
MB Used	35

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

Other Charges and Credits - Continued

Surcharges and Other Fees

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

Government Fees and Taxes

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

Total Other Charges & Credits **11.73**

Total for 469 999-3343 **119.43**

Total for Wireless accounts **119.43**

News You Can Use

DIRECTORY ASSISTANCE

Calls to 411 (Directory Assistance) from your mobile device will be entirely automated on or after April 19, 2016. Charges will remain the same and will be assessed only when you are provided listing information. For more information, please call us at the toll free number on your bill.

AVOID DEVICE REPLACEMENT STICKER SHOCK

Replacing a lost, stolen or damaged device can be expensive. Now you have a second chance to protect your eligible device - even if you've had it more than 30 days. To learn more about this limited-time Oper Enrollment offer, visit www.att.com/enrollnow. Offer runs March 1- April 30, 2016.

TTY LIMITATIONS FOR 911 CALLS

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



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

ACCOUNT NUMBER 5567-0800-1007-2490

STATEMENT DATE 03-07-16

NET CHARGES \$30.50


JOSEPH M MCCOURRY **ND003650
M0611 COTC COUNCIL
6800 MAIN STREET
THE COLONY TX 75056-1133

FOR RECONCILIATION PURPOSES ONLY. DO NOT SEND PAYMENT.

NAME: JOSEPH M MCCOURRY

CYCLE LIMIT: \$3,000

ACCOUNTING CODE:

CARDHOLDER ACTIVITY

Telecommunication Activity

Post Date	Tran Date	Reference Number	Transaction Description	Amount
02-23	02-22	55480776053002139914352	AT&T DATA 08003310500 GA	30.50
Total Miscellaneous Activity				30.50

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:

03/07/16

ACCOUNT SUMMARY

PURCHASES & OTHER CHARGES	30.50
CASH ADVANCES	.00
CREDITS	.00
CASH ADVANCE FEE	.00
NET CHARGES	\$30.50
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

23-6390



Great food. Low prices.

6805 N. MAIN
972-370-0889

Your cashier was Andrea

	FRITO LAY MIX	6.99	F
	NBSC CHIPS AHOY	5.99	F
	NBSC OREO	5.99	F
	LANCE VARIETY CR PC	2.00	F
SC	KROGER SAVINGS	1.59	
	LANCE VARIETY CR PC	2.00	F
SC	KROGER SAVINGS	1.59	
	1 @ 2/8.00		
	HRSHY SP MINI	4.00	B
	1 @ 2/8.00		
	HRSHY SP MINI	4.00	B
	KRO PLATES	2.59	T
	KRO PLATES	2.59	T
	BFG BROWNIE	3.99	F
	BFG BROWNIE	3.99	F
	KRO APPLE JUICE	2.49	F
	KRO APPLE JUICE	2.49	F
	WELCH GRAPE JUICE	3.69	F
	WELCH GRAPE JUICE	3.69	F
	KROGER PLUS CUSTOMER	*****1657	
	TAX	1.09	
	**** BALANCE	57.68	

TX 75056
MASTERCARD Purchase
*****4015 - SWIPED
REF#: 003147 TOTAL: 57.58

	MASTERCARD	57.58
	CHANGE	0.00
	TOTAL NUMBER OF ITEMS SOLD =	15
	KROGER SAVINGS	\$ 3.18
	TOTAL COUPONS	\$ 3.18
	TOTAL SAVINGS (6 %)	\$ 3.18

03/01/16 01:24pm 879 8 107 108
MARCH 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 = 56
FUEL POINTS THIS MONTH = 56

THIS MONTHS POINTS EXPIRE 04/30/16.
VISIT WWW.KROGER.COM/FUEL FOR DETAILS

With Our Low Prices, You Saved

\$3.18

Annual Card Savings \$3.18
Now Hiring - Apply Today!
Jobs.kroger.com
www.kroger.com

**ZOES
KITCHEN.**

4600 State Highway 121
Suite 120
214-494-6411

Tinna

Host: 03/01/2016
Cashier: shauna
Tinna 4:20 PM
200001

Party Sandwich Tray	0.00
5 Chix Salad Sandwich* (@7.49)	37.45
(5) Side Fruit \$0	
5 Turkey Sandwich (@7.39)	36.95
(5) Side Fruit \$0	
Party Rollup Tray	0.00
6 Rollup Tray Steak Rollups (@9.	55.74
(6) Side Fruit \$0	
Greek Salad	7.89
Add Chix Tender \$	2.19

Subtotal 140.22
Tax 10.52

Catering Total 150.74

Mastercard 150.74
Auth: 015967

23-6390

Our baked feta is perfect for
Sharing! Try a Live Med Salad
Packed with antioxidants! Also,
Enjoy one of our new Piadinas
Bursting with Mediterranean
Flavor and tradition!

--- Check Closed ---

23-6390

Subway#4915-0 Phone 972-625-0730

6805 Main Street

The Colony, TX, 75056

Served by: Oscar 2/16/2016 4:27:41 pm

Term ID-Trans# 1/A-48844

Qty	Size	Item	Price
2		Flavor Craver SndPlt	76.00
2		12 Cookies	11.00
2		Subway Club Salad	13.00

Sub Total	100.00
Sales Tax (8.25%)	8.25
Total (Eat In)	108.25
Credit Card	108.25
Change	0.00

Making great sandwiches it's what we do

Amin Punjwani

972-624-8827

subwaymyway@live.com

Register a SUBWAY(R) Card today in order to earn rewards points. Get 25 free points for joining. Opt-in to email during registration for a Birthday Bonus and monthly offers! www.MySubwayCard.com

It's here! ALL classic Footlongs are now

SPAN, INC.
 1800 Malone St.
 Denton TX 76201

INVOICE	INV000776
Type	
Date	2/29/2016
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
207	Trips to the Senior Center in February 2016	Each	\$0.00	\$12.86	\$2,662.02
550	Trips for Demand Response in February 2016	Each	\$0.00	\$12.86	\$7,073.00
Subtotal					\$9,735.02
Misc					\$0.00
Tax					\$0.00
Freight					\$0.00
Trade Discount					\$0.00
Total					\$9,735.02

Last Name	First Name	Client ID	Funding	Street #	Street Name	Unit #	Residence	Destination	Street #	Street Name	Trip Count
AGUILAR	PRISCILLA	21275	COUNTY	6004	MAYES DR		THE COLONY	THE COLONY	6004	MAYES DR	6
AGUILAR	PRISCILLA	21275	COUNTY	6004	MAYES DR		THE COLONY	THE COLONY	3805	MAIN ST	3
AGUILAR	PRISCILLA	21275	COUNTY	6004	MAYES DR		THE COLONY	THE COLONY	3805	MAIN ST	2
AGUILAR	PRISCILLA	21275	COUNTY	6004	MAYES DR		THE COLONY	THE COLONY	6004	MAYES DR	5
ANDRIES	STAN	24508	COUNTY	6245	MORNINGSTAR	129	THE COLONY	CARROLLTON	4333	N JOSEY LN	1
ANDRIES	STAN	24508	COUNTY	6245	MORNINGSTAR	129	THE COLONY	THE COLONY	3805	S MAIN	1
ANDRIES	STAN	24508	COUNTY	6245	MORNINGSTAR	129	THE COLONY	THE COLONY	6245	MORNINGSTAR	2
BANKS	JULIAN	19384	COUNTY	5279	KNOX DR		THE COLONY	THE COLONY	5279	KNOX DR	18
BANKS	JULIAN	19384	COUNTY	5279	KNOX DR		THE COLONY	LEWISVILLE	1960	ARCHER AVE	18
BROWN	PAMELA	21088	COUNTY	6245	MORNING STAR DR	419	THE COLONY	THE COLONY	4691	ST HWY 121	1
BROWN	PAMELA	21088	COUNTY	6245	MORNING STAR DR	419	THE COLONY	THE COLONY	6245	MORNING STAR DR	1
CAHILL	PATRICIA	27739	COUNTY	5289	STATE HWY 121	1023	THE COLONY	FRISCO	4268	LEGACY DR	1
CAHILL	PATRICIA	27739	COUNTY	5289	STATE HWY 121	1023	THE COLONY	THE COLONY	5289	STATE HWY 121	3
CANO	JASON	26765	COUNTY	3732	RED OAK TRL		THE COLONY	FRISCO	11999	DALLAS PKY	14
CLARK	ROSIE	27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	LEWISVILLE	1600	WATERS RIDGE DR	12
CLARK	ROSIE	27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	THE COLONY	6245	MORNING STAR DR	12
CLARK	ROSIE	27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	THE COLONY	4691	ST HWY 121	1
CLARK	ROSIE	27213	COUNTY	6245	MORNINGSTAR DR	418	THE COLONY	THE COLONY	6245	MORNINGSTAR DR	1
COLLINS	CRYSTAL	26205	COUNTY	4913	WAGNER DR		THE COLONY	CARROLLTON	3740	N JOSEY LANE	2
COLLINS	CRYSTAL	26205	COUNTY	4913	WAGNER DR		THE COLONY	FRISCO	5575	WARREN PKWY	3
COLLINS	CRYSTAL	26205	COUNTY	4913	WAGNER DR		THE COLONY	LEWISVILLE	514	EDMONDS LN	1
COLLINS	CRYSTAL	26205	COUNTY	4913	WAGNER DR		THE COLONY	THE COLONY	4913	WAGNER DR	4
DENNIS	ANNA	27248	COUNTY	5048	THOMPSON DR		THE COLONY	THE COLONY	5048	THOMPSON DR	1
DENNIS	ANNA	27248	COUNTY	5048	THOMPSON DR		THE COLONY	THE COLONY	5151	N COLONY BLVD	1
DIMINO	FRANKLIN	25642	COUNTY	5436	MOUNTAIN VALLEY DR		THE COLONY	CARROLLTON	3032	E HEBRON	1
DIMINO	FRANKLIN	25642	COUNTY	5436	MOUNTAIN VALLEY DR		THE COLONY	CARROLLTON	4343	N JOSEY LN	1
DIMINO	FRANKLIN	25642	COUNTY	5436	MOUNTAIN VALLEY DR		THE COLONY	LEWISVILLE	614	S EDMONDS LN	1
DIMINO	FRANKLIN	25642	COUNTY	5436	MOUNTAIN VALLEY DR		THE COLONY	THE COLONY	5436	MOUNTAIN VALLEY DR	1
EDGERTON	TOM	1464	COUNTY	5900	LONGO ST		THE COLONY	LEWISVILLE	103	KATHRYN DR	15
EDGERTON	TOM	1464	COUNTY	5900	LONGO ST		THE COLONY	LEWISVILLE	2070	S STEMMONS FWY	1
EDGERTON	TOM	1464	COUNTY	5900	LONGO ST		THE COLONY	THE COLONY	5900	LONGO ST	15
GALLOWAY	GREER E	27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	LEWISVILLE	2700	VILLAGE PKY	13
GALLOWAY	GREER E	27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	THE COLONY	6245	MORNING STAR DR	13
GALLOWAY	GREER E	27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	CARROLLTON	3730	N JOSEY LN	1
GALLOWAY	GREER E	27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	THE COLONY	6245	MORNING STAR DR	1
GAJWIN	ROBERT	24423	COUNTY	6529	TERRACE DR		THE COLONY	THE COLONY	5133	RAGAN DR	2
GAJWIN	ROBERT	24423	COUNTY	6529	TERRACE DR		THE COLONY	THE COLONY	5151	N COLONY BLVD	6
GENOVESE	GLORIA	19541	COUNTY	6245	MORNING STAR DR	337	THE COLONY	CARROLLTON	1948	E HEBRON PKWY	1
GENOVESE	GLORIA	19541	COUNTY	6245	MORNING STAR DR	337	THE COLONY	CARROLLTON	4333	N JOSEY LN	1
GENOVESE	GLORIA	19541	COUNTY	6245	MORNING STAR DR	337	THE COLONY	THE COLONY	6245	MORNING STAR DR	2
GIBSON	ARTHUR I	27928	COUNTY	5400	MERRELL CR		THE COLONY	CARROLLTON	4240	INTERNATIONAL PKWY	1
GIBSON	ARTHUR I	27928	COUNTY	5400	MERRELL CR		THE COLONY	THE COLONY	5400	MERRELL CR	1
HIGHTOWER	DOROTHY	5721	COUNTY	6009	TURNER ST		THE COLONY	LEWISVILLE	751	HEBRON PKY	1
HUTTON	JENNIFER	20467	COUNTY	5001	N COLONY BLVD		THE COLONY	LEWISVILLE	1960	ARCHER AVE	20
HUTTON	JENNIFER	20467	COUNTY	5001	N COLONY BLVD		THE COLONY	THE COLONY	5001	N COLONY BLVD	20
IRISH	BOBBIE	23539	COUNTY	6399	MORNINGSTAR DR	808	THE COLONY	LEWISVILLE	190	CIVIC CIR	1
KELLEY	BRYAN	11594	COUNTY	5121	STRICKLAND		THE COLONY	CARROLLTON	1467	LEMA ST	21
KELLEY	BRYAN	11594	COUNTY	5121	STRICKLAND		THE COLONY	THE COLONY	5121	STRICKLAND	20
LEE	SARAH	17801	COUNTY	5548	ROCKWOOD DR		THE COLONY	LEWISVILLE	103	KATHRYN DR	14
LEE	SARAH	17801	COUNTY	5548	ROCKWOOD DR		THE COLONY	LEWISVILLE	2070	S STEMMONS FWY	1
LEE	SARAH	17801	COUNTY	5548	ROCKWOOD DR		THE COLONY	THE COLONY	5548	ROCKWOOD DR	15
LEHR	DONNA	26688	COUNTY	5000	WALKER DR		THE COLONY	THE COLONY	5000	WALKER DR	2
LEHR	DONNA	26688	COUNTY	5000	WALKER DR		THE COLONY	THE COLONY	6700	MAIN ST	2
LEHR	DONNA	26688	COUNTY	5000	WALKER DR		THE COLONY	CARROLLTON	4333	N JOSEY LN	1
LEHR	DONNA	26688	COUNTY	5000	WALKER DR		THE COLONY	THE COLONY	5000	WALKER DR	1
LEHR	DONNA	26688	COUNTY	5000	WALKER DR		THE COLONY	LEWISVILLE	4620	STATE HWY 121	1
LEHR	DONNA	26688	COUNTY	5000	WALKER DR		THE COLONY	THE COLONY	4691	ST HWY 121	1
LEHR	DONNA	26688	COUNTY	5000	WALKER DR		THE COLONY	THE COLONY	5000	WALKER DR	2
LOCKWOOD	MARY	20022	COUNTY	3916	OAKMONT		THE COLONY	THE COLONY	4675	ST HWY 121	8
LOCKWOOD	MARY	20022	COUNTY	3916	OAKMONT		THE COLONY	THE COLONY	4675	ST HWY 121	3
MARTIN	TREVOR W	27502	COUNTY	6109	APACHE DR		THE COLONY	LEWISVILLE	151	W CHURCH ST	3
MARTIN	TREVOR W	27502	COUNTY	6109	APACHE DR		THE COLONY	LEWISVILLE	151	W CHURCH ST	2
MARTIN	TREVOR W	27502	COUNTY	6109	APACHE DR		THE COLONY	THE COLONY	6109	APACHE DR	7
MWHORTER	MARY	27443	COUNTY	5638	FERRIN ST		THE COLONY	THE COLONY	6805	F-M RD 423	4
MWHORTER	MARY	27443	COUNTY	5638	FERRIN ST		THE COLONY	CARROLLTON	4323	N JOSEY LN	1
MENDOZA	JESSIE	14063	COUNTY	4605	W LAKE HIGHLANDS RD		THE COLONY	LEWISVILLE	1960	ARCHER AVE	8
MENDOZA	JESSIE	14063	COUNTY	4605	W LAKE HIGHLANDS RD		THE COLONY	THE COLONY	4605	W LAKE HIGHLANDS RD	8
OSTIGUIN	MARIA	22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	LEWISVILLE	200	S MILL ST	4
OSTIGUIN	MARIA	22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	THE COLONY	5151	N COLONY BLVD	1
OSTIGUIN	MARIA	22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	THE COLONY	5620	S COLONY BLVD	6
OSTIGUIN	MARIA	22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	LEWISVILLE	200	S MILL ST	2
OSTIGUIN	MARIA	22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	THE COLONY	5620	S COLONY BLVD	6
OSTIGUIN	MARIA	22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	THE COLONY	5151	N COLONY BLVD	1
OSTIGUIN	MARIA	22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	LEWISVILLE	200	S MILL ST	2
PORTER	JAN	24536	COUNTY	4777	MEMORIAL DR	1171	THE COLONY	THE COLONY	4777	MEMORIAL DR	1
PORTER	JAN	24536	COUNTY	4777	MEMORIAL DR	1171	THE COLONY	THE COLONY	6805	F-M RD 423	3
RICE	AMY	13612	COUNTY	5613	GREEN HOLLOW LN		THE COLONY	LEWISVILLE	103	KATHRYN DR	7
RICE	AMY	13612	COUNTY	5613	GREEN HOLLOW LN		THE COLONY	LEWISVILLE	2070	S STEMMONS FWY	7
RICE	AMY	13612	COUNTY	5613	GREEN HOLLOW LN		THE COLONY	LEWISVILLE	328	W MAIN ST	8
ROJAS	ALYSSA	26780	COUNTY	4526	NERVIN ST		THE COLONY	THE COLONY	4526	NERVIN ST	12
ROONEY	GERALD P	27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	5201	S COLONY BLVD	2
ROONEY	GERALD P	27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	5313	S COLONY BLVD	1
ROONEY	GERALD P	27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	5201	S COLONY BLVD	2
ROONEY	GERALD P	27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	4691	ST HWY 121	1
ROONEY	GERALD P	27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	5301	SAGERS BLVD	1
ROONEY	GERALD P	27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	4703	STATE HWY 121	4
ROONEY	GERALD P	27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	5301	SAGERS BLVD	1
ROONEY	GERALD P	27078	COUNTY	5301	SAGERS BLVD		THE COLONY	THE COLONY	5301	SAGERS BLVD	3
SANDERS	BECKY	14350	COUNTY	4601	CARR ST		THE COLONY	THE COLONY	4601	CARR ST	10

SMITH	LAWRENCE	26669	COUNTY	5289	STATE HWY 121	3043	THE COLONY	DENTON	2600	SCRIPTURE ST	1
SMITH	LAWRENCE	26669	COUNTY	5289	STATE HWY 121	3043	THE COLONY	LEWISVILLE	614	S EDMONDS LN	1
SMITH	LAWRENCE	26669	COUNTY	5289	STATE HWY 121	3043	THE COLONY	THE COLONY	5289	STATE HWY 121	1
SMITH	CHADD	27688	COUNTY	5108	BRANDENBURG LN		THE COLONY	LEWISVILLE	995	S VALLEY RIDGE BLVD	1
SMITH	CHADD	27688	COUNTY	5108	BRANDENBURG LN		THE COLONY	THE COLONY	5108	BRANDENBURG LN	1
SPANBAUER	HENRY	20966	COUNTY	5220	COLE DR		THE COLONY	CARROLLTON	1717	W FRANKFORD RD	1
STANWICK	JULIE	27428	COUNTY	5901	LEGEND LN		THE COLONY	FLOWER MOUND	6101	MORRIS RD	15
STANWICK	JULIE	27428	COUNTY	5901	LEGEND LN		THE COLONY	THE COLONY	5901	LEGEND LN	15
STANWICK	JULIE	27428	COUNTY	5901	LEGEND LN		THE COLONY	FLOWER MOUND	6101	MORRIS RD	3
STANWICK	JULIE	27428	COUNTY	5901	LEGEND LN		THE COLONY	THE COLONY	5901	LEGEND LN	3
STOPLER	SHAYNE	11671	COUNTY	4936	HACKNEY LN		THE COLONY	THE COLONY	4691	ST HWY 121	17
STOPLER	SHAYNE	11671	COUNTY	4936	HACKNEY LN		THE COLONY	THE COLONY	4936	HACKNEY LN	17
TERRELL	CAROLYN	12475	COUNTY	6046	MC AFEE DR		THE COLONY	LEWISVILLE	500	N VALLEY PKWY	1
TERRELL	CAROLYN	12475	COUNTY	6046	MC AFEE DR		THE COLONY	THE COLONY	6046	MC AFEE DR	1
TURNER	KAREN	27044	COUNTY	6245	MORNING STAR DR	441	THE COLONY	Carrollton	4325	N JONES LN	1
TURNER	KAREN	27044	COUNTY	6245	MORNING STAR DR	441	THE COLONY	THE COLONY	6245	MORNING STAR DR	2
TURNER	KAREN	27044	COUNTY	6245	MORNING STAR DR	441	THE COLONY	THE COLONY	6600	PAIGE RD	1
WALDEN	CARRIE	22981	COUNTY	5100	AZTEC DR		THE COLONY	DENTON	3324	COLORADO BLVD	1
WALDEN	CARRIE	22981	COUNTY	5100	AZTEC DR		THE COLONY	THE COLONY	5100	AZTEC DR	1
WATKINS	VERSI	24153	COUNTY	6245	MORNING STAR DR	210	THE COLONY	THE COLONY	4691	ST HWY 121	1
WATKINS	VERSI	24153	COUNTY	6245	MORNING STAR DR	210	THE COLONY	THE COLONY	6245	MORNING STAR DR	1
WOODARD	NATHAN	27508	COUNTY	5724	BAKER DR		THE COLONY	LEWISVILLE	151	W CHURCH ST	15
WOODARD	NATHAN	27508	COUNTY	5724	BAKER DR		THE COLONY	THE COLONY	5724	BAKER DR	15

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 27, 2016

MEETING DATE: 5/3/2016

SUMMARY OF REQUEST: Consider approving a resolution authorizing the city manager to terminate the Boathouse Development Agreement (Development Services, Joyce)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

Termination Agreement
Resolution

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

After Recording Return To:
Billingsley Company
1722 Routh Street, Suite 770
One Arts Plaza
Dallas, Texas 75201
Attention: Donna Carter

TERMINATION OF DEVELOPMENT AGREEMENT

STATE OF TEXAS)
) **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF DENTON)

THAT THE CITY OF THE COLONY, TEXAS, a home-rule municipality (the "City") and EPC-ARSW, LLC, a Texas limited liability company (the "Developer"), executed that certain Development Agreement dated July 2, 2013, recorded as Instrument No. 2013-96820 in the Official Records of Denton County, Texas (the "Agreement"), relating to certain property known as The Boat House, consisting of multiple family dwellings, townhomes, landscaping, private park and recreational facilities, etc., as more particularly described in the Agreement;

THAT pursuant to Section 7(h) of the Agreement, the Agreement shall be released of record at the request of either party thereto at any time after the various fees and contributions discussed therein have been paid and all obligations required to be performed under the Agreement have been performed in a good and workmanlike manner; and

THAT all fees and contributions required under the Agreement have been paid, all obligations under the Agreement have been performed, the Project has been satisfactorily completed and a Certificate of Occupancy has been issued for the Project.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Developer hereby TERMINATE the Agreement effective as of the date hereof and the parties file this instrument of record as notice of such termination.

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IN WITNESS WHEREOF, the parties have executed this Termination of Development Agreement as of May 3, 2016.

CITY:

THE CITY OF THE COLONY, TEXAS,
a Texas home-rule municipality

By: _____
Name: _____
Title: _____

STATE OF TEXAS §
 §
COUNTY OF DENTON §

This instrument was acknowledged before me on the ____ day of May, 2016, by _____,
of The City of The Colony, Texas, a Texas home-rule municipality.

Notary Public in and for the State of Texas

DEVELOPER:

EPC-ARSW, LLC,
a Texas limited liability company

By: _____
Kenneth D. Mabry, Manager

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the ____ day of May, 2016, by Kenneth D. Mabry, Manager of EPC-ARSW, LLC, a Texas limited liability company.

Notary Public in and for the State of Texas

Exhibit A
Legal Description and or Depiction of Property

METES AND BOUNDS DESCRIPTION

The Boathouse Tract 1

Being a tract of land situated in the D. Andrews Survey, Abstract No. 18, City of The Colony, Denton County, Texas, subject tract being a portion of a tract of land conveyed to Trommell Crow Company No. 33, Ltd., a Texas limited partnership, a 58.0305% undivided interest, PBC 14 AR Land, Ltd., a Texas limited partnership, a 36.0434% undivided interest, CB Parkway Business Center XIV, Ltd., a Texas limited partnership, a 3.9506% undivided interest, University Business Park Phase I, Ltd., a Texas limited partnership, a 1.9743% undivided interest, and UBP Ventures, Ltd., a Texas limited partnership, a 0.0012% undivided interest according to deed recorded in Document No. 2013-49237 of the Official Public Records, Denton County, Texas (OPRDC), the subject tract being more particularly described as follows:

COMMENCING at a 1/2" capped iron rod found for the north end of a corner clip at the intersection of the south line of Windhaven Parkway (a 120 foot public right-of-way) with the west line of West Plano Parkway (a 100 foot public right-of-way);

THENCE along the south line of Windhaven Parkway, the following:

N 69°24'42" W, 103.56 feet;

Around a tangent curve to the left having a central angle of 19°37'53", a radius of 1036.78 feet, a chord of N 79°13'39" W - 353.50 feet, an arc length of 355.24 feet;

And around a reverse curve having a central angle of 36°58'30", a radius of 1260.00 feet, a chord of N 70°33'20" W - 799.09 feet, an arc length of 813.12 feet, to the POINT OF BEGINNING of the subject tract;

THENCE departing said right of way, the following:

S 37°55'35" W, 455.20 feet to a point for corner;

Around a non-tangent curve to the right having a central angle of 37°56'20", a radius of 479.50 feet, a chord of N 74°40'39" W - 311.74 feet, on arc length of 317.51 feet, to a point for corner;

NORTH, 144.47 feet to a point for corner;

EAST, 30.00 feet to a point for corner;

Around a tangent curve to the right having a central angle of 17°32'05", a radius of 623.00 feet, a chord of S 81°16'43" E - 189.92 feet, an arc length of 190.66 feet, to a point for corner;

And N 37°55'35" E, 356.13 feet to the south line of Windhaven Parkway, a point for corner;

THENCE along the south line of Windhaven Parkway, the following:

Around a curve to the right having a central angle of 03°36'29", a radius of 1340.00 feet, a chord of S 50°30'36" E - 84.37 feet, on arc length of 84.38 feet, to a point for corner;

S 48°42'21" E, 28.96 feet to a point for corner;

And around a tangent curve to the left having a central angle of 03°21'45", a radius of 1260.00 feet, a chord of S 50°23'13" E - 73.93 feet, an arc length of 73.94 feet, to the PLACE OF BEGINNING with the subject tract containing 113,941 square feet or 2.616 acres of land.

PAGE 1 OF 5

	PARCEL EXHIBIT			
	D. ANDREWS SURVEY, A-18			
CITY OF THE COLONY				
DENTON COUNTY, TEXAS				
765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0377 • BEPE No. F-2121	Drawn By:	Checked By:	Scale:	Date:
ED	DKB	4/30/13	13-009	Job No.

Drawing: C:\2013\2009\13-009 Summary\Notes\Engineering\CAWH - SURVEY\DWG\13-009 Exhibit.dwg Saved By: c6665 Save Time: 4/30/2013 1:01:54 PM Plotted by: c6665 Plt Date: 4/30/2013 2:02 PM

METES AND BOUNDS DESCRIPTION

The Boathouse Tract 2

Being a tract of land situated in the D. Andrews Survey, Abstract No. 18, City of The Colony, Denton County, Texas, subject tract being a portion of a tract of land conveyed to Trammell Crow Company No. 33, Ltd., a Texas limited partnership, a 58.0305% undivided interest, PBC 14 AR Land, Ltd., a Texas limited partnership, a 36.0434% undivided interest, CB Parkway Business Center XIV, Ltd., a Texas limited partnership, a 3.9506% undivided interest, University Business Park Phase I, Ltd., a Texas limited partnership, a 1.9743% undivided interest, and UBP Ventures, Ltd., a Texas limited partnership, a 0.0012% undivided interest according to deed recorded in Document No. 2013-49237 of the Official Public Records, Denton County, Texas (OPRDCT), the subject tract being more particularly described as follows:

COMMENCING at a 1/2" capped iron rod found for the north end of a corner clip at the intersection of the south line of Windhaven Parkway (a 120 foot public right-of-way) with the west line of West Plano Parkway (a 100 foot public right-of-way);

THENCE along the south line of Windhaven Parkway, the following:

N 69°24'42" W, 103.56 feet;

Around a tangent curve to the left having a central angle of 18°26'01", a radius of 1036.78 feet, a chord of N 78°37'43" W - 332.12 feet, an arc length of 333.56 feet to the POINT OF BEGINNING of the subject tract;

THENCE departing said right of way, the following:

SOUTH, 328.61 feet to a point for corner;

EAST, 25.19 feet to a point for corner;

SOUTH, 130.00 feet to a point for corner;

WEST, 871.75 feet to a point for corner;

Around a non-tangent curve to the left having a central angle of 29°40'36", a radius of 479.50 feet, a chord of N 18°25'31" W - 245.59 feet, an arc length of 248.36 feet to a point for corner;

And N 37°55'35" E, 493.48 feet to the south line of Windhaven Parkway;

THENCE along the south line of Windhaven Parkway, the following:

Around a curve to the left having a central angle of 28°31'56", a radius of 1260.00 feet, a chord of S 74°46'38" E - 620.99 feet, an arc length of 627.45 feet to a point for corner;

And around a reverse curve having a central angle of 01°11'52", a radius of 1036.78 feet, a chord of S 88°26'39" E - 21.68 feet, an arc length of 21.68 feet to the PLACE OF BEGINNING with the subject tract containing 439,127 square feet or 10.081 acres of land.

PAGE 2 OF 5

					PARCEL EXHIBIT	
					D. ANDREWS SURVEY, A-18	
<small>765 Cupper Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • 18PE No. F-2121</small>					CITY OF THE COLONY	
<small>Drawn By:</small>	<small>Checked By:</small>	<small>Scale:</small>	<small>Date:</small>	<small>Job No.:</small>	DENTON COUNTY, TEXAS	
ED	DKB		4/30/13	13-009		

Drawing: 01/26/13 2013-13-006 Survey Notes Engineering\101W - SURVEY\096\13-009 18pe18.dwg Saved By: Eadie Son: Rmc 4/30/13 10:54 AM Plotted By: eadie Plot Date: 4/30/13 2:02 PM

METES AND BOUNDS DESCRIPTION

The Boathouse Tract 3

Being a tract of land situated in the D. Andrews Survey, Abstract No. 18, City of The Colony, Denton County, Texas, subject tract being a portion of a tract of land conveyed to Trammell Crow Company No. 33, Ltd., a Texas limited partnership, a 58.0305% undivided interest, PBC 14 AR Land, Ltd., a Texas limited partnership, a 36.0434% undivided interest, CB Parkway Business Center XIV, Ltd., a Texas limited partnership, a 3.9506% undivided interest, University Business Park Phase I, Ltd., a Texas limited partnership, a 1.9743% undivided interest, and UBP Ventures, Ltd., a Texas limited partnership, a 0.0012% undivided interest according to deed recorded in Document No. 2013-49237 of the Official Public Records, Denton County, Texas (OPRDCT), the subject tract being more particularly described as follows:

COMMENCING at a 1/2" capped iron rod found for the north end of a corner clip at the intersection of the south line of Windhaven Parkway (a 120 foot public right-of-way) with the west line of West Plano Parkway (a 100 foot public right-of-way);

THENCE along the west line of West Plano Parkway, the following:

Around a curve to the right having a central angle of 10°38'46", a radius of 1950.00 feet, a chord of S 28°43'57" W - 361.81 feet, an arc length of 362.33 feet;

And around a reverse curve having a central angle of 03°16'09", a radius of 2550.00 feet, a chord of S 32°25'15" W, 145.48 feet, an arc length of 145.50 feet;

THENCE departing said right-of-way, the following:

N 58°52'27" W, 102.31 feet;

Around a tangent curve to the left having a central angle of 31°07'33", a radius of 60.00 feet, a chord of N 74°26'13" W, 32.20 feet, an arc length of 32.59 feet;

And WEST, 975.10 feet to the POINT OF BEGINNING of the subject tract;

THENCE WEST, 128.98 feet to a point for corner;

THENCE around a non-tangent curve to the left having a central angle of 78°29'02", a radius of 291.00 feet, a chord of N 33°19'29" W, 368.17 feet, an arc length of 398.61 feet to a point for corner;

THENCE N 17°31'39" E, 128.50 feet to a point for corner;

THENCE around a non-tangent curve to the right having a central angle of 76°38'19", a radius of 419.50 feet, a chord of S 34°13'06" E, 520.22 feet, an arc length of 561.12 feet to the PLACE OF BEGINNING with the subject tract containing 61,663 square feet or 1.416 acres of land.

PAGE 3 OF 5

					PARCEL EXHIBIT	
					D. ANDREWS SURVEY, A-18	
765 Custar Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • T&E No. F-2121					CITY OF THE COLONY	
Drawn By:	Checked By:	Scale	Date	Job No.	DENTON COUNTY, TEXAS	
ED	DKB		4/30/13	13-009		

METES AND BOUNDS DESCRIPTION

The Boathouse Tract 4

Being a tract of land situated in the D. Andrews Survey, Abstract No. 18, City of The Colony, Denton County, Texas, subject tract being a portion of a tract of land conveyed to Trammell Crow Company No. 33, Ltd., a Texas limited partnership, a 58.0305% undivided interest, PBC 14 AR Land, Ltd., a Texas limited partnership, a 36.0434% undivided interest, CB Parkway Business Center XIV, Ltd., a Texas limited partnership, a 3.9506% undivided interest, University Business Park Phase I, Ltd., a Texas limited partnership, a 1.9743% undivided interest, and UBP Ventures, Ltd., a Texas limited partnership, a 0.0012% undivided interest according to deed recorded in Document No. 2013-49237 of the Official Public Records, Denton County, Texas (OPRDCT), the subject tract being more particularly described as follows:

COMMENCING at a 1/2" capped iron rod found for the south end of a corner clip at the intersection of the south line of Windhaven Parkway (a 120 foot public right-of-way) with the west line of West Plano Parkway (a 100 foot public right-of-way);

THENCE along the west line of West Plano Parkway, the following:

Around a curve to the right having a central angle of 10°38'46", a radius of 1950.00 feet, a chord of S 28°43'57" W - 361.81 feet, an arc length of 362.33 feet to a point for corner;

And around a reverse curve having a central angle of 03°16'09", a radius of 2550.00 feet, a chord of S 32°25'15" W - 145.48 feet, an arc length of 145.50 feet to the POINT OF BEGINNING for the subject tract;

THENCE continuing along the west line of West Plano Parkway, around a curve to the left having a central angle of 11°30'01", a radius of 2550.00 feet, a chord of S 25°02'10" W - 510.97 feet, an arc length of 511.83 feet to a point for corner;

THENCE departing said right of way, the following:

N 80°17'07" W, 281.05 feet to a point for corner;

S 78°42'00" W, 109.74 feet to a point for corner;

N 73°58'26" W, 272.18 feet to a point for corner;

WEST, 200.33 feet to a point for corner;

N 44°46'19" W, 218.84 feet to a point for corner;

Around a non-tangent curve to the left having a central angle of 41°10'35", a radius of 419.50 feet, a chord of N 24°41'21" E - 295.03 feet, an arc length of 301.48 feet to a point for corner;

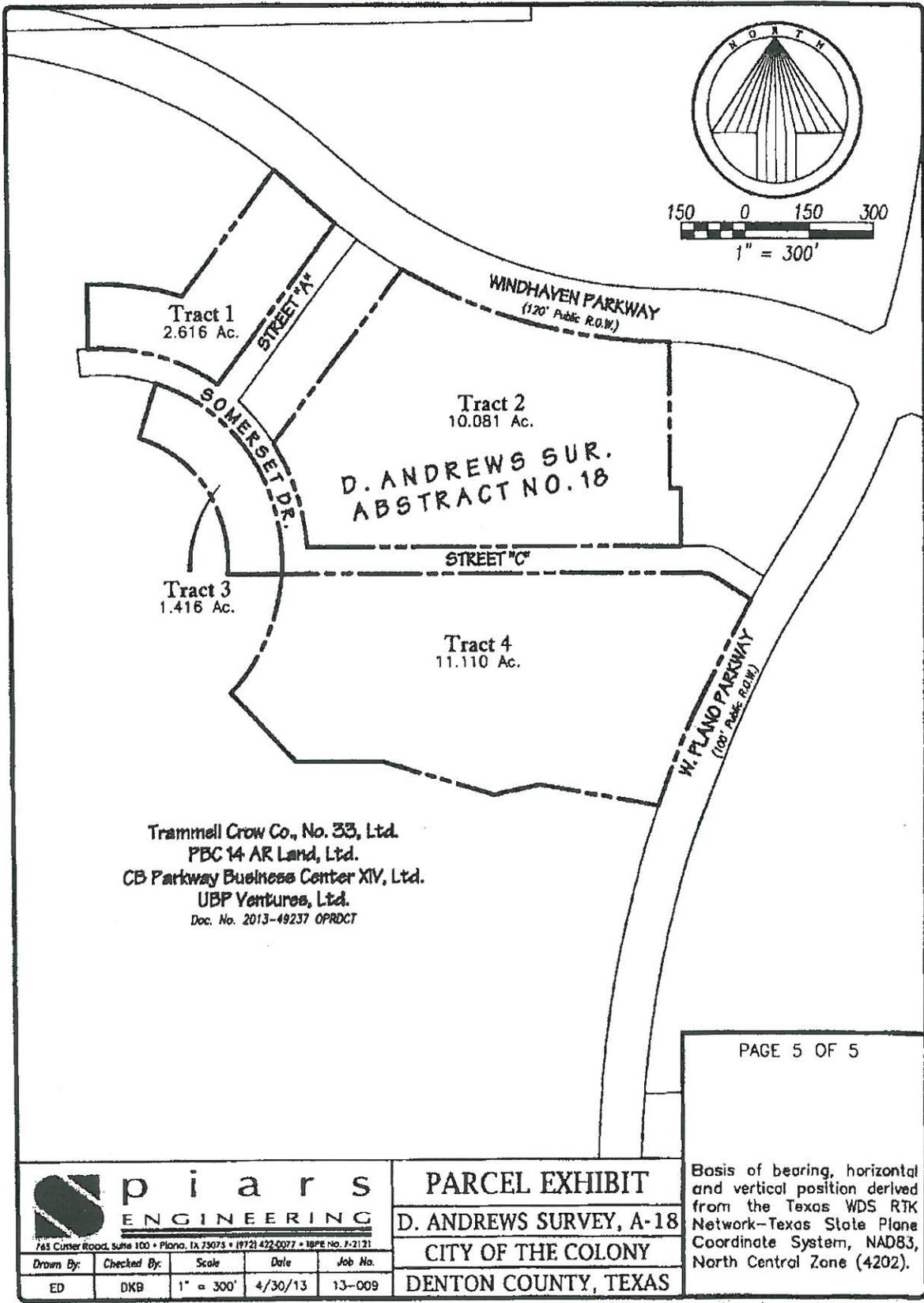
EAST, 975.10 feet to a point for corner;

Around a tangent curve to the right having a central angle of 31°07'33", a radius of 60.00 feet, a chord of S 74°26'13" E - 32.20 feet, an arc length of 32.59 feet to a point for corner;

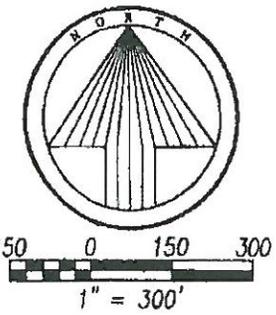
And S 58°52'27" E, 102.31 feet to the PLACE OF BEGINNING with the subject tract containing 483,931 square feet or 11.110 acres of land.

PAGE 4 OF 5

	PARCEL EXHIBIT			
	D. ANDREWS SURVEY, A-18			
CITY OF THE COLONY				
DENTON COUNTY, TEXAS				
<small>265 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • JBP# No. F-2121</small>				
<small>Drawn By:</small>	<small>Checked By:</small>	<small>Scale</small>	<small>Date</small>	<small>Job No.</small>
ED	DKB		4/30/13	13-009



Trammell Crow Co., No. 33, Ltd.
 PBC 14 AR Land, Ltd.
 CB Parkway Business Center XIV, Ltd.
 UBP Ventures, Ltd.
 Doc. No. 2013-49237 OPRDCT



PAGE 5 OF 5

Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network-Texas State Plane Coordinate System, NAD83, North Central Zone (4202).

p i a r s
ENGINEERING
 761 Center Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • 18PE No. F-2121

PARCEL EXHIBIT
D. ANDREWS SURVEY, A-18
CITY OF THE COLONY
DENTON COUNTY, TEXAS

Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	1" = 300'	4/30/13	13-009

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

**A RESOLUTION OF THE CITY OF THE COLONY, TEXAS,
APPROVING THE TERMINATION OF THE BOATHOUSE
DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF
THE COLONY AND EPC-ARSW, LLC, A TEXAS LIMITED LIABILITY
COMPANY; AUTHORIZING THE CITY MANAGER TO EXECUTE
SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City and Developer has met all provisions in the original Development Agreement for Boathouse and now desire to terminate the developer agreements; and

WHEREAS, all infrastructure improvements have been made and accepted; and

WHEREAS, all Certificates of Occupancies for all buildings have been issued by the City of The Colony; and

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

Section 1. The City and Developer represent that all the Affirmative Obligations Development Agreement are complete.

Section 2. The City and Developer hereby terminate any and all of the restrictions and pursuant to Section 7(h) of the Agreement the Development Agreement shall hereafter be of no further force or effect.

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

PASSED, APPROVED AND EFFECTIVE this day 3rd day of May, 2016.

APPROVED:

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: April 27, 2016

MEETING DATE: 5/3/2016

SUMMARY OF REQUEST: Consider approving an ordinance amending the Fiscal Year 2015-2016 Municipal Budget for the purpose of drainage improvements on West Shore Drive in Eastvale (Engineering, Scruggs)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:
Proposed Ordinance
Location Map

FINANCIAL SUMMARY: (Leave blank if N/A)

Are budgeted funds available: Yes No Amount budgeted/available: \$90,000 (available from fund balance)

Fund(s) (Name and number): Storm Water Utility Fund

Source of Funds: Storm Water Utility Fund

Cost of recommended bid/contract award: \$90,000.00

Total estimated project cost:

\$ 12,000.00 Est. Engineering

Already authorized Yes No

\$ 78,000.00 Est. Construction

Already authorized Yes No

\$ 0.00 Other costs (N/A)

\$ 90,000.00 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. Est. \$500/yr maintenance

Attachments:

Proposed Ordinance

Location Map

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

AMENDING THE FISCAL YEAR 2015-2016 BUDGET

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

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

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

WHEREAS, the City of The Colony finds it in the best interest of the City to increase the 2015-16 Storm Water Utility Fund budget by \$90,000 for drainage improvements at West Shore Drive in Eastvale.

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

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

**SECTION 1.
INCORPORATION OF PREMISES**

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

**SECTION 2.
AMENDMENT AND ADOPTION**

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

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

SECTION 3.
BUDGET INCREASES

That the 2015-16 Storm Water Utility Fund budget is to be increased by an amount not to exceed \$90,000.

SECTION 4.
CUMULATIVE CLAUSE

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

SECTION 5.
SEVERABILITY CLAUSE

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

SECTION 6.
SAVINGS CLAUSE

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

SECTION 7.
EFFECTIVE DATE

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

AND IT IS SO ORDAINED.

PASSED AND APPROVED, this the 3rd day of May, 2016.

Joe McCourry, Mayor
City of The Colony, Texas

ATTEST:

Tina Stewart, Interim City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney
City of The Colony, Texas



Location Map



TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 27, 2016

MEETING DATE: 5/3/2016

SUMMARY OF REQUEST: Discuss and consider approving an ordinance authorizing a Development Plan allowing The Shacks at Austin Ranch, a combination of retail and restaurant buildings on 1.494-acre parcel of land located at the southeast corner of Plano Parkway and Windhaven Parkway in the Planned Development 22 (PD-22 – Austin Ranch) Zoning District (Development Services, Joyce)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

Council Staff Report
Location Map
Development Plan
Landscape Plan
Elevations
Proposed Ordinance
Minutes of April 12, 2016 P&Z Meeting

CITY COUNCIL REPORT

AGENDA DATE: May 3, 2016

DEPARTMENT: Engineering/Development Services Department

SUBJECT *SP16-0001, The Shacks at Austin Ranch – Development Plan*

Discuss and consider a request for Development Plan to allow The Shacks at Austin Ranch, a combination of retail and restaurant buildings on 1.494-acre parcel of land located at the southeast corner of Plano Parkway and Windhaven Parkway in the Planned Development 22 (PD-22 – Austin Ranch) zoning district.

OWNER/ENGINEER

Owner/Developer:	Trammell Crow Co No 33 Ltd	Dallas, Texas
Engineer/Surveyor:	Binkley & Barfield C&P.	Richardson, Texas

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

April 12, 2016 – The Planning and Zoning Commission voted (6-0) to recommend approval of the Development Plan to allow The Shacks at Austin Ranch, a combination of retail and restaurant buildings on 1.494-acre parcel of land located at the southeast corner of Plano Parkway and Windhaven Parkway in the Planned Development 22 (PD-22 – Austin Ranch) zoning district.

DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW

The Development Review Committee (DRC) finds the Development Plan meets the requirements of the PD-22 Ordinance as outlined in the Staff Report.

OPTIONS

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

ATTACHMENTS

1. Staff Analysis
2. Location Map
3. Proposed Development Plan
4. Proposed Landscape Plan
5. Proposed Elevation
6. Proposed Ordinance
7. Minutes of April 12, 2016 Planning & Zoning Commission Meeting

ATTACHMENT 1

Staff Analysis

Summary of Request

The applicant is proposing three retail/restaurant buildings each 1,418 square feet in size. The buildings are connected via raised patio at the back leading down towards a proposed dog park. The property at southeast corner of Windhaven and Plano Parkway is being platted into 3 lots. The proposed Lot 1 is being developed as Phase 1 and will include three retail/restaurant buildings. A dog park is also proposed on common area lot (Lot 3X) that will be part of Phase 1 development.

Existing Condition of Property

The subject property is undeveloped.

Platting Status

The property will have to be final platted before construction can begin. A preliminary plat is currently on agenda for approval.

Adjacent Zoning/Land Use

North - Planned Development 22 (PD 22) – 7-Eleven store across Windhaven Parkway

South - Planned Development 22 (PD 22) – Austin Waters subdivision

East- Planned Development 22 (PD 22) – Austin Waters subdivision

West- Planned Development 22 (PD 22) – Boathouse Retail across Plano Parkway

Land Use Analysis

The proposed use is allowed within the Planned Development 22 (PD-22) zoning district.

Infrastructure Improvements

No additional public infrastructure improvements are planned for this area.

Circulation and Parking

The property will have direct access from Windhaven Parkway through a driveway. Mutual access easements have been planned across proposed Lot 2 and thus future access through Plano Parkway is also planned.

Table 13-100 Off Street Parking Schedule requires following parking spaces for restaurant and retail uses. The parking provided meets the specific requirements of Table 13-100 of Parking Section.

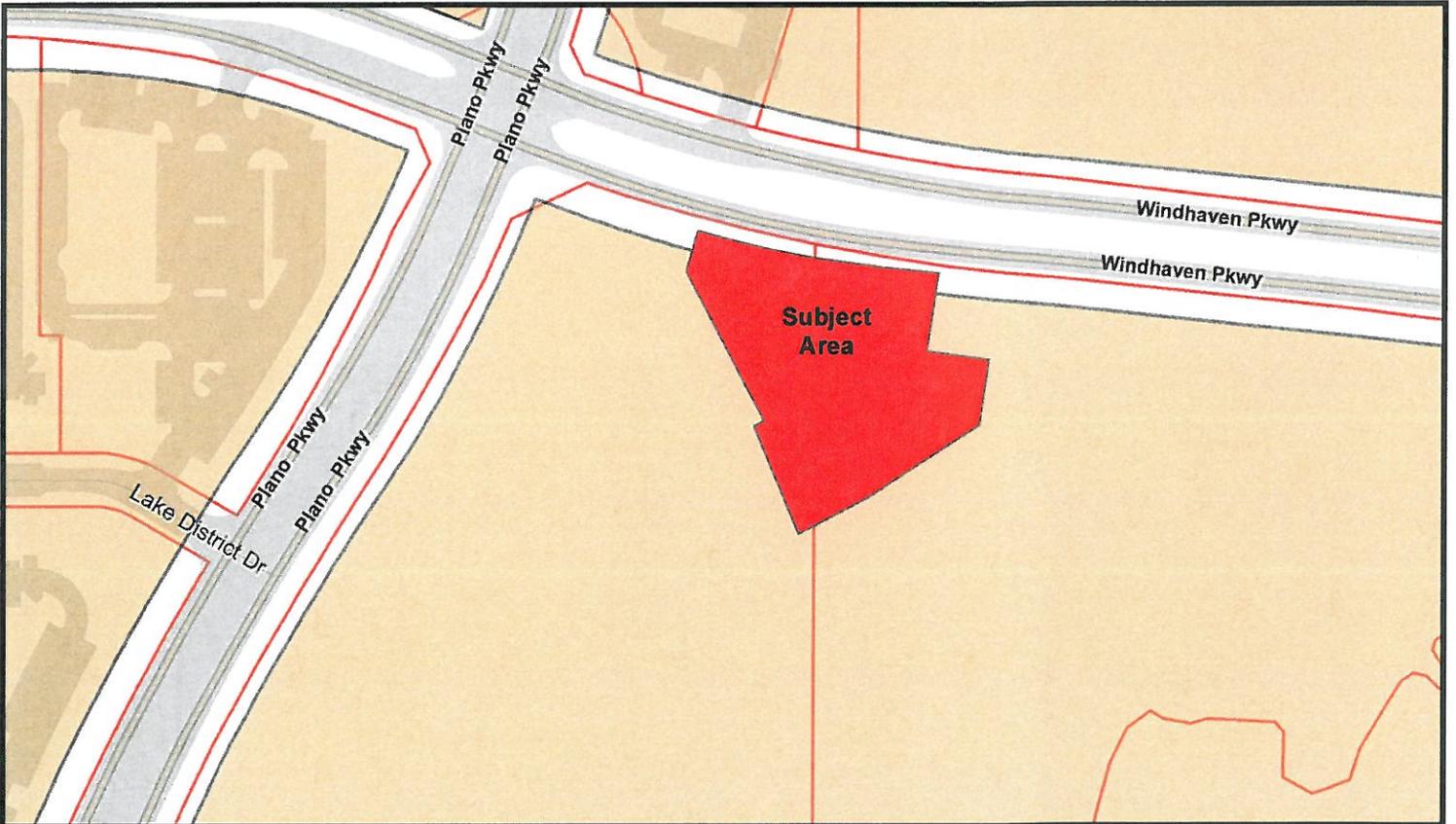
PARKING REQUIRED	
RESTAURANT - HIGH TURNOVER (<1 HR)	1 SPACE PER 100 SF
BUILDING 1 & 2 (1418 SF)	15 SPACES REQD
BUILDING 3 & 4 (1418 SF)	15 SPACES REQD
BUILDING 5 & 6 (1418 SF)	15 SPACES REQD
TOTAL PARKING REQUIRED	45
REGULAR PARKING PROVIDED	55
HANDICAP PARKING SPACES	3
TOTAL PARKING SPACES	58

Landscaping and Irrigation

The site is heavily landscaped with Red Oak, Live Oak, Cedar Elm and shrubs of various types. Minimum 20% of street yard area must be landscaped. Applicant has proposed 32% or 13,902 sf of street yard landscaping. As per PD 22, 1 tree per 40 LF of street frontage or 7 trees are required. Applicant has proposed 7 trees and 112 shrubs along Plano Parkway. Parking lot interior landscaping has been proposed. Existing vegetation on common area lot and along Indian Creek are planned to remain mostly intact.

Development Review Committee Review

The Development Review Committee finds that the Development Plan meets all applicable requirements of the PD-22 Ordinance and therefore recommends approval.



Project No. SP16-0001 - Project Name: The Shacks at Austin Ranch



- | | | | | |
|-------------------------------|--------------------------|------------------|----------------------|------------------------|
| Lot 1, Shacks at Austin Ranch | 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.

CITY OF THE COLONY, TEXAS

**ORDINANCE NO. 2016-
DEVELOPMENT PLAN
THE SHACKS AT AUSTIN RANCH**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, APPROVING A DEVELOPMENT PLAN, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A, TO ALLOW THE SHACKS AT AUSTIN RANCH, A COMBINATION OF RETAIL AND RESTAURANT BUILDINGS ON 1.494-ACRE PARCEL OF LAND LOCATED AT THE SOUTHEAST CORNER OF PLANO PARKWAY AND WINDHAVEN PARKWAY IN THE PLANNED DEVELOPMENT 22 (PD-22 – AUSTIN RANCH) ZONING DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council of the City of The Colony, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of The Colony, Texas, and the City Council of the City of The Colony, Texas, is of the opinion and finds that Development Plan Application No. SP16-0001 to allow The Shacks at Austin Ranch, a combination of retail and restaurant buildings on 1.494-acre parcel of land located at the southeast corner of Plano Parkway and Windhaven Parkway in the Planned Development 22 (PD-22 – Austin Ranch) zoning district is approved.

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

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

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

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

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

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

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

Joe McCourry, Mayor

ATTEST:

Tina Stewart, Deputy City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

**MINUTES
CITY OF THE COLONY
PLANNING AND ZONING COMMISSION
APRIL 12, 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, April 12, 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, Detrick DeBurr, Vice Chairman, Shawn Rockenbaugh, Cesar Molina Jr., Janece Pool, and Shannon Hebb.

Board Members Absent: Brian Buffington

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

2.0	CONSENT AGENDA
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2.1	Consider approval of the minutes of the March 22, 2016 Regular Session.
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2.2	<i>FP15-0011, Tullamore Meadows Ph 2B at Tribute Final Plat</i> Consider approval of final plat for Lots 1-28, Block A, Lots 29X, 30X, 31X, Block A, Lots 1-24, Block B, Lots 38X, 39X, 40X, Block B, Tullamore Meadows Ph 2B, being 28.984 acres of land out of the B.B.B. and C.R.R. Survey, Abstract No. 170, 182, Thomas D. Luckett Survey, Abstract No. 752, and the S. Payton Survey, Abstract no 1009 an addition to the City of The Colony, Denton County, Texas located on Lebanon Road west of Tullamore Meadows Ph 1 in Planned Development 23 (PD-23) zoning district.
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2.3	<i>FP15-0012, Somerset at Tribute Final Plat</i> Consider approval of final plat for Lots 1-17, & 18X, 19X, 20X, Block C, Lots 1-15, Block D, Lots 1-23, Block E, Lots 1-26 & 86X, 87X, Block F, Somerset at Tribute, being 21.414 acres of land out of the B.B.B. and C.R.R. Survey, Abstract No. 170, 182, an addition to the City of The Colony, Denton County, Texas located west of Aberdeen in Planned Development 23 (PD-23) zoning district.
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2.4	<i>FP15-0018, Bridge Lane Addition at Tribute Final Plat</i> Consider approval of Bridge Lane Addition final plat being 4.749 acres of land out of the B.B.B. and C.R.R. Survey, Abstract No. 170, Thomas D. Luckett Survey, Abstract No. 752, and the S. Payton Survey, Abstract no 1009 an addition to the City of The Colony, Denton County, Texas in Planned Development 23 (PD-23) zoning district.
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2.5	<i>FP15-0023, Waterford Point Ph 1 at Tribute Final Plat</i> Consider approval of final plat for Lots 21-25, 61X, 32X, Block A, Lots 34X, Block L, Lots 1-24, 25X Block M, Lots 1-22, 23X, Block N, Lots 1-28, 29X, Block O, Lots 11-18, 19X, Block Q, and Lots 1-11, Block R, Waterford Point Phase 1 at Tribute, being 32.545 acres of land out of the B.B.B. and C.R.R. Survey, Abstract No. 170, an addition to the City of The Colony, Denton County, Texas located west of Somerset in Planned
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	Development 23 (PD-23) zoning district.
2.6	<i>FP16-0003, Westbury Ph 2 at Tribute Final Plat</i> Consider approval of final plat for Lots 27-84, 85X, 86X, Block F, Lots 1-20, Block G, Lots 1-20, Block H, Westbury Phase 2 at Tribute, being 21.330 acres of land out of the B.B.B. and C.R.R. Survey, Abstract No. 182, an addition to the City of The Colony, Denton County, Texas located northwest of Aberdeen Phase 1 in Planned Development 23 (PD-23) zoning district.
2.7	<i>PP16-0001, The Shacks at Austin Ranch Preliminary Plat</i> Consider approval of Preliminary Plat for Lots 1, 2, & 3X, Block A, The Shacks at Austin Ranch, Southeast Corner of Windhaven and Plano Parkway, being 26.565 acres of land out of David Andrews Survey, Abstract No. 18, and B. Schoonover Survey, Abstract No. 1208, an addition to the City of The Colony, Denton County, Texas in Planned Development 22 (PD-22) aka Austin Ranch PD zoning district.

Chairman Hames read the Consent Agenda items into the record.

**Commissioner DeBurr moved to approve Items 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 and 2.7
 Commissioner Hebb seconded the motion. Motion carried (6-0).**

4.0	DISCUSSION ITEMS
4.1	<i>SP16-0001, The Shacks at Austin Ranch – Development Plan</i> Discuss and consider making a recommendation to City Council on a request for Development Plan to allow The Shacks at Austin Ranch, a combination of retail and restaurant buildings on 1.494-acre parcel of land located at the southeast corner of Plano Parkway and Windhaven Parkway in the Planned Development 22 (PD-22 – Austin Ranch) zoning district.

Chairman Hames read the discussion item 4.1 into record.

Ms. Sen presented the staff report.

Commissioner Molina asked whether the dog park will be a city owned park or how will it be maintained.

Ms. Sen responded that the proposed dog park will not be a City owned park, it will be a privately maintained dog park.

Commissioner Molina then asked whether the dogs are going to be allowed in the restaurants. Will there be a code amendment to allow that?

Mr. Tom Holland from Billingsley Company, answered that the dogs may be allowed in the open deck area but not inside the restaurant buildings.

Commissioner Molina asked due to the dog park, are there additional parking spaces planned to accommodate visitors.

Mr. Holland responded that additional parking for the dog park (13 extra spaces) has been proposed. There will be more parking in the next phase of development.

Commissioner Hebb asked about the other locations that Billingsley have looked at with similar developments.

Mr. Holland stated that there are several locations with the similar setup in the metroplex, some are smaller square footage around 350 sf with outdoor deck seating. These places are pretty popular.

Commissioner Pool asked if the dog park is going to be similar to other dog parks around the area, where dogs will be on leash etc.

Mr. Holland mentioned that the whole dog park will be fenced around with two areas for small and large dogs. The owners can grab a drink on the patio while the dogs play in the park.

Chairman Hames mentioned she really appreciate the modern rustic look of the restaurants.

Commissioner Hebb asked if they would need further approval for alcohol sales.

Mr. Joyce answered that PD 22 allows alcohol sales, they will need TABC license however.

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

4.2	<i>SP16-0003, La Quinta Alternate Building Material – Site Plan Amendment</i> Discuss and consider making a recommendation to City Council on a request for Site Plan amendment allowing alternate building material on proposed La Quinta limited service hotel located at 3750 Market Street.
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Chairman Hames read the discussion item 4.2 into record.

Ms. Sen presented the staff report.

Applicant's representative David Callum presented the proposed material and graphics of the new corporate prototype to the Commission.

Ms. Sen wanted clarification on whether the applicant is maintaining the 25% brick/stone on the exterior as before.

Mr. Kellam mentioned that there will not be brick/stone utilized on the exterior. Only tiles and stucco will be used.

Ms. Sen informed the Commission that DRC has recommended approval for the request with the understanding that 25% brick/stone shall be maintained on the exterior. Staff does not feel comfortable with this change as the DRC has vetted the application with different understanding.

Commissioner Molina made a motion to go to Executive Session to seek legal advice from City Attorney, Commissioner Hebb seconded the motion.

Commission went into Executive Session at 6:54 p.m.

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 27, 2016

MEETING DATE: 5/3/2016

SUMMARY OF REQUEST: Discuss and consider appointing members to the new city hall building committee (Council)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 27, 2016

MEETING DATE: 5/3/2016

SUMMARY OF REQUEST: Discuss and consider appointing members to the new athletic practice field committee (Council)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 27, 2016

MEETING DATE: 5/3/2016

**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 permissible uses of the Type B sales tax revenue.

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

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 – 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.

D. Council shall convene into a closed executive session pursuant to Section 551.074 of the TEXAS GOVERNMENT CODE to seek legal advice from the city attorney and to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Secretary.

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: April 27, 2016

MEETING DATE: 5/3/2016

SUMMARY OF REQUEST:

- A. Any action as a result of executive session regarding permissible uses of the Type B sales tax revenue.
- B. 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.
- C. 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.
- D. Any action as a result of executive session regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Secretary.
