RICHARDSON CITY COUNCIL
MONDAY, JUNE 22, 2015
WORK SESSION AT 6:00 PM; COUNCIL MEETING AT 7:00 PM
CIVIC CENTER/CITY HALL, 411 W. ARAPAHO, RICHARDSON, TX

The Richardson City Council will conduct a Work Session at 6:00 p.m. on Monday, June 22, 2015 in the Richardson Room of the Civic Center, 411 W. Arapaho Road, Richardson, Texas. The Work Session will be followed by a Council Meeting at 7:00 p.m. in the Council Chambers. Council will reconvene the Work Session following the Council Meeting if necessary.

As authorized by Section 551.071 (2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

WORK SESSION – 6:00 PM, RICHARDSON ROOM

- **CALL TO ORDER**

A. REVIEW AND DISCUSS ITEMS LISTED ON THE CITY COUNCIL MEETING AGENDA
The City Council will have an opportunity to preview items listed on the Council Meeting agenda for action and discuss with City Staff.

B. REVIEW AND DISCUSS EASTSIDE PHASE TWO PUBLIC ART PROPOSAL

C. REVIEW AND DISCUSS PROPOSED ORDINANCE FOR CAPITAL FUNDS FOR PUBLIC ART

D. REVIEW AND DISCUSS RECOMMENDATIONS FROM THE CHARTER REVIEW COMMISSION

E. REVIEW AND DISCUSS CITIZEN COMMUNICATION ENHANCEMENTS

F. REVIEW AND DISCUSS THE CITY COUNCIL COMMITTEE AND BOARD LIAISON APPOINTMENTS

G. REPORT ON ITEMS OF COMMUNITY INTEREST
The City Council will have an opportunity to address items of community interest, including: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the City of Richardson; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the City of Richardson that was attended or is scheduled to be attended by a member of the City Council or an official or employee of the City of Richardson; and announcements involving an imminent threat to the public health and safety of people in the City of Richardson that has arisen after posting the agenda.

COUNCIL MEETING – 7:00 PM, COUNCIL CHAMBERS

1. INVOCATION – MARK SOLOMON

2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – MARK SOLOMON

3. MINUTES OF THE JUNE 8, 2015, JUNE 10, 2015, AND JUNE 15, 2015 MEETINGS

4. VISITORS
The City Council invites citizens to address the Council on any topic not already scheduled for Public Hearing. Citizens wishing to speak should complete a "City Council Appearance Card" and present it to the City Secretary prior to the meeting. Speakers are limited to 5 minutes and should conduct themselves in a civil manner. In accordance with the Texas Open Meetings Act, the City Council cannot take action on items not listed on the agenda. However, your concerns will be addressed by City Staff, may be placed on a future agenda, or by some other course of response.

PUBLIC HEARING ITEM:

5. CONTINUED CONSIDERATION OF PUBLIC HEARING, ZONING FILE 15-08 AND CONSIDER ADOPTION OF ORDINANCE NO. 4119, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO APPROVE A CHANGE IN ZONING TO GRANT A SPECIAL PERMIT FOR A PRIVATE RECREATION CLUB IN CONJUNCTION WITH A FRATERNAL ORGANIZATION ON A 0.57-ACRE TRACT OF LAND ZONED I-M(1) INDUSTRIAL LOCATED ON THE NORTH SIDE OF APOLLO ROAD, EAST OF GLENVILLE DRIVE, RICHARDSON, TEXAS. (CONTINUED FROM JUNE 8, 2015, CITY COUNCIL MEETING, AND APPLICANT IS REQUESTING TO CONTINUE THE CASE TO JULY 13, 2015).

ACTION ITEMS:

6. VARIANCE NO. 15-11: A REQUEST FOR A VARIANCE FROM CHAPTER 21, SUBDIVISION AND DEVELOPMENT CODE, FOR A REDUCED PARKING RATIO FOR A MARTIAL ARTS FACILITY. THE SITE IS LOCATED AT 1600 N. PLANO ROAD. APPLICANT: BAQASH WILSON, REPRESENTING DFC DOMINION GYM.

7. CONSENT AGENDA:

All items listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion with no individual consideration. If individual consideration of an item is requested, it will be removed from the Consent Agenda and discussed separately.

A. CONSIDER ADOPTION OF THE FOLLOWING ORDINANCES:

1. ORDINANCE NO. 4121, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP BY REPEALING ORDINANCE 3858; SO AS TO GRANT A CHANGE IN ZONING FROM I-M(1) INDUSTRIAL WITH SPECIAL CONDITIONS AND C-M COMMERCIAL TO PD PLANNED DEVELOPMENT FOR C-M COMMERCIAL DISTRICT AND TO GRANT A SPECIAL PERMIT FOR A SELF-SERVICE WAREHOUSE ON A 4.71-ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF ARAPAHO ROAD, WEST OF CUSTER ROAD, RICHARDSON, TEXAS.

2. ORDINANCE NO. 4122, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP BY AMENDING AND RESTATING ORDINANCE NO. 4055 TO MODIFY THE PLANNED DEVELOPMENT STANDARDS TO PERMIT ADDITIONAL ACCESSORY STRUCTURES ON 1.763 ACRES LOCATED AT THE NORTHEAST QUADRANT OF OLD CAMPBELL ROAD AND NANTUCKET DRIVE.

B. CONSIDER THE FOLLOWING RESOLUTIONS:

1. RESOLUTION NO. 15-18, DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE APPLICANT IN DEALING WITH THE COLLIN COUNTY PARKS AND OPEN SPACE BOARD (HEREINAFTER REFERRED TO AS “BOARD”) FOR THE PURPOSE OF PARTICIPATING IN THE 2015 COLLIN COUNTY PARKS AND OPEN SPACE FUNDING ASSISTANCE PROGRAM (HEREINAFTER REFERRED TO AS THE “PROGRAM”) CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANT MATCHING SHARE IS READILY AVAILABLE; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO SUBMIT AN APPLICATION FOR A GRANT FOR THE SPRING CREEK NATURE AREA TRAIL OUTSIDE LOOP CONNECTION.

2. RESOLUTION NO. 15-19, DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE APPLICANT IN DEALING WITH THE COLLIN COUNTY PARKS AND OPEN SPACE BOARD (HEREINAFTER REFERRED TO AS "BOARD") FOR THE PURPOSE OF PARTICIPATING IN THE 2015 COLLIN COUNTY PARKS AND OPEN SPACE FUNDING ASSISTANCE PROGRAM (HEREINAFTER REFERRED TO AS THE "PROGRAM") CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANT MATCHING SHARE IS READILY AVAILABLE; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO SUBMIT AN APPLICATION FOR A GRANT FOR THE UNIVERSITY TRAIL PHASE II CONNECTION.

3. RESOLUTION NO. 15-20, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 380, TEXAS LOCAL GOVERNMENT CODE, BY AND BETWEEN THE CITY OF RICHARDSON, TEXAS, AND REALPAGE, INC., A DELAWARE CORPORATION (AND ITS AFFILIATED AND RELATED ENTITIES) ("COMPANY").

4. RESOLUTION NO. 15-21, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2014 AND 2015 RATE REVIEW MECHANISM FILINGS; APPROVING A SETTLEMENT AGREEMENT WITH ATTACHED RATE TARIFFS AND PROOF OF REVENUES; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

C. AUTHORIZE THE ADVERTISEMENT OF BID #73-15 – 2010 STREET & ALLEY PAVING, DRAINAGE AND UTILITY REHABILITATION – PHASE VII (LAUREL LANE, SHENANDOAH PLACE, AND MISC. ALLEYS). BIDS TO BE RECEIVED BY WEDNESDAY, JULY 15, 2015 AT 2:00 P.M.

D. CONSIDER AWARD OF THE FOLLOWING BIDS:

1. BID #62-15 – WE RECOMMEND THE AWARD TO 3D PAVING AND CONTRACTING, LLC, FOR THE 2010 ALLEY RECONSTRUCTION PHASE VI (300, 400 & 700 BLOCKS OF WEATHERRED DRIVE, 700 BLOCK OF PALMER DRIVE, 400-420 BLOCK OF TIFFANY TRAIL) IN THE AMOUNT OF $539,010.50.

2. BID #74-15 – WE REQUEST AUTHORIZATION TO ISSUE PURCHASE ORDERS FOR THE 2014-15 CELLULAR COMMUNICATION SERVICES TO AT&T ($180,000) THROUGH THE STATE OF TEXAS DEPARTMENT OF INFORMATION SERVICES CONTRACT #DIR-SDD-1777 AND TO VERIZON WIRELESS ($80,000) CONTRACT #DIR-SDD-1779 FOR AN ESTIMATED TOTAL AMOUNT OF $260,000.

E. AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 TO INCREASE PURCHASE ORDER NO. 150985 TO MARIO SINACOLA & SONS FOR THE CITYLINE EXTENSION PROJECT IN THE AMOUNT OF $479,314.

- **ADJOURN**

I CERTIFY THE ABOVE AGENDA WAS POSTED ON THE BULLETIN BOARD AT THE CIVIC CENTER/CITY HALL ON FRIDAY, JUNE 19, 2015, BY 5:00 P.M.

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AIMEE NEMER, CITY SECRETARY

ACCOMMODATION REQUESTS FOR PERSONS WITH DISABILITIES SHOULD BE MADE AT LEAST 48 HOURS PRIOR TO THE MEETING BY CONTACTING SUSAN MATTISON, ADA COORDINATOR, VIA PHONE AT 972 744-0809, VIA EMAIL AT ADACoordinator@cor.gov, OR BY APPOINTMENT AT 1621 E. LOOKOUT DRIVE, RICHARDSON, TX 75082.

City of Richardson
City Council Worksession
Agenda Item Summary

Worksession Meeting Date:	Monday, June 22, 2015
Agenda Item:	Review and Discuss Eastside Phase Two Public Art Proposal
Staff Resource:	Shanna Sims-Bradish, Assistant City Manager
Summary:	City staff and public arts consultant Meridith McKinley will present an opportunity and proposed process for working with a private developer to install public art within Eastside Phase Two.
Board/Commission Action:	N/A
Action Proposed:	N/A

City of Richardson
City Council Worksession
Agenda Item Summary

Worksession Meeting Date:	Monday, June 22, 2015
Agenda Item:	Review and Discuss Proposed Ordinance for Capital Funds for Public Art
Staff Resource:	Shanna Sims-Bradish, Assistant City Manager
Summary:	City staff will present highlights of a proposed ordinance that provides funding for specific public art projects included in future general obligation bond packages. This funding approach was discussed and included in the City's Public Art Master Plan approved in March 2015.
Board/Commission Action:	N/A
Action Proposed:	N/A

City of Richardson
City Council Worksession
Agenda Item Summary

Worksession Meeting Date:	Monday, June 22, 2015
Agenda Item:	Review and Discuss Recommendations from the Charter Review Commission
Staff Resource:	Aimee Nemer, City Secretary Shanna Sims-Bradish, Assistant City Manager Pete Smith, City Attorney
Summary:	The Charter Review Commission was created by the City Council in October 2014 and was charged with reviewing the Charter and recommending amendments for City Council consideration. The Charter Review Commission presented their recommendations at the June 1, 2015 City Council meeting for City Council consideration.
Board/Commission Action:	N/A
Action Proposed:	N/A

CHARTER REVIEW COMMISSION

Summary of Recommendations

June 1, 2015

Key Recommendations

- **City Powers**
  - Article 2.04 Street and public improvements

- **Governance**
  - Article 3.03 Mayor pro tem
  - Article 3.04 Compensation
  - Article 3.07 Council vacancies
  - Article 3.10 Open meetings
  - Article 5.04 Recall limitations
  - Article 14.07 Initiative and referendum publication
  - Article 14.09 Power of referendum

- **Administration**
  - Article 6.01 Appointment of city manager
  - Article 7.01 City attorney
  - Article 11.02 Preparation and submission of the budget
  - Article 11.07 Transfer of appropriations

- **Charter Review**
  - Article 19.05 Charter review

Recommendations – City Powers

Key Recommendations

Article 2 - Powers of the City

- *Article 2.04 Street and public improvements:*
  - Added text stating the city has the full power, authority and rights in regards to streets and public improvements (sidewalks, alleys, drainage facilities, sanitary sewer facilities, water and storm drainage) that was previously listed in Articles 17 and 18. Articles 17 and 18 are recommended for deletion

Recommendations - Governance

Key Recommendations

Article 3 – City Council

- *Article 3.03 – Mayor pro tem:*
  - Removed wording added in 2012 that states that upon a vacancy in the mayor's position, the mayor pro tem shall fill the unexpired term and assume the office of mayor
  - Added wording that states the mayor pro tem shall temporarily perform the duties of the mayor in the case of absence or inability of the mayor to perform the duties, but does not assume the office of mayor

Key Recommendations

Article 3 – City Council

- *Article 3.04 – Compensation:*
  - Recommended increasing the compensation for the city council from $50 to $100 per meeting

Key Recommendations

Article 3 – City Council

- *Article 3.07 – Council vacancies (Mayoral vacancy):*
  - Added a provision that upon a vacancy in the mayor's position, the city council shall call a special election to be held at the earliest date allowed by state law to elect a person to serve the remainder of the unexpired term, unless the date of the next general election for city council occurs first

Key Recommendations

Article 3 – City Council

- *Article 3.07 – Council vacancies:* Revised wording regarding a vacancy in the city council other than the office of the mayor to state:

  1.) for one vacancy, it shall be filled by appointment by the majority vote of the remaining members of the city council to fill the unexpired term;

  2.) when there are two or more vacancies at one time, the vacancies shall be filled by special election to be held at the earliest date allowed by state law to elect a person to serve the remainder of the unexpired term, unless the date of the next general election for city council occurs first

Key Recommendations

Article 3 – City Council

- *Article 3.10 – Open meetings:*
  - Clarified that visitors may speak at all city council meetings that are not emergency meetings, authorized closed meetings or council committee meetings

Key Recommendations

Article 5 - Recall

- *Article 5.04 – Recall limitations:*
  - Added a provision that "no recall petition shall be filed within six months after such person's election or within three months after a recall election, and in no case within three months prior to the expiration of their current term of office."

Key Recommendations

Article 14 – Initiative and Referendum

- *Article 14.07 – Publication of ordinance proposed by petition initiative*:
  - Reduced the number of days from 45 to 30 prior to the election that a proposed ordinance (either by initiative petition or as required by charter) shall be published in the local newspaper

Key Recommendations

Article 14 – Initiative and Referendum

- *Article 14.09 – Power of referendum*:
  - Increased the number of days from 30 days to 45 days in which citizens can file a petition for referendum after passage of an ordinance/publication of the ordinance

Recommendations - Administration

Key Recommendations

Article 6 – City Manager

- *Article 6.01 – Appointment of a city manager*:
  - Removed a provision that the city council may enter into a contract with a city manager for a period not to exceed two years

Key Recommendations

Article 7 – City Attorney

- *Article 7.01 – City attorney:*
  - Added a provision to Article 7.01 that the city attorney may serves as municipal court prosecutor, may provide a prosecutor or may contract for prosecutor services

Key Recommendations

Article 11 - Budget

- *Article 11.02 - Preparation and submission of the budget:*
  - Simplified the language for the required content of the proposed budget to comply with state law

Key Recommendations

Article 11 - Budget

- *Article 11.07 – Transfer of appropriations:*
  - Added information that there is no prohibition regarding the transfer of budgeted funds of any nontax supported public utility or other enterprise fund for the purpose of reimbursing the general fund for providing administrative services

Recommendations – Charter Review

Key Recommendations

Article 19 – Effective Date and Adoption

- Article 19.05 – Charter review:
  - Added *Article 19.05 Charter review* which states "The city council shall appoint a commission at least every ten years to review the charter. The commission shall be made up of qualified voters from all districts of the city."

RICHARDSON CHARTER RECOMMENDATIONS

ARTICLE 1. - INCORPORATION AND TERRITORY

Section 1.01. - Corporate name.

All inhabitants of the City of Richardson, Dallas and Collin counties, Texas, as the boundaries and limits of said city are herein established or may hereafter be established, shall be a body politic, incorporated under, and to be known by, the name and style of the "City of Richardson," with such powers, rights and duties as herein provided.

Section 1.02. - Boundaries.

The ~~bounds and limits~~ **boundaries** of the City of Richardson shall be those as established and described in ordinances duly passed by the **city council** ~~City Council~~ of the City of Richardson in accordance with state law. The **city secretary** ~~City Secretary~~ shall maintain an official map of the **c~~C~~ity's** boundaries ~~at all times keep a correct and complete description~~ **as required by state law** ~~with recent annexations or disannexations~~.

Section 1.03. - Additional territory.

The **city** ~~City~~ may from time to time alter its boundaries by annexing any territory adjoining its present or future boundaries in any size or shape desired in any manner provided by **state**~~State~~ law. In addition ~~thereto~~, the **city** ~~City~~ may annex additional territory lying adjacent to the **city**~~City~~ with or without the consent of the territory and the inhabitants of the territory annexed where the same is not inconsistent with ~~the State~~ **state** law. Such annexations shall be accomplished by ordinance providing for the alteration and extension of the boundary limits, which ordinance shall describe the territory to be annexed. ~~and shall be published one (1) time in a local newspaper. Amendments reducing the area may be incorporated into the proposed ordinance without the necessity of publishing said amendments and without the necessity of republication of said ordinance as amended. The proposed ordinance shall not thereafter be finally acted upon until at least thirty (30) days have elapsed after the publication thereof; and upon the final passage of any such ordinance, the boundaries of the city shall thereafter be as fixed in such ordinance. The additional territory annexed shall be a part of the city and the property situated therein shall bear its pro rata part of the taxes levied by the city as provided by state law. The inhabitants thereof shall be entitled to all rights and privileges of all the citizens and shall be bound by the acts, ordinances and resolutions of the city.~~ **Any territory annexed shall become a part of the city, and said land and its residents and future residents shall be entitled to all the rights and privileges of other residents of the city subject to state and local laws and regulations.**

ARTICLE 2. - POWERS OF THE CITY

Section 2.01. - Specific powers.

The **city** ~~City~~ shall have all powers that now are or hereafter may be granted to municipalities by the Constitution or laws of the State of Texas, and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this **c**~~C~~harter, and when not prescribed therein, in such manner as may be provided by ordinance or resolution of the **city council** ~~City Council~~ of the City of Richardson.

Section 2.02. - General powers adopted.

The enumeration of particular powers in the **c**~~C~~harter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof**,** the city shall have and may exercise all other powers which, under the Constitution and laws of the State of Texas, it would be competent for the **c**~~C~~harter specifically to enumerate. The City of Richardson shall have and exercise all powers conferred upon cities by what is known as the Home Rule Amendment to the Constitution of the State of Texas and the enabling Act relative thereto, and all other laws passed by the Legislature of the State of Texas relating thereto or which may hereafter be passed by said Legislature in relation to such matters.

Section 2.03. – Eminent Domain ~~Power to acquire property for public purposes~~.

The city shall have the full power, authority and right to exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of the State of Texas when necessary or desirable to carry out any of the powers conferred upon by this charter or by the Constitution and laws of State of Texas. The power of eminent domain hereby conferred shall include the right of the city to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The city shall have and possess the power of eminent domain for any municipal or public purposes even though not specifically enumerated in this charter. ~~The City of Richardson shall have the power to acquire by condemnation either private or public property located inside or outside of the corporate limits for the extension, improvement and enlargement of its water system, including riparian rights, water supply reservoirs, standpipes, water sheds, dams, the laying, building, maintenance and construction of water mains and the laying, erection, establishment or maintenance of any necessary appurtenances or facilities which will furnish to the inhabitants of the city an abundant supply of wholesome water; for sewerage plants and systems; rights-of-way for water and sewer lines; parks, playgrounds and schools, hospitals, fire stations, police stations, burial grounds and cemeteries, incinerators or other garbage disposal plants, streets, boulevards and alleys or other public ways, city jails, city halls and other municipal buildings or any right-of-way needed in connection with any property used for any purpose hereinabove named; for the straightening or improving of the channel of any stream, branch or drain and for any other municipal purpose. The procedure to be followed in any condemnation proceeding hereunder and authorized herein shall be in accordance with the provisions of the state law with reference to eminent domain. The provisions of the Texas Property Code shall apply to such proceedings, or such proceedings may~~

~~be under any other state law now in existence or that hereafter may be passed governing and relating to the condemnation of land for public purposes by a city.~~

Section 2.04. Streets and public improvements.

The city shall have the full power, authority and right to exercise in any manner authorized or permitted by the Constitution and laws of the State of Texas when necessary or desirable to construct, develop, improve, expand, widen and maintain or cause to be constructed, developed, improved, expanded, widened and maintained, within or outside the city limits any public streets, sidewalks, alleys, drainage facilities, sanitary sewer facilities, water and storm drainage facilities and other public improvements and to impose, levy and collect assessments or other charges for the costs of such development and improvements in any manner not prohibited by state law.

ARTICLE 3. - CITY COUNCIL

Section 3.01. - Number, election, terms.

(a) Except as otherwise provided by this **charter** ~~Charter of the City of Richardson~~, all powers conferred on the ~~City~~ **city** shall be exercised by a ~~City Council~~ **city council consisting of seven (7) members comprised of a mayor and six (6) council.** ~~to be composed of six (6)~~ members ~~and a Mayor, nominated and elected in the manner hereafter provided~~. The members of the **city council** ~~City Council and the Mayor~~ shall **each** be elected by the qualified voters of the entire City **to numbered places in the manner provided in this charter**~~, and they shall each be elected~~ for a term of two (2) years and until a successor is elected and qualified. **As used in this charter, unless the context clearly means otherwise, the word or phrase "city council", "council", "member(s) of the city council" and "member(s) of the council" means and includes the mayor and the six (6) council members. The word or phrase "councilmember(s)" or "council member(s)" means the six (6) members of the city council excluding the mayor, unless the context clearly indicates otherwise.**

(b) No person elected or appointed to the city council at the May 2009 city officer election or thereafter, shall serve as a member of the city council in any place for more than six (6) consecutive terms until at least one full term shall have elapsed from the expiration of such person's last term of office.

(c) For purposes of this section and in computing term limits:

(i) A member of the council, who resigns or vacates office prior to the expiration of the term for which such person was elected or appointed, shall be deemed to have served a full term.

(ii) A person appointed or elected to fill a vacancy on the council for an unexpired term shall be deemed to have served a full term if fifty percent (50%) or more of such term is remaining at the time of such appointment or election.

Section 3.02. - Mayor.

The ~~Mayor~~ **mayor** shall be the presiding officer. The mayor shall vote on all matters coming before the council, shall have no power of veto, shall represent the city on all ceremonial occasions and ~~[shall]~~ **shall** be known as the official head of the government. ~~The mayor serve for a period of two (2) years.~~

Section 3.03. - Mayor pro tem.

The city council shall elect one (1) of its members as mayor pro tem, who shall **temporarily** perform the duties of mayor in case of the absence or inability of the mayor to perform the duties of office, and who shall for such time be vested with all the powers belonging to the mayor. **In such event, the mayor pro tem does not assume the office of the mayor and no vacancy is created in the office of the mayor or mayor pro tem.** In case of the absence of both the mayor and the mayor pro tem, the remaining ~~councilmembers~~ **council members** shall select one (1) of their members to act in the place of the mayor. The mayor pro tem shall be selected after each ~~biennial~~ election and shall serve for a period of two (2) years, subject to removal as mayor pro tem at any time by a vote of two-thirds of the total membership of the council. ~~Upon a vacancy in the Mayor's position, the Mayor Pro Tem shall fill the unexpired term. The Mayor Pro Tem's council position then becomes vacant.~~

Section 3.04. - Compensation.

Each member of the ~~City Council~~ **city council** shall receive as compensation the sum of ~~fifty~~ **one hundred** dollars ~~($50.00)~~ **($100.00)** per diem for each ~~regular City Council~~ **city council** meeting attended by such member, said compensation in no event to exceed the sum of ~~two~~ five thousand ~~six~~ two hundred dollars ~~($2,600.00)~~ **($5,200.00)** per annum. In addition to the above, all necessary expenses incurred by members of the **city council** ~~City Council~~ in the performance of their official duties shall be paid by the **city** ~~City~~.

Section 3.05. - No council interference.

Neither the **council** ~~Council~~ nor any of its committees or members shall dictate or attempt to dictate the appointment of any person to, or removal from, office or employment by the ~~City Manager~~ **city manager** or any of the ~~Manager's~~ **manager's** subordinates, or in any manner interfere in the appointment of officers and employees in the departments of administrative service vested in the **city manager** ~~City Manager~~ by this ~~C~~**c**harter. Except for the purpose of inquiry, the ~~Council~~ **council** and its members shall deal with that part of the administrative service for which the ~~City Manager~~ **city manager** is responsible solely through such **city manager** ~~Manager~~**,** and neither the ~~Council~~ **council** nor any member thereof shall give orders to any of the subordinates of the ~~City Manager~~ **city manager** in said departments, either publicly or privately.

Section 3.06. - Council misconduct.

Willful violation of any provision of this ~~Charter~~**charter** by any member of the ~~Council~~ shall constitute official misconduct, and shall authorize the ~~Council~~ **council**, by a vote of two-thirds of the total membership, to expel such offending member from the ~~Council~~ **council**, if found guilty after a public hearing, and thereby create a vacancy in the place held by such member.

Section 3.07. - Council~~member~~ vacancies.

(a) Mayor. A vacancy in the office of the mayor shall be filled by special election to be held on the earliest date allowed by law for the purpose of allowing the qualified voters of the city to elect a person to serve the remainder of the unexpired term unless the date of the next general election for city council occurs first. Until the vacancy is filled in accordance with this section, the mayor pro tem shall perform the duties, but not assume the office, of mayor.

(b) Council members. Vacancies in the city council other than in the office of mayor, where the same do not exceed one (1) at any one time, shall be filled by appointment by majority vote of the remaining members of the city council by a person meeting the qualifications of the charter to serve the remainder of the unexpired term. When there are two (2) or more vacancies at any one time, the vacancies shall be filled by special election to be held on the earliest date allowed by law for the purpose of allowing the qualified voters of the city to elect a person to serve the remainder of the unexpired term unless the date of the next general election for city council occurs first.

~~Vacancies in the city council, where the same do not exceed two (2) at any one time, shall be filled by a majority vote of the remaining members of the council, and the persons selected to fill such vacancies shall serve only until the next general city council election. A vacancy filled[,] as in the case of an original election, shall be only for the unexpired period of the term of the councilmember whose office is to be filled. Where more than two (2) vacancies on the shall develop at any one time, then a special election shall be called to elect their successors to fill their unexpired terms; provided, that if such vacancies shall occur within sixty (60) days before a general city council election, then no special election to fill such vacancies shall be called~~**;**~~[;] but in that event~~**,**~~[,] the remaining members of the Council shall, by a majority vote, fill such vacancies; and the persons so selected shall serve only until the next general city council election, when such vacancies shall be filled, as in the case of an original election.~~

Section 3.08. – Meetings ~~Regular meetings~~.

All meetings of the **council** ~~Council~~ shall be held in the City Hall or at such other locations as may be designated by the **city council** ~~City Council~~ and at such times as may be prescribed by **council** ~~ordinance or resolution~~; but not less than two (2) ~~regular~~ meetings shall be held each month, unless **cancelled by the council** ~~postponed for valid reasons~~.

Section 3.09. - Special meetings.

Special meetings **of the city council** shall be called by the ~~City Secretary~~ **city secretary** **or city manager** upon the written request of the ~~Mayor~~ **mayor**, the ~~City Manager~~ **city manager** or three (3) **council** members~~ of the Council~~. Any such notice shall state the subject to be considered at the special meeting ~~and no other subject shall be considered~~.

Section 3.10. - Open meetings.

All meetings of the **city council** ~~City Council~~ ~~and all committees~~ ~~thereof~~ shall be open to the public except as otherwise permitted by state law, and the rules of the **city council** ~~City Council~~ shall provide that **with the exception of emergency meetings and authorized closed meetings of the city council,** citizens of the **city** ~~City~~ shall have a reasonable opportunity to be heard at **the** ~~any such~~ meetings **of the city council**, in regard to any matter there considered.

Section 3.11. - Quorum.

A quorum shall consist of five (5) members **of the council**, except where the number of **members of the council** ~~councilmembers~~, due to vacancies, is reduced to less than five (5), in which event a quorum shall consist of all of the remaining **members of the council** ~~councilmembers; but a less number than a quorum may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance~~.

Section 3.12. - Voting and rules of procedure.

The yes and no votes shall be taken on the passage of all ordinances or resolutions and entered in the minutes of the proceedings of the **council** ~~Council~~, and every ordinance or resolution shall require for final passage the affirmative vote of a majority of the members **of the council** present. No member **of the council** shall be excused from voting except on matters involving the consideration of ~~the~~**such** member's own official conduct, or where such member's financial interests are involved, unless otherwise required by law. The **council** ~~Council~~ shall determine its own rules of procedure, may punish ~~its~~ members **of the council** for misconduct, and may compel the attendance of absent members **of the council**.

Section 3.13. - Summoning witnesses.

The **city council** ~~City Council~~ shall have power to summon and compel the attendance of witnesses and the production of books and papers before it whenever it may be necessary for the more effective discharge of its duties, and shall have the power to punish for contempt before it with the same fines and penalties as the County Judge may punish for contempt before the County Court. All processes shall be signed by the **mayor**~~ Mayor~~, attested by the **city secretary** ~~City Secretary~~ and shall be served by the **chief of police** ~~Chief of Police~~ or any police officer of the said **city** ~~City~~.

Section 3.14. - Administering oaths.

The **mayor** ~~Mayor~~, **city secretary** ~~City Secretary~~, **municipal judge** ~~City Judge~~, **city attorney** ~~City Attorney~~, or any member of the **city council** ~~City Council~~ shall have authority to administer oaths in any matter pertaining to the municipal affairs.

Section 3.15. - City Secretary.

The **council** ~~Council~~ shall appoint a **city secretary** ~~City Secretary~~ and prescribe the duties and compensation of said officer. The **city secretary** ~~City Secretary~~ shall hold office at the pleasure of the **council** ~~Council~~.

ARTICLE 4. - NOMINATION AND ELECTION OF CITY COUNCIL~~MEMBERS~~

Section 4.01. - Number and description of districts.

The city is hereby divided into four (4) districts, known as Districts 1, 2, 3 and 4 **established by ordinance of the city from time to time**. ~~All boundaries described below are the centerlines of designated streets:~~**.**

- ~~District No. 1 lies east of US-75. The southern boundary is the southern city limit; the eastern boundary is the eastern city limit; the northern boundary starting at the eastern limit of the city is Belt Line Road, west to Plano Road, north on Plano Road to the extension of Lookout Drive, and west on the extension of Lookout Drive to US-75, and includes all of the city lying within the described boundaries.~~
- ~~District No. 2 lies east of US-75. The southern boundary is the northern boundary of District No. 1, the eastern boundary is the eastern city limit, and the northern boundary is the northern city limit.~~
- ~~District No. 3 lies west of US-75. The southern boundary is the southern city limit. The western boundary is the western city limit, and the northern boundary starting at US-75 is Arapaho Road, west to the west fork of Cottonwood Creek, north on Cottonwood Creek to Campbell Road, and west on Campbell Road to the western city limit.~~
- ~~District No. 4 lies west of US-75. The southern boundary is the northern boundary of District No. 3, and the western boundary is the western city limit, and the northern boundary is the northern city limit.~~

Section 4.02. - Designated places.

The places of the several council members shall be designated as Places No. 1, 2, 3, 4, 5 and 6. ~~Councilmembers~~ **Council members** in Places 1, 2, 3 and 4, shall reside in their correspondingly numbered districts and remain in that district for the period of time that they serve in that place. The **mayor**~~Mayor (Place 7)~~ and **council members** ~~Councilmembers~~ in Places 5 and 6, may reside in any district. The council place for the ~~Mayor~~ **mayor** shall be designated as Place 7. All six (6) council members and the **mayor** ~~Mayor~~ shall be elected by all of the qualified voters of the city.

Section 4.03. - District revisions.

The city council shall appoint a commission, starting in January 1992 and every ten (10) years thereafter, to review the district boundaries in order to maintain a substantial equality of population in each district. They shall advise the city council, who shall within six (6) months of appointment fix the boundaries by ordinance, if necessary. The commission shall be made up of voters from all the districts of the city.

Section 4.04. - Qualifications.

Each member of the city council shall, in addition to the other qualifications prescribed by law, be~~at~~ **on** the date of the ~~member's~~ election a **qualified** ~~registered~~ voter, a resident of the city for one (1) year ~~previous~~ **prior** to the date of election, **and at least** twenty-one (21) years of age~~, and shall not be in arrears in the payment of any taxes or other liabilities due the city~~.

Section 4.05. - Election date.

The city council general election shall be held biennially in the City of Richardson in each odd-numbered year **on the uniform election date** in **May** **or other date as may be** ~~the second quarter on a date~~ prescribed by state law. There shall be elected at that election six (6) city ~~councilmembers~~ **council members** and the **mayor**~~Mayor~~.

Section 4.06. - Nomination by petition.

The method of determining the names of the candidates entitled to be placed upon the official ballot for **election to** ~~the position of Mayor and members of~~ the city council shall be by petition, separately circulated, on behalf of each proposed candidate **for the office and place on the city council for which they are a candidate.** ~~the position of councilmember, and~~ **The petition must comply in all respects with the requirements of this charter and state law**. ~~must be signed by the number of qualified voters as required by state law and filed with the city secretary not less than the number of days prescribed by state law prior to the election. Signers of such petitions shall write their residence address, county of registration, date signed, printed name and otherwise as prescribed by state law.~~ Each petition circulated on behalf of each proposed candidate shall designate the **office and** place to be filled by such candidate. In all elections the name of each candidate shall appear on the official ballot for the **office and** place number designated on the petition. No candidate's name shall be placed on the official ballot unless requested by a petition as set out above.

Section 4.07. - Official ballot.

The names of candidates for mayor place 7 and council members places 1-6, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation and in the order ~~The city secretary shall make up the official ballot by place numbers from the names presented. The order in which the names of the candidates for each place shall appear on the ballot shall be~~ determined by lot, in a drawing held under the supervision of the city secretary **conducted in accordance with the election laws of the State of Texas**. The election shall be held in conformity with the election laws in the City of

Richardson and the State of Texas, or with those that may be hereafter enacted. All members of the city council shall be elected by a vote of the qualified voters of the City of Richardson at large. All qualified voters in the city shall be entitled to vote for candidates for each place number.

Section 4.08. - Election by majority.

The candidate for **mayor** ~~Mayor~~ and council_member receiving a majority of all votes cast as provided in the ~~Charter~~ **charter** hereof for the position of **mayor place 7**~~ Mayor~~ and council member **places 1-6** under the place number which that person's name appears shall be declared the duly elected **mayor**~~ Mayor~~ and ~~councilmember~~ **council member** to hold such position. If no candidate for **mayor**~~ Mayor~~ or **a council member** ~~a place~~ shall receive a majority of all votes cast in an election **for such office and place**, a runoff election shall be called **to be held on a date in accordance with the laws of the State of Texas** for that **office and** place **on the council**. **At this special election, only the names of the two (2) candidates receiving the highest number of votes at the regular election, for the office and place for which they are candidates, shall be printed on the ballot and submitted to the qualified voters for election. The candidate receiving the majority of votes in the special election for the office and place for which such person was a candidate shall be declared duly elected. Should one of such candidates for office and place withdraw, die, or become ineligible, the other candidate for such office and place shall be declared elected to such office and place without a second election. Any tie shall be decided by lot in accordance with the election laws of the State of Texas. All elections shall be governed by the charter, the Texas Election Code and the laws applicable to municipal elections.**

~~**Section 4.09. - Runoff election.**~~

~~a. *Candidates.* If no candidate for Mayor or a place on the city council receives a majority of votes cast for that place, the mayor of the city shall, according to state law, issue a call for a second election to be held on the day as authorized by state law. The two (2) candidates receiving the highest number of votes for a given place shall gain a place on the runoff election. Tie candidates in the general election shall be treated as specified by state law.~~

~~b. *Ballot.* The official ballot to be used at the runoff election shall be prepared by the city secretary. The order on the ballot shall be determined by a drawing.~~

~~c. *Withdrawal.* If either candidate in a runoff shall withdraw, that candidate shall make a request to the city secretary as specified by state law. If a runoff candidate withdraws, the remaining candidate is considered to be elected and the runoff election for that place is not held.~~

~~**Section 4.10. - Tie election.**~~

~~In the event of a tie in the vote for the two (2) leading candidates for a place on the city council at the first election, a runoff election shall be held as provided for in the Charter. If a tie occurs between the two (2) candidates for a place on the city council in the runoff election, they shall cast lots to determine who shall be elected to office.~~

ARTICLE 5. - RECALL OF MAYOR AND CITY COUNCIL MEMBERS

Section 5.01. - Recall of mayor ~~Mayor~~ and city council members ~~councilmembers~~.

The **mayor** ~~Mayor~~ and any ~~councilmember~~ **council member** of this city may be recalled and removed from office by the ~~electors~~ qualified **voters of the city** ~~to vote~~.

Section 5.02. - Procedure.

a. **Before the question of recall of the mayor or a council member shall be submitted to the qualified voters of the city, a** ~~A~~ petition **addressed to the city council of the City of Richardson** demanding the recall of the **mayor** ~~Mayor~~ or a council member shall **first** be filed with the city secretary, ~~provided that such~~ **which** petition **shall name the mayor** ~~Mayor~~ **or council member whose removal is sought, and** contain a complete statement of the grounds for which the removal is sought. **A separate petition shall be required for the mayor** ~~Mayor~~ **and each council member whose removal is sought.**

b. The petition shall be signed by qualified voters equal in number to at least ten (10) percent of the **total** ~~entire~~ number of **qualified voters on the date of the last regular municipal election of** ~~persons entitled to vote in~~ the city~~, as appears on the county clerk's rolls~~.

c. Notice shall be given in writing to the city secretary by five (5) registered voters on the first day that such petition is circulated, and the total signatures required must be secured and the petition filed within thirty (30) days thereafter.

d. **The petition may consist of one (1) or more papers circulated separately and the signatures thereto may be upon the paper or papers containing the form of the petition, or upon other paper attached thereto.** ~~The signatures to the petition need not all be appended to one (1) paper.~~ For a petition signature to be valid, a petition must contain, in addition to the signature: the signer's printed name, residence address, county of residence, date of signing, **and either voter registration number or date of birth,** and **must** ~~[must]~~ comply with any other applicable requirements prescribed by state law. One (1) of the signers to each of such papers shall make oath before an **official** ~~officer~~ competent to administer oaths that each signature is that of the person whose name it purports to be and was signed by such person on the date indicated.

e. Within ten (10) days ~~from~~ **after** the filing of such petition, the city secretary shall examine the same and from the list of qualified voters ascertain whether or not said petition is signed by the requisite number of qualified voters. The city secretary shall attach to said petition a certificate showing the result of such examination.

f. If by the secretary's certificate the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said certificate. The secretary shall, within ten (10) days after such amendment is filed, in the event one is filed, make like examination of the said amended petition, and if the certificate shall show the petition to be insufficient, it shall ~~be returned to the person filing the same, without prejudice to filing of a completely new petition based upon new and different grounds, but not upon the same grounds~~ **not be further amended**.

g. If the petition is found to be sufficient, the city secretary shall **within five (5) days or at the next regular city council meeting, whichever is later,** ~~without delay~~ submit it

and the certificate declaring the petition to be sufficient to the city council**, and notify the affected mayor or council member sought to be recalled.** The city council, in the event that the **mayor** ~~Mayor~~ or **council member** ~~councilmember~~ fails to resign, shall order and set an election to be held **on the earliest date allowed by law** ~~within forty-five (45) to sixty (60) days from~~ **following the** submission **of the certified petition** to the city council. ~~If an election is to be held within the city for any other purpose within forty-five (45) to sixty (60) days of submission to the city council, the election shall be held on the same day. If state law authorizes a fixed date which falls within the forty-five (45) to sixty (60) days of submission to the city council, the election shall be held on that day.~~

h. If the **mayor** ~~Mayor~~ or **council member** ~~councilmember~~ in question resigns, no **recall** election shall be necessary and the vacancy shall be filled by the council as in other cases of vacancies.

Section 5.03. - Appeal.

Should the city council fail or refuse to order an election as herein provided for the recall of the **mayor** ~~Mayor~~ or a **council member** ~~councilmember~~, when all the requirements for such election have been complied with by the petitioning citizens, in conformity with this article of the **charter** ~~Charter~~, then it shall be the duty of any one of the district judges of Dallas County, Texas, upon proper application being made therefor**e**, to order such election and to enforce the carrying into effect of the provisions of this article of the **charter** ~~Charter~~.

Section 5.04. Recall limitations.

No recall petition shall be filed against the mayor or any council member within six (6) months after such person's election or appointment to the city council and qualifying for office within three (3) months after an election for such person's recall, and in no case within three (3) months prior to the expiration of such person's current term of office.

ARTICLE 6. CITY MANAGER

Section 6.01. Appointment.

The **council** ~~Council~~ shall appoint a **city manager** ~~City Manager~~, who shall be the chief administrative and executive officer of the **city** ~~City~~. The city manager shall be accountable to the council for the proper administration of the city. The **city manager** ~~City Manager~~ may be appointed without a definite fixed time ~~or the city council may choose to enter into a contract with the city manager for a period not to exceed two (2) years~~. ~~In any event, the~~ **The city manager** ~~Manager~~ shall be removable at the will and pleasure of the **council** ~~Council~~ by a vote of the majority of the entire **council** ~~Council~~. The **city manager** ~~City Manager~~ shall receive such compensation as may be fixed by the **council** ~~Council~~.

Section 6.02. Qualifications.

The **city manager**~~Manager~~ shall be chosen by the **council** ~~Council~~ solely on the basis of executive and administrative training, experience and ability, and without regard to political consideration. The **city manager**~~Manager~~ need not, when appointed, be a resident of the City of Richardson or the State of Texas, but **shall be a resident within six (6) months after appointment** ~~during the tenure of office shall reside in the City of Richardson~~. No member of the **council** ~~Council~~ shall, during the time for which elected, and one (1) year thereafter, be chosen as **city manager** ~~City Manager~~.

Section 6.03. Absence or disability.

In case of the absence or disability of the **city manager** ~~City Manager~~, the **council** ~~Council~~ may designate some qualified person to perform the duties of the office during such absence or disability.

Section 6.04. Removal.

If the **city manager** ~~City Manager~~ is removed by a vote of the majority of the entire **council** ~~Council~~ after serving three (3) months, unless otherwise set out in any contract, the **city manager** ~~Manager~~ may demand written charges and the right to be heard thereon at a public meeting of the **council** ~~Council~~ prior to the date on which the **city manager's** ~~Manager's~~ final removal shall take effect, but pending such hearing the **council** ~~Council~~ may suspend the **city manager** ~~Manager~~ from office. The action of the **council** ~~Council~~ in suspending or removing the **city manager** ~~City Manager~~ shall be final, it being the intention of this **charter** ~~Charter~~ to vest all authority and fix all responsibility for such suspension or removal in the **council** ~~Council~~.

Section 6.05. Powers and duties.

The powers and duties of the **city manager** ~~City Manager~~ shall be as follows:

(a) To make certain that all laws and ordinances are enforced.

(b) To appoint and remove all ~~heads~~ **directors** of departments and all subordinate officers and employees of the **city** ~~City~~ except as otherwise provided in this **charter** ~~Charter~~; all appointments to be upon merit and qualifications alone, and in the classified civil service all appointments to be subject to the civil service provision of this **charter** ~~Charter~~. **All such directors of departments shall be immediately responsible to the city manager and may be removed by the city manager at any time.**

(c) To exercise control over all departments and subdivisions thereof created by the **charter** ~~Charter~~, or that may hereafter be created by the **council** ~~Council~~.

(d) To make certain that all terms and conditions imposed in favor of the **city** ~~City~~ or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof to call the same to the attention of the **city attorney** ~~City Attorney~~, whose duty it shall be to take such steps as may be necessary to enforce the same.

(e) To attend all meetings of the **council** ~~Council,~~ with the right to take part in the discussion, but having no vote. The **city manager** ~~Manager~~ shall be entitled to notice of all special meetings.

(f) To recommend to the **council** ~~Council~~ for adoption such measures as the **city manager** ~~Manager~~ may deem necessary or expedient.

(g) To keep the **council** ~~Council~~ at all times fully advised as to the financial condition and needs of the **city** ~~City~~.

(h) To prepare or cause to be prepared and submitted to the **council** ~~Council~~ the annual budget.

(i) To make certain that the **city** ~~City~~ operates within its budget.

(j) To execute deeds and to make and execute all contracts on behalf of the **city** ~~City~~ when authorized by ordinance, resolution or motion of the **city council** ~~City Council~~.

(k) To perform such other duties as may be prescribed by this **charter** ~~Charter~~, or by ordinance or resolution of the **city council** ~~City Council~~.

~~**Section 6.06. Responsible to the council.**~~

~~The city manager shall be responsible to the council for the proper administration of all the city affairs placed in the manager's hands, and shall to that end appoint and employ all directors of departments and other employees not otherwise provided for in this Charter or by ordinance. Appointments made by the manager shall be on the basis of executive and administrative experience and ability and of training, qualifications and efficiency of such appointees in the work which they are to administer. All such directors of departments shall be immediately responsible to the city manager and may be removed by the manager at any time~~.

Section 6.06~~7~~. Bond of city manager ~~City Manager~~.

The **city council** ~~City Council~~ shall require the **city manager** ~~City Manager~~, before entering upon the duties of the office, to execute a good and sufficient bond with a surety company doing business in the State of Texas, and approved by the **city council** ~~City Council~~, as surety thereon, said bond to be in such amount as the **council** ~~Council~~ may demand, payable to the City of Richardson, and conditioned for the faithful performance of the duties of office; premium of such bond to be paid by the **city** ~~City~~.

Section 6.07~~8~~. Investigations.

The **council** ~~Council~~, the **city manager** ~~City Manager~~ or any person or committee authorized by either or both of them shall have power to inquire into the conduct of any department or office of the **city** ~~City~~, to make investigations as to **city** ~~City~~ affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to said inquiry. The **council** ~~Council~~ shall establish by ordinance penalties for contempt in refusing to obey any such subpoenas or failure to produce books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

ARTICLE 7. CITY ATTORNEY—MUNICIPAL COURT

Section 7.01. City **attorney** ~~Attorney~~.

The **city council** ~~City Council~~ shall appoint a competent attorney licensed and practicing law in the State of Texas who shall be the **city attorney** ~~City Attorney~~. The **city attorney** ~~City Attorney~~ shall receive for services such compensation as may be fixed and approved by the **city council** ~~City Council~~, and shall hold office at the pleasure of the **city council** ~~City Council~~. The **city attorney** ~~City Attorney~~, or other duly licensed practicing attorneys in the United States selected by the **city council** ~~City Council~~, shall represent the **city** ~~City~~ in all litigation and shall serve as the legal advisor of and attorney and counsel for the **city** ~~City~~. **The city attorney may serve as the municipal court prosecutor or may provide a municipal court prosecutor and alternate municipal court prosecutor. The city council may contract with an attorney or with a firm of attorneys who may designate one (1) member of said firm to serve as city attorney.**

Section 7.02. Municipal court.

There shall be established and maintained by the **city council** ~~City Council~~ a court designated as a municipal court, with all the powers and duties as are now or hereafter may be prescribed by the laws of the State of Texas relating to municipal courts.

Section 7.03. Municipal court judge.

The judge of the municipal court, while in office, shall be a bona fide resident of the City of Richardson, a duly licensed, practicing attorney in the State of Texas, and shall be appointed by the **city council** ~~City Council~~ for a term of two (2) years, subject to removal by the **city council** ~~City Council~~ by a vote of two-thirds of the total membership of the **city council** ~~City Council~~.

Section 7.04. Alternate municipal court judge.

The **city council** ~~City Council~~ may appoint an alternate judge or judges of the municipal court, who need not be a resident of the City of Richardson, but must be a duly licensed, practicing attorney in the State of Texas, who shall be appointed by the **city council** ~~City Council~~ for a term of two (2) years, subject to removal by the **city council** ~~City Council~~ by a vote of two-thirds of the total membership of the **city council** ~~City Council~~.

~~**Section 7.05. Municipal court prosecutor.**~~

~~The prosecutor of the municipal court, while in office, shall be a bona fide resident of the City of Richardson, a duly licensed, practicing attorney in the State of Texas, and shall be appointed by the city council, subject to removal by the city council by a vote of two-thirds of the total membership of the city council.~~

~~**Section 7.06. Alternate municipal court prosecutor.**~~

~~The city council may appoint an alternate prosecutor of the municipal court, who need not be a resident of the City of Richardson, but must be a duly licensed, practicing attorney in the State of Texas, subject to removal by the city council by a vote of two-thirds of the total membership of the city council.~~

Section 7.05~~7~~. Compensation.

The judge, alternate judge, prosecutor and alternate prosecutor shall receive compensation as is approved by the **city council** ~~City Council~~.

Section 7.06~~8~~. Municipal court clerks.

The **city manager** ~~City Manager~~ shall appoint the **clerk** ~~Clerk~~ of the **municipal court** ~~Municipal Court~~ and the **deputy clerks** ~~Deputy Clerks~~, and said clerks shall each qualify as a **notary public** ~~Notary Public~~ and shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court thereto, and generally do and perform any and all acts usually necessary by the clerk of courts in issuing process of said courts and conducting the business thereof.

~~**Section 7.09. General laws—Act cumulative of.**~~

~~The foregoing sections are hereby declared to be cumulative of any laws that may now or thereafter be passed by the Legislature regulating or increasing the jurisdiction of municipal courts in cities of the grade and size of the City of Richardson.~~

ARTICLE 8. ADMINISTRATIVE DEPARTMENTS

Section 8.01. Creation and control.

The **council** ~~Council~~ shall have power by ordinance to establish departments and offices. The **council** ~~Council~~ may discontinue any department or office established by ordinance and may prescribe, combine, distribute or abolish the functions and duties of such departments and offices. No administrative department or office created by ordinance shall be established, discontinued or combined until the recommendation of the **city manager** ~~City Manager~~ thereon shall have first been heard by the **council** ~~Council~~. Such departments and offices as may be hereby created shall be placed under the control of the **city manager** ~~City Manager~~.

Section 8.02. Administrative code ~~Code~~.

The **city manager** ~~City Manager~~ shall prepare and submit to the C**c**ouncil for its approval and adoption an **administrative code** ~~Administrative Code~~ and such amendments, from time to time, as are necessary to maintain the **administrative code** ~~Administrative Code~~ current with regard to the organization, functional operation and such other definitions and delineations of the organization of the **city** ~~City~~ as are required. The **administrative code** ~~Administrative Code~~ shall include and provide for departments and offices as required by this **charter** ~~Charter~~ and other departments and offices created by ordinance. The **administrative code** ~~Administrative Code~~

shall provide for a director, or other designated officer for each department, the duties and responsibilities of such director or officer and such other matters as shall be necessary for the proper control and management of each department or office of the **city** ~~City~~. Each director or officer so designated shall be appointed by the **city manager** ~~City Manager~~ and shall serve until removed by the **city manager** ~~City Manager~~. The **administrative code** ~~Administrative Code~~ shall define the organization structure and reporting responsibility of each department or office**.**~~[,]~~ whether to the **city manager** ~~City Manager~~, **deputy** ~~Deputy~~ or **assistant** ~~Assistant~~ **city manager** ~~City Manager~~ or other director or officer of the **city** ~~City~~ as set out in said **administrative code** ~~Administrative Code~~.

Section 8.03. Responsibility of department directors.

The directors of departments appointed by the **city manager** ~~City Manager~~ shall be immediately responsible to the **city manager** ~~City Manager~~ for the administration of their departments, and their advice in writing may be required by the **city manager** ~~City Manager~~ on all matters affecting their departments. They shall prepare departmental estimates, which shall be open to public inspection, and they shall make all their reports and recommendations concerning their departments at stated intervals, or when requested by the **city manager** ~~City Manager~~.

ARTICLE 9. - BOARDS AND COMMISSIONS

Section 9.01. - Creation.

There are hereby created and placed under the control and direction of the **city council** ~~City Council~~ the following boards and commissions, and such other boards and commissions as may be hereafter created:

(a) City Plan Commission.
(b) Parks and Recreation Commission.
(c) Library Board.
(d) Zoning Board of Adjustment.
(e) Civil Service Board.
(f) Civil Service Appeals Board.

The **council** ~~Council~~ shall have power by ordinance to create, establish and abolish such other boards and commissions as the **council** ~~Council~~ shall determine are necessary and desirable. Such ordinance shall as a minimum include:

(a) Title of the board or commission.
(b) Purpose and duties.
(c) Number of persons comprising membership.
(d) Terms.
(e) Appointment of chairperson and vice-chairperson.

No person shall be appointed to serve more than four (4) consecutive two (2) year terms **on any single board or commission**. This provision does not apply to alternate members of boards and commissions.

Section 9.02. - Appointments.

The **council** ~~Council~~ shall appoint members to all boards and commissions, who are qualified voters of the City of Richardson, who have been residents of the State of Texas for at least one (1) year and residents of the **city** ~~City~~ for at least six (6) months **immediately prior to the date of such appointment**, and ~~[~~who~~]~~ hold no elected public office and are not in arrears in taxes or other liability due the **city** ~~City~~.

Section 9.03. - Removal and vacancies.

Except as otherwise provided by state law or ordinance, the ~~The~~ **council** ~~Council~~ may, upon the affirmative vote of the majority of the full membership of the **council** ~~Council~~, remove members of any board or commission without notice. If an individual appointed to a board or commission shall cease to possess any **of the** qualification**s** for appointment, shall file or announce as a candidate for any public office**,**~~[,]~~ or shall be convicted of a crime of moral turpitude, such individual shall immediately be considered removed and such appointment vacant. Vacancies in the appointive board or commission, whether by resignation, death, removal or other cause, shall be filled by **council** ~~Council~~ appointment for the unexpired term.

Section 9.04. - Meetings.

All meetings shall be open to the public **except as** ~~unless~~ otherwise **permitted** ~~provided~~ by law. Minutes **of the meetings open to the public** shall be kept and attendance, subject matter and voting shall be recorded.

Section 9.05. - Quorum.

Except as otherwise provided by state law or ordinance, a ~~A~~ majority of board or commission members shall constitute a quorum.

Section 9.06. - Voting.

No member of a board or commission shall be excused from voting ~~except on matters involving the consideration of the member's own official conduct or where such member's financial interests are involved,~~ unless otherwise required by law.

Section 9.07. – City plan commission ~~**Plan Commission**~~**.**

(a) *Purpose.* The **city plan commission** ~~City Plan Commission~~ shall exercise all powers granted and shall make recommendations to the **city council** ~~City Council~~, and exercise the powers granted thereto~~[,]~~ on ~~all~~ matters affecting the ~~physical development of the city, and including a~~ comprehensive plan or plans ~~and implementation~~, zoning, zoning regulations ~~and modifications~~ and changes thereto.~~ on all matters of public improvements, civic improvements, city planning, opening, widening and changing of streets, routing of public utilities, controlling and regulating traffic upon the public streets and ways of the City of~~

~~Richardson, and such other matters relating to city improvements as the city plan commission and the city council may deem beneficial to the City of Richardson.~~

(b) *Powers*. The **city plan commission** ~~City Plan Commission~~ shall have any and all powers granted to planning and zoning commissions by the statutes of the State of Texas, this **charter** ~~Charter~~ and by ordinance and resolution of the **city council** ~~City Council~~ of the City of Richardson. **The city plan commission shall be responsible to, and advise the city council. The city plan commission shall:**

(1) provide reports and recommend to city council, approval or disapproval of proposed changes to the comprehensive zoning ordinance and map as provided by state law and city ordinance;

(2) review and make recommendations to the city council regarding the adoption and amendments to the comprehensive plan;

(3) pursuant to city ordinances, exercise control over platting and subdivision of land within the corporate limits of the city, and the extra territorial jurisdiction of the city to the extent authorized by law; and

(4) perform such other additional duties and exercise such additional powers as may be prescribed by city ordinance.

(~~1) Planning. The city plan commission shall have the power to pass upon all plans which may be considered by the city council relating to public improvements, and it shall be the duty of the city council, as far as practicable, to submit plans governing public improvements involved under the terms of this Charter to the city plan commission to obtain its advice with reference thereto. The city council may thereafter adopt the methods which may be deemed most advisable by the city council; provided, however, that any public improvement undertaken hereunder, or otherwise, by the city council shall never be deemed invalid because the city plan commission has not been consulted or because the city council has failed to submit its plans thereon for consideration by said city plan commission.~~

~~(2) Zoning. For the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare, the city council of Richardson, acting through the city plan commission and the city council, or the city plan commission acting under its direction, shall have the power to divide the City of Richardson into zones or districts for the purpose of regulating and controlling the size, type, height, bulk and use of buildings within such zones or districts and may exercise any other powers necessary fully to effectuate and accomplish the purpose of the powers herein conferred. The further power is conferred upon the city council to establish building lines within such zones or districts or to establish building lines in residence districts or in other portions of the city, as may be deemed advisable by the said council, and to make different regulations for different districts, as may be deemed advisable.~~

(c) *Membership and Terms*. The **city council** ~~City Council~~ shall appoint seven (7) members and two (2) alternate members~~, each of whom shall be qualified voters of the City of Richardson, and shall have been a resident of the State of Texas for one (1) year and a resident of the City of Richardson for six (6) months,~~ to constitute the **city plan commission** ~~City Plan Commission~~.

The members of the **city plan commission** ~~City Plan Commission~~ shall serve for two (2) years ~~and until their respective successors shall have been appointed and qualified~~. The city

council shall appoint four (4) members **who shall reside in each of** ~~represent~~ Districts 1 ~~[~~through~~]~~ 4 of the **city** ~~City, plus one (1) alternate member, in August of odd-numbered years,~~ and ~~shall appoint~~ three (3) members who **shall reside in each of** ~~who represent~~ the three (3) at-large districts, **plus two (2)** ~~one (1)~~ alternate members~~, in August of even-numbered years~~. An alternate member shall, at the request of the **chairperson** ~~Chairperson~~, sit for and in place of an absent regular member and shall**,**~~[,]~~ for the duration of the absence, be as a regular member.

(d) *Procedures.* A **chairperson** ~~Chairperson~~ and **vice-chairperson** ~~Vice-Chairperson~~ shall be appointed by the **city council** ~~City Council~~. Said commissioners shall serve without pay and shall adopt such rules and regulations as shall best govern their proceedings, deliberations and actions.

Section 9.08. - Parks and recreation commission ~~Rrecreation~~.

(a) *Purpose.* The **city parks and recreation commission** ~~City Parks and Recreation Commission~~ shall act in an advisory capacity to the **city council** ~~City Council~~ in all matters pertaining to parks and recreation, and shall exercise such other duties and further powers as are delegated by ordinance.

(b) *Membership and terms.* The **commission** ~~Commission~~ shall consist of nine (9) members who shall be appointed for two (2) year terms~~, with five (5) members appointed to serve beginning December 1 in odd-numbered years, and four (4) members appointed to serve beginning December 1 in even-numbered years~~. At least one (1) member shall **reside** ~~live~~ in each of Districts 1 ~~[~~through~~]~~ 4 of the ~~C~~city.

(c) *Procedures.* A **chairperson** ~~Chairperson~~ and **vice-chairperson** ~~Vice-Chairperson~~ shall be appointed by the **city council** ~~City Council~~. Meetings shall be held monthly or as required. Guidelines, regulations and responsibilities shall be prescribed by ordinance.

Section 9.09. – Library board ~~Board~~.

(a) *Purpose.* The **city library board** ~~City Library Board~~ shall act in an advisory capacity to the **city council** ~~City Council~~ in all matters pertaining to the public library, and shall exercise such other duties and have such powers as is delegated by ordinance.

(b) *Membership and terms.* The **board** ~~Board~~ shall consist of seven (7) members who shall be appointed for two (2) year terms~~, with four (4) members appointed to serve beginning January 1 in even-numbered years, and three (3) members appointed to serve beginning January 1 in odd-numbered years~~. At least one (1) member shall **reside** ~~live~~ in each of Districts 1 ~~[~~through~~]~~ 4 of the ~~C~~city.

(c) *Procedures.* A **chairperson** ~~Chairperson~~ and **vice-chairperson** ~~Vice-Chairperson~~ shall be appointed by the **city council** ~~City Council~~. Meetings shall be held monthly or as required. Guidelines, regulations and responsibilities shall be prescribed by ordinance.

Section 9.10. - Zoning board of adjustment ~~Board of Adjustment~~.

(a) *Purpose.* The **zoning board of adjustment** ~~Zoning Board of Adjustment~~ shall, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the **comprehensive zoning** ordinance**, or any successor thereto,** in

harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

(b) *Powers.* The **zoning board of adjustment** ~~Zoning Board of Adjustment~~ shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement ~~of this section or~~ of any **zoning** ordinance ~~adopted pursuant thereto~~.

(2) To hear and decide special exceptions to the terms of the **comprehensive zoning** ordinance**, or any successor thereto, when the comprehensive ordinance requires the** ~~upon which such~~ board ~~is required~~ to **do so** ~~pass~~ under such ordinance.

(3) To authorize upon appeal in specific cases such variance from the terms of **a zoning** ~~the~~ ordinance **if the variance is not** ~~as will not be~~ contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the **zoning** ordinance will result in unnecessary hardship, and so that the spirit of the **zoning** ordinance shall be observed and substantial justice done.

In exercising the above-mentioned powers~~[,]~~ such **board** ~~Board~~ may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to the end shall have all the powers of the **administrative official** ~~officer~~ from whom the appeal is taken.

The concurring vote of **seventy-five percent (75%) of the** ~~four (4)~~ members of the **board** ~~Board~~ shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

Any person or persons, jointly or severally, aggrieved by any decision of the **board of adjustment** ~~Board of Adjustment~~, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to the District Court ~~of Dallas County~~ a petition**,**~~[,]~~ duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality**, as allowed by state law**. Such petition shall be presented to the District Court within ten (10) days after the filing of the decision in the office of the **board** ~~Board~~.

(c) *Membership and terms.* The **board** ~~Board~~ shall consist of **at least** five (5) regular members and two (2) alternate members, who shall be appointed for two (2) year terms~~, with three (3) members plus one (1) alternate appointed to serve beginning April 1 in even-numbered years, and two (2) members plus one (1) alternate appointed to serve beginning April 1 in odd-numbered years~~. At least one (1) member shall **reside** ~~live~~ in each of Districts 1 ~~[~~through~~]~~ 4 of the **city** ~~City~~. An alternate member shall at the request of the ~~C~~**c**hairperson sit for and in place of an absent regular member and shall for the duration of the absence be as a regular member.

(d) *Procedures.* A **chairperson** ~~Chariperson~~ and **vice-chairperson** ~~Vice-Chairperson~~ shall be appointed by the **city council** ~~City Council~~. Meetings shall be held monthly or as required.

All matters heard by the **board of adjustment** ~~Board of Adjustment~~ shall be heard by the minimum of **seventy-five percent (75%) of the** ~~four (4)~~ members of the board.

The **board** ~~Board~~ shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this section. Meetings of the **board** ~~Board~~ shall be held at the call of the **chairperson** ~~Chariperson~~ and at such other times as the **board** ~~Board~~ may determine. Such **chairperson** ~~Chariperson~~, or in ~~his~~ **the** absence **of** the **acting chairperson** ~~Acting Chariperson~~, may administer oaths and compel the attendance of witnesses. ~~All meetings of the board shall be open to the public.~~ The **board** ~~Board~~ shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the **board** ~~Board~~ and shall be a public record.

Appeals to the **board of adjustment** ~~Board of Adjustment~~ may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative **official** ~~officer~~. Such appeal shall be taken within a reasonable time, as provided by the rules of the **board** ~~Board~~, by filing with the **administrative official** ~~officer~~ from whom the appeal is taken and with the **board of adjustment** ~~Board of Adjustment~~ a notice of appeal specifying the grounds thereof. The **administrative official** ~~officer~~ from whom the appeal is taken shall forthwith transmit to the **board** ~~Board~~ all the papers constituting the record upon which the action appealed from was taken.

Except as otherwise provided by state law, an ~~An~~ appeal stays all proceedings in furtherance of the action appealed from, unless the **administrative official** ~~officer~~ from whom the appeal is taken certifies to the **board of adjustment** ~~Board of Adjustment~~ after the notice of appeal shall have been filed and that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. ~~In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by the District Court of Dallas County on application on notice to the officer from whom the appeal is taken and on due cause shown.~~

The **board of adjustment** ~~Board of Adjustment~~ shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Section 9.11. – Civil service board ~~Service Board~~.

(a) *Purpose.* The primary purpose of the **civil service board** ~~Civil Service Board~~ is to oversee the **civil service system** ~~Civil Service System~~ of the City of Richardson.

(b) *Powers.* The **civil service board** ~~Civil Service Board~~, subject to the approval of the **city council** ~~City Council~~, shall adopt, amend, and enforce a code of rules and regulations providing for appointment and employment in all positions in the classified service which shall have the force and effect of law; also rules regulating reduction of forces of employees and in what order they shall be dismissed and reinstated; shall **assure** ~~make investigation~~

~~concerning~~ the enforcement ~~and effect~~ of the civil service sections of this **charter** ~~Charter~~ and of the rules adopted under the powers herein granted.

(c) *Membership and terms.* The **civil service board** ~~City council shall appoint a Civil Service Board, composed~~ **consist** of five (5) ~~citizens~~ **members** who **shall be appointed** ~~reside in the City of Richardson,~~ for two (2) year terms.~~ and until their successors have been appointed and qualified~~. ~~Three (3) members shall be appointed in August of odd-numbered years, and two (2) members shall be appointed in August of even-numbered years. At least one (1) member shall live in each of Districts 1 [through] 4 of the city.~~

(d) *Procedures.* The **city council** ~~City Council~~ shall appoint a **chairperson** ~~Chairperson~~ and a **vice-chairperson** ~~Vice-Chairperson~~. The **board** ~~Board~~ may appoint such other officers ~~and subordinates~~ as it may deem necessary from time to time. In the absence of one or more of the permanent officers, temporary officers may be appointed by the **board** ~~Board~~ for the conduct of business. The **board** ~~Board~~ shall meet monthly**, or as needed**. ~~The civil service board shall make an annual report to the city council at the end of each fiscal year, giving a complete itemized statement of all expenditures paid or incurred by it, and containing such recommendations for improving the efficiency of the civil service as it may deem advisable. Reference is made to the following article for further discussion regarding civil service.~~

Section 9.12. - Civil service appeals board ~~Civil Service Appeals Board~~**.**

(a) *Purpose.* The **civil service appeals board** ~~Civil Service Appeals Board~~ is hereby created for the purpose of hearing and determining any charges made against any ~~officer or~~ employee of the **city** ~~City~~ in the classified service.

(b) *Powers.* The **civil service appeals board** ~~Civil Service Appeals Board~~ shall have final jurisdiction to hear and decide all appeals made to it by any suspended, reduced, demoted or discharged employee in the classified service, and the judgment or decision of a majority of the members of the **appeals board** ~~Appeals Board~~ at a hearing shall be final. Any aggrieved employee who desires to appeal to the **appeals board** ~~Appeals Board~~ must do so promptly and within ten (10) days from the date that the aggrieved employee received notification of the suspension, demotion, reduction or dismissal action by giving written notice to the **civil service appeals board of appeals** ~~Civil Service Appeals Board of Appeals~~. The **civil service board** ~~Civil Service Board~~ shall set a hearing date within twenty (20) days after receipt of the notice of appeal, and an **appeals board** ~~Appeals Board~~ shall be convened to hear the appeal. The aggrieved employee may be represented by counsel and shall have the right to an open hearing and to compel the attendance of witnesses to testify **on**~~in~~ behalf of the aggrieved employee. The appeal to the **appeals board** ~~Appeals Board~~ shall not suspend the execution of the order of suspension, reduction, demotion or discharge pending final decision of the **appeals board** ~~Appeals Board~~. The **appeals board** ~~Appeals Board~~ may either sustain or reverse the action taken against the ~~officer or~~ employee, or may modify or amend the action as it may deem justified, appropriate and equitable in light of all the facts and circumstances of the particular case.

(c) *Membership.* The **civil service appeals board** ~~Civil Service Appeals Board~~ shall **consist of at least three (3)** ~~be constituted by~~ **members of** the **civil service board** ~~Civil Service Board or any three (3) of its members~~.

(d) *Minimum standard.* The **civil service board** ~~Civil Service Board~~ shall fix a minimum standard of conduct and efficiency for each grade in the service, and whenever it shall appear from the reports of efficiency made to the said **board** ~~Board~~ that the conduct and efficiency of any employee has fallen below this minimum, that employee may be called before the **board** ~~Board~~ to show cause why such employee should not be removed, suspended or reduced in grade, as the **board** ~~Board~~ shall determine.
~~(e) *Payroll certified by the board.* The city shall not make payment of any salary or compensation for service to any persons holding a position in the classified service unless the payroll or account of such salary or compensation shall show that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of the Charter and of the rules established thereunder.~~

(~~f~~**e**) *Appeals proceedings.* In any appeals proceeding conducted by the **board** ~~Board~~, it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the proceeding and to administer oaths to such witnesses.

(~~g~~**f**) *No discrimination.* No discrimination shall be exercised, threatened, or promised against or in favor of any applicant, competitor, candidate, eligible or employee because of race, color, sex, **age, disabilities,** religion, national origin or political opinions.

ARTICLE 10. - CIVIL SERVICE

Section 10.01. - Organization of civil service board ~~Civil Service Board~~.

The **civil service board** ~~Civil Service Board~~ shall be established as provided in Article 9 of this **charter** ~~Charter~~.

Section 10.02. - Unclassified and classified service.

The **civil service** ~~Civil Service~~ of this **city** ~~City~~ is hereby divided into the unclassified and classified service, to-wit:

(a) The unclassified service shall include:

(1) The **city manager** ~~City Manager~~ and persons assigned to the office of the **city manager** ~~City Manager City Manager~~.

(2) The directors and heads of departments, assistant directors and assistant heads of departments, and the **city secretary** ~~City Secretary~~.

(3) The labor class, which shall include all ordinary, unskilled labor.

(b) The classified service shall comprise all positions not specifically included in the unclassified service. There shall be in the classified service two (2) classes to be known as the competitive class and the noncompetitive class, to-wit:

(1) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of the applicants by competitive examination.

(2) The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, as may be determined by the rules of the **board** ~~Board~~.

(c) ***Payroll certified by the board.*** **The city shall not make payment of any salary or compensation for service to any persons holding a position in the classified service unless the payroll or account of such salary or compensation shall show that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of the charter and of the rules established thereunder.**

Section 10.03. - List of eligibles.

The **board** ~~Board~~ shall provide for examination in accordance with the regulations of the **board** ~~Board~~, and maintain lists of eligibles to each class of the service of those meeting the requirements of said regulations. Positions in the classified service shall be filled from such eligible lists upon requisition of the **city manager** ~~City Manager~~**, or designee**. ~~As positions are filled, the board shall certify the fact to the city manager.~~

Section 10.04. - Promotions in the classified.

The **board** ~~Board~~ shall provide for promotion to all positions in the classified service competitive class.

Section 10.05. - Probation period.

Appointment or promotion in the classified service shall not be deemed complete until a probationary period has been completed. A probationary period not to exceed six (6) months shall **apply to each employee classification in the classified service** ~~be determined by the civil service board for each employee classification~~.

Section 10.06. - Discharge of employee after probation period.

Any employee in the classified service may be removed, suspended, laid off or reduced in grade by the **city manager** ~~City Manager~~, or the head of the department in which employed,

after the probation period has expired. If demanded by such employee, it shall be the duty of the ~~officer~~ **city manager or department head, as the case may be,** discharging such employee to furnish a written statement of the reasons therefor**e**. The discharged, suspended or reduced employee shall have the right to demand a public hearing upon said charges within a reasonable time thereafter before the **civil service appeals board** ~~Civil Service Appeals Board~~ as hereinafter defined.

Section 10.07. - Appeals board.

The **civil service appeals board** ~~Civil Service Appeals Board~~ shall be established as provided in the preceding article of this **charter** ~~Charter~~ for the purpose of hearing and determining any charges made against any ~~officer or~~ employee of the **city** ~~City~~ in the classified service.

ARTICLE 11. - BUDGET AND FINANCIAL PROCEDURE

Section 11.01. - Fiscal year.

The fiscal year of the City of Richardson shall begin on October 1 of each calendar year and will end on September 30 of the following calendar year. The fiscal year will also be established as the accounting and budget year.

Section 11.02. - Preparation and submission of budget.

The **city manager** ~~City Manager~~, on or before August 15 of each year, shall prepare and submit **to the council a** ~~the~~ budget **for the ensuing fiscal year**~~, covering the next fiscal year, to the Council~~. In preparing this budget, each employee, officer, board and department shall assist the **city manager** ~~City Manager~~ by furnishing all necessary information. **The budget shall comply with and contain such information and itemization, as may be required by state law.**

~~The City Manager's budget message shall include:~~

~~(a) An outline of the proposed financial policies for the next fiscal year with explanations of any changes from previous years in expenditures and any major changes of policy and a complete statement regarding the financial condition of the city;~~
~~(b) An estimate of all revenue from taxes and other sources, including the present tax structure rates and property evaluations for the ensuing year;~~
~~(c) A carefully itemized list of proposed expenditures by fund, service type, and object of expenditure for the budget year, as compared to actual expenditures of the last ended fiscal year, and an estimate of final expenditures for the current fiscal year;~~
~~(d) A description of all outstanding bond indebtedness, showing amount, date of issue, rate of interest and maturity date, as well as any other indebtedness referred to in Article 19 which the city has incurred and which has not been paid;~~

~~(e) A statement proposing any capital expenditures deemed necessary for undertaking during the next budget year and recommended provision for financing; and~~
~~(f) A projection of revenues and expenditures together with a list of capital projects which should be considered within the five (5) next succeeding years.~~

Section 11.03. – Proposed budget ~~Budget~~ a public record.

The **proposed** budget and all supporting schedules shall be filed with the ~~City Secretary~~ **city secretary** when submitted to the **council** ~~Council~~ and shall be open to public inspection.

Section 11.04. - Public hearing.

At the **council** ~~Council~~ meeting when the budget is submitted, the **council** ~~Council~~ shall name the date and place of a public hearing. The hearing shall be no less than fifteen (15) days after the budget is filed. Public notice of the hour, date and place of such hearing shall be published in a newspaper of the **city** ~~City~~ not less than ten (10) nor more than thirty (30) days before the hearing. At this hearing, ~~citizens of~~ the **public** ~~city~~ may be present and express their opinions concerning items of expenditures and revenue.

Section 11.05. - Proceeding on adoption.

After **the** public hearing, the **council** ~~Council~~ shall analyze the budget, making any additions or deletions which they feel appropriate, and shall, by ordinance, adopt the budget by a majority vote of all members of the **council** ~~Council~~.

Section 11.06. - Budget appropriation; tax levy.

On final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by the **council** ~~Council~~ shall constitute the official appropriations for the current year and shall constitute the basis of the official levy of the property tax as the amount of tax to be assessed and collected for the corresponding tax year. Estimated expenditures for operating purposes will in no case exceed proposed revenue, plus **unallocated** ~~reserved~~ fund balance, and other financing sources. Unused appropriations may be transferred to any item required for the same general purpose.

Section 11.07. - Transfer of appropriations.

The **council** ~~Council~~ may at any time transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose but no such transfer shall be made of revenues or earnings of any nontax supported public utility for any other purpose. **This prohibition does not apply to the transfer of budgeted funds of any nontax supported public utility or other enterprise fund for the purposes of reimbursing the general fund for providing administrative services.**

Section 11.08. - Unallocated ~~reserve~~ fund balance.

When recommended by the **city manager** ~~City Manager~~ and at the discretion of the **council** ~~Council~~, the budget may contain a reasonable sum set aside as an **unallocated** ~~unreserved~~ fund balance to meet unexpected and unforeseen contingencies in current operating costs of ~~any~~ **each** fund ~~budget service type or project~~.

Section 11.09. - Amending the budget.

~~In case of grave public necessity, emergency~~ ~~exependitures~~ **Expenditures** to meet unusual and unforeseen conditions, which ~~could~~ **were** not~~, by reasonable diligent thought and attention, have been~~ included in the original budget, may from time to time be authorized ~~by the council~~ as amendments to the original budget. Any amendment providing for additional expenditure shall also provide for reductions in other expenditures or supplemental revenues to fund such amendments, or an amount from ~~unreserved~~ **the unallocated** fund balance as a supplement. These amendments shall be **ratified** by ordinance **at the end of the fiscal year**~~, and shall become an attachment to the original budget~~.

Section 11.10. - ~~Certification; copies~~ Adopted budget made available.

A copy of the budget, as ~~finally~~ adopted, shall be filed with the **city secretary** ~~City Secretary~~**,** ~~and~~ the Richardson Public Library**, and such other places as may be required by state law**. The ~~final~~ **adopted** budget shall be printed~~, mimeographed~~ or otherwise reproduced and sufficient copies shall be made available for the use of all offices, agencies and for the use of interested persons and civic organizations.

Section 11.11. - Independent audit.

At the close of each fiscal year, and at such other times as it may deem necessary, ~~The Council~~ **the council** shall **cause** ~~provide for~~ an independent annual audit **to be made** of ~~all City~~ accounts **of the city in accordance with applicable auditing standards** ~~and other evidences of the financial transactions of the City. The Council may provide for more frequent audits as it deems necessary. Such audits shall be made~~ by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the ~~fiscal~~ **financial** affairs of the **city** ~~City~~ or of any of its officers. The **council** ~~Council~~ may, without requiring competitive bids, designate such **certified public** accountant or firm annually or for a period not to exceed five (5) years. The annual audit, including all reports and management letters, shall be submitted and reported to the **council** ~~Council~~. A copy of the annual audit, after acceptance by the **council** ~~Council~~, will be filed with the **city secretary** ~~City Secretary~~ and shall be available for public inspection.

Section 11.12. - Defect shall not invalidate tax levy.

Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.

ARTICLE 12. - FRANCHISES

Section 12.01. - Ownership, control and use of real and public property by the ~~C~~city.

The ownership, right of control and use of the streets, highways, alleys, parks, public places and all other real property of the City of Richardson is hereby declared to be inalienable to said **city** ~~City~~, except by ordinances passed by vote of the majority of the **city council** ~~City Council~~ of the **city** ~~City~~, as hereinafter provided. No franchise or easement involving the right to use same, either along, across, over or under the same, shall ever be valid unless expressly granted and exercised in compliance with the terms hereof, and of the ordinances granting the same. No act or omission of the **city** ~~City~~, its **city council** ~~City Council~~, officers or agents shall be construed to confer or extend by estoppel or indirection any right, franchise or easement not expressly granted by ordinance.

Section 12.02. - Exclusive franchises prohibited.

No ~~exclusive~~ franchise **to construct, maintain or operate a public or private utility, or a renewal or extension thereof, shall be exclusive.** ~~or privilege shall ever be granted, nor a franchise, nor a privilege to commence at any time after six (6) months subsequent to the taking effect of the ordinance granting the same~~. ~~No franchise shall be directly or indirectly extended beyond the term originally fixed by the ordinance granting the same, unless by specific ordinance granting an extension for the purpose of renegotiating such franchise~~.

Section 12.03. – Power to grant a franchise ~~Franchise by ordinance~~.

Except as otherwise provided by state or federal law, the ~~The~~ City of Richardson shall have the **full** power **as now or hereafter granted under the Constitution and laws of the State of Texas** by ordinance to grant, **renew, amend and extend a franchise for public or private utilities of every character and consents and agreements as to all other users of public property, including, but not limited to users of the public rights-of-way, streets and utility easements, operating within the city** ~~any franchise or right mentioned in the preceding sections hereof, which ordinance shall not be passed finally until its third and final reading, which reading shall be at three (3) separate regular meetings of the city council of the City of Richardson, the last of which shall take place not less than thirty (30) days from the first~~.

Section 12.04. - Ordinances granting.

Ordinances granting franchises shall be subject to the terms hereof, and shall contain such terms and conditions as the **city council** ~~City Council~~ shall see fit to impose. All franchises shall be exercised in accordance with the terms of the ordinance granting the same and of the **charter** ~~Charter~~. If such franchises shall not be exercised in substantial accordance with the terms hereof, and of the ordinance granting the same, then[,] after notice and reasonable hearing to the holders thereof, such franchise may be cancelled or annulled and the **city council** ~~City Council~~ shall, by ordinance, adopt reasonable rules and regulations for such notice and hearing.

Section 12.05. - Term of franchises.

No determinate or fixed term franchise shall ever be granted for a longer term than twenty (20) years; nor shall any right, privilege or franchise now in existence be extended beyond the period now fixed for its termination, directly or indirectly, unless by specific ordinance granting an extension for the purpose of renegotiating such franchise. No holder of a franchise heretofore or hereafter granted shall have a right (unless such right is granted in the franchise) to transfer or assign its properties and franchise to any other person, firm or corporation without the consent of the **city** ~~City~~, and such consent when given shall not operate as the granting of a franchise or as a new franchise.

Section 12.06. - Indeterminate franchises.

In addition to the powers conferred to grant privileges and franchises for a fixed term not to exceed twenty (20) years, the City of Richardson shall have power to grant indeterminate franchises. The term "indeterminate franchise," as used in this **charter** ~~Charter~~, shall mean and embrace every privilege, franchise or easement granted directly or indirectly by the City of Richardson which shall have no fixed or determinate duration. An indeterminate franchise shall continue in force only until such time as the **city** ~~City~~ shall exercise an option, to be provided for in the ordinance granting any such franchise. Such ordinance shall give the **city** ~~City~~ in express terms the right to purchase the property of the franchise holder or cause a purchaser to buy such property. Such ordinance shall also fix the time or times when such right may be exercised or terminated.

Section 12.07. - Compensation for franchises.

All persons, firms or corporations to whom franchises may hereafter be granted, or their assigns and successors, shall as compensation for the right or privilege enjoyed pay to the **city** ~~City~~ a sum not less than two (2) percent of the gross receipts of the business pursued by the holder of the franchise earned for service rendered in the City of Richardson**, or such other sums as may be allowed by applicable law**.

All sums required to be paid by the holder of any franchise under the terms of this section shall be due and payable quarterly as shall be set out in the franchise agreement or ordinance, and shall be exclusive of and in addition to all ad valorem taxes upon the value of the franchise and other property of the holder thereof and all lawful occupation taxes imposed upon the occupation or calling of the holder thereof; and the amount of such compensation may be changed from time to time as in the opinion of the **city council** ~~City Council~~ may be just and reasonable, to the extent and upon such terms and conditions as may be fixed in the ordinance granting such franchise.

Section 12.08. - Right to fix rates.

The right is hereby delegated where applicable to the City of Richardson, acting through its **city council** ~~City Council~~, to determine, fix and regulate the charges, fares or rates of any holder of a franchise or other public privilege in Richardson, and to prescribe the kind of service

to be furnished and the manner in which it shall be rendered**, as allowed by state and federal law**. The **city** ~~City~~ has the right to alter or change such rules, regulations, and compensation, from time to time.

Section 12.09. - Changes and extensions.

The **city council** ~~City Council~~ shall have the power, by ordinance or resolution and without reference to the other franchise provisions of this **charter** ~~Charter~~, to grant the right and to require utility companies and all other companies or individuals enjoying a franchise from the **city** ~~City~~ now or hereafter to make and furnish necessary changes in or reasonable extensions of facilities and service in or to any portion of the **city** ~~City~~ as in the judgment of the **city council** ~~City Council~~ may be necessary. Said changes or extensions are under and subject to the terms and conditions of the franchise then enjoyed by such franchise holder in connection with which the change or extension is to be made, and under such further terms and conditions as the **city council** ~~City Council~~ may deem proper. The **city council** ~~City Council~~ shall have the power to prevent the making of unnecessary or unprofitable extensions.

Section 12.10. - Discrimination forbidden.

Every public service corporation shall furnish and provide equal and uniform service alike to all persons, firms and corporations in the City of Richardson. It shall be unlawful and a sufficient ground for the forfeiture of any franchise for any such corporation to grant free service or furnish better service or to furnish service for a lower price or rate, conditions or quantity of service considered to any person, firm or corporation than to any other person, firm or corporation or to otherwise discriminate in the matter of rates or service. Any such public service corporation may, however, from time to time, with the consent and approval of the **city council** ~~City Council~~, adopt schedules governing rates, conditions or quantities of service considered, and allow applicants to choose between alternative schedules. But no such schedule shall be operative nor shall service be furnished in accordance therewith until filed and approved by the **city council** ~~City Council~~ of the City of Richardson.

Section 12.11. - Authorization of railway companies and transit systems.

The **city council** ~~City Council~~ shall have power to authorize railway companies and transit systems operating within the City of Richardson and operating their lines from the City of Richardson to other towns and cities beyond its limits to lay their tracks and establish their switches on and over the streets and other property of the City of Richardson or such parts thereof as the **city council** ~~City Council~~ may see fit, subject to the terms of the charter **charter** ~~Charter~~ and to such other conditions as may be imposed by the **city council** ~~City Council~~

Section 12.12. - Railway and transit operations.

Except as otherwise provided by state or federal law, the ~~The~~ City of Richardson shall have the following powers by ordinance or otherwise:

(a) To regulate the speed of trains, subways, monorails, or any other engines and locomotives within the limits of Richardson;

(b) To require railway companies and transit systems to keep the streets over which they run properly drained and to pay all or any part of the paving, grading, draining, and repair thereof along the streets so used by such railway companies or transit systems;

(c) To require railway companies and transit systems to light streets over which they run wherever deemed necessary or advisable by the **city council** ~~City Council~~;

(d) To require railway companies and transit systems to construct and keep in repair from curb to curb, bridges and crossings over all the ditches made or crossed by them, and to construct and maintain drains and culverts where crossed by any line of said railway companies or transit systems, on all streets over which they run;

(e) To direct and control the laying and construction of railway companies and transit system tracks, turnouts and switches and to regulate the grade of same, and to require them to conform to the grade of the streets of Richardson as they may hereafter be or are now established;

(f) To require that said tracks and turnouts and switches be so constructed and laid out as to interfere as little as possible with the ordinary travel in the use of the streets;

(g) To require any or all railway companies and transit systems operating any track(s) upon or across any public streets of the City of Richardson to reduce such track(s) below or elevate such track(s) above the level of the streets intersected or occupied by such track(s) and to require the company or companies owning or operating such track or tracks to provide necessary and proper crossing for the public travel at intersecting streets; all such work to be done in the manner required by the City of Richardson.

The portion of the street occupied by a railway company and transit system shall be deemed to be the space between the tracks and twenty-four (24) inches on the outside of each of the rails, and all the space between the double tracks, turnouts and switches. Should any railway company and transit system propose to lay a track on any street or portion of a street which shall have been improved under the provisions of this **charter** ~~Charter~~, it shall become liable for such portion of the cost of such improvement as the **city council** ~~City Council~~ may direct, or as is fixed by this **charter** ~~Charter~~.

Section 12.13. - Abutting property.

The **city council** ~~City Council~~ shall have the power, by ordinance, or resolution, to grant to any owner of property abutting upon the streets or other property of the **city** ~~City~~ the use thereof or to go over or under the same in any manner which may be necessary or proper to the enjoyment of said abutting property by the owner; provided, that such use be not inconsistent with or does not unreasonably impair the public use to which said street or other public property may be dedicated. The **city council** ~~City Council~~ shall fix the terms and conditions of any such grant and the time for which the same shall exist. The right is expressly reserved to the **city** ~~City~~, acting through said **city council** ~~City Council[,]~~ to terminate such grant when deemed

inconsistent with the public use of the property of the **city** ~~City~~ or when the same may become a nuisance.

Section 12.14. - ~~Compensation for grant.~~

~~For the rights granted under the preceding section[,] the city shall receive annual compensation to be fixed by the city council, not less than five dollars ($5.00) per annum. Such compensation shall be paid each year in advance on the second day of January. The failure to pay same when due shall operate as an absolute forfeiture of the rights granted.~~

~~Section 12.15.~~ - Shared use.

Except as otherwise provided by state or federal law, the city council ~~The City Council~~ shall have the power to require any corporation or transit system holding a franchise from the **city** ~~City~~ to allow the use of its tracks, poles and wire by any other corporation to which the **city** ~~City~~ shall grant a franchise, upon payment of a reasonable rental therefor**e** to be fixed by the **city council** ~~City Council~~.

Section 12.15~~16~~. - Revocable permits.

Permits or **licenses** unconditionally revocable at the will of the **city council** ~~City Council~~ for minor or temporary privileges in the streets, public ways and public places of the **city** ~~City~~ may be granted and revoked by ordinance **or resolution,** from time to time, and such permits shall not be deemed franchises as the term is used in this **charter** ~~Charter~~.

Section 12.16~~17~~. - Public services; condemnation.

The City of Richardson shall have power to buy or construct, own, maintain and operate a system or systems of waterworks, gas or electric lighting plants, telephones, transit systems and sewers, or any other public service or enterprise that may be approved by a majority of the qualified voters of the City of Richardson voting **therefore** ~~therefor~~ at any regular election for **city** ~~City~~ officers in accordance with the provisions of this **charter** ~~Charter~~; and may demand and receive compensation for such services furnished for private purposes, and shall have power to condemn the property of any person, firm or corporation for the purpose of operating and maintaining any such utility, and for distributing such service throughout the **city** ~~City~~ or any portion thereof, but in such condemnation proceedings no allowance shall be made for the value of any franchise and only the actual physical assets shall be purchased by the City of Richardson.

ARTICLE 13. - ORDINANCES

Section 13.01. - Rules and regulations validated.

All ordinances, resolutions, rules and regulations of the City of Richardson heretofore ordained, passed or enacted that are in force at the time this **charter** ~~Charter~~ or any amendment thereto becomes effective, and which are not in conflict with such **charter** ~~Charter~~, shall remain

in full force and effect until altered, amended or repealed by the **city council** ~~City Council~~ after such **charter** ~~Charter~~ or any amendment thereto takes effect.

Section 13.02. - ~~Action requiring an ordinance.~~

~~In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city council shall be by ordinance which:~~

~~(a) Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency;~~

~~(b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;~~

~~(c) Levy taxes, except as otherwise provided in Article 11 with respect to the property tax levied by adoption of the budget;~~

~~(d) Grant, renew or extend a franchise;~~

~~(e) Authorize the borrowing of money;~~

~~(f) Convey or lease or authorize the conveyance or lease of any lands of the city.~~

~~Section 13.03~~. - Ordinance authentication, recordation and publication ~~Publication~~.

All measures of the city council shall be authenticated and recorded as established by this charter or by such means as may otherwise be allowed by state law, or as the city council may provide by ordinance from time to time. Every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, after passage thereof, be published **by publishing the caption thereof** at least once in a local newspaper **or by such other means as may be allowed by state law.**~~; in lieu of publishing the full text of the ordinance, a descriptive caption or title stating in summary the purpose of the ordinance and the penalty for violation thereof may be published~~. ~~All ordinances, except as herein otherwise provided, shall be published once by publishing the caption or title of the ordinance in a newspaper of the city, if the city council so directs in passing said ordinance.~~

Section ~~13.04~~13.03. - Style.

The style of ordinances shall be "Be It Ordained by the City Council of the City of Richardson," but such caption may be omitted when said ordinances are published in book form or are revised and digested under the order of the **council** ~~Council~~.

Section ~~13.05~~13.04. - Codification.

The **city council** ~~City Council~~ shall have power to cause the ordinances of the **city** ~~City~~ to be printed in code form, and shall have the same arranged and digested as often as the **council** ~~Council~~ may deem advisable.

Section ~~13.06~~13.05. - Valid and effective.

The final passage of an ordinance by the **city council** ~~City Council~~ and the publication of the same when so required shall be all that is necessary to make such ordinances valid and

effective. The signature of the **mayor** ~~Mayor~~ and **city secretary** ~~City Secretary~~ shall be affixed to each ordinance.

Section ~~13.07~~13.06. - Enrollment.

Each ordinance passed by the **city council** ~~City Council~~ shall be enrolled by the **city secretary** ~~City Secretary~~ within five (5) days after its passage, or as soon thereafter as is practicable. ~~The enrolled ordinance shall be carefully compared with the original ordinance and all amendments, if any, by the city secretary. If errors exist therein, they shall be corrected. If found correct, or after the correction of errors, if any exist, the city secretary shall endorse on the margin thereof the words "Correctly Enrolled" and give the date thereof and subscribe the city secretary's name thereto~~.

ARTICLE14. - INITIATIVE AND REFERENDUM

Section 14.01. – Power of initiative ~~Petition~~.

The people of the City of Richardson reserve the power of direct legislation by initiative, and in the exercise of such power may propose that any ~~Any proposed~~ ordinance, except those not legally authorized to be considered by initiative **by the state constitution or state law,** ~~or referendum, may~~ **be submitted to the qualified voters of the city council** ~~City Council~~ by submitting a petition **to the city secretary which shall contain the full text of the proposed ordinance**, signed by qualified voters of the **city** ~~City~~ equal in number to **ten (10) percent of the total number of qualified voters on the date of the last regular municipal election** ~~the percentages hereinafter required~~. The signatures to the petition need not all be appended to one (1) paper, but all signers shall in addition ~~add~~ to their signature **provide** their ~~place of~~ residence **address**, ~~giving the street and number~~, county of residence, printed name, date of signing ~~and their precinct number~~ and **comply with any other applicable requirements prescribed** ~~otherwise as required~~ by state law. One (1) of the signers to each of such papers shall make oath before an officer of the State of Texas competent to administer oaths that each signature is that of the person whose name it purports to be and was signed by such person on the date indicated. **All petition papers comprising an initiative petition shall be assembled and filed with the city secretary as one instrument on the same day.**

Section 14.02. - Examination of initiative petition.

Within ten (10) days from the date of filing ~~such~~ **an initiative** petition, the **city secretary** ~~City Secretary~~ shall examine **the same** and ascertain **from the list of qualified voters** whether or not said petition is signed by the requisite number of qualified **voters** ~~electors~~, and shall attach to said petition a certificate showing the result of such examination. If by the **secretary's** ~~Secretary's~~ certificate the petition is shown to be insufficient, it may be amended within ten (10) days from date of said certificate. The **secretary** ~~Secretary~~ shall within ten (10) days after **receipt of** such amendment make like examinations of the amended petition. If the **secretary's** ~~Secretary 's~~ certificate shall show the same to be insufficient, **the petition may not be further amended** ~~it shall be returned to the person filing the same, without prejudice~~, however, ~~to the~~

~~filing of~~ a new petition **may be filed** to the same effect. The **city attorney** ~~City Attorney~~ shall review the petition to determine that it is a proper subject and in proper form. If the petition shall be found to be sufficient, the **secretary** ~~Secretary~~ shall submit the same to the **city council** ~~City Council~~ without delay.

Section 14.03. - City council~~Council~~ action.

When the city council receives an initiative petition certified by the city secretary to be sufficient, ~~If the petition accompanying the proposed ordinance be signed by electors equal in number to ten (10) percent of the qualified voters of the City of Richardson, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election,~~ the **city council** ~~City Council~~ shall either:

(a) Pass said **proposed** ordinance without alteration within twenty (20) days after the attachment of the city secretary's ~~Secretary's~~ **certificate of sufficiency** ~~Certificate of Sufficiency~~ to the accompanying petition~~ (subject to referendary vote under the provisions of the Charter)~~; or

(b) ~~Forthwith the secretary shall attach to the petition accompanying such ordinance the city secretary's certificate of sufficiency[;] the city council shall proceed to~~ call a special election **to be held on the next allowable election date as authorized** ~~provided for~~ by state law at which said ordinance, without alteration, shall be submitted to a vote of the people.

Section 14.04. - Ballots—Proposed initiative ordinance.

The ballots used when voting upon an ~~said~~ ordinance **proposed by initiative petition** shall state the nature of the proposed ordinance and shall contain the words "For the Ordinance," and "Against the Ordinance." Any number of proposed ordinances may be voted at the same election, in accordance with the provisions of this section of the **charter** ~~Charter~~.

Section 14.05. - Valid and effective date of initiated ordinance.

If a majority of the qualified **voters** ~~electors~~ voting **upon an**~~on said proposed~~ ordinance **proposed by initiative petition** shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the **city** ~~City~~, and any ordinance **adopted by city council** proposed by **initiative** petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Section 14.06. - Repeal or amendment of initiated ordinance ~~provision~~.

The **city council** ~~City Council~~ may submit a proposition for the repeal of **any ordinance adopted by the city council proposed by initiative petition or** such ordinance **adopted by a vote of the people,** or for amendments thereto, to be voted upon at any succeeding **city** ~~general City~~ election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

Section 14.07. - Publication of ordinance proposed by petition initiative.

Whenever any ordinance **proposed by initiative petition** ~~or proposition~~ is required by the **charter** ~~Charter~~ to be submitted to the **qualified** voters of the **city** ~~City~~ at any election, the **city secretary** ~~City Secretary~~ shall cause the proposed ordinance ~~or proposition~~ to be ~~printed~~ **published** at least **thirty (30)** ~~forty-five (45)~~ days before ~~any~~ such election in a local newspaper ~~and any~~ **or** other official publication of the **city** ~~City~~**, or by such other means as may be allowed by state law**.

Section 14.08. - When initiative ordinance is effective.

No ordinance **proposed by initiative petition** passed by the **city council** ~~City Council~~ **or such ordinance adopted by a vote of the people** shall go into effect until thirty (30) days after its final passage, except when otherwise required by the general laws of the state**.**~~, or by the provisions of the Charter regarding street improvements. An exception may be made for an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a two-thirds vote of the city council. No grant of any franchise shall be construed to be an emergency measure, but all franchises shall be subject to the referendary vote herein provided.~~

Section 14.09. – Power of referendum ~~**Referendum**~~**.**

The qualified voters of the city may require that any ordinance enacted by the city council be submitted to the qualified voters of the city for approval or disapproval by filing a petition with the city secretary within ~~If during said thirty~~ **forty-five (45)** ~~(30)~~ days **after passage of said ordinance or within forty-five (45) days after its publication, whichever is later. Said** ~~a~~ petition **shall be** signed by **qualified voters** ~~electors~~ of the **city** ~~City~~ equal in number to at least ten (10) percent of the **total number of** qualified voters **on the date of the last regular municipal election. Within ten (10) days after the filing of the petition the city secretary shall examine the same and from the list of qualified voters ascertain whether the petition is signed by the requisite number of qualified voters. If by the city secretary's certificate the petition is shown to be sufficient, the petition** ~~of the City of Richardson~~ shall be presented to the **city council** ~~City Council~~, the **ordinance** ~~same~~ shall thereupon be suspended from **taking effect** ~~going into operation~~, and it shall be the duty of the **city council** ~~City Council~~ to reconsider such ordinance, and if the same is not entirely repealed~~[,]~~ the **city council** ~~City Council~~ shall submit the ordinance ~~as is provided in this Charter~~ to the vote of the **qualified voters** ~~electors~~ of the **city** ~~City, either~~ at the next **uniform** ~~general~~ election **date** or **other date allowed by state law.** ~~at a special municipal election to be called for that purpose, and~~ **Such** ordinance shall **be suspended from taking effect and shall** not **later take** ~~go into~~ effect ~~or become operative~~ unless a majority of the qualified **voters** ~~electors~~ voting on the same shall vote in favor **of the ordinance** ~~thereof~~. ~~Said petition shall be in all respects in accordance with the provisions of the Charter, except as to the percentage of signers, and be examined and certified by the secretary, and in all respects as therein provided.~~ **The power of referendum shall not apply to ordinances levying taxes, appropriating money, authorizing the issuance of bonds, zoning and any ordinance not the proper subject of referendum by the state constitution or state law.**

~~ARTICLE 15 - PUBLICATIONS~~

~~All measures of the council shall be authenticated, recorded, and published or not published as established by this Charter or as the council may from time to time by ordinance provide~~.

ARTICLE 15~~6~~. - COLLECTION OF TAXES

Section 15~~6~~.01. - Property taxes.

All property, real, personal or mixed, lying and being within the corporate limits of the City of Richardson on the first day of January of each year, excepting such property as may be exempt from taxation under the Constitution and laws of the State of Texas, shall be subject to taxation.

Section 15~~6~~.02. - Power to levy and collect taxes.

The **city council** ~~City Council~~ shall have such power and authority as is granted by this **charter** ~~Charter~~ and the Constitution and laws of the State of Texas to provide by ordinance such rules, regulations and procedures as are necessary for the assessment, levy and prompt collection of all taxes assessed and imposed pursuant to and consistent with this **charter** ~~Charter~~ and the Constitution and laws of the State of Texas.

Section 15~~6~~.03. – Tax **payments** ~~es—Method of payment—Penalties~~.

Except as otherwise provided by state law, ~~The~~ taxes ~~herein and hereby authorized to be levied shall become~~ **are** due **on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed.** ~~and payable October 1 of the year assessed, and shall be payable at~~ **such locations** ~~in cash as designated by the city council. The City Council may by ordinance provide for split payment of taxes, and may authorize the payment of taxes in two (2) or more equal installments. Taxes shall be deemed and become delinquent if not paid prior to February 1 the year following assessment, unless the city council shall by ordinance provide for split payments, in such event such taxes shall become due and payable as provided in said ordinance~~. The **city council** ~~City Council~~ may by ordinance provide for penalty and interest to be assessed on all delinquent taxes in such amounts as may be authorized by law.

Section 15~~6~~.04. - Tax lien.

A lien is hereby created on all property, personal and real, in favor of the City of Richardson, to secure the payment of all taxes, ad valorem or otherwise. Said lien shall exist from January first in each year until such taxes are fully paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ shall defeat such lien. The City of Richardson may pursue, or cause to be pursued, such property, and whenever

found, may seize and sell enough thereof to satisfy such taxes as are owed to the City of Richardson.

~~Section 16.05. - Power and authority by state law.~~

~~In addition to the powers herein conferred with reference to the assessment and collection of taxes, the City of Richardson shall have and may exercise all powers and authority now conferred or that may hereafter be conferred upon cities having a population of more than five thousand (5,000) inhabitants by the general laws of the State of Texas.~~

~~ARTICLE 17. - STREET AND SIDEWALK IMPROVEMENTS~~

~~Section 17.01. - Adoption of Texas Civil Statutes.~~

~~All the terms, powers and provisions of Articles 1056 to 1096, both inclusive, and Articles 1104, 1105, and 1105b of the Revised Civil Statutes of the State of Texas, Revision of 1925, relating to street improvements and assessments therefor, and other matters, together with all amendments to said articles, are hereby adopted as a part of this article as an alternative and cumulative method of improving streets, alleys, and public places and levying assessments therefor.~~

~~Section 17.02. - Improvement ordered by resolution.~~

~~The city council shall have power, by resolution, to order the making of the public improvements mentioned in this article, or any of them, by majority vote, and the passage of such resolution shall be conclusive of the public necessity and benefits thereof, and no notice of such action by the city council shall be requisite to its validity. Such resolution shall, in general terms, set forth the nature and extent of the improvements or improvement to be made, the section or sections of any highway, street or other property to be improved, the material or materials with which the improvements are to be constructed and the method or methods under which the cost of such improvements are to be paid. It shall be the duty of the city secretary immediately upon the passage of such resolution to furnish a copy of the same to the officer of the city designated therein who shall indicate upon any tax statement thereafter issued covering property abutting upon that part of the highway, street or other property to be improved that said proceeding is pending. Any failure upon the part of the city secretary to furnish a copy of such resolution to the officer of the city designated in the resolution, or any failure upon the part of the designated officer of the city to indicate the pendency of such proceeding upon tax statements issued shall, however, not affect the validity of the proceeding hereunder, nor of any assessment thereafter levied in pursuance to the provisions of this article. The city council by resolution may specify that said improvement may be constructed from different materials, and may specify different or alternative methods of making such improvements, and provide for the payment of the cost thereof.~~

~~Section 17.03. - Lien liability.~~

~~The lien of such assessments shall revert back and take effect as of the date of the original resolution ordering the improvement, and the passage of such resolution shall operate as notice of such lien to all persons. Any error or mistake in such ordinance in the name of the owner of property assessed shall not invalidate the lien or personal liability thereby created, but~~

~~the same shall nevertheless exist against the real and true owner of such property as if correctly described.~~

~~Section 17.04. - Property exemptions.~~

~~When the city council shall have reason to believe that the owner or owners of any property may successfully claim the same as exempted from special assessment, the city council may order that the improvement shall not be made in front of or abutting on said property unless the owner or owners shall first make satisfactory provision for or satisfactorily secure the payment of the amount of the costs which would be assessed against said property except for such exemption. In any case where the cost, or any part thereof, is to be paid by such property owners or assessed against their property and the contractor to whom their work is let is required to look primarily or wholly to such property or owners thereof for payment of the proportion of the cost for such improvement assessed against them, and the city is relieved from the payment of such proportion of the cost, such contractor shall not be obliged to make such improvement in front of any property which is exempt from the enforcement of a lien for such improvement, but may omit the construction thereof.~~

~~Section 17.05. - City liability.~~

~~The City of Richardson shall never be liable to any contractor or other person, firm or corporation doing work in connection with any street paving, or the opening and widening of streets, or the building of any drains or storm sewers, or the laying of sanitary sewers or any other character of public improvement, whereby a part or the whole of the cost thereof is to be paid for by special assessment, on account of the failure of any officer of the government or the members of the council to pass suitable ordinances or resolutions to take necessary steps to fix liens, or to make said assessments, or to issue certificates therefor, or to provide for reassessments on account of the invalidity of any lien attempted to be fixed, or any failure or omission with respect thereto.~~

~~ARTICLE 18. - CONDEMNATION AND SPECIAL ASSESSMENTS~~

~~Section 18.01. - Purpose.~~

~~The City of Richardson shall have the power, whenever deemed necessary by the city council for public purposes, to appropriate private property, including rights-of-way of railways and transit systems, in order to open, widen, narrow, straighten, change or extend any public street, avenue or alley within the city limits.~~

~~Section 18.02. - Proceedings by ordinance or resolution.~~

~~When the city council shall determine to proceed hereunder, it shall so declare by resolution or ordinance, in which it shall state the nature and the extent of the improvement to be made and the limits thereof and describe the parcel or parcels of land proposed to be taken or condemned by any description substantially identifying the same or by lot and block number or number of front feet, or by the name of the owner, or, if owned by an estate[,] the name thereof. No mistake or omission of said resolution or ordinance shall invalidate it, and its passage shall be conclusive of the public use and necessity of the proposed improvement.~~

~~Section 18.03. - State law on assessments.~~

~~The provisions of Chapter 17 of Title 28 of the Revised Civil Statutes of 1925 relative to condemnation for highways and the levying of special assessments to defray the cost thereof are hereby adopted, and the method therein prescribed may be followed by the city in any proceeding.~~

~~Section 18.04. - Building lines.~~

~~The city shall have the power, for the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare, acting through its city council, under the police power, to provide by suitable ordinances building lines on any street or any block of any street, and to require their observance by suitable penalties.~~

~~Section 18.05. - Improvement districts.~~

~~All of powers conferred by Section 372.041 of the Local Government Code of the State of Texas and by any other general law of the state relating to improvement districts are hereby adopted and made a part of this Charter, and the power is conferred upon the city in connection therewith to issue assignable certificates and to appoint special commissioners for the making or levying of special assessments and the city council may make such rules and regulations concerning the same as may be deemed advisable. Power is further conferred upon the city for the condemnation of lands to effectuate the law hereby adopted, which condemnation proceedings, as well as the assessment proceedings, shall be held as nearly as is practicable in accordance with the foregoing provisions of this article governing the opening, widening, narrowing, straightening, changing or extending of public streets, avenues or alleys and the issuance of certificates therefor, or in accordance with any other law applicable thereto.~~

~~Section 18.06. - Assessment period.~~

~~In all proceedings providing for assessments against property and the owners thereof for special benefits received under the provisions of this article, the city council is hereby authorized to provide, wherever the same is practicable, or wherever the same may be done under the law, for the payment of said assessments in annual installments extending over a period not to exceed fifteen (15) years.~~

~~Section 18.07. - Alternate method.~~

~~As an alternate method of paving and improving streets, alleys and sidewalks, the City of Richardson shall have the power and authority to adopt plans and specifications for such improvements in accordance with the procedure prescribed in Chapter 106, Acts of the Fortieth Legislature, First Called Session and also known as Article 1105b, Vernon's Texas Civil Statutes, and shall have the power to pay to the contractor, the successful bidder, that part of the cost that may be assessed against the owners and their property abutting on such improvements in cash and the city may reimburse itself for the amount by levying an assessment against the abutting owners and their property, after a hearing and notice, as provided in the above statutes, up to the amount of the enhancement in value represented by the benefits and permitted by said statutes, and issue assignable certificates in favor of the City of Richardson for the assessment. The certificates shall be enforceable in the same manner as provided by the above-mentioned statutes. The city shall likewise have the power to do the improvement by its own forces if, in the opinion of the city council, the work can be done more expeditiously or economically.~~

ARTICLE 16~~9~~. - ISSUANCE AND SALE OF BONDS

Section 16~~9~~.01. - Authority to borrow ~~Bond limit~~.

The **city** ~~City of Richardson~~ shall have the ~~right and~~ power to borrow money on the credit of the **city** ~~City~~, in accordance with the Constitution and **laws** ~~Statutes~~ of the State of Texas, for permanent public improvements or for any other ~~legitimate municipal purpose, as may be determined by the city council and to issue bonds of the city therefor, to bear interest, payable semi-annually at such places as may be designated; provided that the total indebtedness of the city, payable from the ad valorem taxes, shall never exceed the sum equal to fifteen (15) percent of the assessed value of taxable property according to the tax roll of the city, and to be determined by the assessed value of such taxable property as shown by the tax rolls as of January first for the preceding year.~~ **public purpose not now or hereafter prohibited by the Constitution and laws of the State of Texas, including the funding of economic development programs permitted by the Constitution and laws of the State of Texas. The city shall have the power to issue general obligation bonds, revenue bonds, funding and refunding bonds, time warrants, certificates of obligation, notes and other evidences of indebtedness permitted by the Constitution and laws of the State of Texas as are now authorized or as may hereafter be authorized to be issued by the Constitution and laws of the State of Texas applicable to the city.**

~~The City of Richardson shall have authority to issue bonds, payable from the ad valorem taxes, when authorized by the qualified voters of the city, for any purpose for which a city may issue bonds under the Constitution and the laws of this state.~~

~~No bonds shall be issued to fund any overdraft or indebtedness incurred for current expenditures of the city government or any subdivision thereof.~~

~~The~~ **In accordance with the Constitution and laws of the State of Texas, the** ~~C~~city shall have the right to refund any outstanding bonds **or obligations** by the issuance of **refunding** bonds**.** ~~in lieu thereof, at the same, higher or a lower rate of interest, and may apply thereto the sinking fund belonging to any series of bonds or obligations so refunded and may pay and retire any bond or obligation by using the sinking fund therefor.~~

Section 16~~9~~.02. - Bond election.

Any proposition to issue ~~new or additional~~ **general obligation** bonds, payable from the ad valorem taxes as authorized herein, shall be first submitted to a vote of the qualified voters of the **city** ~~City of Richardson~~ at an election to be held for that purpose. ~~The time, place and manner of such election and the making of returns and declaring the results thereof shall be prescribed by ordinance or resolution as nearly in accord with the laws regulating city elections as may be practical, and unless a majority of the qualified voters voting thereon in such election vote in favor of the issuance of such bonds, the same shall not be issued; provided that the purpose of the issuance of bonds as submitted at such an election may include more than one (1) object~~.

~~After an issue of bonds has been ordered, the city council shall have power to issue serial bonds or otherwise as in its opinion may seem best. All bonds shall specify on their~~

~~**face for what purpose they are issued, and shall not be valid if sold for less than their par value. When any bonds are issued by the city a fund shall be provided to pay the interest and create any required sinking fund.**~~

Any ~~**required sinking fund**~~ **such election** shall be ~~**invested**~~ **held and conducted** in accordance with the **Constitution and laws** ~~**statutes**~~ of the State of Texas**, as the same may be amended from time to time**~~**; provided that[,] in the event it shall be deemed expedient to issue serial bonds payable in installments[,] it shall be sufficient to provide for the payment of interest thereon and payment of installments as required.**~~

Section 16~~9~~.03. - Authorized bonds.

All bonds, the issuance of which have been authorized at any election heretofore held, are hereby validated.

~~**Section 19.04. - Ordinance authorizing bonds.**~~

~~**The ordinance authorizing the issuance of bonds shall fix the maximum amount of bonds to be issued or, if applicable, the maximum principal amount which may be outstanding at any time, the maximum term bonds issued and delivered pursuant to such authorization shall be outstanding, the maximum interest rate to be borne by the bonds, the manner of sale (which may be by either public or private sale), price, form, terms, conditions and the covenants thereof. The ordinance authorizing the issuance of bonds may provide for the designation of a paying agent and registrar for the bonds and may authorize one (1) or more designated officers of the city to act on behalf of the city from time to time in the selling and delivering of bonds authorized and fixing the dates, price, interest rates, interest payment periods and other procedures as may be specified in the ordinance. Bonds may be issued in such form or such denomination, payable at such time or times, in such amount or amounts or installments, at such place or places, in such form, under such terms, conditions and details, in such manner, redeemable prior to maturity at any time or times, bearing no interest or bearing interest at any rate or rates (either fixed, variable, floating, adjustable or otherwise, all as determined in accordance with the ordinance providing for the issuance of the bonds, which ordinance may provide a formula, index, contract or any other arrangement for the periodic determination of interest rates), not to exceed the maximum net effective interest rate allowed by law and may be signed or otherwise executed in such manner, with manual or facsimile signatures, and with or without a seal, all as shall be specified by the city council in the ordinance authorizing the issuance of the bonds. The proceeds received from the sale of bonds may be used for the establishment and maintenance of a reserve fund for the payment and security of such bonds, and such other funds as may be deemed necessary with respect to the issuance and sale of such bonds, or for maintenance and operation of one (1) or more projects, and pending the expenditure thereof for authorized purposes, such proceeds or other revenues of a project or projects may be invested in any manner and in such bonds as may be specified in the ordinance, or other proceedings authorizing the bonds.**~~

~~**The city council may enter into credit agreements in conjunction with the issuance, payment, sale, resale or exchange of bonds to enhance the security for or provide for the payment, redemption or remarketing of the bonds or interest on the bonds or to reduce the**~~

~~**interest payable with respect to the bonds. A credit agreement is an agreement for professional services and shall contain the terms and conditions and be for the period that the city council approves. The cost to the city of the credit agreement may be paid from the proceeds of the sale of the bonds to which the credit agreement relates or from any other source, including revenues of one (1) or more projects of the city that are available for the purpose of paying the bonds and the interest on the bonds or that may otherwise be legally available to make those payments. Furthermore, the obligations of the city arising under or by reason of the city entering into such credit agreements may be secured by and payable from the same source or sources securing the payment of the bonds to which such credit agreements relate. The bonds authorized pursuant to the ordinance may be executed and delivered, exchanged or refunded from time to time in accordance with such authorizing proceedings.**~~

~~**Section 19.05.**~~ **Section 16~~9~~.04.** - **Misapplication of public funds.**

Any officer of the City of Richardson who shall willfully or knowingly divert or use any funds arising from the issuance of any bonds or any sinking fund for any other purpose except that for which the fund is created or are herein otherwise authorized shall be deemed guilty of a misapplication of public funds and subject to prosecution as provided under the laws of the state for the diversion and conversion of funds belonging to any of the municipalities of the state.

ARTICLE 17~~20~~. - PROHIBITIONS

Section 17~~20~~.01. - Church and school property assessments.

No property of any kind, church, school or otherwise, in the City of Richardson shall be exempt from any of the special taxes and assessments authorized by this **charter** ~~Charrter~~ **or state law; except as provided by state law** ~~for local improvements~~.

Section 17~~20~~.02. - Notice of damage or injury.

The City of Richardson shall never be liable for any personal injury, whether resulting in death or not, **or for damage to real or personal property** unless the person **who is** injured **or whose property is damaged** or someone in such person's behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death injury, shall file a notice in writing with the **city manager** ~~City Manager~~ or **city secretary** ~~City Secretary~~ within six (6) months after the **day that the incident giving rise to the claim for damage or injury occurred** ~~the same has been received~~, stating specifically in such notice when, where and how the exact injury**, death or property damage** occurred and the full extent thereof, together with the amount of damages claimed or asserted. ~~The City of Richardson shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged, or someone in such person's behalf, shall file a claim in writing with the city manager or the city secretary within six (6) months after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred and the full extent thereof, and the amount of damage sustained. The City of~~

~~Richardson shall never be liable for any claim for damage or injury to real property caused by the negligent act or omission of its officers, servants, agents, or employees, unless the person whose real property has been injured or damaged, or someone in such person's behalf, shall file a claim in writing with the city manager or city secretary within six (6) months after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred, and the amount of damage claimed. The City of Richardson shall never be liable on account of any damage or injury to person or to personal property arising from or occasioned by any defect in any public street, highway, alley, grounds or public work of the City of Richardson unless the specific defect causing the damage or injury shall have been actually known to the city manager, or to the designated officer of the city at least twenty-four (24) hours prior to the occurrence of the injury or damage, or unless the attention of the city manager or the designated officer of the city shall have been called thereto by a notice thereof in writing at least twenty-four (24) hours prior to the occurrence of the injury or damage and proper diligence has not been exercised to rectify the defect. The notice herein required to be given to the city manager or designated officer of the city of the specific defect causing the damage or injury shall apply where the defect arose from any omission of the city itself, through its agents, servants or employees, or acts of third parties.~~ **Provided, however, nothing herein contained shall be construed to mean that the city waives any rights, privileges, defenses or immunities which are provided under the common law, the Constitution and laws of the State of Texas.**

Section 17~~20~~.03. - Execution, garnishment and assignment.

Except as provided by state or federal law, ~~The~~ property, real and personal, belonging to ~~said~~ **the city** ~~City~~ shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds belonging to ~~said~~ **the city** ~~City~~, in the hands of any person, be liable to garnishment on account of any debt it may owe or funds it may have on hand due any person, nor shall the ~~C~~**c**ity or any of its officers or agents be required to answer to any writ of garnishment on any account whatsoever, nor shall **the city** ~~said~~ ~~City~~ be liable to the assignee of any wages of any officer, agent or employee of **the city** ~~said~~ ~~City~~, whether earned or unearned, upon any claim or account whatsoever, and as to the **city** ~~City~~ and such assignment shall be ~~absolutely~~ void.

Section 17~~20~~.04. - Liens on public property.

No lien of any kind can ever exist against **the property, real and personal,** ~~public halls, parks or public works~~ of the City of Richardson.

~~**Section 20.05. - Notice of claims**.~~

~~All contractors or subcontractors engaged in any public works of the City of Richardson are hereby required to notify the city of all claims they may have on account of such work against the city, and when such notice has been given, the city shall retain an amount from any funds due the contractors sufficient to satisfy all claims; provided that such notice may be given at any time after such indebtedness becomes due and before final settlement; and provided, further, that no contractor or subcontractor shall issue checks on or on account of any public works of said city.~~

ARTICLE 18~~21~~. - GENERAL PROVISIONS

Section 18~~21~~.01. - Personal financial interest.

No officer or employee of the **city** ~~City~~ shall have a financial interest, direct or indirect, in any contract with the **city** ~~City~~, or be financially interested, directly or indirectly, in the sale to the **city** ~~City~~ of any land, materials, supplies or services, except on behalf of the **city** ~~City~~ and any officer or employee guilty thereof shall thereby forfeit such person's office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the **city council** ~~City Council~~ shall render the contract involved voidable by the **city manager** ~~City Manager~~ or the **city council** ~~City Council~~.

Section 18~~21~~.02. - City contracts—Appropriations and Execution~~specifications~~.

No contract shall be entered into by the **city council** ~~City Council~~ until after an appropriation has been made therefor**e**, ~~nor in excess of the amount appropriated, and all contracts shall be made upon specifications,~~ and no contract shall be binding upon the **city** ~~City~~ unless it has been signed by the **mayor or city manager** ~~City Manger~~, **or city manager designee.** ~~and attested by the city secretary, and the expense thereof charged to the proper appropriation; and whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be executed. All contracts, of whatever character, pertaining to public improvements, or the maintenance of public property of said city, involving an outlay of as much as ten thousand dollars ($10,000.00) shall be based upon plans and specifications to be prepared and submitted to and approved by the city council, and said plans and specifications shall disclose clearly each item constituting a material element entering into the cost of the subject matter of the contract; and after approval by the city council, advertisements for the proposed work or matters embraced in said proposed contract shall be made, inviting competitive bids for the work proposed to be done, which said advertisement shall be published in a local newspaper at least once.~~

Section 18~~21~~.03. - Bid opening.

The city shall comply with state law regarding purchasing and contracting of municipalities including provisions relating to notice of contracts, advertisements for notice, requirements for taking sealed bids or proposals on specifications for public improvements or purchases, the manner of opening bids and the award of contracts. ~~All bids submitted shall be sealed, shall be opened as provided for by ordinance of the city, and shall remain on file in the office of the city secretary and [shall] be open to public inspection for at least forty-eight (48) hours before any award of said work is made to any competitive bidder. The city council shall determine the most advantageous bid for the city, and shall enter into contract with the party submitting the lowest secure bid; and if in the opinion of the city council none of said bids is satisfactory, then the city council may have said work done by day labor, and a detailed statement of all such work done by day labor, showing the cost of same, shall be filed with the city council. Pending the advertisement of the work or contract proposed, specifications~~

~~therefor shall be on file in the office of the city secretary, subject to the inspection of all parties desiring to bid.~~

Section 18~~21~~.04. - Acquisition of land for parks.

The City of Richardson may acquire and appropriate land inside or outside of the City of Richardson for use as parks, **open space or other recreational activities** ~~parkways or pleasure grounds~~.

Section 18~~21~~.05. - Public library.

The **city** ~~City~~ shall establish and maintain a public library or libraries within the **city** ~~City~~ free to the residents of the City of Richardson and to cooperate with any person, firm or corporation under such terms the **city council** ~~City Council~~ may prescribe for the establishment of such public library or libraries, and to that end the **city council** ~~City Council~~ shall appropriate annually out of the general revenue of the **city** ~~City~~ a fund for the support and maintenance of the public library.

Section 18~~21~~.06. - Building permits.

The City of Richardson shall have power to prohibit the erection or construction of any building or structure of any kind within the City of Richardson without a permit first having been issued by the **city** ~~City~~ for the construction or erection of such building or structure, and may authorize a fee to be charged for such permit, and in pursuance of said authority may authorize the inspection by the **city** ~~City~~ of all buildings or structures during the progress of their construction and may require that all buildings shall be constructed in conformity with the building regulations which exist in said **city** ~~City~~ or which shall hereafter be passed.

Section 18~~21~~.07. - Condemnation of dangerous structures.

Whenever, in the opinion of the **city council** ~~City Council~~, any buildings, fence, shed, awning or structure of any kind or part thereof is liable to fall down and injure persons or property, the **city council** ~~City Council~~ may order the owner or agent of the same or occupant of the premises to take down and remove the same within such time as it may direct, and may punish by fine all persons failing so to do. The **city council** ~~City Council~~ shall have the additional power to remove the same at the expense of the **city** ~~City~~ on account of the owner of the property and assess the expenses thereof, including condemnation proceedings, as a special tax against the land, and the same may be collected as other special taxes provided for in this **charter** ~~Charter~~, or by suit in any court of competent jurisdiction. The **city council** ~~City Council~~ shall have full power to condemn all dangerous buildings or obstructions of any kind and may provide regulations **therefore** ~~therefor~~ by ordinance.

Section 18~~21~~.08. - Bonds of city official, employee or department director.

In addition to any bonding provision herein provided, the **city council** ~~City Council~~ may require any **city** ~~City~~ official, department director or **city** ~~City~~ employee, before entering upon

such person's duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas, and approved by the **city council** ~~City Council~~, as surety thereon, said bond to be in such amount as the **council** ~~Council~~ may demand, payable to the City of Richardson, and conditioned for the faithful performance of the duties of the office; premium of such bond to be paid by the **city** ~~City~~.

ARTICLE 19~~22~~. - EFFECTIVE DATE AND EFFECTS OF ADOPTION

Section 19~~22~~.01. - Effective date.

The provisions of this **charter** ~~Charter~~ and any amendments thereto shall be in effect from and after their approval by the electors of the **city** ~~City~~ and the entering of an official order upon the records of the **city** ~~City~~ by the **city council** ~~City Council~~ declaring the same adopted.

Section 19~~22~~.02. - Effect on present city council.

The duly elected **city council** ~~City Council~~ serving at the time of the adoption of this **charter** ~~Charter~~ or amendment thereto shall continue to be, serve as, and to constitute the **city council** ~~City Council~~ of the **city** ~~City~~ until the next regular election.

Section 19~~22~~.03. - Charter amendment.

This **charter** ~~Charter~~ may be amended no more than once every two (2) years. Amendments to this **charter** ~~Charter~~ may be proposed:

(a) By action of the **city council** ~~City Council~~ submitting a proposed amendment to the voters for approval; or

(b) By report of a **charter commission** ~~Charter Commission~~ created by ordinance; or

(c) By the voters, consistent with state law. Proposal of an amendment by the voters of the **city** ~~City~~ shall be by petition containing the full text of the proposed amendment and shall be governed by **state** ~~State~~ law. There shall be no limitation as to the subject matter.

Section 19~~22~~.04. - Separability.

If any provision of this **charter** ~~Charter~~ is held invalid, the other provisions of the **charter** ~~Charter~~ shall not be affected thereby. If the application of the **charter** ~~Charter~~ or any of its provisions to any person or circumstances is held invalid, the application of the **charter** ~~Charter~~ and its provisions to other persons or circumstances shall not be affected thereby.

Section 19~~22~~.05. – Charter review.

The city council shall appoint a commission at least every ten (10) years to review the charter. The commission shall be made up of qualified voters from all the districts of the city.

City of Richardson
City Council Worksession
Agenda Item Summary

City Council Meeting Date:	Monday, June 22, 2015
Agenda Item:	Review and Discuss Citizen Communication Enhancements
Staff Resource:	Don Magner, First Assistant City Manager
Summary:	Staff will present a summary of the various ways citizens can contact and/or express concerns to city staff and elected officials. A number of recent enhancements will also be presented.
Board/Commission Action:	N/A
Action Proposed:	No action will be taken.

City of Richardson
City Council Worksession
Agenda Item Summary

Worksession Meeting Date:	Monday, June 22, 2015
Agenda Item:	Review and Discuss the City Council Committee and Board Liaison Appointments
Staff Resource:	Dan Johnson, City Manager
Summary:	The City Council are assigned to serve on various committees, boards, and as liaisons to advisory boards and commissions. At the beginning of each city council term the city council reviews these assignments. To initiate these assignments, the Mayor will seek City Council input.
Board/Commission Action:	N/A
Action Proposed:	N/A

MINUTES
RICHARDSON CITY COUNCIL
WORK SESSION AND COUNCIL MEETING
JUNE 8, 2015

WORK SESSION – 6:00 P.M.:

- **Call to Order**
  Mayor Voelker called the meeting to order at 6:02 p.m. with the following Council members present:

Paul Voelker	Mayor
Mark Solomon	Mayor Pro Tem
Bob Townsend	Councilmember
Scott Dunn	Councilmember
Mabel Simpson	Councilmember
Vacant	Councilmember
Steve Mitchell	Councilmember

The following staff members were also present:

Dan Johnson	City Manager
Cliff Miller	Assistant City Manager Development Services
Don Magner	First Assistant City Manager
Shanna Sims-Bradish	Assistant City Manager Admin/Leisure Services
Kent Pfeil	Chief Financial Officer
Aimee Nemer	City Secretary
Taylor Paton	Management Analyst
Michael Spicer	Director of Development Services
Jim Spivey	Chief of Police
Lori Smeby	Director of Parks and Recreation
Roger Scott	Assistant Director of Parks and Recreation
Kurt Beilharz	Superintendent of Parks Planning

Consultants Present:
Andrew Duggan, Studio Outside

A. REVIEW AND DISCUSS ITEMS LISTED ON THE CITY COUNCIL MEETING AGENDA

Michael Spicer, Director of Development Services, reviewed the zoning items and variance request. Councilmember Mitchell recused himself from the Work Session during the discussion of Item 10, Variance 15-10, due to a Conflict of Interest on file with the City Secretary.

B. REVIEW AND DISCUSS THE 2015 EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG)

Chief Spivey reviewed the grant program and explained that the funding is used to offset costs for the neighborhood policing program.

RECESS

Council recessed the Work Session at 6:57 p.m. to begin the regular Council Meeting at 7:00 p.m. The Work Session was reconvened at 9:02 p.m.

C. REVIEW AND DISCUSS THE UPDATE ON THE MASTER PLAN FOR THE SPRING CREEK NATURE AREA EXPANSION

Lori Smeby, Director of Parks and Recreation introduced this item and the Parks team including consultant, Andrew Duggan. Mr. Duggan, Studio Outside, reviewed a draft master plan concept for the Spring Creek Nature Area including:

Assessments
Site Culture and History
Location and Context
Existing Trails and Bridges
Existing Habitat Conditions
Hydrology
Invasive Species: Ligustrum Thicket
Summary of Goals
Development Sequence
Public Input
Next Steps – Present to Park Commission, Park Commission Review of Master Plan

D. REVIEW AND DISCUSS THE COLLIN CENTRAL APPRAISAL DISTRICT AND DALLAS CENTRAL APPRAISAL DISTRICT PRELIMINARY 2015 – 2016 TAX ROLL

Dan Johnson, City Manager, introduced Kent Pfeil in his newly promoted position of Chief Financial Officer. Mr. Johnson also recognized Don Magner in his newly promoted position of First Assistant City Manager. Mr. Pfeil reviewed preliminary values from the Collin County Appraisal District (CCAD), $4,500,000,000; and Dallas County Appraisal District (DCAD), $7,792,576,994. He explained the following:

The preliminary rolls are presented differently for each of the appraisal districts.

- DCAD - provides the value that is in their system as of May 14, 2015. This value then changes throughout the summer as the appraisal review board hears protests and as late renderings are received for business personal property, etc.
- CCAD - provides a forecasted *estimated value* of what they believe the value will be on the July 25th certification date.
- The City will review periodic updates to these preliminary values from DCAD and CCAD as reviews occur over the next two months.

E. REPORT ON ITEMS OF COMMUNITY INTEREST

Mayor Voelker congratulated Don Magner and Kent Pfeil on their promotions. Councilmember Mitchell gave councilmembers a token from the Dallas Regional Mobility Coalition meeting that reminds people not to text and drive. Mayor Pro Tem Solomon commented on the first Summer Concert Series by the Richardson Community Band and announced that the next one would be June 21.

COUNCIL MEETING – 7:00 PM, COUNCIL CHAMBERS

1. INVOCATION – STEVE MITCHELL

2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – STEVE MITCHELL

3. MINUTES OF THE MAY 11, 2015, MAY 18, 2015, AND JUNE 1, 2015 MEETINGS

Council Action
Councilmember Mitchell moved to approve the Minutes as presented. Mayor Pro Tem Solomon seconded the motion. A vote was taken and passed, 6-0 with Councilmember Place 5 vacant.

4. VISITORS
There were no visitors comments submitted.

PUBLIC HEARING ITEMS:

5. PUBLIC HEARING, ZONING FILE 15-03, A REQUEST BY HOWARD L. LAWSON, REPRESENTING THE LAWSON CO., TO REVOKE ORDINANCE NO. 3858, A SPECIAL PERMIT FOR A SELF-SERVICE WAREHOUSE; TO APPROVE A CHANGE IN ZONING FROM I-M(1) INDUSTRIAL WITH SPECIAL CONDITIONS AND C-M COMMERCIAL TO PD PLANNED DEVELOPMENT; AND TO APPROVE A SPECIAL PERMIT TO EXPAND AN EXISTING SELF-SERVICE WAREHOUSE AND ADD TRUCK RENTAL AT 528 W. ARAPAHO ROAD (NORTH SIDE OF ARAPAHO ROAD, WEST OF CUSTER ROAD). THE PROPERTY IS CURRENTLY ZONED I-M(1) INDUSTRIAL AND C-M COMMERCIAL.

Public Hearing
Bill Dahlstrom, representing the applicant, addressed Council requesting support of this item.

Council inquired about landscaping, dumpster locations, the availability for Tract 2 to be used for commercial uses, rental truck leasing hours, and the distance from the property line to nearby duplexes.

Mr. Dahlstrom explained that the landscaping will be significantly improved and the dumpster locations would be screened behind buildings B and C. He stated that the special permit would be limited to Tract 1; and Tract 2 could have commercial uses. Mr. Dahlstrom stated that the leasing hours would be typical hours for a U-Haul type facility. He also explained the property line fence is approximately 45 feet and the duplexes should have a 20 foot setback.

The following speakers were in favor of the request:
Roy Cannon, 1101 Custer Road
Judy Adair, 406 Daniel
Susan Cowser, 1212 Hampshire Lane
David Baty, 201 Mistletoe

Additional support for the request was submitted in writing from:
Steve Jones, 423 Lexington Lane
David Brathwaite, 407 Vernet St.
Ruth Aguilera, 1803 Longmont
Bryan Scott, 2225 Shady Creek
Maria Milano, 43 Crown Place
Michael Cole, 1134 W. Lookout
Steven Monserratz, 508 Twilight Tr.

Carl McCord, 12 Vista Cliff Pl.
Sun Kemp, 516 W. Arapaho (Manager of Payless Cigarettes, Suite 105 in shopping center)

Speaking in opposition of the request:
Mauricio Fallas, 411 Jolee St.

Additional opposition of the request was submitted in writing from:
Nancy Wilson, 14 Harpers Ferry

With no other public comments, the Public Hearing was closed with a motion by Councilmember Simpson, seconded by Councilmember Dunn, and approved 6-0.

Councilmember Mitchell stated that he didn't know if this was the best use for the property long-term. He stated he would like to have the West Arapaho study completed as soon as possible. He stated he appreciates the investment in the property, but will not be supporting the request.

Councilmember Dunn stated there is a large demand for smaller units for students at UTD and requested the applicant consider some smaller units.

Mayor Pro Tem Solomon commented that the special permit will expire and Council will have the opportunity to determine if it is a good use moving forward.

Councilmember Simpson stated she was a strong believer in property rights and supported the opportunity for the frontage to Arapaho to be commercial uses.

Mayor Voelker inquired about reasoning for the request to include a 20-year reset. Mr. Dahlstrom explained it was important for financing.

Council Action
Mayor Pro Tem Solomon moved to approve the request as recommended by the City Plan Commission. Councilmember Townsend seconded the motion. Councilmember Mitchell moved to amend the motion to reset the starting date for the 20-year time limit for the Special Permit. Councilmember Dunn seconded the amendment. The amendment failed with a 3-3 tie vote with Mayor Pro Tem Solomon, Councilmember Townsend, and Councilmember Simpson voting in opposition to the amendment and Councilmember Mitchell, Councilmember Dunn, and Mayor Voelker voting in favor of the amendment. The main motion to approve the request as recommended by the City Plan Commission was approved 5-1 with Councilmember Mitchell opposed.

6. PUBLIC HEARING, ZONING FILE 15-07 AND CONSIDER ADOPTION OF ORDINANCE NO. 4118, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO APPROVE A CHANGE IN ZONING TO GRANT A SPECIAL PERMIT FOR A RESTAURANT WITH DRIVE-THROUGH SERVICE ON A 0.96-ACRE TRACT OF LAND ZONED PD LOCAL RETAIL LOCATED AT THE NORTHEAST CORNER OF RENNER ROAD AND PLANO ROAD.

Public Hearing
Matthew Booth, the applicant, addressed Council requesting approval. Mayor Pro Tem Solomon expressed concerns about the drive-through lane being stamped concrete and not a raised curb to

divide the lane. Mr. Booth stated that there would be a six inch divided curb. Michael Spicer, Director of Development Services, clarified that the zoning exhibit indicates a divided curb for the drive-through lane.

Michael Alost, KDC Real Estate Development, spoke in favor of the request. With no other public comments submitted, the Public Hearing was closed with a motion by Councilmember Dunn, seconded by Councilmember Townsend, and approved 6-0.

Council Action
Councilmember Mitchell moved to approve the request and Ordinance No. 4118 as presented. Councilmember Dunn seconded the motion. A vote was taken and passed, 6-0.

7. PUBLIC HEARING, ZONING FILE 15-08 AND CONSIDER ADOPTION OF ORDINANCE NO. 4119, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO APPROVE A CHANGE IN ZONING TO GRANT A SPECIAL PERMIT FOR A PRIVATE RECREATION CLUB IN CONJUNCTION WITH A FRATERNAL ORGANIZATION ON A 0.57-ACRE TRACT OF LAND ZONED I-M(1) INDUSTRIAL LOCATED ON THE NORTH SIDE OF APOLLO ROAD, EAST OF GLENVILLE DRIVE, RICHARDSON, TEXAS.

Public Hearing
The Public Hearing for this item was not held. City Manager Johnson explained that the applicant requested a continuation to the June 22, 2015 Council Meeting in order to resolve and finalize parking issues and agreements.

Council Action
Mayor Pro Tem Solomon moved to continue the Public Hearing for Zoning File 15-08 to June 22, 2015. Councilmember Simpson seconded the motion. A vote was taken and passed, 6-0.

8. PUBLIC HEARING, ZONING FILE 15-10, A REQUEST BY GREG COONEY, REPRESENTING HPGC VENTURES, LLC, TO AMEND AN EXISTING PD PLANNED DEVELOPMENT (ORDINANCE NO. 4055), TO ALLOW ADDITIONAL ACCESSORY STRUCTURES IN THE SIDE YARD SETBACKS FOR THE THIRTEEN (13) RESIDENTIAL LOTS COMPRISING A 1.76-ACRE PD DISTRICT LOCATED ON THE NORTH SIDE OF OLD CAMPBELL ROAD AT THE INTERSECTION OF NANTUCKET DRIVE.

Public Hearing
Greg Cooney, the applicant, addressed Council and requested approval of the request. With no other public comments, the Public Hearing was closed with a motion by Councilmember Mitchell, seconded by Councilmember Simpson, and approved 6-0.

Council Action
Councilmember Dunn moved to approve the request as presented. Councilmember Simpson seconded the motion. A vote was taken and passed, 6-0.

9. PUBLIC HEARING, ZONING FILE 15-11 AND CONSIDER ADOPTION OF ORDINANCE NO. 4120, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO APPROVE A CHANGE IN ZONING TO

GRANT A SPECIAL PERMIT FOR A PRIVATE SCHOOL AT 1221 W. CAMPBELL ROAD, A 4.82-ACRE PROPERTY LOCATED ON THE SOUTH SIDE OF CAMPBELL ROAD, EAST OF MIMOSA DRIVE. THE PROPERTY IS CURRENTLY ZONED LR-M(1) LOCAL RETAIL.

Public Hearing

The applicant, Michael Bronsky, addressed Council and provided a background on the Bridge Builder Academy. Councilmember Simpson inquired about the number of students who might be of driving age and at what times they would arrive/depart. Mr. Bronsky explained that grades five and below are not taught on site and the number of students of driving age or being dropped off would be minimal and at various times due to customized schedules for students. With no other public comments, the Public Hearing was closed with a motion by Councilmember Dunn, seconded by Mayor Pro Tem Solomon, and approved 6-0.

Council Action

Councilmember Dunn moved to approve the request and Ordinance No. 4120 as presented. Mayor Pro Tem Solomon seconded the motion. A vote was taken and passed, 6-0.

ACTION ITEMS:

10. VARIANCE NO. 15-10: A REQUEST FOR A VARIANCE FROM CHAPTER 21, SUBDIVISION AND DEVELOPMENT CODE, FOR A WAIVER TO THE REQUIRED SCREENING OF A PARKING LOT FOR A RELIGIOUS FACILITY WHEN LOCATED IN A RESIDENTIAL DISTRICT. THE SUBJECT PROPERTY IS LOCATED AT 421 CUSTER ROAD, AT THE SOUTHWEST CORNER OF CUSTER ROAD AND GREENLEAF DRIVE. APPLICANT: RICHARD FERRARA REPRESENTING THE EPISCOPAL CHURCH OF THE EPIPHANY.

Council Action

Councilmember Townsend moved to approve as presented. Mayor Pro Tem Solomon seconded the motion. A vote was taken and passed, 5-0 with Councilmember Mitchell abstaining due to a Conflict of Interest on file with the City Secretary.

11. CONSENT AGENDA:

A. AUTHORIZE THE ADVERTISEMENT OF BID #65-15 – 2010 BOND PROGRAM YALE PARK HOA SCREENING WALL EXTENSION (1001 GRANT AND 1000 N. YALE). BIDS TO BE RECEIVED BY THURSDAY, JUNE 25, 2015 AT 2:00 P.M.

B. CONSIDER AWARD OF THE FOLLOWING BIDS:

1. BID #57-15 – WE RECOMMEND THE AWARD TO NORTH TEXAS CONTRACTING FOR THE LARGE VALVE REPLACEMENT PROJECT AT YALE BLVD., APOLLO RD., AND E. RENNER RD. IN THE AMOUNT OF $674,233.00.

2. BID #66-15 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO CORE CONSTRUCTION FOR THE PUBLIC

SAFETY COMPLEX SECURITY ENHANCEMENTS PURSUANT TO THE COOPERATIVE PURCHASING NETWORK CONTRACT #R130204 IN THE AMOUNT OF $166,557.79 AND RECOMMEND REJECTING ALL BIDS RECEIVED FOR BID #43-15 FOR THE PUBLIC SAFETY COMPLEX SECURITY ENHANCEMENTS.

3. **BID #68-15 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO WORKFLOW STUDIOS FOR THE 2014-3-15 IBM NOTES LICENSE AND MAINTENANCE RENEWAL PER THE GSA CONTRACT #GS-35F-4984H IN THE AMOUNT OF $54,994.34.**

4. **BID #69-15 – WE REQUEST AUTHORIZATION FOR AN EMERGENCY PURCHASE OF LEAD-FREE PRIMER PRACTICE AMMUNITION FROM VARIOUS VENDORS AS IT BECOMES AVAILABLE FOR THE POLICE DEPARTMENT PURSUANT TO TEXAS LOCAL GOVERNMENT CODE 252.022(a)(2) A PROCUREMENT NECESSARY TO PRESERVE OR PROTECT THE PUBLIC HEALTH OR SAFETY OF THE MUNICIPALITY'S RESIDENTS IN AN ESTIMATED AMOUNT OF $11,000.**

5. **BID #70-15 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO ANSALDO STS USA, INC., FOR SOLE SOURCE PROCUREMENT FOR THE CITYLINE DRIVE – DART CROSSING MODIFICATION PROJECT IN THE AMOUNT OF $375,000.00.**

C. **AUTHORIZE THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO DECREASE THE ORIGINAL AWARDED AMOUNT OF BID #57-15 TO NORTH TEXAS CONTRACTING FOR THE LARGE VALVE REPLACEMENT PROJECT FOR YALE BLVD., APOLLO RD., AND E. RENNER RD. IN THE AMOUNT OF ($174,270.00.).**

Council Action

Councilmember Simpson moved to approve the Consent Agenda as presented. Councilmember Townsend seconded the motion. A vote was taken and passed, 6-0.

ADJOURNMENT

With no further business, the meeting was adjourned at 9:57 p.m.

_____

MAYOR

ATTEST:

_____

CITY SECRETARY

MINUTES
RICHARDSON CITY COUNCIL
SPECIAL CALLED CITY COUNCIL MEETING
JUNE 10, 2015

SPECIAL CALLED MEETING 6:30 PM, LARGE CONFERENCE ROOM, SUITE 201

- **Call to Order**
  Mayor Voelker called the meeting to order at 6:36 p.m. with the following Council members present:

Paul Voelker	Mayor
Mark Solomon	Mayor Pro Tem
Bob Townsend	Councilmember
Scott Dunn	Councilmember
Mabel Simpson	Councilmember
Vacant	Councilmember
Steve Mitchell	Councilmember

1. VISITORS
There were no visitors present.

EXECUTIVE SESSION
In compliance with Section 551.074(1) of the Texas Government Code, Council will convene into a closed session to discuss the following:

- Personnel Matters; to deliberate the appointment of a public officer:
    - Consider the appointment of an individual to fill the vacancy in the office of Council Member Place 5.

Council Action
Mayor Voelker convened into the Executive Session at 6:40 p.m.

RECONVENE INTO REGULAR SESSION
Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.

Council Action
Mayor Voelker reconvened into Regular Session at 8:25 p.m. There was no action as a result of the Executive Session.

ADJOURNMENT
With no further business, the meeting was adjourned at 8:25 p.m.

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

MINUTES
RICHARDSON CITY COUNCIL
CITY COUNCIL MEETING AND WORK SESSION
JUNE 15, 2015

WORK SESSION – 6:00 P.M.:

- **Call to Order**

  Mayor Voelker called the meeting to order at 6:02 p.m. with the following Council members present:

Paul Voelker	Mayor
Mark Solomon	Mayor Pro Tem
Bob Townsend	Councilmember
Scott Dunn	Councilmember
Vacant	Councilmember
Steve Mitchell	Councilmember

Absent:

Mabel Simpson	Councilmember

The following staff members were also present:

Dan Johnson	City Manager
Don Magner	First Assistant City Manager
Kent Pfeil	Chief Financial Officer
Cliff Miller	Assistant City Manager Development Services
Shanna Sims-Bradish	Assistant City Manager Admin/Leisure Services
Aimee Nemer	City Secretary
Michael Spicer	Director of Development Services
Dave Carter	Assistant Director of Development Services
Steve Spanos	Director of Engineering
Jim Lockart	Assistant Director of Engineering
Jim Dulac	Assistant City Engineer
Brian Davis	Deputy CIO – Tech and Franchising
Lori Smeby	Director of Parks and Recreation
Roger Scott	Assistant Director of Parks and Recreation
John Sweeden	North Texas Municipal Water District Boardmember
John Murphy	North Texas Municipal Water District Boardmember

Consultants Present:
Tom Kula, Executive Director, North Texas Municipal Water District (NTMWD)
Judd Sanderson, Deputy Director, NTMWD
Mike Rickman, Finance Director, NTMWD

1. INVOCATION – BOB TOWNSEND

2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – BOB TOWNSEND

3. CONSIDER THE APPOINTMENT OF AN INDIVIDUAL TO FILL THE VACANCY IN THE OFFICE OF COUNCIL MEMBER PLACE 5.

Mayor's Comments
Mayor Voelker stated that the Council has undertaken a vigorous selection process and vetted many candidates for the appointment of Council Member Place 5 as outlined in the City Charter.

Council Action
Councilmember Dunn moved to appoint Marta Gómez Frey to fill the vacancy for Council Member Place 5. Mayor Pro Tem Solomon seconded the motion. A vote was taken and passed, 5-0 with Councilmember Simpson absent.

4. ADMINISTER OATH OF OFFICE FOR COUNCILMEMBER PLACE 5
Secretary Nemer administered the oath of office to Ms. Frey.

5. INTRODUCTION OF COUNCILMEMBER PLACE 5 AND WELCOMING COMMENTS
Councilmember Frey gave introductory comments stating that she is honored and privileged to be chosen to serve the community as a councilmember. She stated that she pledged to uphold the serious obligation and expectations that everyone has for her. She recognized and thanked her family.

Each councilmember expressed appreciation for her willingness to serve and their pride with the appointment.

- **ADJOURN TO WORK SESSION**

Mayor Voelker adjourned the Council Meeting and stated the Work Session would reconvene at 6:30 p.m.

WORK SESSION – IMMEDIATELY FOLLOWING COUNCIL MEETING, RICHARDSON ROOM

A. VISITORS
Mr. Kevin Balsley, 1804 Weanne Drive, addressed Council expressing concerns about the regulations for group homes and presentation from Mr. Staples. He recommended that Council consider consulting with an expert on group homes that the City of Dallas used.

Mr. John Fritsche, 1807 Weanne Drive, addressed Council expressing concerns about the regulations for group homes. He also recommended Council consider consulting with the expert used by the City of Dallas.

B. REVIEW AND DISCUSS THE NORTH TEXAS MUNICIPAL WATER DISTRICT WATER SUPPLY PLAN AND PROJECTS
Tom Kula, NTMWD Executive Director, updated Council on the following:

- NTMWD History
- Water Supply & Conservation Efforts
  - Main Stem Pump Station
  - Lower Bois d'Arc Creek Reservoir Project
  - WaterMyYard
- NTMWD Wastewater Initiatives
  - EPA Audit

    - Partnering Meetings
- Future Rates Projections
    - Water
    - Wastewater
- Solid Waste System Update – Lookout Transfer Station

C. REVIEW AND DISCUSS UPDATE ON COLLIN COUNTY PARKS AND OPEN SPACE GRANT REQUESTS

Lori Smeby, Parks and Recreation Director, reviewed the Collin County Project Funding Assistance Program and 2015-2016 proposed projects:

Priority 1 – Spring Creek Nature Area Trail – Outside Loop Connection

Grant Request –	214.250
Match Required –	214.250
Estimated Project Cost –	$428,500

Priority 2 – University Trail Phase II Connection

Grant Request -	125,061
Match Required -	125,061
NCTCOG Grant -	588,378
Estimated Project Cost	$840,500

Ms. Smeby explained that a resolution authorizing the grant application will be on the June 22 Council Agenda for consideration.

D. REVIEW AND DISCUSS THE ATMOS ENERGY RATE REVIEW ACTION

Brian Davis, Deputy CIO, reviewed this item for Council explaining the background of the Atmos Cities Steering Committee (ACSC); the 2014 rate increase request, denial, and settlement; the 2015 rate increase request; and the negotiated settlement:

Settlement

- The ACSC negotiated with Atmos to effect a settlement which resolved both the 2014 appeal, and 2015 requested rates. The settlement includes:
    - A $6 million reduction in the rates requested for the 2015 filing.
    - Implement the minor reduction in the 2014 request pending at the Commission.
    - Atmos will file a formal withdrawal of its 2014 RRM appeal. The ACSC does not believe a final disposition by the Commission will improve the Cities' position, and that withdrawal and settlement will save ratepayers significant expenses in future filings.

- The proposed resolution and settlement tariffs will approve rates that increase the company's revenues by $65.7 million system-wide for the Mid-Tex division, effective for bills rendered after June 1, 2015. The monthly residential customer charge will be $18.60, and the consumption charge will increase from $0.08819 per Ccf to $0.09931. The monthly impact for a typical 60 Ccf customer would be an increase of $1.14 (about 1.59%). A typical commercial customer would see an increase of about $2.69 of .96%.

Mr. Davis explained that the proposed resolution will be on the June 22 Council Agenda for consideration.

E. REVIEW AND DISCUSS THE STREET, ALLEY, AND SIDEWALK NEEDS FOR CONSIDERATION IN A FUTURE BOND PROGRAM

Don Magner, First Assistant City Manager, reviewed possible bond program projects including new streets and rehabilitation projects for streets, alleys, and sidewalks. He also reviewed the proposed street maintenance strategy for the fiscal year 2015-2016 budget.

F. REVIEW AND DISCUSS THE TRAFFIC AND TRANSPORTATION NEEDS FOR CONSIDERATION IN A FUTURE BOND PROGRAM

Dave Carter, Assistant Director of Development Services, reviewed this item for Council:

- Highest Priority Projects
    - Traffic Control Devices ($4.1M)
    - Operational and Efficiency Improvements
        - Intersections ($2.2M)
        - Streets ($1.225M

G. REVIEW AND DISCUSS MAINTENANCE STRATEGIES: SCREENING WALLS, BRIDGE RAILINGS, AND TRAFFIC SIGNS, SIGNALS AND MARKINGS

Don Magner, First Assistant City Manager, and Jim Lockart, Assistant Director of Engineering, reviewed this item for Council:

- Review of screening wall maintenance strategy
- Screening wall inventory
- FY14-15 completed projects
- Bridge railing condition assessment
- Bridge railing completed projects
- Street sign inventory and maintenance schedule
- Pavement markings 3 year management strategy

H. REPORT ON ITEMS OF COMMUNITY INTEREST

Mayor Voelker reminded Council of the HOA presidents meeting Tuesday at 7:00 a.m.
Mayor Pro Tem Solomon congratulated the Lauder's on their 60th wedding anniversary.

ADJOURNMENT

With no further business, the meeting was adjourned at 10:51 p.m.

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

MEMO

DATE: **June 18, 2015**

TO: **Honorable Mayor and City Council**

FROM: **Michael Spicer, Director of Development Services** MS

SUBJECT: **Zoning File 15-08 – Special Permit – Plano-Richardson Elks Lodge Private Recreation Club – 1203 Apollo Road**

REQUEST

On June 18, 2015, the applicant requested to continue the case to July 13, 2015 for additional time to address issues related to parking and hours of operation. The request from the applicant is attached. If the continuation request is approved, the case will be scheduled for the July 13, 2015 City Council agenda.

BACKGROUND

Orville W. Weiss, representing Plano Richardson Elks Lodge #2485, requests approval of a Special Permit for a private recreation club in conjunction with a fraternal organization to be located at 1203 Apollo Road. The case was originally scheduled for the June 8, 2015 City Council agenda. At that meeting, the applicant requested the case be continued until the June 22, 2015 City Council meeting so he could address issues related to parking and hours of operation.

To: chris.shacklett@cor.gov,
Cc:
Bcc:
Subject: Continuance
From: Orville Weiss <bigoweiss@aol.com> - Thursday 06/18/2015 03:41 PM

Chris
Concerning further issues with cross parking I would like to request a continuance of ZF 15-08 to the July 13, 2015 Council meeting. Thank you.
Orville Weiss

City of Richardson
City Council Meeting
Agenda Item Summary

City Council Meeting Date:	Monday, June 22, 2015
Agenda Item:	VAR 15-11 DFC Dominion Gym
Staff Resource:	Michael Spicer, Director of Development Services
Summary	This is a request for approval of a variance to the City of Richardson Subdivision and Development Code, Chapter 21, Article III, Section 21-52(i), *Off Street Parking*, for a reduction to the required parking for a martial arts facility. The applicant is requesting a reduced parking ratio of 1 space per 333 square feet instead of 1 space per 100 square feet of building area to accommodate a martial arts facility within the subject property.
Board/Commission Action:	On June 2, 2015 the City Plan Commission unanimously recommended approval of the request with two conditions, limiting the variance to DFC Dominion Gym and its hours of operation, which complement the hours of the other existing tenants in the center.
Action Proposed	The City Council may approve the request as presented, approve with conditions, or deny.

Variance 15-11
DFC Dominion Gym

Attachments:

1. Locator
2. Staff Report
3. Parking Survey
4. Applicant's Statement
5. Tenants Roster
6. Variance Exhibit
7. Floor Plan
8. CPC Minutes from June 2, 2015
9. Notice of Variance Request
10. Notification List
11. Notification Map

DFC Dominion Gym
1600 N. Plano Road

CITY COUNCIL
STAFF REPORT
June 22, 2015

Variance 15-11

SUMMARY

Owner:	**Gary Yeh, Dalrock Management Inc.**
Applicant:	Baqash Wilson, DFC Dominion Gym
Project Name:	VAR 15-10 DFC Dominion Gym
Location:	1600 N. Plano Road Northeast corner of Plano Road and Collins Boulevard.
Request:	This is a request for approval of a variance to the City of Richardson Subdivision and Development Code, Chapter 21, Article III, Section 21-52(i), *Off Street Parking*, for a reduction to the required parking for a martial arts facility. The applicant is requesting a reduced parking ratio of 1 space per 333 square feet instead of 1 space per 100 square feet of building area to accommodate a martial arts facility within the subject property.
Notification:	This request is not a public hearing and specific notification is not required by State Law. As a courtesy, adjacent property owners received written notification.
Correspondence:	To date, no written correspondence has been received.
CPC Action:	On June 2, 2015 the City Plan Commission unanimously recommended approval of the request with two conditions, limiting the variance to DFC Dominion Gym and to the hours of operation as specified in the case.

DEVELOPMENT SUMMARY

Land Area:	3.97-acres (172,993 sq. ft)
Zoning:	LR–M(2) Local Retail District (Ordinance No. 2571).
Existing Development:	48,587 square feet single-story multitenant building
Current occupancy	28,779 square feet (59%)
Current vacancy	19,808 square feet (41%)

Adjacent Land Use/ Zoning:

North:	Undeveloped; zoned O-M Office with a Special Permit for assisted living facility and services
South (across Collins Blvd.):	Fire Station & Daycare; zoned O-M Office
East:	Single-family residential homes; zoned R-1500-M Residential
West (across Plano Road):	Office development; zoned I-M(1) Industrial

BACKGROUND INFORMATION

Background:

The subject property is developed as 48,587 square feet single-story multitenant retail center that currently features a mix of retail, office and institutional uses.

In December 1991, the subject property was granted a 12-space (5%) variance to allow modifications to the drive-through circulation associated with the existing banking facility on the northernmost portion of the building.

DFC Dominion Gym has recently leased a 10,400 square feet space within the center, which was previously occupied by a church.

Based on the tenant roster mix provided by the applicant (attached), and assuming retail for the three remaining vacant spaces (totaling 7,127 square feet), 303 parking spaces are required for the site; 236 spaces are currently provided on site. In order to accommodate the proposed marital arts facility within the center, the applicant is requesting a reduced parking ratio of 1 space per 333 square feet instead of 1 space per 100 square feet of activity area for marital arts, which will result in a 68-space reduction to the

number of required parking (or 22% of the required spaces).

The applicant has indicated there will be a maximum of 29 people in the facility. The applicant feels that the proposed parking ratio will meet their demand for parking spaces at their peak time. In addition, the applicant has indicated that their hours of operations are limited from 5:00 pm to 9:00 pm Monday through Thursday, and 10:00 am to 3:00 pm on Saturday, which won't conflict with the operating hours of the existing institutional uses.

The applicant conducted a parking study of the site. The peak parking demand appears to be at lunch time (12:00 PM) on the work days (37% of spaces occupied). Staff visited the site multiple times throughout a typical week; and staff concurs with the results of the study.

For comparison purposes, a list of similar parking variances is included below.

MULTI-TENANT RETAIL CENTERS/MIXED USE PROJECTS ***(sorted by variance percentage)***			
PROJECT	**LOCATION**	**REDUCTION GRANTED**	**DATE**
Kebab 'n Curry (restaurant in strip center)	401 N. Central Expressway	8-space **(20%)** variance (41 required by code, 33 required per variance).	03-1991
Allred Retail Center	581 W. Campbell Road	12-space reduction for karate studio. As applied, resulted in a **12%** overall reduction for the entire center. 11-space variance to lease vacant space for retail parked uses only. Combined with previous variance, the site has a **20%** reduction.	12-1994 04-2013
Campbell Plaza Shopping Center – Fox & Hound (parking reduction granted by zoning special condition)	104 - 180 W. Campbell Road	Modified ratio of 1 space/172 g.s.f. for 20,000 s.f. restaurant/ indoor amusement facility (in lieu of 1/100 required by code). As applied, resulted in 84-space (10%) reduction. This center also utilized the standard 10% reduction permitted for retail centers of 100,000 g.s.f. and larger, reducing required parking by an additional 74 spaces, for a total reduction of 158 spaces **(19% total reduction)**. 827 spaces required by code before applying reductions, 669 required after reductions applied.	12-2001 (Ord. 3372-A)
DFW Chinatown	400 N.	59-space **(10%)** variance (591 required by code,	08-2004

Shopping Center (formerly Richardson Terrace S.C.)	Greenville Avenue	532 required per variance). The 10% reduction was extended for additional building square footage, resulting in a 63-space variance (632 spaces required by code, 569 required per variance). 54-space reduction (VAR 14-03). Combined with previous variances, represents **18.3%** reduction	07-2005 04-2014
Promenade Shopping Center (Central Section) and Wal-Mart Neighborhood Market	410 – 630 N. Coit Road (excludes 500 N. Coit)	86-space **(15%)** overall reduction permitted on two lots (subject to shared parking agreement).	01-2002
Citipointe Church in Campbell Road Village Shopping Center	605 & 635 W. Campbell Road	57-space variance for 200-seat church. Including the church, 413 spaces are required for the entire center by code, 356 required per variance. As applied, results in a **14%** reduction for the entire center. Limited to Citipointe Church occupying suites 201 & 210.	2005
North Rich Plaza Shopping Center	525 W. Arapaho Road	40-space variance (349 required, 314 provided), equals **13%**.	09/2012
Camelot Shopping Center	580 W. Arapaho Road	60-space variance (Billiard Ben) 38-space variance (Bridge Parlor) 73-space variance (VAR 14-04). Combined with previous variances, represents **28%** reduction.	12-2006 (Ord. 3584) 6-2006 (Ord. 3558) 6-2014
Restaurant in multi-tenant building	318 S. Central Expressway	8-space **(11%)** variance (71 required by code, 63 required per variance).	03-1995
Westwood Shopping Center (adjacent to Kroger)	200 N. Coit Road (formerly 100 N. Coit Rd.)	Modified ratio of 1 space/200 g.s.f. for all uses (27,450 s.f. total building area; maximum 4% [1,098 s.f.] for restaurants). As applied, equal to a 13 space **(11%)** variance (123 spaces required by code, 110 spaces required by modified ratio).	01-1990
University Village Shopping Center (L.A. Fitness)	1407 & 1501 E. Belt Line Road	**10%** (63-space) variance (631 required by code, 568 required per variance). Also permitted use of shared parking agreement if property is subdivided into more than one lot.	02-2006
Jupiter Shopping Center	3601 N. Jupiter Road	5-space **(10%)** variance (55 required by code, 50 required per variance).	10-2014
Promenade Shopping Center (Southern Section)	300 N. Coit Road	96-space **(9%)** variance (1,010 required by code, 914 required per variance).	06-1996
Terrace Supreme Shopping Center	SEC Greenville Ave. at Terrace Dr.	16-space **(9%)** variance (178 spaces required by code, 162 required per variance).	01-1995
Restaurant in multi-tenant retail strip	115 Spring Valley Village	4-space **(9%)** variance (43 required by code, 39 required per variance).	09-1993
Prosper Center	201 S. Greenville Avenue	8-space **(8%)** variance in the number of required off-street parking for a multi-tenant retail center.	02-2007

Richland Village Shopping Center	1310 E. Belt Line Road	**(8%)** variance in number of required off-street parking for a multi-tenant retail center.	07-2007
Prosper Center (parking reduction granted by zoning special condition)	201 S. Greenville Avenue	7-space **(8%)** reduction in parking spaces required on-site (total 89 spaces provided for retail center – 82 on-site and 7 off-site on adjacent apartment tract via shared parking agreement).	03-2004 (Ord. 3453-A)
Spring Valley Square Shopping Center	1400, 1430, & 1466-1490 W. Spring Valley Rd.	20-space **(7.4%)** variance (268 required by code, 248 required per variance). Must maintain a tenant mix requiring no more than 268 spaces per code.	09-2003
Govindji Plaza (jewelry store in strip center)	235 N. Central Expressway	2-space **(6%)** variance (33 required by code, 31 required per variance).	10-2000
Restaurant in Kondos & Kondos Law Office Building	1595 N. Central Expressway	5-space **(6%)** variance (79 required for office/restaurant combo, 74 required per variance).	05-1987
Dickey's BBQ in Arapaho Station retail center	1140-1190 N. Plano Road	20-space **(5%)** variance; (427 required by code, 407 required per variance).	02-1995
Texas Commerce Bank (in multi-tenant strip center)	1600 N. Plano Road	12-space **(5%)** variance (248 required by code, 236 required per variance).	12-1991
China Plaza (mulit-tenant center)	105-115 S. Greenville Ave.	3-space **(4%)** variance (69 required by code, 66 required per variance).	1993
Northpark Savings Center (restaurant in strip center)	279-299 W. Campbell Road	2-space **(4%)** variance (46 required, 44 required per variance).	09-1993
Canyon Creek Square Shopping Center (formerly Fleetwood Square)	320-350 W. Campbell Road	4-space **(3%)** variance (115 required by code, 111 required per variance).	07-1988
Sandwich shop (located inside office building)	801 E. Campbell Road	5-space **(1%)** variance (530 required by code, 525 required per variance). Current policy does not generally require additional parking for "accessory" restaurants in office/industrial buildings.	06-1986
The Shire	3600, 3610, 3650 Shire Blvd. and 2121 E. Infocom	Permitted sharing of parking spaces on three separately platted, contiguous lots with a shared parking agreement approved by City Attorney **(no parking reduction granted)**.	04-2006
Canyon Creek Square Shopping Center and Luby's Restaurant	202-238, 300, and 320-350 W. Campbell Road	Permitted sharing of parking spaces on three separately platted, contiguous lots with a shared parking agreement approved by City Attorney **(no parking reduction granted)**.	08-2006
Richwood Square Shopping Center	2111-2159, 2165, and 2169-2187 E. Buckingham Road	Permitted sharing of parking spaces on three separately platted, contiguous lots with a shared parking agreement approved by City Attorney **(no parking reduction granted)**.	01-2007
Arapaho Village Shopping Center	SWC Arapaho Road at West Shore Drive	Modified ratio of 1 space/250 g.s.f. for retail; all other uses per code **(no percentage established)**.	12-1989
Galatyn Urban Center	East of Central Expwy. between	Zoning permits use of ULI shared-parking methodology to reduce total number of spaces	03-1999 (Ord.

	Lookout Drive and Galatyn Parkway	provided for multiple uses with non-overlapping peak hours **(not a variance per se – no percentage established)**.	3216-A)
Karate Studio in multi-tenant office/industrial building	1350 E. Arapaho	10-space variance w/parking agreement between 3 sites **(no percentage established)**.	04-1994

Collins Court Center
Required Parking Calculation

Retail: 30 spaces/10,000 s.f. plus 1 space for each 200 s.f. afterwards
Office: 1 space for each 250 s.f.
Restaurant: 1 space for each 100 s.f.
Martial arts: 1 space for each 100 s.f. of activity area.

Suite	Name	office	retail	restaurant	Activity	Seats
200	IANT (church)					99
400	Vacant		3000			
500	Iglesia Ministerio (Church)					49
600	de Secret Hair		1650			
800	Cajon Conner			3062		
900	Taco Imas			1686		
990	B1 Nail		612			
1000	Vacant		1627			
1100	Vacant		2500			
1200	Family Clinic	3500				
1500	DFC Dominion Gym (martial arts)				9660	
1900	Tailor		2500			
2000	Oriental Express			3200		
2200	Dentist	1760				
2300	Dominos Pizza (take out only)		1550			
2400	Kim Hair		1292			
2500	Chase Bank	3740				
	Totals:	9000	14731	7948	9660	148
	Ratio	250	333	100	100	3
		36	54	79	97	49

Parking Spaces Required	Total 315
Previous Variance (12/1991)	12
Net Parking Spaces Required	303
Existing Parking Spaces	236
Parking Deficiency	67 spaces

Parking Survey

VAR 15-11 DFC Dominion Gym

Date(s) Counts Taken: 6/3/2015 - 6/9/2015

		Number of Spaces Occupied	% of Total Spaces Occupied	Number of Spaces Occupied	% of Total Spaces Occupied	Number of Spaces Occupied	% of Total Spaces Occupied
Day	**Date**	**Noon**		**6:00 PM**		**8:00 PM**	
Monday	**8-Jun**	77	33%	21	9%	15	6%
Tuesday	**9-Jun**	87	37%	25	11%	27	11%
Wednesday	**3-Jun**	71	30%	22	9%	42	18%
Thursday	**4-Jun**	81	34%	30	13%	35	15%
Friday	**5-Jun**	88	37%	54	23%	38	16%
Saturday	**6-Jun**	36	15%	38	16%	41	17%
Sunday	**7-Jun**	37	16%	26	11%	16	7%

May 28, 2015

Development Services Department

411 W. Arapaho Road
Richardson, TX 75080

Re: Letter of Request for a Parking Variance

DFC Dominion Gym,

1600 N. Plano Rd, Suite 1500, Richardson TX 75081.

DFC (Domination Fighting Championship) is a nonprofit corporation for the sole purpose of promoting Martial Arts athletic events and is not organized for the private gain of any person.

Within the context of the general purposes stated above, the specific purpose of this corporation shall be to demonstrate its commitment to developing athletes in Martial Arts sports through competition and training. More specifically, the primary focus shall be of that directed toward combative sports.

This corporation shall also develop the sound character of individuals through educational seminars, athletic contests, recreational and other developmental practices that formulate a healthy and sound attitude to prepare amateur athletes to advance to the professional stage. This development shall be targeted to both male and female athletes.

Our Corporation is not only recognized as a legal nonprofit entity in the State of Texas, but also operates under the direction of the Texas Department of License and Regulations. Our headquarters and main training facility operates under the legal code and authority of DFC (Domination Fighting Championship) dba Dominion Gym. The gym is strictly a Martial Arts Academy created for the sole purpose of preparing athletes to compete in the DFC.

This space presently measures 10,400 square feet. Our activity space measures 9,660 square feet, with 740 square feet allotted for locker rooms and restrooms.

We are asking for a Parking Variance changing our required ratio from 1/100 for the activity area, to 1/333 due to the following reasons:

1. 1,600 square feet- Exercise Area with 6 people exercising.
2. 1,400 square feet- Boxing Ring with 2 people sparring.
3. 150 square feet- Boxing Ring with 2 people sparring.
4. 150 square feet- Wrestling cage with 2 people wrestling.
5. 600 square feet- Wrestling mat with 2 people wrestling.
6. 1,200 square feet- Grappling mat with 10 people in a class.
7. Our hours of operation are limited to concentration from 5:00pm- 9:00pm on Monday thru Thursday and 10:00am- 3:00pm on Saturdays. We are closed during the Collins Court retail complex peak hours of Friday and Saturday evening and on Sundays.
8. Our class schedule accommodates one class from 5:00pm- 6:00pm, one class from 6:30pm- 7:30pm and one class from 8:00pm- 9:00pm. Classes and attendance do not overlap.

9. Our attendance is reserved for small classes and exercise activity of 24 people, 4 instructors, 1 support staff. Total maximum capacity of 29 people.
10. As a Martial Arts facility we only attract a special niche market of individuals specifically seeking that kind of training.
11. We are a training academy with limited membership due to the fact that we only teach specialized Martial Arts, and do not provide full gym services.
12. As a Non-Profit Organization registered in the State of Texas and sanctioned by the Texas Department of License and Regulation as a non-profit organization, we fulfill a need in the community to provide extracurricular services to the youth. We do not attract the masses.
13. We provide a deterrent to crime in presenting a disciplined level of protection and awareness to those who train at our facility.
14. We are supported by the other tenants of Collins Court shopping plaza as an appreciated asset.

Respectfully,

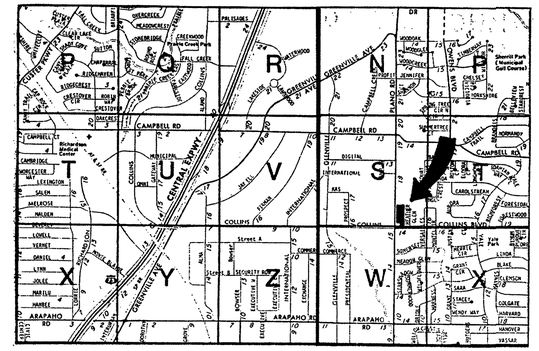
Dr. William F. Thomas
DFC Dominion Gym

BUILDING / PARKING SUMMARY			
LOT AREA	3.97 ACRES		
	(172,993 SF)		
BUILDING SQ FT.	48,587 SF		
PARKING RATIO	OFFICE = 1 / 250		
	RETAIL = 30 + 1 / 200 OVER 10,000 sf		
	RESTAURANT = 1 / 100		
	MARTIAL ARTS = 1 / 333		
REQUIRED PARKING			
9,000 SF	OFFICE	=	36
14,731 SF	RETAIL	=	54
7,948 SF	RESTAURANT	=	79
6,408 SF	CHURCH	=	49
9,660 SF	PROF. SPACE (1/333)	=	29
			235 SPACES
PARKING PROVIDED	236 SPACES		
LANDSCAPE %	7.84%		
LANDSCAPE COVERAGE	13,560 SF		
FLOOR AREA RATIO	0.28/1		
BUILDING HEIGHT	SINGLE STORY		

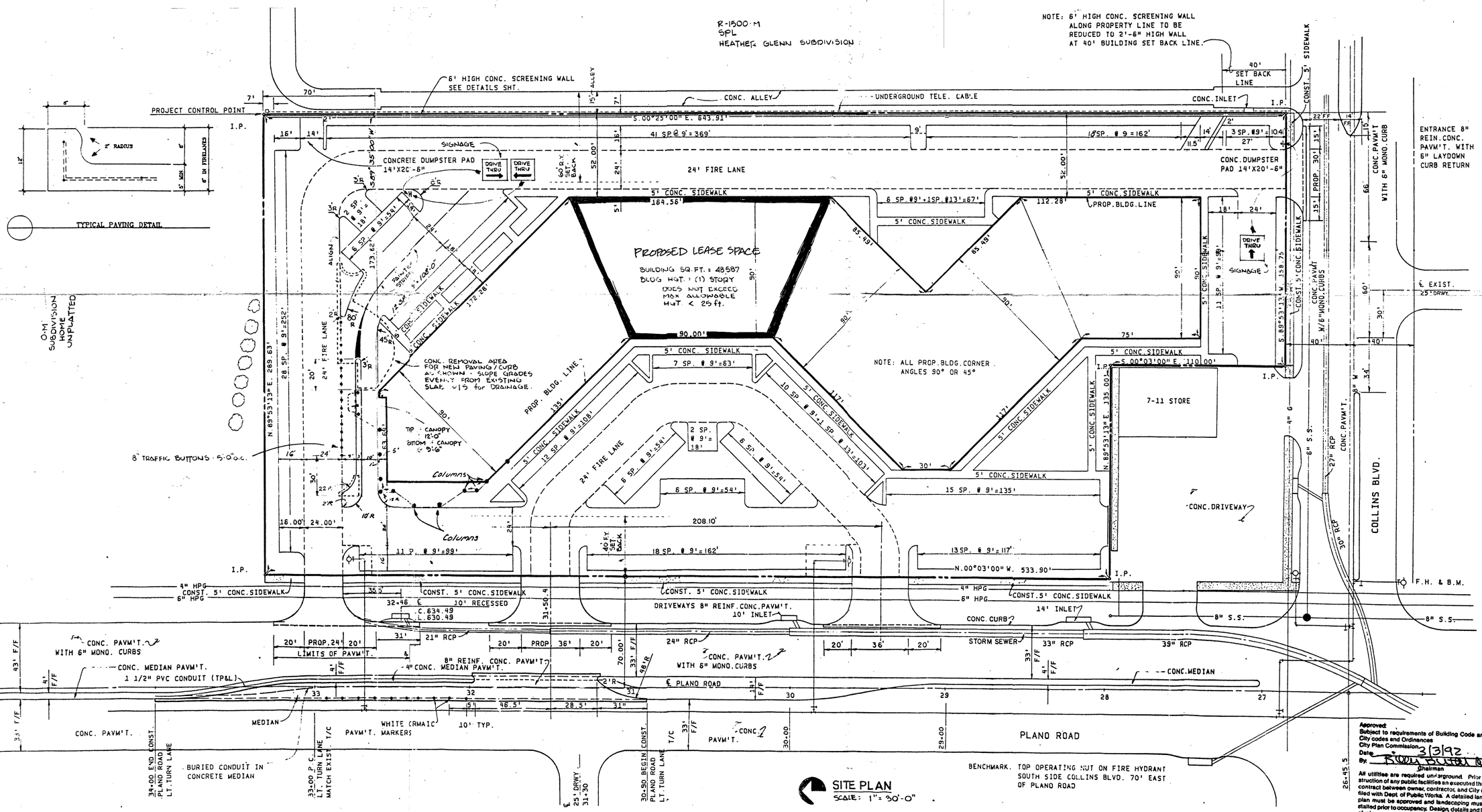
ZONING: LR-M(2) (ORD. 2571)

NOTE: 20,000 SF DESIGNATED FOR RETAIL CURRENTLY UNLEASED. (9.24.91) 8795.5 SF DESIGNATED FOR OFFICE CURRENTY UNLEASED (9 24 91)

NOTE.: 12 SPACE PARKING VARIANCE WAS APPROVED BY RICHARDSON CITY COUNCIL ON DEC. 23, 1991.



LOCATOR MAP



Hermanovski Lauck Design

2700 Fairmount Street Suite 100
Dallas, Texas 75201
214.922.9000
CONTACT: STEVE BREUER

LEGAL NAME: LOT #2
BLOCK # A
SOUTHLAND NORTH ADDITION

OWNER:
AMERICAN FEDERAL BANK
14001 DALLAS PARKWAY
DALLAS, TEXAS 75240
(214) 450-1000

Project

TEXAS COMMERCE BANKSHARES INC.

1600 NORTH PLANO RD.

RICHARDSON TEXAS

Revisions

1-7 P.C. - PLANNING DEPT. REVIEW
2-26-92 " "

Date

9.24.91

Project Number

91434.00

All drawings and written material appearing herein constitute original unpublished work, and may not be duplicated, used or disclosed without the written consent of Hermanovski Lauck Design.

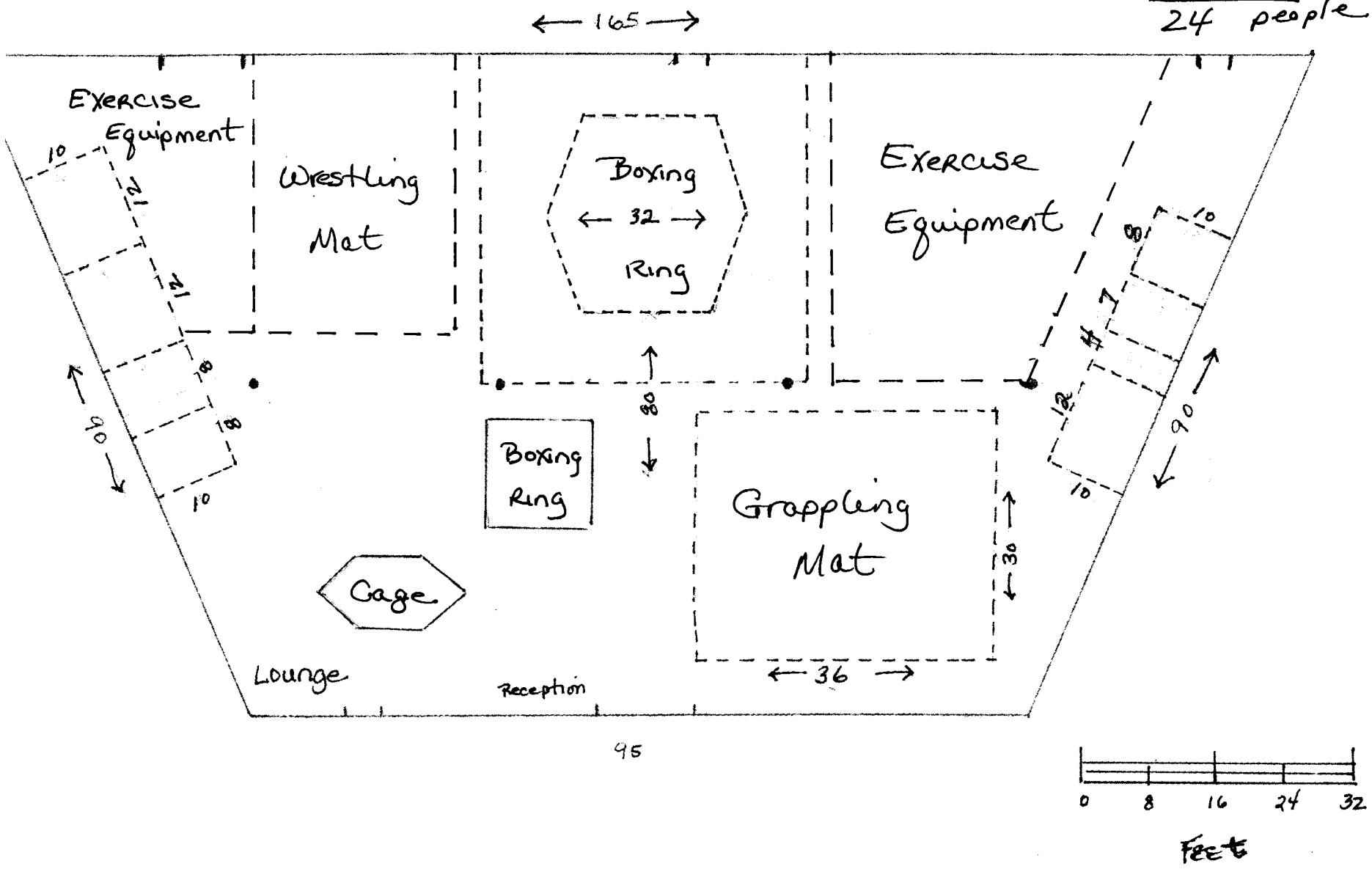
Approved:
Subject to requirements of Building Code and other City codes and Ordinances
City Plan Commission
Date 3/3/92
By: [signature]
Chairman

All utilities are required underground. Prior to construction of any public facilities an executed three-way contract between owner, contractor, and City must be filed with Dept. of Public Works. A detailed landscape plan must be approved and landscaping must be installed prior to occupancy. Design, details and location of signs are not subject to approval by City Plan Commission.

ALL FIRE LANES AND PARKING SURFACES MUST BE COMPLETED PRIOR TO CONSTRUCTION OF BUILDING. SCREENING WALL REQUIRED TO BE INSTALLED PRIOR TO ISSUANCE OF BUILDING PERMIT.

[redacted]

Exercise Equipment – 6 people
Boxing Ring - 2 people
Boxing Ring - 2 people
Wrestling Cage - 2 people
Wrestling Mat – 2 people
Grappling Mat – 10 people
24 people



CPC Minutes from June 2, 2015:

5. Variance 15-11 – DFC Dominion Gym: Consider and take necessary action on a request for approval of a variance to Chapter 21 of the Subdivision and Development Code for a reduction to the required parking for a martial arts facility. The site is located at 1600 N. Plano Road, the northeast corner of Plano Road and Collins Boulevard**.**

Mr. Bireima stated the applicant was requesting a variance to the required number of parking spaces for a martial arts facility located in a retail center at the northeast corner of Plano Road and Collins Boulevard.

Mr. Bireima pointed out that in 1991 the property received a twelve (12) space variance to allow circulation improvements for the bank on the north end of the property and with the additional requested reduction in parking the site would be deficient by 67 spaces. Based on comments from the applicant, Mr. Bireima said the gym would require 29 parking spaces.

Mr. Bireima concluded his comments by noting the applicant had provided a floor plan for illustrative purposes and the hours of operation would be 5:00 p.m. to 9:00 p.m. Monday through Thursday; 10:00 a.m. to 3:00 p.m. on Saturday; and closed on Friday and Sunday.

Chairman Hand and Vice Chair Bright asked if the floor plan would become a part of the variance.

Mr. Bireima replied that the floor plan was not an exhibit to the variance.

Commissioner Frey suggested the motion should tie the variance to DFW Dominion Gym.

Chairman Hand asked staff if the variance could be tied to the gym and Mr. Bireima confirmed that it could.

Vice Chair Bright asked if the applicant would have to come back before the Commission if they wanted to use the lease space for something other than a gym.

Mr. Bireima confirmed the applicant would have to come back before the Commission for another variance and if Dominion Gym vacated the property another tenant could not use the variance.

Mr. Chavez asked the Commission to also consider adding a condition limiting the hours of operation to those listed in the staff report, which would help with any parking concerns.

Motion: Commissioner DePuy made a motion to recommend approval of Variance 15-11 as presented with the additional condition the variance was tied to DFC Dominion Gym and the hours of operation were the same as those listed in the staff report; second by Commissioner Frederick.

Vice Chair Bright asked if the motion also contained a condition to tie the variance to the floor plan.

Commissioner DePuy said it did not and Mr. Chavez pointed out that if the floor plan changed the applicant would have to come back before the Commission.

Motion approved 7-0.

Notice of Variance Request

City Plan Commission ▪ Richardson, Texas

An application has been received by the City of Richardson for variances to Chapter 21, Subdivision and Development Ordinance.

File No./Name:	**VAR 15-11/Collins Court Center**
Property Owners:	Gary Yeh/ Dalrock Management, Inc.
Applicant:	Baqash Wilson/DFC Dominion Gym
Location:	**1600 N. Plano Road**
Request:	Approval of a request for a variance from the City of Richardson Subdivision and Development Code, Article III, Section 21-52(i), to allow a reduction to the required number of parking spaces for a martial arts facility.

The City Plan Commission will consider this request on:

TUESDAY, JUNE 2, 2015
7:00 p.m.
City Council Chambers
Richardson City Hall, 411 W. Arapaho Road
Richardson, Texas

As courtesy, adjacent property owners who may be affected by this request are receiving written notification of this meeting; as such ownership appears on the last approved city tax roll.

PROCESS FOR PUBLIC INPUT: This item is not a public hearing and specific notification is not required by State law.

While all interested persons are invited to attend the meeting, those wanting their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Development Services Department, P.O. Box 830309, Richardson, TX 75083.

The City Plan Commission may recommend approval of the request as presented, recommend approval with additional conditions or recommend denial. Final approval of this application requires action by the City Council.

AGENDA: The City Plan Commission agenda for this meeting will be posted on the City of Richardson website the Saturday prior to the meeting. For a copy of the agenda, please go to:
http://www.cor.net/index.aspx?page=1331

For additional information, please contact the Department of Development Services at 972-744-4240 and reference this variance number.

Date Posted and Mailed: May 22, 2015

LAVECCHIA MARIA
1615 HEATHER GLEN CT
RICHARDSON, TX 75081-1909

SALEH ALFRED M
1909 RIDGE CREEK DR
RICHARDSON, TX 75082-4609

LIU PAUL CHIN CHUNG
1817 MORGAN CIR
NAPERVILLE, IL 60565-1759

PUCCI MARY K
1609 HEATHER GLEN CT
RICHARDSON, TX 75081-1909

MCFADDEN DAVID G
1607 HEATHER GLEN CT
RICHARDSON, TX 75081-1909

TEKOLA DAWIT &
YESHIEMEBT ASRAT
1605 HEATHER GLEN CT
RICHARDSON, TX 75081-1909

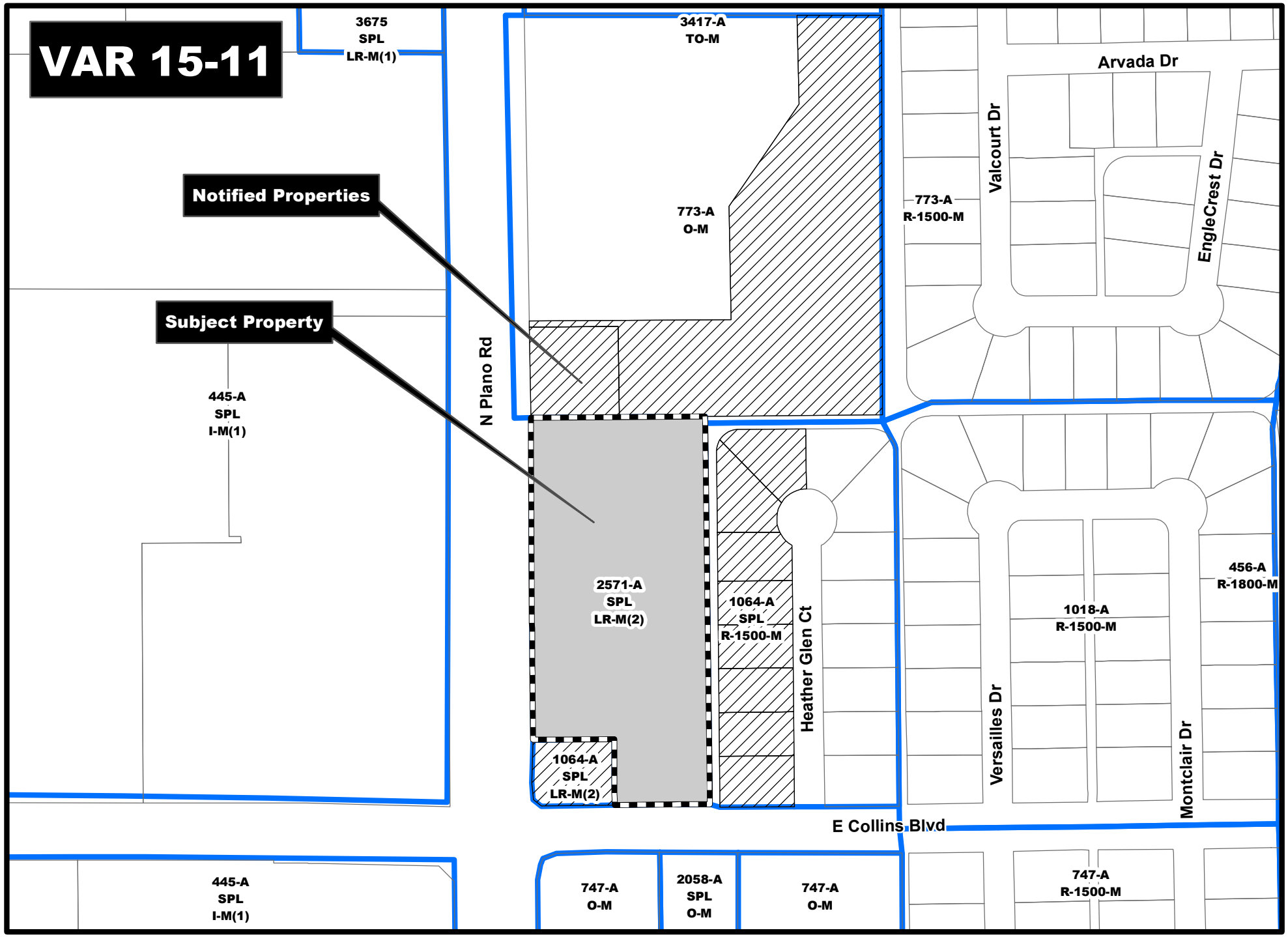
HINOJOSA JIMMY J & KYONG MI
1603 HEATHER GLEN CT
RICHARDSON, TX 75081-1909

MA JOHN ZHONGWEN & GRACE YU
2601 PERTH ST
DALLAS, TX 75220-1317

SEJ ASSET MANAGEMENT & IN
%7 ELEVEN INC ONE ARTS PLAZA
1722 ROUTH ST # 1000
DALLAS, TX 75201-2504

TOWN NORTH PRESBYTERIAN
CHURCH
1776 N PLANO RD
RICHARDSON, TX 75081-1914

VAR 15-11
Notification List



VAR 15-11

1600 N. Plano Road

ORDINANCE NO. 4121

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, BY REPEALING ORDINANCE 3858; SO AS TO GRANT A CHANGE IN ZONING FROM I-M(1) INDUSTRIAL WITH SPECIAL CONDITIONS AND C-M COMMERCIAL TO PD PLANNED DEVELOPMENT FOR C-M COMMERCIAL DISTRICT AND TO GRANT A SPECIAL PERMIT FOR A SELF-SERVICE WAREHOUSE ON A 4.71-ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF ARAPAHO ROAD, WEST OF CUSTER ROAD, RICHARDSON, TEXAS, AND BEING FURTHER DESCRIBED IN EXHIBIT "A"; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. (ZONING FILE 15-03).

WHEREAS, the City Plan Commission of the City of Richardson and the governing body of the City of Richardson, in compliance with the laws of the State of Texas and the ordinances of the City of Richardson, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That Ordinance No. 3858, adopted on March 26, 2012, is hereby repealed.

SECTION 2. That the Comprehensive Zoning Ordinance and Zoning Map of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, to grant a change in zoning from I-M(1) Industrial with special conditions and C-M Commercial to PD Planned Development for C-M Commercial District and to grant a Special Permit for a self-service warehouse on a 4.71-acre lot tract of land located on the north side of Arapaho Road, west of Custer Road, Richardson, Texas, and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 3. That the property shall be used and developed in accordance with the following development regulations.

Base Zoning District: The property shall be developed and used in accordance with the C-M Commercial District, except as otherwise provided herein.

Permitted Uses: No land shall be used and no building shall be erected for or converted to any use other than:

(a) Any use permitted in the C-M Commercial District.

(b) Self-service warehouse with Special Permit on Tract 1 in accordance with Exhibit B.

Concept Plan: The property shall be developed and used in accordance with the concept plan attached as Exhibit "B", and building elevations attached as Exhibits "C-1" and "C-2", which are hereby approved and made a part for all purposes.

Building Height Regulations: Maximum height for any building or structure for Tract I shall be 25 feet, not to exceed 2 stories, and in accordance with the elevations attached as Exhibits "C-1" and "C-2". Maximum height for any building or structure for Tract 2 shall be in accordance with the C-M Commercial District regulations.

Area Regulations:

(a) Setbacks shall be in accordance with C-M Commercial and Chapter 21, Section 47, except as otherwise provided below:

i. 20 feet from the north property line for Building A;
ii. 45 feet from the east property line for Building B;
iii. 25 feet from the north property line for Building D.

(b) Total floor area ratio for Tract 1 is 0.7:1. Total floor area ratio for Tract 2 is 0.6:1.

Landscape and Open Space:
Landscape and open space shall be provided as depicted on Exhibit "B". Required landscape and open space shall be calculated on the basis of the site area of each tract. A minimum of 3% of the gross area of Tract 1 shall be landscaped. A minimum of 18% of the gross area of Tract 2 shall be landscaped.

Arapaho Road Frontage Arapaho Road frontage, improvements including, but not limited to, driveway radii and driveway throat depths, shall be required to be made at such time development occurs on Tract 2. A 10-foot landscape buffer along Arapaho Road as depicted on the concept plan shall be required at the time of development of the self-service warehouse expansion/addition.

Signage: Signage is not permitted on the east and north elevations of Buildings A and B, and on the north elevation of Building C and D. Notwithstanding, noncommercial

signage such as directional signage, safety signage, and utility signage may be placed on such east and north elevations.

Tract 1 Lot Access: City Council, having received a recommendation from the City Plan Commission, finds in its judgment the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured and authorizes a variance to permit reasonable development and improvement of property where the literal enforcement of these regulations would result in an unnecessary hardship to provide that Tract 1 may be platted without frontage on a public street as long as access is provided to Arapaho Road.

Special Permit: A Special Permit for a self-service warehouse for Tract 1 is granted which shall be developed and used subject to the following special conditions:

(a) The self-service warehouse shall be constructed in substantial conformance with the Concept Plan attached as Exhibit "B" and Building Elevations attached as Exhibits "C-1" and "C-2".

(b) The Special Permit and any approved site plan or Concept Plan is conditionally granted for a term of twenty (20) years, beginning on March 26, 2012, and shall automatically terminate on March 26, 2032, unless renewed and approved as provided herein. The Special Permit may be renewed for two (2) additional time periods of five (5) years each upon submittal and approval of a new application by the property owner in compliance with the procedure for a change in zoning district classification at least 180 days prior to the date of the termination of the then current special permit time period.

(c) All outdoor storage and display is prohibited.

(d) Outdoor wall mounted lighting shall be limited to wall sconces with shields, mounted at a maximum height of eight (8) feet.

(e) Truck rental shall be allowed as an accessory use to the self-service warehouse use. The parking of trucks for rent shall be limited to the two (2) parking spaces as depicted on Exhibit "B".

SECTION 4. That the above-described tract of land shall be used in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Richardson, Texas, as heretofore amended, and subject to the aforementioned special conditions.

SECTION 5. That all provisions of the ordinances of the City of Richardson in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other

provisions of the ordinances of the City of Richardson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. That an offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 22nd day of June 2015.

APPROVED:

_____

MAYOR

APPROVED AS TO FORM:

_____

CITY ATTORNEY
(PGS:6-18-15:TM 72125)

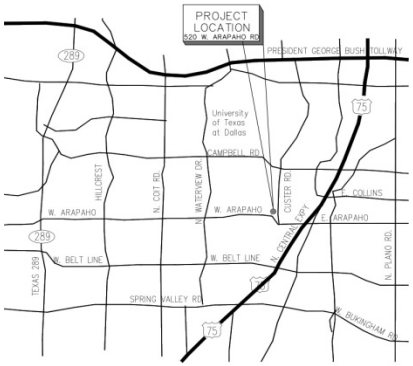
CORRECTLY ENROLLED:

_____

CITY SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION
ZF 15-03

BEING a 4.705-acre tract of land situated in the G.L. Blewett Survey, Abstract No. 185, and the John Edmonds Survey, Abstract No. 429, Dallas County, Texas; said tract being all of Lot 2B, Northrich Village No. 2 Addition, an addition to the City of Richardson, Texas according to the plat recorded in Document No. 201000329149 of the Official Public Records of Dallas County, Texas.



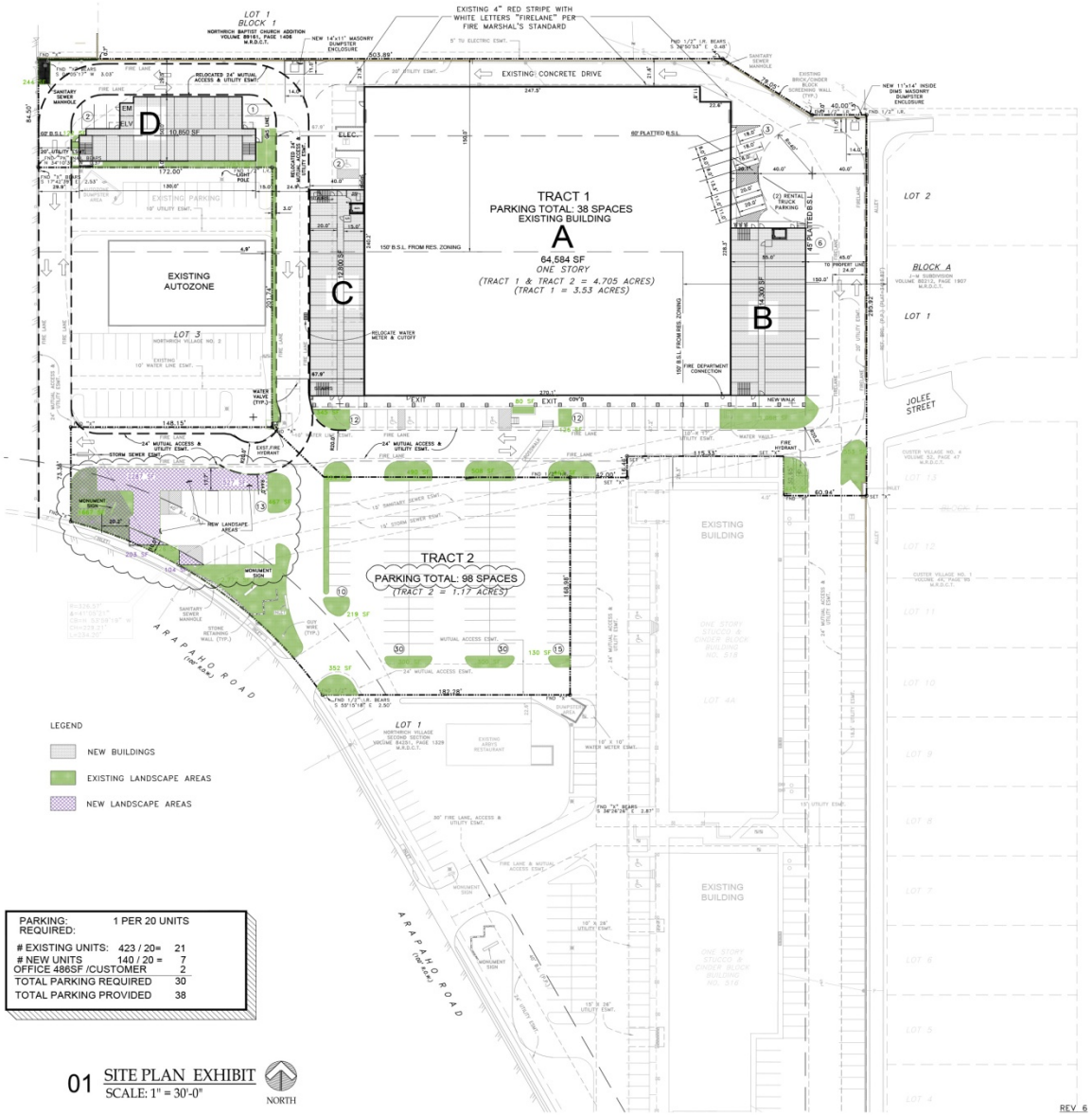
PROJECT SUMMARY:

1. Existing Zoning: I-M(1) with SPL permit for self service warehouse and C-M
2. Proposed Zoning: PD to accomodate self service warehouse and associated truck rental
3. Setbacks:
   - 40' B.S.L. - along Arapaho
   - 45' B.S.L. - along east P.L.
   - 60' B.S.L. - along north P.L.
   - -Exceptions at north P.L.
   - -20' B.S.L. for existing Bldg. A
   - -25' B.S.L. for proposed Bldg. D
4. Proposed Easements:
   - Relocate existing Utility Esmt. west of Bldg. A
   - Relocate 24' Utility access Esmt. north of Bldg. D, towards north P.L.

EXISTING AND PROPOSED BUILDING AREAS:

Building A	Existing 1story (15' a.f.f.)	
	1 st floor (423 units)	64,584 s.f.
	1 st floor (office)	s.f.
	total existing units	423 units
	total s.f. Building A	64,584 s.f.
Building B	New 2 story addition (25' max a.f.f.)	
	1 st floor (23 units)	7,150 s.f.
	2 nd floor (23 units)	7,150 s.f.
	total units	46 units
	total s.f. Building B	14,300 s.f.
Building C	New 2 story addition (25' max a.f.f.)	
	1 st floor (28 units)	6,400 s.f.
	2 nd floor (28 units)	6,400 s.f.
	total units	56 units
	total s.f.	12,800 s.f.
Building D	New 2 story addition (25' max a.f.f.)	
	1 st floor (19 units)	5,425 s.f.
	2 nd floor (19 units)	5,425 s.f.
	total units	38 units
	total s.f.	10,850 s.f.
TOTAL BUILDING ADDITION S.F. =		37,950 s.f.
TOTAL UNIT ADDITION =		(140 units)
TOTAL UNITS =		(563 units)
TOTAL BUILDING S.F. =		102,534 s.f.

TRACT	LOT AREA	LANDSCAPE AMT. REQ'D.	LANDSCAPE AMT. PROVIDED
1	3.53 ac 153,798 SF	4,613 SF (3.0%)	5,018 SF (3.26%)
2	1.17 AC 51,183 SF	9,213 SF (18.0%)	9,554 SF(18.67%)
TOTAL	204,949 SF 4.705 AC	14,165 SF (7.0%)	14,572 SF(7.11%)



PARKING REQUIRED:	1 PER 20 UNITS	
# EXISTING UNITS:	423 / 20=	21
# NEW UNITS	140 / 20 =	7
OFFICE 486SF /CUSTOMER		2
TOTAL PARKING REQUIRED		30
TOTAL PARKING PROVIDED		38

01 SITE PLAN EXHIBIT
SCALE: 1" = 30'-0"
NORTH

MAULDIN ARCHITECTS
San Antonio, Texas
Phone: 210-519-3197
E-mail Michael.Mauldin@gmail.net
www.MauldinArchitects.com

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION.

MICHAEL D. MAULDIN
TEXAS #16733

North Rich Arapaho Self Storage
Expansion
520 W. Arapaho
Richardson, Texas

REVISIONS
NO. DESCRIPTION DATE

DATE: 05/26/2015

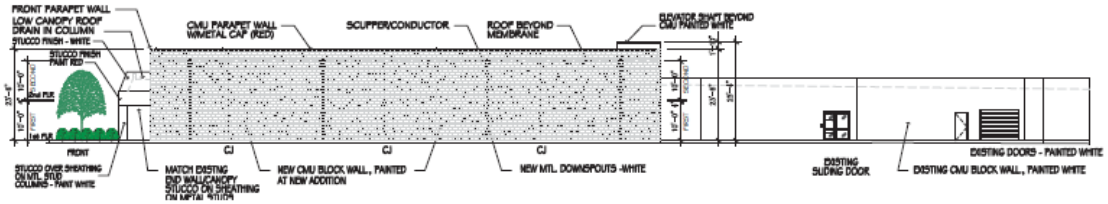
SHEET TITLE:
Preliminary Site Plan Exhibit

SHEET NUMBER:
ASP

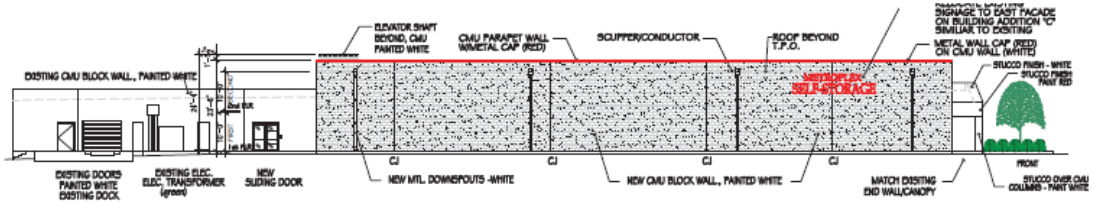
Exhibit B - Part of Ordinance

01 SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

ALL ADDITIONS ARE 100% MASONRY.



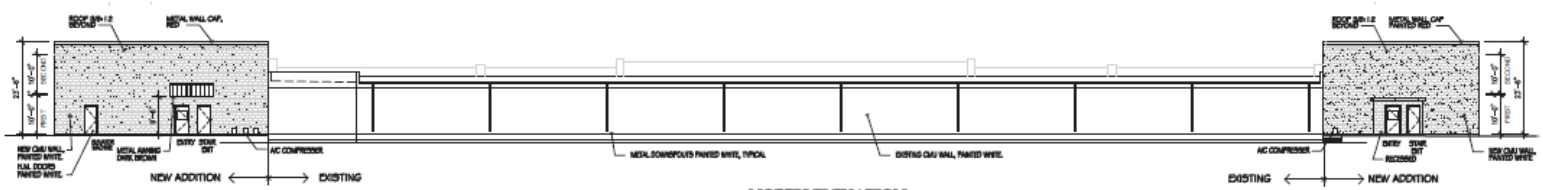
02 EAST ELEVATION
SCALE: 3/32" = 1'-0"



03 WEST ELEVATION
SCALE: 3/32" = 1'-0"

ALL SIGNAGE IS FOR ILLUSTRATIVE PURPOSES ONLY.

ALL ADDITIONS ARE 100% MASONRY.



04 NORTH ELEVATION
SCALE: 3/32" = 1'-0"

MAULDIN ARCHITECTS

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION.

MICHAEL D. MAULDIN TEXAS #16753

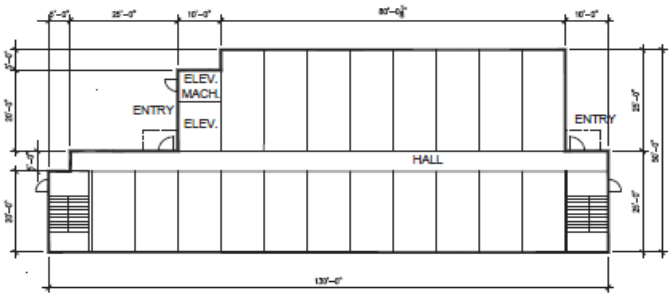
North Rich Arapaho Self Storage
Expansion
520 W. Arapaho
Richardson, Texas

DATE: 02/23/2015

SHEET TITLE: Exterior Elevations

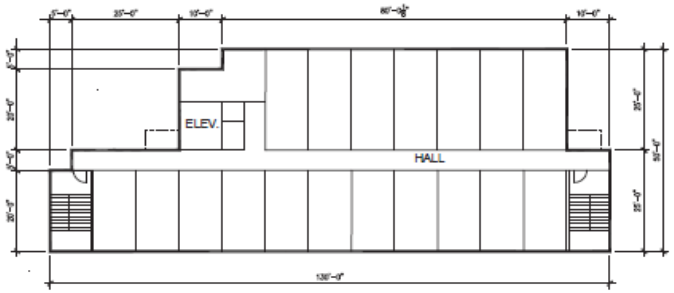
SHEET NUMBER: A2.1

Exhibit C-1 - Part of Ordinance



FIRST FLOOR PLAN - BLDG. D
5,425 SF PER FLOOR

NORTH

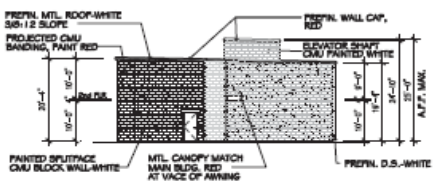


SECOND FLOOR PLAN - BLDG. D
5,425 SF PER FLOOR

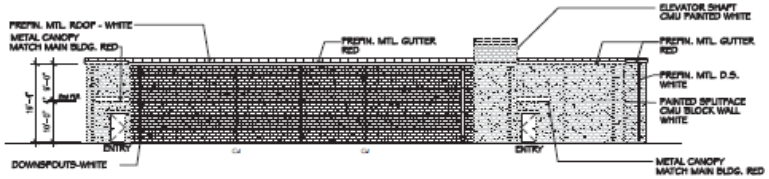
NORTH

UNIT LAYOUT MAY VARY

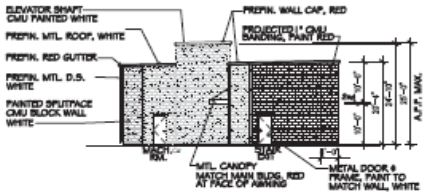
01 FLOOR PLANS FOR BUILDING D
SCALE: 3/32" = 1'-0"



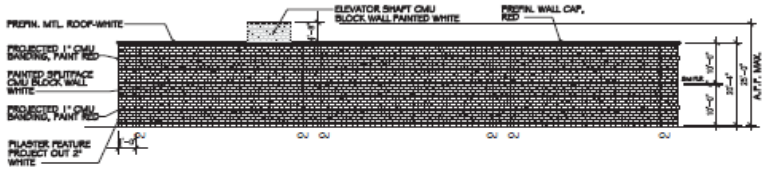
EAST ELEVATION - BLDG. D



NORTH ELEVATION - BLDG. D



WEST ELEVATION - BLDG. D



SOUTH ELEVATION - BLDG. D

ALL SIGNAGE IS FOR ILLUSTRATIVE PURPOSES ONLY.

BUILDING "D" IS 100% MASONRY.

02 ELEVATIONS FOR BUILDING D
SCALE: 3/32" = 1'-0"

ALL NEW BUILDINGS ARE 100% MASONRY.

MAULDIN ARCHITECTS

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

MICHAEL D. MAULDIN TEXAS #18733

North Rich Arapaho Self Storage
Expansion
520 W. Arapaho
Richardson, Texas

DATE: 02/23/2015

SHEET TITLE: Exterior Elevations

SHEET NUMBER: A2.2

Exhibit C-2 - Part of Ordinance

ORDINANCE NO. 4122

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, BY AMENDING AND RESTATING ORDINANCE NO. 4055 TO MODIFY THE PLANNED DEVELOPMENT STANDARDS TO PERMIT ADDITIONAL ACCESSORY STRUCTURES ON 1.763 ACRES LOCATED AT THE NORTHEAST QUADRANT OF OLD CAMPBELL ROAD AND NANTUCKET DRIVE, SAID TRACT BEING FURTHER DESCRIBED IN EXHIBIT "A"; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. (ZONING FILE 15-10).

WHEREAS, the City Plan Commission of the City of Richardson and the governing body of the City of Richardson, in compliance with the laws of the State of Texas and the ordinances of the City of Richardson, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and Zoning Map of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending and restating ordinance No. 4055 to permit additional accessory structures, and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2. That the Property shall be used and developed only in accordance with the following development regulations:

A. Purpose.

The purpose of this Planned Development District (the "District") is to allow for the development of a small, vacant parcel for residential uses.

B. Conceptual Plan.

The property shall be used and developed in conformance with the Conceptual Plan, attached hereto as "Exhibit B", and incorporated herein for all purposes.

C. Base Zoning District.

Except as otherwise provided expressly herein, the property shall be developed and used in accordance with Article XII-B of the Comprehensive Zoning Ordinance (RP-1500-M Patio Home District Regulations).

D. Maximum Dwelling Units.

Maximum of thirteen (13) patio home residential lots.

E. Building Regulations.

Types of Materials.

Principal Buildings. Principal buildings shall be constructed in accordance with Article XXII-F of the Comprehensive Zoning Ordinance (Residential Exterior Construction Standards), except that a minimum seventy (70) percent masonry construction for the exterior walls of residential structures shall be required within the district. Garage doors shall be shaker style doors constructed of anodized metal finished in either clear anodized or dark bronze with either anodized metal or glass panels.

F. Height Regulations.

Principal Buildings. Principal buildings shall not exceed two (2) stories in height. The first floor shall not exceed twenty-five (25) feet in height. The second story shall not exceed fifteen (15) feet in height.

G. Area Regulations.

(a) *Lot Area.* The minimum area of each lot shall be no less than 3600 square feet.

(b) *Lot Width.* All lots shall have a minimum width of thirty-six (36) feet at the front building line.

(c) *Lot Depth.* Except as otherwise provided herein, all lots shall have a minimum depth of one hundred (100) feet. Lot 13 may have a minimum depth of less than one hundred (100) feet, but shall be no less than 115 feet deep along the interior lot line.

(d) *Lot Coverage*. The lot coverage of all buildings shall not exceed ninety (90) percent of the area of the lot, estate, or other land on which the same is situated.

(e) *Front Setback*. Except as otherwise provided herein, there shall be a front setback of no less than five (5) feet. Garage doors shall have a minimum setback of seven (7) feet as measured from front property line to the center of the garage door face.

(f) *Side Setback*.

(1) Except as otherwise provided herein, one side of each lot shall be setback no less than 6 feet. The ordinary projections of a roof eave or cornice may extend into the required six (6) foot setback no more than eighteen (18) inches.

(2) Except as otherwise provided herein, one side of each lot shall have a setback of zero (0) inches (the "zero side") for no less than sixty (60) percent of the lot length. Lot 13 need not have a zero side. There shall be a minimum separation of six (6) feet between all buildings. The horizontal distance between all roof eaves of adjacent buildings shall be no less than three (3) feet. A cedar fence no less than six (6) feet in height shall be constructed on the zero side of each lot from the rear building line to the rear property line/wall. No masonry wall shall be required on the zero side of any lot.

(3) Each lot adjacent to the zero side of another lot shall dedicate a roof eave and access easement of no less than three (3) feet wide along the zero side of the adjacent lot so as to permit the zero-side property owner access for maintenance of his or her dwelling. The roof eave may encroach no more than eighteen (18) inches into the easement. A gutter and downspout shall be required along the zero setback side of the dwelling to ensure drainage is handled on the owner's property and said gutter system shall not be included in the calculation of the eave encroachment.

(4) No side setback shall be required from an interior side lot line for mechanical equipment (e.g., air conditioning units) or an uncovered porch or patio.

(g) *Rear Setback*. Except as otherwise provided herein, all lots shall have a rear setback of no less than five (5) feet.

(h) *Parking Regulations*.

(1) Two (2) off-street parking spaces, accessible from a driveway constructed of an approved parking surface, shall be provided on each residential lot in an enclosed, attached garage structure located behind the front building line to accommodate two motor vehicles for each

dwelling unit. No driveway parking shall be permitted. A minimum of twelve (12) visitor parking spaces, comprised of off-street parking spaces and on-street parallel parking spaces, shall be provided to serve the District. Said on-street parking spaces, contained within the right-of-way of Old Campbell Road and Nantucket Drive shall be a minimum of eight (8) feet in width and twenty-two (22) feet in length.

(2) No detached garages or carports shall be permitted in the District; nor may any lot owner convert the lot's enclosed garage into living space, or otherwise modify the enclosed garage in such a way as to permanently reduce the number of enclosed parking spaces within the garage to less than two (2).

H. Special Requirements.

(a) *Density*. The density in the District shall not exceed seven and one-half (7.5) dwelling units per acre.

(b) *Fences*. Where an individual privacy fence is perpendicular to any required screening wall, the fence may not be taller than the screening wall at the point of intersection between the fence and the screening wall. No privacy fence shall be constructed parallel to any required screening wall.

(c) *Accessory Buildings and Structures*. Lots containing dwelling units may not contain any accessory building(s) or structures other than stained cedar arbors, pergolas, decks, planters, above ground spas or trellises. Outdoor fireplaces and/or cooking grills are allowed; provided that they have proper screens and covers to contain sparks and embers from escaping. Said structures may be either attached or detached and may have rear and side setbacks of zero (0) inches provided, however, that no such structure is located within any maintenance easement adjacent to the rear or side setbacks.

(d) *Sidewalks*. Sidewalks shall not be required within the District.

(e) *Alleys*. Alleys shall not be required within the District.

(f) *Perimeter Screening Wall*. Any screening wall located along the perimeter of the District shall be maintained by the Homeowner's Association. A masonry wall no less than eight (8) feet in height shall be required along the northern and eastern property lines of the District as indicated on the Concept Plan.

(g) *Homeowners Association*. There shall be a mandatory Homeowner's Association (HOA) established and incorporated that shall be responsible for maintaining all common areas including planting areas, private drives, entry features, perimeter landscaping, screening walls, and fencing. Provisions for the maintenance shall be included in the homeowner's association documents, which shall be presented for review and approval by the city attorney as part of the submittal for the final plat of the subdivision. The HOA shall annually prepare a reserve budget for maintenance of the private drives and other improvements to the common properties that takes into account the number and nature of any replaceable assets the association owns or for which it is otherwise responsible, the expected life of each asset, and the expected repair or replacement cost. The HOA shall set the required capital contribution, if any, in an amount sufficient to permit meeting the projected needs of the association, as shown on the budget, with respect both to amount and timing by annual review to be performed by a CPA firm to verify the amount in the reserve fund and shall provide a copy of the review to the City of Richardson. If at any time the private drive is dedicated to, and accepted by the City of Richardson, the city shall be entitled to that portion of monies in the reserve fund allocated to maintenance, repair, and replacement of the drives dedicated.

(h) *Combined Lots*. At no time shall more than two (2) adjacent lots, as shown on the Concept Plan be combined into a single lot.

(i) *Non-radial Lot Lines*. Non-radial lot lines shall be permitted within the District.

(j) *Performance Standards*. For purposes of this District and Performance Standards in Article XXII-B of the Comprehensive Zoning Ordinance, the District shall not be considered a residential zoning district.

(k) *Lot Frontage*. Lots within the District need not front on any public street but shall front on the dedicated common private access drive to be maintained by the home owners association.

SECTION 3. That the above-described tract of land shall be used in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Richardson, Texas, as heretofore amended, and subject to the aforementioned special conditions.

SECTION 4. That all other provisions of the ordinances of the City of Richardson in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. That an offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 22nd day of June 2015.

APPROVED:

_____
MAYOR

APPROVED AS TO FORM:

_____
CITY ATTORNEY
(PGS:6-18-15:TM 72127)

CORRECTLY ENROLLED:

_____
CITY SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION
ZF 14-12

Being a tract of land, situated in the John Edmonds Survey, Abstract No. 429, in the City of Richardson, Dallas County, Texas, and being a part of Lot 1, Block A, of SWEET ADDITION, an addition to the City of Richardson, Dallas County, Texas, as recorded in Volume 78025, Page 2129, of the Map Records, Dallas County, Texas (M.R.D.C.T.), and also being a portion of that tract of land described by deed to Larry J. Ward and Barbara J. Ward, as recorded in Volume 90205, Page 4141, of the Deed Records, Dallas County, Texas (D.R.D.C.T.), said tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for the southeasterly corner of said Ward tract, same being in the northerly monumented line of Old Campbell Road, said corner bears S00°51'00"W, a distance of 5.00' from the southwesterly corner of Lot 3, Block A, of CAMPBELL ROAD SHOPPING CENTER II, an addition to the City of Richardson, as recorded in Volume 86010, Page 722, M.R.D.C.T.;

THENCE North 89°09'00" West, along the northerly monumented line of Old Campbell Road, same being the most easterly south line of said Ward tract, a distance of 319.76' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set (herein after referred to as a capped iron rod set) at the beginning of a curve to the right, having a radius of 204.60', a central angle of 89°36'57", and a chord which bears, North 44°20'32" West, a chord distance of 288.38';

Thence along said curve to the right, in a northwesterly direction, an arc length of 320.01' to a capped iron rod set at the end of said curve;

THENCE South 89°32'00" East, a distance of 5.00' to a capped iron rod set for corner in the easterly monumented line of Nantucket Street;

THENCE North 00°28'00" East, along said easterly monumented line of Nantucket Street, a distance of 6.30' to a capped iron rod set for the most westerly southwest corner of said Lot 1;

THENCE South 89°32'00" East, along the most westerly south line of said Lot 1, and partially over and across said Ward tract, a distance of 160.76' to a capped iron rod set in a southwesterly line of said Lot 1;

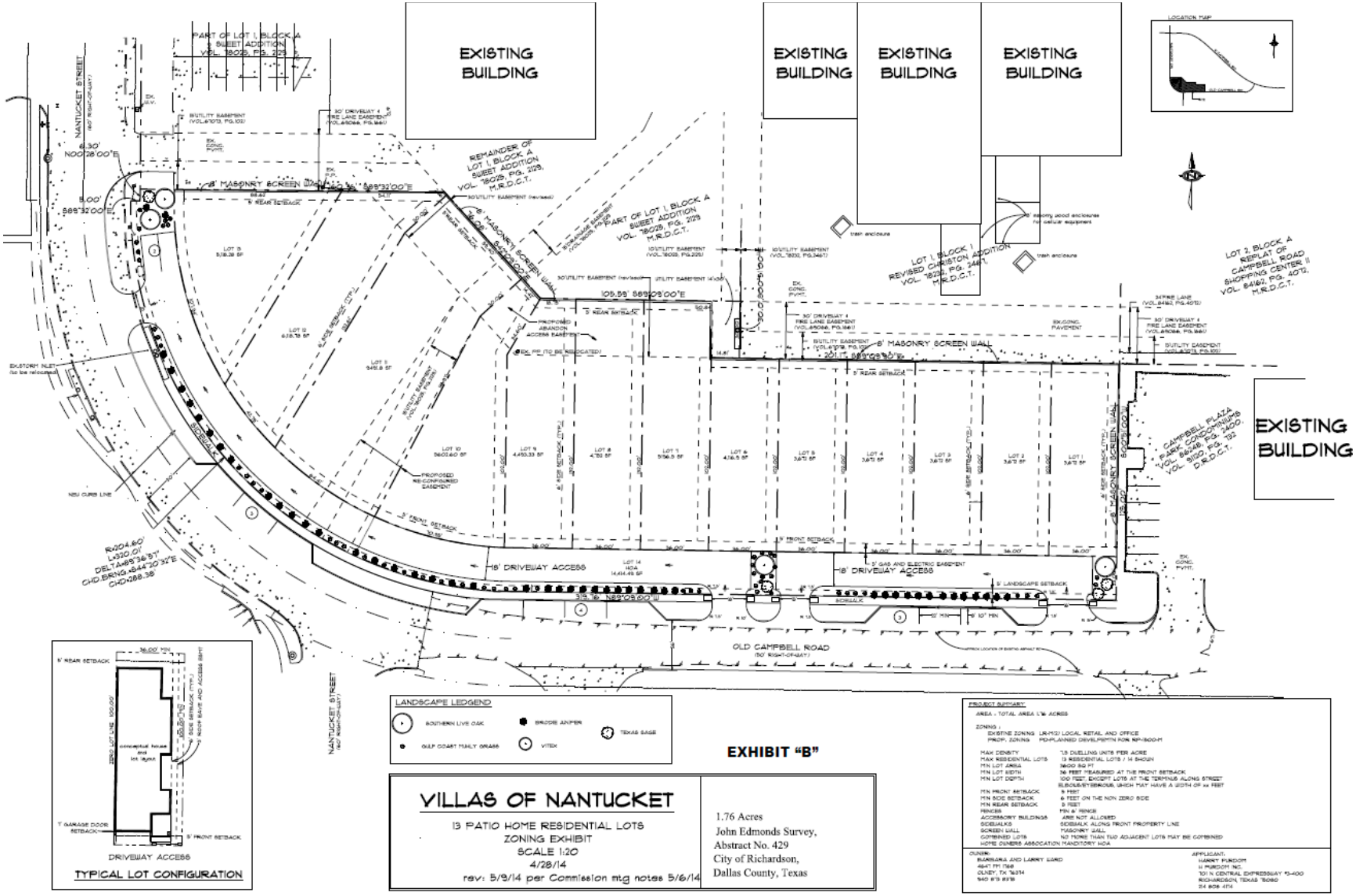
THENCE South 42°09'00" East, along said southwesterly line of Lot 1, a distance of 76.08' to a 1/2" iron rod found for corner;

THENCE South 89°09'00" East, along a common line between said Lot 1 and Ward tract, a distance of 105.59' to a 1/2" iron rod found for the southeasterly corner of said Lot 1, same being in the westerly line of Lot 1, Block 1, of the REVISED CHRISTON ADDITION, an addition to the City of Richardson, as recorded in Volume 78232, Page 2467, M.R.D.C.T.;

THENCE South 00°51'00" West, along said westerly line of Lot 1 (CHRISTON), a distance of 30.00' to a 1/2" iron rod found for the southwesterly corner of said Lot 1 (CHRISTON), same being an "ell" corner of said Ward tract;

THENCE South 89°09'00" East, along the southerly line of said Lot 1 (CHRISTON), same being the most easterly north line of said Ward tract, a distance of 201.17' to a 5/8" iron rod found for the southeasterly corner of said Lot 1 (CHRISTON), same being the northeasterly corner of said Ward tract, said corner also being the northwesterly corner of the aforementioned Lot 3, Block A, and also being the southwesterly corner of Lot 2, Block A, of the REPLAT OF CAMPBELL ROAD SHOPPING CENTER II, an addition to the City of Richardson, as recorded in Volume 84162, Page 4072, M.R.D.C.T.;

THENCE South 00°51'00" West, along the common line between said Ward tract and partially along said Lot 3, a distance of 125.00' to the POINT OF BEGINNING and containing 1.763 acres of land, more or less.


EXISTING BUILDING
EXISTING BUILDING
EXISTING BUILDING
EXISTING BUILDING
NANTUCKET STREET
8' MASONRY SCREEN WALL
8' DRIVEWAY ACCESS
OLD CAMPBELL ROAD
LANDSCAPE LEDGEND
SOUTHERN LIVE OAK
BRIDDE ARPEN
TEXAS SAGE
GULF COAST MUHLY GRASS
VITEX
EXHIBIT "B"
VILLAS OF NANTUCKET
13 PATIO HOME RESIDENTIAL LOTS
ZONING EXHIBIT
SCALE 1:20
4/28/14
rev: 5/9/14 per Commission mtg notes 5/6/14
1.76 Acres
John Edmonds Survey,
Abstract No. 429
City of Richardson,
Dallas County, Texas
DRIVEWAY ACCESS
TYPICAL LOT CONFIGURATION
PROJECT SUMMARY

RESOLUTION NO. 15-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS (HEREINAFTER REFERRED TO AS "APPLICANT"), DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE APPLICANT IN DEALING WITH THE COLLIN COUNTY PARKS AND OPEN SPACE BOARD (HEREINAFTER REFERRED TO AS "BOARD") FOR THE PURPOSE OF PARTICIPATING IN THE 2015 COLLIN COUNTY PARKS AND OPEN SPACE FUNDING ASSISTANCE PROGRAM (HEREINAFTER REFERRED TO AS THE "PROGRAM") CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANT MATCHING SHARE IS READILY AVAILABLE; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO SUBMIT AN APPLICATION FOR A GRANT FOR THE SPRING CREEK NATURE AREA TRAIL OUTSIDE LOOP CONNECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Commissioner's Court of Collin County, Texas, has approved the Program for the purpose of allowing the political subdivisions of Collin County, Texas, to participate in the Program; and

WHEREAS, the Applicant is fully eligible to receive assistance under the Program; and

WHEREAS, the Applicant desires to submit an application for funding for the Spring Creek Nature Area Trail Outside Loop Connection which consists of the construction of approximately 4,300 linear ft. of 10' wide trail in newly purchased land for the Spring Creek Nature Area which will connect Central Trail at Routh Creek Blvd. on the west side of the park and Renner Rd., meandering south on Plano Rd. to the trail in original SCNA property and which a concrete trail will allow access to the urban forest (the "Project");and

WHEREAS, the Applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with the Board concerning the Program; **NOW THEREFORE;**

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

SECTION 1: Applicant hereby certifies that it is eligible to receive assistance under the Program.

SECTION 2: The Applicant hereby certifies that its matching share for this application for Project in the amount of $214,250.00 is readily available at this time.

SECTION 3: The Applicant hereby authorizes and directs its City Manager, or the City Manager's designee to act for the Applicant in dealing with the Board for the purpose of the Program, and that Dan Johnson, or his designee is hereby officially designated as the representative in this regard.

SECTION 4: The Applicant hereby specifically authorizes the official to make application to the Board concerning the construction of Spring Creek Nature Area Trail Outside Loop Connection in the City of Richardson for use as a public trail; and that when the Spring Creek Nature Area Trail Outside Loop Connection is built it will be hereby dedicated for public park and recreation purposes in perpetuity.

SECTION 5: This Resolution shall become effective immediately from and after its passage and is, accordingly, so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Richardson, Texas, on this the 22nd day of June 2015.

CITY OF RICHARDSON, TEXAS

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

APPROVED AS TO FORM:

_____
CITY ATTORNEY
(PGS:6-18-15:TM 72142

RESOLUTION NO. 15-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS (HEREINAFTER REFERRED TO AS "APPLICANT"), DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE APPLICANT IN DEALING WITH THE COLLIN COUNTY PARKS AND OPEN SPACE BOARD (HEREINAFTER REFERRED TO AS "BOARD") FOR THE PURPOSE OF PARTICIPATING IN THE 2015 COLLIN COUNTY PARKS AND OPEN SPACE FUNDING ASSISTANCE PROGRAM (HEREINAFTER REFERRED TO AS THE "PROGRAM") CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANT MATCHING SHARE IS READILY AVAILABLE; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO SUBMIT AN APPLICATION FOR A GRANT FOR THE UNIVERSITY TRAIL PHASE II CONNECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Commissioner's Court of Collin County, Texas, has approved the Program for the purpose of allowing the political subdivisions of Collin County, Texas, to participate in the Program; and

WHEREAS, the Applicant is fully eligible to receive assistance under the Program; and

WHEREAS, the Applicant desires to submit an application for funding for the University Trail Phase II Connection which will extend the 10' trail north from Drive A (in Collin County) along the east side of Waterview Pkwy. to the intersection of Waterview and Synergy Drives, and which trail will continue east on the south side of Synergy Drive to Floyd Road, connecting with the existing University Trail Phase I (the "Project");and

WHEREAS, the Applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with the Board concerning the Program; **NOW THEREFORE;**

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

SECTION 1: Applicant hereby certifies that it is eligible to receive assistance under the Program.

SECTION 2: The Applicant hereby certifies that its matching share for this application for Project in the amount of $126,061.00 is readily available at this time.

SECTION 3: The Applicant hereby authorizes and directs its City Manager, or the City Manager's designee to act for the Applicant in dealing with the Board for the purpose of the

Program, and that Dan Johnson, or his designee is hereby officially designated as the representative in this regard.

SECTION 4: The Applicant hereby specifically authorizes the official to make application to the Board concerning the construction of University Trail Phase II Connection in the City of Richardson for use as a public trail; and that when the University Trail Phase II Connection is built it will be hereby dedicated for public park and recreation purposes in perpetuity.

SECTION 5: This Resolution shall become effective immediately from and after its passage and is, accordingly, so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Richardson, Texas, on this the 22nd day of June 2015.

CITY OF RICHARDSON, TEXAS

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

APPROVED AS TO FORM:

_____
CITY ATTORNEY
(PGS:6-18-15:TM 72144

RESOLUTION NO. 15-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 380, TEXAS LOCAL GOVERNMENT CODE, BY AND BETWEEN THE CITY OF RICHARDSON, TEXAS, AND REALPAGE, INC., A DELAWARE CORPORATION (AND ITS AFFILIATED AND RELATED ENTITIES) ("COMPANY"); PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Company is a leading software service company in the commercial real estate management industry; and

WHEREAS, Company intends to relocate its operations to City and lease approximately 387,000 square feet of office space in the building located at 2201 Lakeside Boulevard, Richardson, Texas (the "Leased Premises"), and intends to enter into a lease of the Leased Premises for a period of at least twelve (12) years (the "Lease"); and

WHEREAS, Company anticipates that the relocation of Company operations to the Leased Premises will create approximately 1,347 employment positions with an average annual salary of $77,000.00 before benefits, projected to increase to approximately 2,100 employment positions within five (5) years thereafter; and

WHEREAS, Company estimates that the Taxable Value of Tangible Personal Property to be located at the Leased Premises will be approximately $7 Million Dollars; and

WHEREAS, City desires to encourage business relocations and expansions within City that will add property tax base and generate additional sales tax and other revenue for City; and

WHEREAS, City has adopted programs for promoting economic development, and this Agreement and the economic development incentives set forth herein are given and provided by City pursuant to and in accordance with those programs; and

WHEREAS, City is authorized by Article III, Section 52-a of the Texas Constitution and Texas Local Government Code Chapter 380 to provide economic development grants to promote local economic development and to stimulate business and commercial activity in City; and

WHEREAS, City has determined that making economic development grants to Company in accordance with this Agreement is in accordance with City Economic Development Program and will: (i) further the objectives of City; (ii) benefit City and City's inhabitants; and (iii) will promote local economic development and stimulate business and commercial activity in City.

WHEREAS, City Council desires to authorize the City Manager to negotiate and enter into one or more economic development agreements with Company pursuant to Chapter 380 of the Texas Local Government Code; **NOW THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That the City Manager, or designee, is hereby authorized to negotiate and execute one or more Economic Development Agreements pursuant to Chapter 380 of the Texas Local Government Code (and any amendments thereto, including any related instruments), on behalf of the City of Richardson, Texas, with RealPage, Inc., a Delaware corporation (and its affiliated and related entities), in accordance with the following criteria: (a) Company relocating its operations to City and leasing approximately 387,000 square feet of office space in the building located at 2201 Lakeside Boulevard, Richardson, Texas (or other leased premises in the City), for a period of at least twelve (12) years; (b) City providing twelve (12) Annual Business Personal Property Grants, each in an amount equal to equal to fifty percent (50%) of the ad valorem taxes assessed by City against the Tangible Personal Property located at the Leased Premises and collected by City; (c) City providing twelve (12) Annual Real Property Grants, each in an amount equal to fifty percent (50%) of the Grant Year Taxes for the applicable Grant Year in excess of the Base Year Taxes calculated as follows: (Grant Year Taxes - Base Year Taxes) x (50%); (c) providing an option to the Company to increase the percentage for the Annual Real Property and Annual BPP Grants for the first five (5) Grant Periods up to a maximum of eighty percent (80%) for any given Tax Year provided the total cumulative average of the percentage for the respective Annual Real Property Grant and the Annual BPP Grant in this Agreement does not exceeded fifty percent (50%); (d) providing twenty-four (24) Sales Tax Grants, each in the amount equal to seventy-five percent (75%) of the Sales Tax Receipts

received by City for the applicable six-month Sales Tax Reporting Period; (e) City waiving building permit fees and other development fees; and (f) such agreement(s) containing the usual and customary terms and conditions for an economic development agreement pursuant to Chapter 380, Texas Local Government Code.

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

SECTION 3. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Resolution be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Resolution which shall remain in full force and effect.

SECTION 4. That this Resolution shall become effective immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Richardson, Texas, on this the 22nd day of June 2015.

CITY OF RICHARDSON, TEXAS

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

APPROVED AS TO FORM:

_____
PETER G. SMITH, CITY ATTORNEY
(PGS:6-18-15:TM 72082)

RESOLUTION NO. 15-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2014 AND 2015 RATE REVIEW MECHANISM FILINGS; APPROVING A SETTLEMENT AGREEMENT WITH ATTACHED RATE TARIFFS AND PROOF OF REVENUES; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richardson, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of similarly-situated cities served by Atmos Mid-Tex ("ACSC Cities") that have joined together to facilitate the review of and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the initial RRM Tariff was in effect for four (4) years; and

WHEREAS, ACSC Cities and Atmos Mid-Tex entered into another settlement agreement and revised the RRM Tariff; and

WHEREAS, ACSC Cities and Atmos Mid-Tex compromised and reached agreements on the amount of the rate increases to be in effect for the RRM Tariff filings for 2012 and 2013; and

WHEREAS, ACSC Cities and Atmos Mid-Tex were unable to reach an agreement on the 2014 RRM Tariff filing, resulting in the ACSC Cities' rejection of the 2014 RRM filing; and

WHEREAS, Atmos Mid-Tex appealed the ACSC Cities' actions rejecting its 2014 RRM filing to the Railroad Commission of Texas ("Commission"), pursuant to the provisions of the RRM Tariff; and

WHEREAS, Atmos Mid-Tex and ACSC litigated the appeal of the 2014 RRM filing at the Commission; and

WHEREAS, on February 27, 2015, Atmos Mid-Tex filed its 2015 RRM Tariff filing, requesting to increase natural gas base rates system-wide by $28.762 million; and

WHEREAS, ACSC coordinated its review of Atmos Mid-Tex RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, Atmos Mid-Tex has agreed to withdraw its appeal of ACSC's rejection of its 2014 RRM Tariff rate increase; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve the attached Settlement Agreement (Attachment A to this Resolution) as well as the tariffs attached thereto, resolving both the 2014 and the 2015 RRM Tariff filings, which together will increase the Company's revenues by $65.7 million over the amount allowed under City-approved rates set in 2013; and

WHEREAS, the attached tariffs implementing new rates are consistent with the negotiated Settlement Agreement and are just, reasonable, and in the public interest; and

WHEREAS, the RRM Tariff should be renewed for a period of time commencing in 2016 and continuing until the RRM Tariff is suspended by ordinance of the City; and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

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

SECTION 1. That the findings set forth in this Resolution are hereby in all things approved.

SECTION 2. That the City Council finds that the Settlement Agreement (Attachment A to this Resolution) represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising

from Atmos Mid-Tex's 2014 and 2015 RRM filings, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

SECTION 3. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment C, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional $65.7 million in revenue over the amount allowed under currently approved rates, or $21 million over currently-billed rates, as shown in the Proof of Revenues attached hereto and incorporated herein as Attachment B; such tariffs are hereby adopted.

SECTION 4. That the ratemaking treatment for pensions and other post-employment benefits in Atmos' next RRM filing shall be as set forth on Attachment D, attached hereto and incorporated herein.

SECTION 5. That in an effort to streamline the regulatory review process, the Atmos Mid-Tex RRM Tariff is renewed for a period commencing with the Company's March 1, 2016 RRM filing for calendar year 2015, effective June 1, 2016, and continuing thereafter until such time as the City adopts an ordinance suspending operation of the RRM Tariff.

SECTION 6. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's RRM application.

SECTION 7. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 8. That consistent with the City ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after June 1, 2015.

SECTION 9. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

SECTION 10. That all provisions of the resolutions of the City of Richardson, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

SECTION 11. That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

SECTION 12. That this Resolution shall become effective immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Richardson, Texas, on this the 22nd day of June 2015.

CITY OF RICHARDSON, TEXAS

_____

MAYOR

ATTEST:

_____

CITY SECRETARY

APPROVED AS TO FORM:

_____

PETER G. SMITH, CITY ATTORNEY
(PGS:5-14-15:TM 71568)

Attachment A

SETTLEMENT AGREEMENT BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION AND ATMOS CITIES STEERING COMMITTEE

WHEREAS, this agreement ("Settlement Agreement") is entered into by Atmos Energy Corp's Mid-Tex Division and Atmos Cities Steering Committee ("ACSC") whose members include the Cities of Abilene, Addison, Allen, Alvarado, Angus, Anna, Argyle, Arlington, Aubrey, Bedford, Bellmead, Benbrook, Beverly Hills, Blossom, Blue Ridge, Bowie, Boyd, Bridgeport, Brownwood, Buffalo, Burkburnett, Burleson, Caddo Mills, Canton, Carrollton, Cedar Hill, Celeste, Celina, Centerville, Cisco, Clarksville, Cleburne, Clyde, College Station, Colleyville, Colorado City, Comanche, Commerce, Coolidge, Coppell, Copperas Cove, Corinth, Corral City, Crandall, Crowley, Dalworthington Gardens, Denison, DeSoto, Duncanville, Eastland, Edgecliff Village, Emory, Ennis, Euless, Everman, Fairview, Farmers Branch, Farmersville, Fate, Flower Mound, Forest Hill, Fort Worth, Frisco, Frost, Gainesville, Garland, Garrett, Grand Prairie, Grapevine, Gunter, Haltom City, Harker Heights, Haskell, Haslet, Hewitt, Highland Park, Highland Village, Honey Grove, Hurst, Hutto, Iowa Park, Irving, Justin, Kaufman, Keene, Keller, Kemp, Kennedale, Kerens, Kerrville, Killeen, Krum, Lake Worth, Lakeside, Lancaster, Lewisville, Lincoln Park, Little Elm, Lorena, Madisonville, Malakoff, Mansfield, McKinney, Melissa, Mesquite, Midlothian, Murphy, Newark, Nocona, North Richland Hills, Northlake, Oakleaf, Ovilla, Palestine, Pantego, Paris, Parker, Pecan Hill, Petrolia, Plano, Ponder, Pottsboro, Prosper, Quitman, Red Oak, Reno (Parker County), Richardson, Richland, Richland Hills, Roanoke, Robinson, Rockwall, Roscoe, Rowlett, Royse City, Sachse, Saginaw, Sansom Park, Seagoville, Sherman, Snyder, Southlake, Springtown, Stamford, Stephenville, Sulphur Springs, Sweetwater, Temple, Terrell, The Colony, Trophy Club, Tyler, University Park, Venus, Vernon, Waco, Watauga, Waxahachie, Westlake, White Settlement, Whitesboro, Wichita Falls, Woodway, and Wylie.

WHEREAS, on February 28, 2014, Atmos filed with the ACSC Cities an application, hereinafter referred to as the 2014 RRM filing, to adjust rates pursuant to Rider RRM - Rate Review Mechanism, which were subsequently consolidated into GUD No. 10359 at the Railroad Commission of Texas; and

WHEREAS, on February 27, 2015, Atmos filed with the ACSC Cities an application, hereinafter referred to as the 2015 RRM filing, to adjust rates pursuant to Rider RRM - Rate Review Mechanism; and

WHEREAS, the Settlement Agreement resolves all issues between Atmos and ACSC ("the Signatories") regarding the 2014 RRM filing, which is currently pending before the Commission, and the 2015 RRM filing, which is currently pending before the ACSC Cities, in a manner that the Signatories believe is consistent with the public interest, and the Signatories represent diverse interests; and

WHEREAS, the Signatories believe that the resolution of the issues raised in the 2014 RRM filing and the 2015 RRM filing can best be accomplished by each ACSC City approving this Settlement Agreement and the rates, terms and conditions reflected in the tariffs attached to this Settlement Agreement as Exhibit A;

NOW, THEREFORE, in consideration of the mutual agreements and covenants established herein, the Signatories, through their undersigned representatives, agree to the

following Settlement Terms as a means of fully resolving all issues between Atmos and the ACSC Cities involving the 2014 RRM filing and 2015 RRM filing:

Settlement Terms

1. Upon the execution of this Settlement Agreement, the ACSC Cities will approve an ordinance or resolution to approve the Settlement Agreement and implement the rates, terms and conditions reflected in the tariffs attached to the Settlement Agreement as Exhibit A. (Attachment A to the Ordinance ratifying the Agreement). Said tariffs should allow Atmos to recover annually an additional $65.7 million in revenue over the amount allowed under currently approved rates by implementation of rates shown in the proof of revenues attached as Exhibit B. (Attachment B to the Ordinance ratifying this Agreement). The uniform implementation of gas rates, terms and conditions established by the Settlement Agreement shall be effective for bills rendered on or after June 1, 2015. Consistent with the City's authority under Section 103.001 of the Texas Utilities Code, the Settlement Agreement represents a comprehensive settlement of gas utility rate issues affecting the rates, operations and services offered by Atmos within the municipal limits of the ACSC Cities arising from Atmos' 2014 RRM filing and 2015 RRM filing. No refunds of charges billed to customers by Atmos under the RRM in past periods shall be owed or owing.

2. In an effort to streamline the regulatory review process, Atmos and the ACSC Cities have agreed to renew the Rate Review Mechanism ("Rider RRM") for a period commencing with the Company's March 1, 2016 filing under this mechanism for the calendar year 2015, effective June 1, 2016, and continuing thereafter until such time as either the ACSC Cities issue an ordinance stating a desire to discontinue the operation of the tariff or Atmos files a Statement of Intent. Atmos and the ACSC Cities further agree that the RRM tariff shall remain in effect until such time as new, final rates are established for Atmos. Upon approval of this Settlement Agreement by the ACSC Cities, Atmos shall file an updated RRM Tariff with each city reflecting the provisions of this agreement.

3. Atmos and the ACSC Cities agree that rate base as of December 31, 2014 in the amount of $1,955,948,256 is just and reasonable and shall be recovered in rates.

4. Atmos and the ACSC Cities agree that a pension and other postemployment benefits balance as of December 31, 2014 in the amount of $18,284,949 is just and reasonable and shall be used as the beginning balance for purposes of determining pension and other postemployment benefits to be recovered in the next RRM filing (Attachment D to the Ordinance ratifying the Agreement).

5. With regard to the treatment of Atmos' Rule 8.209 regulatory asset under the RRM, Atmos and the ACSC Cities agree to the following with respect to any pending and future RRM filings:

    a. the capital investment in the Rule 8.209 regulatory asset in the 2014 RRM filing and 2015 RRM filing is reasonable and consistent with the requirements of Rule 8.209;

b. the classification of projects included in the Rule 8.209 regulatory asset in the 2014 RRM filing and 2015 RRM filing is reasonable and consistent with the requirements of Rule 8.209 and shall serve as a basis for classification of projects in future RRM filings;

c. the treatment of blanket replacement projects, system upgrades, relocations, and transmission line replacements in the Rule 8.209 regulatory asset in the 2014 RRM filing and 2015 RRM filing is reasonable and consistent with the requirements of Rule 8.209 and shall be included in future RRM filings.

d. the incurred expenses included in the Rule 8.209 regulatory asset in the 2014 RRM and the 2015 RRM are reasonable and consistent with the requirements of Rule 8.209 and shall be included in future RRM filings;

e. interest on the Rule 8.209 regulatory asset account shall be calculated using the pre-tax cost of capital most recently approved by the Commission. The use of the pre-tax cost of capital is consistent with Rule 8.209. A return on Rule 8.209 capital investment is only earned once the investment is included in rate base. No change in the Company's calculation of the interest component in its Rule 8.209 regulatory asset accounts is warranted through the period ended May 31, 2015. Beginning June 1, 2015, interest expense shall be calculated monthly using simple interest (*i.e.* 11.49% divided by 12, or approximately 0.96% per month) applied to the total value of the Rule 8.209 asset investment (exclusive of interest) until such time the Rule 8.209 regulatory asset is approved for inclusion in the Company's rate base.

f. While Atmos and the ACSC Cities agree to apply the treatments and methodologies set forth in this paragraph, subsections (a) – (e) in all future RRM filings, the regulatory authority retains its right to disallow any capital investment that is not shown to be prudently incurred, and any expense not shown to be reasonable and necessary, in future RRM filings.

g. Atmos and the ACSC Cities acknowledge that their agreement regarding the treatment and methodologies applicable to Rule 8.209 capital investments under the RRM tariff shall not prejudice the right of either party to argue for different treatments or methodologies in a future statement of intent proceeding.

6. Revenues approved pursuant to Paragraph 1 of the Settlement Agreement include reimbursement of rate case expenses owed to the ACSC Cities in connection with the 2014 RRM filing.

7. The Signatories agree that each ACSC city shall approve this Settlement Agreement and adopt an ordinance or resolution to implement for the ACSC Cities the rates, terms, and conditions reflected in the tariffs attached to the Settlement Agreement as Exhibit A. Atmos and ACSC further agree that at such time as all of the ACSC Cities have passed an ordinance or resolution consistent with the Settlement and Atmos has received such ordinance or resolution, Atmos shall withdraw its appeal of the currently pending RRM filing before the Railroad Commission of Texas in connection with the 2014 RRM filing.

8. Atmos and the ACSC Cities further agree that the express terms of the Rider RRM are supplemental to the filing, notice, regulatory review, or appellate procedural process of the ratemaking provisions of Chapter 104 of the Texas Utilities Code. If the statute requires a mandatory action on behalf of the municipal regulatory authority or Atmos, the parties will follow the provisions of such statute. If the statute allows discretion on behalf of the municipal regulatory authority, the ACSC Cities agree that they shall exercise such discretion in such a way as to implement the provisions of the RRM tariff. If Atmos appeals an action or inaction of an ACSC City regarding an RRM filing to the Railroad Commission, the ACSC Cities agree that they will not oppose the implementation of interim rates or advocate the imposition of a bond by Atmos consistent with the RRM tariff. Atmos agrees that it will make no filings on behalf of its Mid-Tex Division under the provisions of Section 104.301 of the Texas Utilities code while the Rider RRM is in place. In the event that a regulatory authority fails to act or enters an adverse decision regarding the proposed annual RRM adjustment, the Railroad Commission of Texas shall have exclusive appellate jurisdiction, pursuant to the provisions of the Texas Utilities Code, to review the action or inaction of the regulatory authority exercising exclusive original jurisdiction over the RRM request. In addition, the Signatories agree that this Settlement Agreement shall not be construed as a waiver of the ACSC Cities' right to initiate a show cause proceeding or the Company's right to file a Statement of Intent under the provisions of the Texas Utilities Code.

9. The Signatories agree that the terms of the Settlement Agreement are interdependent and indivisible, and that if any ACSC city enters an order that is inconsistent with this Settlement Agreement, then any Signatory may withdraw without being deemed to have waived any procedural right or to have taken any substantive position on any fact or issue by virtue of that Signatory's entry into the Settlement Agreement or its subsequent withdrawal. If any ACSC city rejects this Settlement Agreement, then this Settlement Agreement shall be void *ab initio* and counsel for the ACSC Cities shall thereafter only take such actions as are in accordance with the Texas Disciplinary Rules of Professional Conduct.

10. The Signatories agree that all negotiations, discussions and conferences related to the Settlement Agreement are privileged, inadmissible, and not relevant to prove any issues associated with Atmos' 2014 RRM filing and 2015 RRM filing.

11. The Signatories agree that neither this Settlement Agreement nor any oral or written statements made during the course of settlement negotiations may be used for any purpose other than as necessary to support the entry by the ACSC Cities of an ordinance or resolution implementing this Settlement Agreement.

12. The Signatories agree that this Settlement Agreement is binding on each Signatory only for the purpose of settling the issues set forth herein and for no other purposes, and, except to the extent the Settlement Agreement governs a Signatory's rights and obligations for future periods, this Settlement Agreement shall not be binding or precedential upon a Signatory outside this proceeding.

13. The Signatories agree that this Settlement Agreement may be executed in multiple counterparts and may be filed with facsimile signatures.

Agreed to this 7 day of May, 2015.

ATMOS ENERGY CORP., MID-TEX DIVISION

By: John A. Paris

John A. Paris
President, Mid-Tex Division

Attachment A

Agreed to this 7th day of May 2015.

ATTORNEY FOR ATMOS CITIES STEERING COMMITTEE, WHOSE MEMBERS INCLUDE THE CITIES OF ABILENE, ADDISON, ALLEN, ALVARADO, ANGUS, ANNA, ARGYLE, ARLINGTON, AUBREY, BEDFORD, BELLMEAD, BENBROOK, BEVERLY HILLS, BLOSSOM, BLUE RIDGE, BOWIE, BOYD, BRIDGEPORT, BROWNWOOD, BUFFALO, BURKBURNETT, BURLESON, CADDO MILLS, CANTON, CARROLLTON, CEDAR HILL, CELESTE, CELINA, CENTERVILLE, CISCO, CLARKSVILLE, CLEBURNE, CLYDE, COLLEGE STATION, COLLEYVILLE, COLORADO CITY, COMANCHE, COMMERCE, COOLIDGE, COPPELL, COPPERAS COVE, CORINTH, CORRAL CITY, CRANDALL, CROWLEY, DALWORTHINGTON GARDENS, DENISON, DESOTO, DUNCANVILLE, EASTLAND, EDGECLIFF VILLAGE, EMORY, ENNIS, EULESS, EVERMAN, FAIRVIEW, FARMERS BRANCH, FARMERSVILLE, FATE, FLOWER MOUND, FOREST HILL, FORT WORTH, FRISCO, FROST, GAINESVILLE, GARLAND, GARRETT, GRAND PRAIRIE, GRAPEVINE, GUNTER, HALTOM CITY, HARKER HEIGHTS, HASKELL, HASLET, HEWITT, HIGHLAND PARK, HIGHLAND VILLAGE, HONEY GROVE, HURST, HUTTO, IOWA PARK, IRVING, JUSTIN, KAUFMAN, KEENE, KELLER, KEMP, KENNEDALE, KERENS, KERRVILLE, KILLEEN, KRUM, LAKE WORTH, LAKESIDE, LANCASTER, LEWISVILLE, LINCOLN PARK, LITTLE ELM, LORENA, MADISONVILLE, MALAKOFF, MANSFIELD, MCKINNEY, MELISSA, MESQUITE, MIDLOTHIAN, MURPHY, NEWARK, NOCONA, NORTH RICHLAND HILLS, NORTHLAKE, OAKLEAF, OVILLA, PALESTINE, PANTEGO, PARIS, PARKER, PECAN HILL, PETROLIA, PLANO, PONDER, POTTSBORO, PROSPER, QUITMAN, RED OAK, RENO (PARKER COUNTY), RICHARDSON, RICHLAND, RICHLAND HILLS, ROANOKE, ROBINSON, ROCKWALL, ROSCOE, ROWLETT, ROYSE CITY, SACHSE, SAGINAW, SANSOM PARK, SEAGOVILLE, SHERMAN, SNYDER, SOUTHLAKE, SPRINGTOWN, STAMFORD, STEPHENVILLE, SULPHUR SPRINGS, SWEETWATER, TEMPLE, TERRELL, THE COLONY, TROPHY CLUB, TYLER, UNIVERSITY PARK, VENUS, VERNON, WACO, WATAUGA, WAXAHACHIE, WESTLAKE, WHITE SETTLEMENT, WHITESBORO, WICHITA FALLS, WOODWAY, AND WYLIE.

By: Geoffrey Gay

Geoffrey Gay*

* Subject to approval by ACSC City Councils

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RRC Tariff No:

RATE SCHEDULE:	**C – COMMERCIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 06/01/2015**	**PAGE:**

Application
Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	$ 40.00 per month
Rider CEE Surcharge	$ 0.00 per month[1]
Total Customer Charge	$ 40.00 per month
Commodity Charge – All Ccf	$ 0.08020 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement
An Agreement for Gas Service may be required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

1 Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2014.

RATE SCHEDULE:	**I – INDUSTRIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 06/01/2015**	**PAGE:**

Application
Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	$ 700.00 per month
First 0 MMBtu to 1,500 MMBtu	$ 0.2937 per MMBtu
Next 3,500 MMBtu	$ 0.2151 per MMBtu
All MMBtu over 5,000 MMBtu	$ 0.0461 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee
Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index
In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RRC Tariff No:

RATE SCHEDULE:	**I – INDUSTRIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 06/01/2015**	**PAGE:**

Agreement
An Agreement for Gas Service may be required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions
In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

RATE SCHEDULE:	**R – RESIDENTIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 06/01/2015**	**PAGE:**

Application
Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	$ 18.60 per month
Rider CEE Surcharge	$ 0.02 per month[1]
Total Customer Charge	$ 18.62 per month
Commodity Charge – All Ccf	$0.09931 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement
An Agreement for Gas Service may be required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

[1]Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2014.

RATE SCHEDULE:	**T – TRANSPORTATION**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 06/01/2015**	**PAGE:**

Application
Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	$ 700.00 per month
First 0 MMBtu to 1,500 MMBtu	$ 0.2937 per MMBtu
Next 3,500 MMBtu	$ 0.2151 per MMBtu
All MMBtu over 5,000 MMBtu	$ 0.0461 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees
All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees
Customer shall pay Company the greater of (i) $0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

RATE SCHEDULE:	**T – TRANSPORTATION**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 06/01/2015**	**PAGE:**

Curtailment Overpull Fee
Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index
In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement
A transportation agreement is required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions
In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	**WNA – WEATHER NORMALIZATION ADJUSTMENT**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 11/01/2015**	**PAGE:**

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the ith rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the ith schedule or classification.

HSF_i = heat sensitive factor for the ith schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

BI_i = base load sales for the ith schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the jth customer in ith rate schedule is computed as:

$$WNA_i = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the jth customer in ith rate schedule.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	**WNA – WEATHER NORMALIZATION ADJUSTMENT**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 11/01/2015**	**PAGE:**

Base Use/Heat Use Factors

	Residential		Commercial	
Weather Station	Base use Ccf	Heat use Ccf/HDD	Base use Ccf	Heat use Ccf/HDD
Abilene	10.22	0.1404	98.80	0.6372
Austin	11.59	0.1443	213.62	0.7922
Dallas	14.12	0.2000	208.11	0.9085
Waco	9.74	0.1387	130.27	0.6351
Wichita Falls	11.79	0.1476	122.35	0.5772

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and a Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

Exhibit B

ATMOS ENERGY CORP., MID-TEX DIVISION
PROOF OF REVENUES AND PROPOSED TARIFF STRUCTURE
TEST YEAR ENDING DECEMBER 31, 2014

	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Change In Rates:		$21,066,527	Schedule A			
2	Proposed Change In Rates without Revenue Related Taxes:		$19,757,254	Ln 1 divided by factor on WP_F-5.1			
3							
4							
5							
6		Revenue Requirements	Allocations				
7	Residential	$ 338,431,486	77.95%	Per GUD 10170 Final Order			
8	Commercial	$ 84,223,622	19.40%	Per GUD 10170 Final Order			
9	Industrial and Transportation	$ 11,490,316	2.65%	Per GUD 10170 Final Order			
10	Net Revenue Requirements GUD No. 10170	$ 434,145,424					
11							
12							
17							
18	Rate Class	Current	Proposed Change	Proposed Rates	Proposed Change In Revenues	Proposed Revenues	Proposed Rates with Rate Case Expenses
19							
20	Residential Base Charge	$ 18.20	$ 0.36	$ 18.56	$ 6,351,350	$ 327,447,398	$ 18.60
21	Residential Consumption Charge	$ 0.08819	$ 0.01112	$ 0.09931	$ 9,049,383	$ 80,817,829	$ 0.09931
22	Commercial Base Charge	$ 38.50	$ 1.37	$ 39.87	$ 2,000,584	$ 58,221,364	$ 40.00
23	Commercial Consumption Charge	$ 0.07681	$ 0.00339	$ 0.08020	$ 1,834,968	$ 43,411,339	$ 0.08020
24	I&T Base Charge	$ 675.00	$ 22.35	$ 697.35	$ 220,192	$ 6,870,292	$ 700.00
25	I&T Consumption Charge Tier 1 MMBTU	$ 0.2807	$ 0.0130	$ 0.2937	$ 142,055	$ 3,209,350	$ 0.2937
26	I&T Consumption Charge Tier 2 MMBTU	$ 0.2056	$ 0.0095	$ 0.2151	$ 117,051	$ 2,650,282	$ 0.2151
27	I&T Consumption Charge Tier 3 MMBTU	$ 0.0441	$ 0.0020	$ 0.0461	$ 42,703	$ 984,314	$ 0.0461
28					$ 19,758,287	$ 523,612,169	
29							

Data Sources:
GUD10170_FINAL.xlsm

Attachment A

ATMOS ENERGY CORP., MID-TEX DIVISION
PROOF OF REVENUES AND PROPOSED TARIFF STRUCTURE
TEST YEAR ENDING DECEMBER 31, 2014

	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Change In Rates:		$21,066,527	Schedule A			
2	Proposed Change In Rates without Revenue Related Taxes:		$19,757,254	Ln 1 divided by factor on WP_F-5.1			
3							
4							
5							
6		Revenue Requirements	Allocations				
7	Residential	$ 338,431,486	77.95%	Per GUD 10170 Final Order			
8	Commercial	$ 84,223,622	19.40%	Per GUD 10170 Final Order			
9	Industrial and Transportation	$ 11,490,316	2.65%	Per GUD 10170 Final Order			
10	Net Revenue Requirements GUD No. 10170	$ 434,145,424					
11							
12							
17							
18	Rate Class	Current	Proposed Change	Proposed Rates	Proposed Change In Revenues	Proposed Revenues	Proposed Rates with Rate Case Expenses
19							
20	Residential Base Charge	$ 18.20	$ 0.36	$ 18.56	$ 6,351,350	$ 327,447,398	$ 18.60
21	Residential Consumption Charge	$ 0.08819	$ 0.01112	$ 0.09931	$ 9,049,383	$ 80,817,829	$ 0.09931
22	Commercial Base Charge	$ 38.50	$ 1.37	$ 39.87	$ 2,000,584	$ 58,221,364	$ 40.00
23	Commercial Consumption Charge	$ 0.07681	$ 0.00339	$ 0.08020	$ 1,834,968	$ 43,411,339	$ 0.08020
24	I&T Base Charge	$ 675.00	$ 22.35	$ 697.35	$ 220,192	$ 6,870,292	$ 700.00
25	I&T Consumption Charge Tier 1 MMBTU	$ 0.2807	$ 0.0130	$ 0.2937	$ 142,055	$ 3,209,350	$ 0.2937
26	I&T Consumption Charge Tier 2 MMBTU	$ 0.2056	$ 0.0095	$ 0.2151	$ 117,051	$ 2,650,282	$ 0.2151
27	I&T Consumption Charge Tier 3 MMBTU	$ 0.0441	$ 0.0020	$ 0.0461	$ 42,703	$ 984,314	$ 0.0461
28					$ 19,758,287	$ 523,612,169	
29							

Data Sources:
GUD10170_FINAL.xlsm

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RRC Tariff No:

RATE SCHEDULE:	**C – COMMERCIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 06/01/2015**	**PAGE:**

Application
Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	$ 40.00 per month
Rider CEE Surcharge	$ 0.00 per month[1]
Total Customer Charge	$ 40.00 per month
Commodity Charge – All Ccf	$ 0.08020 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement
An Agreement for Gas Service may be required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

1 Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2014.

RATE SCHEDULE:	**I – INDUSTRIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 06/01/2015**	**PAGE:**

Application
Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	$ 700.00 per month
First 0 MMBtu to 1,500 MMBtu	$ 0.2937 per MMBtu
Next 3,500 MMBtu	$ 0.2151 per MMBtu
All MMBtu over 5,000 MMBtu	$ 0.0461 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee
Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index
In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RRC Tariff No:

RATE SCHEDULE:	**I – INDUSTRIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 06/01/2015**	**PAGE:**

Agreement
An Agreement for Gas Service may be required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions
In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**R – RESIDENTIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 06/01/2015**	**PAGE:**

Application
Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	$ 18.60 per month
Rider CEE Surcharge	$ 0.02 per month[1]
Total Customer Charge	$ 18.62 per month
Commodity Charge – All Ccf	$0.09931 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement
An Agreement for Gas Service may be required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

[1]Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2014.

RATE SCHEDULE:	**T – TRANSPORTATION**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 06/01/2015**	**PAGE:**

Application
Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	$ 700.00 per month
First 0 MMBtu to 1,500 MMBtu	$ 0.2937 per MMBtu
Next 3,500 MMBtu	$ 0.2151 per MMBtu
All MMBtu over 5,000 MMBtu	$ 0.0461 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees
All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees
Customer shall pay Company the greater of (i) $0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

RATE SCHEDULE:	**T – TRANSPORTATION**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 06/01/2015**	**PAGE:**

Curtailment Overpull Fee
Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index
In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement
A transportation agreement is required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions
In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	**WNA – WEATHER NORMALIZATION ADJUSTMENT**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 11/01/2015**	**PAGE:**

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the ith rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the ith schedule or classification.

HSF_i = heat sensitive factor for the ith schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

BI_i = base load sales for the ith schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the jth customer in ith rate schedule is computed as:

$$WNA_i = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the jth customer in ith rate schedule.

Attachment C

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	**WNA – WEATHER NORMALIZATION ADJUSTMENT**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS**	
EFFECTIVE DATE:	**Bills Rendered on or after 11/01/2015**	**PAGE:**

Base Use/Heat Use Factors

	Residential		Commercial	
Weather Station	Base use Ccf	Heat use Ccf/HDD	Base use Ccf	Heat use Ccf/HDD
Abilene	10.22	0.1404	98.80	0.6372
Austin	11.59	0.1443	213.62	0.7922
Dallas	14.12	0.2000	208.11	0.9085
Waco	9.74	0.1387	130.27	0.6351
Wichita Falls	11.79	0.1476	122.35	0.5772

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and a Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2014

		Shared Services		Mid-Tex Direct			
Line No.	Description	Pension Account Plan ("PAP")	Post-Retirement Medical Plan ("FAS 106")	Pension Account Plan ("PAP")	Supplemental Executive Benefit Plan ("SERP")	Post-Retirement Medical Plan ("FAS 106")	Adjustment Total
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Fiscal Year 2014 Towers Watson Report (excluding Removed Cost Centers)	$ 6,388,826	$ 4,542,023	$ 9,481,670	$ 165,758	$ 8,736,645	
2	Allocation to Mid-Tex	46.26%	46.26%	71.70%	100.00%	71.70%	
3	FY14 Towers Watson Benefit Costs (excluding Removed Cost Centers) Allocated to MTX (Ln 1 x Ln 2)	$ 2,955,304	$ 2,101,021	$ 6,798,531	$ 165,758	$ 6,264,334	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	FY14 Towers Watson Benefit Costs To Approve (excluding Removed Cost Centers) (Ln 3 x Ln 4)	$ 2,955,304	$ 2,101,021	$ 6,798,531	$ 165,758	$ 6,264,334	$ 18,284,949
6							
7							
8	**Summary of Costs to Approve:**						
9							
10	Total Pension Account Plan ("PAP")	$ 2,955,304		$ 6,798,531			$ 9,753,835
11	Total Post-Retirement Medical Plan ("FAS 106")		$ 2,101,021			$ 6,264,334	8,365,356
12	Total Supplemental Executive Retirement Plan ("SERP")				$ 165,758		165,758
13	Total (Ln 10 + Ln 11 + Ln 12)	$ 2,955,304	$ 2,101,021	$ 6,798,531	$ 165,758	$ 6,264,334	$ 18,284,949
14							
15							
16	O&M Expense Factor	95.82%	95.82%	43.03%	21.00%	43.03%	
17							
18	Expense Portion (Ln 13 x Ln 16)	$ 2,831,859	$ 2,013,260	$ 2,925,600	$ 34,809	$ 2,695,721	$ 10,501,250
19							
20	Capital Factor	4.18%	4.18%	56.97%	79.00%	56.97%	
21							
22	Capital Portion (Ln 13 x Ln 20)	$ 123,445	$ 87,761	$ 3,872,930	$ 130,949	$ 3,568,614	$ 7,783,699
23							
24	Total (Ln 18 + Ln 22)	$ 2,955,304	$ 2,101,021	$ 6,798,531	$ 165,758	$ 6,264,334	$ 18,284,949

CITYOFRICHARDSON

TO: Dan Johnson - City Manager

THRU: Kent Pfeil – Chief Financial Officer

FROM: Pam Kirkland - Purchasing Manager

SUBJECT: Bid Initiation Request #73-15

DATE: June 15, 2015

Request Council approval to initiate bid for the following:

2010 Street & Alley Paving, Drainage and Utility Rehabilitation Phase VII
(Laurel Lane, Shenandoah Place, and Misc. Alleys)

Proposed Council approval date:	June 22, 2015
Proposed advertising dates:	June 24, 2015 & July 1 2015
Proposed bid due date:	July 15, 2015 – 2:00 p.m.
Proposed bid opening date:	July 15, 2015 – 2:30 p.m.
Engineer's estimated total cost:	$966,000
Account:	378-8702-585-7524 Project #SD1007 548-5710-585-7524 Project #WS1402 164-8702-585-7524 Project #DR1505

Pam Kirkland

Pam Kirkland, CPPO, CPPB
Purchasing Manager

Kent Pfeil
Chief Financial Officer

6/17/15
Date

Approved: _____
Dan Johnson
City Manager

_____
Date

MEMO

TO: Dan Johnson, City Manager

THROUGH: Cliff Miller, Assistant City Manager CGM

FROM: Steve Spanos, P.E., Director of Engineering SS

SUBJECT: Permission to Advertise 2010 Street & Alley Paving, Drainage and Utility Rehabilitation - Phase VII (Laurel Lane, Shenandoah Place, and Misc. Alleys) Bid# 73-15

DATE: June 12, 2015

ACTION REQUESTED:

Authorization to advertise Bid No.73-15 and approval of plans and contract documents for the 2010 Street & Alley Paving, Drainage and Utility Rehabilitation - Phase VII (Laurel Lane, Shenandoah Place, and Misc. Alleys). Bids to be received until Wednesday, July 15, 2015 at 2:00 p.m. and read aloud 30 minutes later.

BACKGROUND INFORMATION:

The project will include the reconstruction of the Dover Drive Alley (100-106), Danville Drive Alley (1214-1228), St. Lukes Drive Alleys (301-305 & 401-405), West Shore Drive Alley (401-405), Newberry Drive Alley (909-913), and the Derby Drive Alley (1230-1234). The sanitary sewer will be upgraded in both Dover Drive and Danville Drive. The project also includes a drainage project in Laurel Lane between St. Lukes Drive and Waterview Drive that will extend storm sewer to Shenandoah Place. The pavement in Laurel Lane and Shenandoah Place will be replaced along with the water and sanitary sewer in Shenandoah Place.

FUNDING:

Funding is provided from 2010 Streets & Drainage G.O. Bonds, Water & Sewer C.O. and Drainage Utility.

SCHEDULE:

The Capital Projects Department plans for this project to begin construction September 2015 and be completed by March 2016.

Cc: David McFadden, P.E., Project Engineer DM

NOTICE TO CONTRACTORS
CITY OF RICHARDSON

2010 STREET & ALLEY PAVING, DRAINAGE AND UTILITY REHABILITATION - PHASE VII (LAUREL LANE, SHENANDOAH PLACE, AND MISC. ALLEYS)

BID #73-15

Sealed bids addressed to the Purchasing Manager, of the City of Richardson, Texas, will be received at the Office of the City Purchasing Department, Suite 101, City Hall, 411 West Arapaho Road, Richardson, Texas, until **Wednesday, July 15, 2015 at 2:00 pm** and will be opened and read aloud in the **Capital Projects Conference Room 206**, 30 minutes later that same day, for furnishing all labor, materials, tools and equipment, and performing all work required including all appurtenances for:

The project will include the reconstruction of the Dover Drive Alley (100-106), Danville Drive Alley (1214-1228), St. Lukes Drive Alleys (301-305 & 401-405), West Shore Drive Alley (401-405), Newberry Drive Alley (909-913), and the Derby Drive Alley (1230-1234). The sanitary sewer will be upgraded in both Dover Drive and Danville Drive. The project also includes a drainage project in Laurel Lane between Saint Lukes Drive and Waterview Drive that will extend storm sewer to Shenandoah Place. The pavement in Laurel Lane and Shenandoah Place will be replaced along with the water and sanitary sewer in Shenandoah Place.

Bids shall be accompanied by a certified or cashier's check on a state or national bank in an amount not less than five percent (5%) of the possible total of the bid submitted, payable without recourse to the City of Richardson, Texas, or an acceptable bid bond for the same amount from a reliable surety company as a guarantee that the bidder will enter into a contract and execute required Performance and Payment Bonds within ten (10) days after notice of award of contract. The City will attempt to award the Contract within 90 days after the opening of bids.

The successful bidder must furnish a Performance Bond upon the form provided in the amount of one hundred percent (100%) of the contract price, a material and labor Payment Bond upon the form provided in the amount of one hundred percent (100%) of the contract price, and a Maintenance Bond upon the form provided in the amount of one hundred percent (100%) of the contract price, from a surety authorized under the laws of the State of Texas to act as a surety on bonds for principals.

The right is reserved, as the interest of the Owner may require, to reject any and all bids, to waive any informality in the bids received, and to select bid best suited to the Owner's best interest. The Contractor, to be successful in bidding this project, must have completed a minimum of three similar projects within the last five years.

A maximum of One Hundred Sixty (160) calendar days will be allowed for construction.

A set of plans, specifications and bid documents may be secured from the Office of the City Engineer, Capital Projects Department in Room 204, of the Richardson Civic Center/City Hall, 411 West Arapaho Road, Richardson, Texas, **beginning at 12:00 p.m. on Tuesday, June 23, 2015** upon a **NON-REFUNDABLE FEE OF Twenty five Dollars** ($25.00) per CD or **Fifty Dollars** ($50.00) per hard set, payable to the City of Richardson, accompanied by the contractor's name, address, phone number, email address and FAX number. Maximum of two sets or CD per contractor.

A voluntary pre-bid conference will be held **Thursday, July 9, 2015 at 10:00 am in the Capital Projects Conference Room 206, Richardson Civic Center/City Hall.**

By:/s/Paul Voelker, Mayor
City of Richardson
P. O. Box 830309
Richardson, Texas 75083

Accommodation requests for persons with disabilities should be made by contacting Susan Mattison, ADA Coordinator, via phone at 972-744-0908, via email at adacoordinator@cor.gov, or by appointment at 1621 E. Lookout Drive, Richardson, TX 75082.

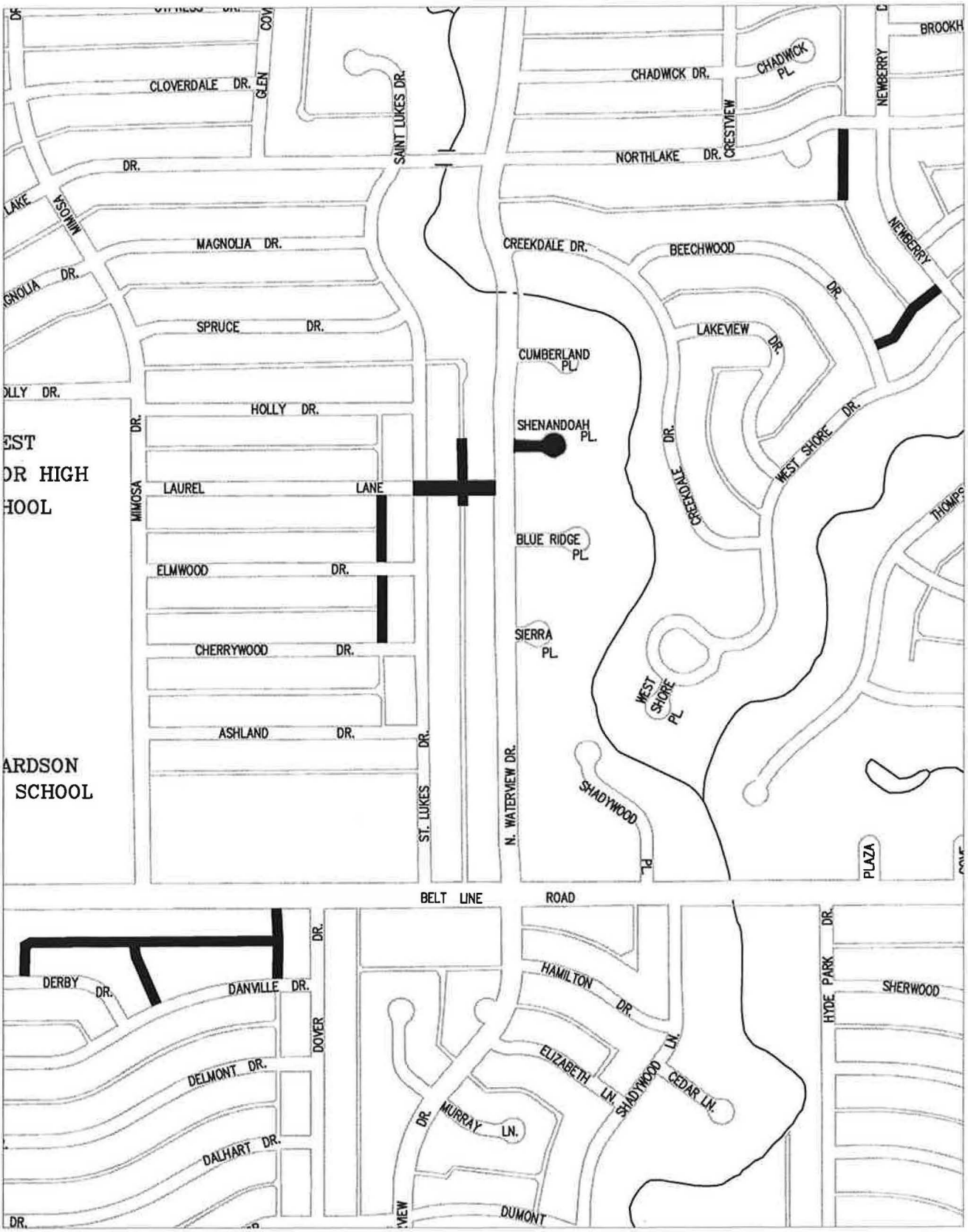
PROJECT SCHEDULE

2010 Street & Alley Paving, Drainage and Utility Rehabilitation - Phase VII (Laurel Lane, Shenandoah Place, and Misc. Alleys)

BID No. 73-15

Agenda Paperwork to Advertise	Friday, June 12, 2015
Council Authorization to Advertise	Monday, June 22, 2015
Plans/Specs Available for Contractors	Tuesday, June 23, 2015
Advertise in Dallas Morning News	Wednesday, June 24, 2015
Advertise in Dallas Morning News	Wednesday, July 1, 2015
Advertise in Dallas Morning News	Wednesday, July 8, 2015
Pre Bid Meeting (9:00 am Room 206)	Thursday, July 9, 2015
Bids Received & Opened (by 2:00 open 2:30 pm Room 203)	Wednesday, July 15, 2015
Agenda Paperwork to Award Contract	Friday, July 17, 2015
Council to Award Contract	Monday, July 27, 2015
Pre-Construction Meeting	~ August 2015
Project Start	~ September 2015
Project Completed 160 Calendar Days	~ March 2016

Project Manager: David McFadden, P.E.
Engineers Estimate: $966,000
Funding from Streets & Drainage G.O., Water & Sewer C.O. & Drainage Utility
Account #378-8702-585-7524 Project # SD1007
Account #548-5710-585-7524 Project#WS1402
Account#164-8702-585-7524 Project#DR1505



2010 ALLEY PHASE VII
LAUREL LANE AND MISC. ALLEYS
CONSTRUCTION TO BEGIN LATE SEPTEMBER

MEMO

DATE: **June 15, 2015**

TO: **Kent Pfeil – Chief Financial Officer**

FROM: **Pam Kirkland – Purchasing Manager** Pam

SUBJECT: **Award of Bid #62-15 for 2010 Alley Reconstruction Phase VI (300, 400 & 700 Blocks of Weatherred Dr., 700 Block of Palmer Dr., & 400-420 Block of Tiffany Trail) to 3D Paving and Contracting, LLC in the amount of $539,010.50**

Proposed Date of Award: June 22, 2015

I concur with the recommendation of Steve Spanos – Director of Engineering, and request permission to award a contract to the low bidder, 3D Paving and Contracting, LLC for the above referenced construction in the amount of $539,010.50, as outlined in the attached memo.

Funding is provided from the 2010 G.O. Bonds and 2013 Water & Sewer C.O.'s.

The bid was advertised in *The Dallas Morning News* on May 13 & 20, 2015 and was posted on Bidsync.com. A prebid conference was held on May 27, 2015 and 688 electronic notices were sent; 26 bidders viewed the bid, and 3 bids were received.

Concur:

Kent Pfeil

Kent Pfeil

Attachments

Xc: Dan Johnson
Don Magner
Cliff Miller
Shanna Sims-Bradish

MEMO

TO: Dan Johnson, City Manager

THROUGH: Cliff Miller, Assistant City Manager

FROM: Steve Spanos, P.E., Director of Engineering

SUBJECT: Award of Bid #62-15 to 3D Paving and Contracting, LLC, for 2010 Alley Reconstruction Phase VI (300, 400 & 700 Blocks of Weatherred Drive, 700 Block of Palmer Drive, 400-420 Block of Tiffany Trail)

DATE: June 12, 2015

ACTION REQUESTED:
Council to consider award of Bid #62-15 to 3D Paving and Contracting, LLC, for 2010 Alley Reconstruction Phase VI (300, 400 & 700 Blocks of Weatherred Drive, 700 Block of Palmer Drive, 400-420 Block of Tiffany Trail) in the amount of $539,010.50.

BACKGROUND INFORMATION:
On June 3, 2015 the Capital Projects Department opened bids for the subject project. The attached bid tabulation certifies the lowest base bid was submitted by 3D Paving and Contracting, LLC, in the amount of $539,010.50. 3D Paving and Contracting, LLC is currently under contract on another project the City. In addition, City staff has reviewed the references and updated financial information submitted by the company and recommends awarding the project to 3D paving and Contracting, LLC.

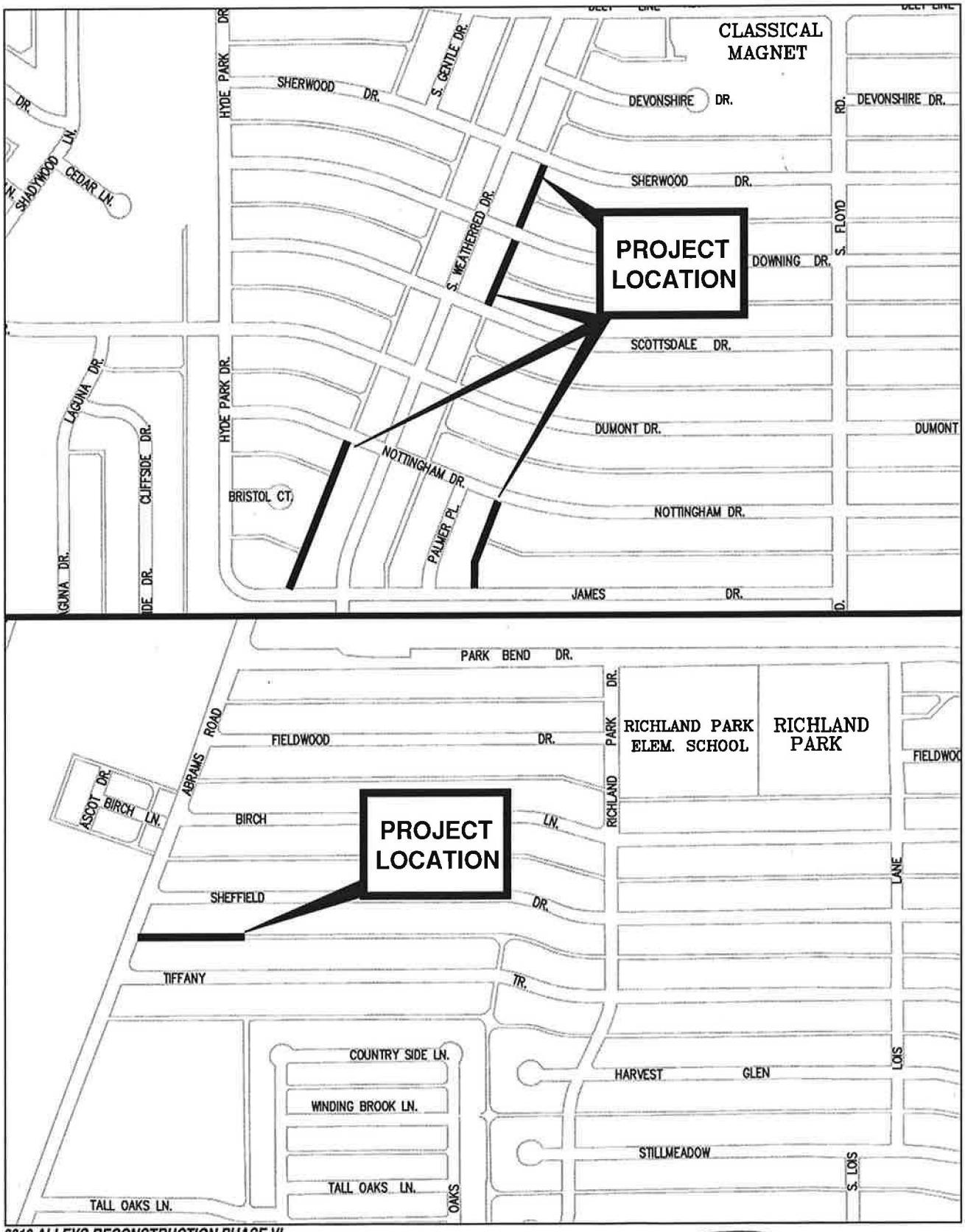
This project consists of replacement of failed sections of alley in the 400 to 420 block of Tiffany Trail alley and complete removal and replacement of the existing pavement and sanitary sewer lines in the following blocks of alleys:

- 300, 400 & 700 Blocks of Weatherred Drive (1500 LF)
- 700 Block of Palmer Drive (500 LF)

FUNDING:
Funding is provided from 2010 G.O. Bonds and 2013 Water & Sewer C.O.'s.

SCHEDULE:
The Capital Projects Department plans for this project to begin construction July 2015 and be completed by November 2015.

Cc: Padma Patla, P.E., Project Engineer



2010 ALLEYS RECONSTRUCTION PHASE VI
300, 400 & 700 BLOCKS OF WEATHERRED DRIVE
700 BLOCK OF PALMER PLACE
400 - 420 BLOCK OF TIFFANY TRAIL
CONSTRUCTION START JULY 2015

1" = 500'

NORTH

CITY OF RICHARDSON TEXAS

2010 Bond Program Alleys Phase VI
300, 400, 700 Blocks of Weatherrred Dr, 700 Block of Palmer Dr, 400-420 Block of Tiffany Tr
BID # 62-15
Bid Opening: June 3, 2015

				3-D Paving and Contracting, LLC.		XIT Paving and Constrction		SAZ Global Inc.		AVERAGES	
ITEM NO.	DESCRIPTION	EST QTY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Mobilization	1	LS	$25,000.00	$25,000.00	$50,000.00	$50,000.00	$35,000.00	$35,000.00	$36,666.67	$36,666.67
2	Tree Removal	2	EA	$750.00	$1,500.00	$1,500.00	$3,000.00	$2,500.00	$5,000.00	$1,583.33	$3,166.67
3	Unclassified Exccavation	379	CY	$30.00	$11,370.00	$30.00	$11,370.00	$40.00	$15,160.00	$33.33	$12,633.33
4	Remove Pavement (Driveway, Alley, Sidewalk)	2,092	SY	$12.00	$25,104.00	$20.00	$41,840.00	$22.00	$46,024.00	$18.00	$37,656.00
5	6" Class A Concrete Driveway	20	SY	$56.00	$1,120.00	$55.00	$1,100.00	$100.00	$2,000.00	$70.33	$1,406.67
6	6" Class C Concrete Alley Pavement	2,515	SY	$56.00	$140,840.00	$48.00	$120,720.00	$99.50	$250,242.50	$67.83	$170,600.83
7	6" Concrete Curb	545	LF	$3.00	$1,635.00	$2.50	$1,362.50	$30.00	$16,350.00	$11.83	$6,449.17
8	Sawcut Concrete	468	LF	$3.00	$1,404.00	$3.00	$1,404.00	$10.00	$4,680.00	$5.33	$2,496.00
9	Doweled Pavement Joint	468	LF	$5.00	$2,340.00	$10.00	$4,680.00	$15.00	$7,020.00	$10.00	$4,680.00
10	Cement/Lime Treated Subgrade	420	CY	$45.00	$18,900.00	$110.00	$46,200.00	$95.00	$39,900.00	$83.33	$35,000.00
11	TCP	1	LS	$7,500.00	$7,500.00	$25,000.00	$25,000.00	$10,000.00	$10,000.00	$14,166.67	$14,166.67
12	Sod	998	SY	$5.00	$4,990.00	$10.00	$9,980.00	$10.00	$9,980.00	$8.33	$8,316.67
13	4" Sidewalk	384	SF	$5.00	$1,920.00	$6.00	$2,304.00	$14.00	$5,376.00	$8.33	$3,200.00
14	Erosion Control Protection	1	LS	$2,500.00	$2,500.00	$5,000.00	$5,000.00	$3,500.00	$3,500.00	$3,666.67	$3,666.67
15	Remove and Reset Fence	115	LF	$9.00	$1,035.00	$42.00	$4,830.00	$75.00	$8,625.00	$42.00	$4,830.00
16	8" PVC Sanitary Sewer	1,755	LF	$85.00	$149,175.00	$61.00	$107,055.00	$195.00	$342,225.00	$113.67	$199,485.00
17	Sanitary Service Laterals	270	LF	$78.00	$21,060.00	$75.00	$20,250.00	$180.00	$48,600.00	$111.00	$29,970.00
18	2-Way Cleanouts at Property Lines	32	EA	$485.00	$15,520.00	$400.00	$12,800.00	$500.00	$16,000.00	$461.67	$14,773.33
19	4 Ft Dia Sanitary Sewer Manhole	6	EA	$3,700.00	$22,200.00	$4,000.00	$24,000.00	$9,500.00	$57,000.00	$5,733.33	$34,400.00
21	Trench Safety and Implementation	1,755	LF	$1.00	$1,755.00	$3.00	$5,265.00	$10.00	$17,550.00	$4.67	$8,190.00
22	Full Depth Street/Alley Pavement Repair	40	SY	$60.00	$2,400.00	$75.00	$3,000.00	$120.00	$4,800.00	$85.00	$3,400.00
23	Connect to Existing Sanitary Sewer	10	EA	$385.00	$3,850.00	$1,000.00	$10,000.00	$500.00	$5,000.00	$628.33	$6,283.33
24	Remove Existing Sanitary Sewer	1,755	LF	$3.50	$6,142.50	$17.00	$29,835.00	$50.00	$87,750.00	$23.50	$41,242.50
25	Adjust Storm Manhole	1	EA	$1,500.00	$1,500.00	$1,500.00	$1,500.00	$2,500.00	$2,500.00	$1,833.33	$1,833.33
26	6" Full Depth Pavment Repair (TIFFANY)	300	SY	$60.00	$18,000.00	$75.00	$22,500.00	$120.00	$36,000.00	$85.00	$25,500.00
27	4" Concrete Mow Strip	165	SF	$10.00	$1,650.00	$6.00	$990.00	$25.00	$4,125.00	$13.67	$2,255.00
28	Flex Base	5	TN	$30.00	$150.00	$200.00	$1,000.00	$150.00	$750.00	$126.67	$633.33
29	Project Signs	2	EA	$450.00	$900.00	$750.00	$1,500.00	$1,000.00	$2,000.00	$733.33	$1,466.67
30	Construction Contingency	1	LS	$45,000.00	$45,000.00	$45,000.00	$45,000.00	$45,000.00	$45,000.00	$45,000.00	$45,000.00
	TOTAL BASE BID				$539,010.50		$615,885.50		$1,131,157.50		$762,017.83
	CONTRACTOR'S BID			SAME		SAME		SAME			

ENGINEERS ESTIMATE FOR BASE BID:
$435,000

CERTIFIED BY: Steve Spanos

Steve Spanos, P.E., Director of Engineering

MEMO

DATE: **June 15, 2015**

TO: **Kent Pfeil – Chief Financial Officer**

FROM: **Pam Kirkland – Purchasing Manager** Pam

SUBJECT: **Award of Bid #74-15 for the 2014-15 Cellular Communication Services to AT&T ($180,000) through the State of Texas Department of Information Services Contract #DIR-SDD-1777 and to Verizon Wireless ($80,000) Contract #DIR-SDD-1779 for an estimated total amount of $260,000**

Proposed Date of Award: June 22, 2015

I concur with the recommendation of Steve Graves, Chief Information Officer, and request permission to issue contract purchase orders to the following vendors:

AT&T	Cell Phone Service Provider	$180,000
Verizon Wireless	Cellular Data (EVDO Provider)	$ 80,000
	Estimated Total Award	$260,000

AT&T has been awarded Contract #DIR-SDD-1777 and Verizon Wireless has been awarded Contract #DIR-DSS-1779 through the State of Texas Department of Information Resources cooperative purchasing program. The City of Richardson participates in this program through our existing interlocal agreement for cooperative purchasing pursuant to Texas Government Code, Chapter 791.025 and Texas Local Government Code, Subchapter F, Section 271.102. This agreement automatically renews annually unless either party gives prior notice of termination.

Funding is provided in accounts 011-0310-513-5399, 511-5910-504-5399 for the cell service and in account 011-0310-513-5303 for the data service.

Concur:

Kent Pfeil

Xc: Dan Johnson
Don Magner
Cliff Miller
Shanna Sims-Bradish

DATE: June 9, 2015
TO: Pam Kirkland, Purchasing Manager
FROM: Steve Graves, Chief Information Officer SGraves
SUBJECT: 2014/15 Cell Communication Recommendation

I recommend using AT&T for our Cell Phone provider. This service is used for all smartphones, standard cell phone usage and text massaging for all City Departments including Public Safety. AT&T is a State of Texas DIR vendor, Contract Number DIR-SDD-1777. The total cost per year is $180,000.00 and this amount was budgeted in the 2014/2015 budget using account numbers 011-0310-513-53.99, and 511-5910-504-53.99.

I also recommend using Verizon Wireless for our Cell Data (EVDO/LTE) provider. This service is used to provide cellular data communications for all of our Public Safety vehicles. Verizon Wireless is a State of Texas DIR vendor, Contract Number DIR-SDD-1779. Total cost per year is $80,000.00 and this amount was budgeted in the 2014/2015 budget using account number 011-0310-513-53.03.

MEMO

DATE: **June 15, 2015**

TO: **Kent Pfeil – Chief Information Officer**

FROM: **Pam Kirkland – Purchasing Manager** Pam

SUBJECT: **Change Order to increase purchase order 150985 to Mario Sinacola & Sons for the CityLine Extension Project in the amount of $479,314**

Proposed Date of Award: June 22, 2015

I concur with the recommendation of Steve Spanos – Director of Engineering, and request permission to increase the above referenced purchase order in the amount of $479,314, as outlined in Mr. Spanos attached memo.

Texas Local Government Code Chapter 252.048 allows for change orders to contracts if plans or specifications are necessary after or during the performance of the contract to decrease or increase the quantity of work to be performed or of materials, equipment or supplies to be furnished. The contract may not be increased by more than 25% of the original contract amount or decreased more than 25% without the consent of the contractor and any change order over $50,000 must be approved by the governing body of the municipality.

This change order is within the 25% maximum change order limit but requires approval by the governing body because it is over $50,000.

Concur:

Kent Pfeil

Kent Pfeil

Approved:

Dan Johnson

ATTACHMENTS

Xc: Dan Johnson
Don Magner
Cliff Miller
Shanna Sims-Bradish

MEMO

TO: Pam Kirkland, Purchasing Manager

FROM: Steve Spanos, P.E., Director of Engineering SS CGM

SUBJECT: Change Order #1 to INCREASE Purchase Order #150985
CityLine Extension -- Mario Sinacola & Sons.

DATE: 6/22/15

ACTION REQUESTED
Process change order #1 to INCREASE Purchase Order #150985.

ACCOUNT SUMMARY

Original Purchase Order	$2,414,145.95
Change Order #1	$479,314.00
Total Authorized Contract Amount	**$2,893,589.95**

BACKGROUND INFORMATION
City Council authorizing the City Manager to execute Change Order No. 1 to INCREASE Purchase Order No. 150985 for CityLine Extension project in the amount of $479,314.00 to Mario Sinacola & Sons.

This change order will add approximately 700 Linear Feet of 7'x 5' box culvert and approximately 600 Linear Feet of 8'x 5' box culvert to the CityLine Extension project.

FUNDING INFORMATION
Funding will be split between RTR Funding (80%) and Developer Funding (20%) as per TIFF Agreement.

Cc: Dan Tracy, P.E., Development Engineer
Gary Fitton, Construction Inspector
Kristen Billings, Contracts Administrator
Carolyn Kaplan, Capital Project Accountant

MARIO SINACOLA & SONS
EXCAVATING, INC.

June 9, 2015

City of Richardson
City Purchasing Department
411 West Arapaho Road, Suite 101
Richardson, Texas 75080

ATTENTION: **Mr. Dan Tracy, P.E.**

GENTLEMEN: We propose to furnish all labor, materials and equipment necessary to construct the following described work:

PROJECT: **Cityline Extension Project, CSP No. 901-15 - RFP 004 Box Revision**

LOCATION: **Richardson, Texas**

BOX REVISION

Item	Description	Quantity	Unit	Unit Bid	Total Bid
1	Deduct Cityline 8'x5' RCB	(68.00)	LF	383.00 $	(26,044.00)
2	Deduct Cityline 7'x5' RCB	(63.00)	LF	389.00 $	(24,507.00)
3	Deduct Cityline 7'x5' RCB Plug	(1.00)	EA	650.00 $	(650.00)
4	Deduct Cityline TXDOT Standard FW-0 Headwall	(2.00)	EA	14,500.00 $	(29,000.00)
5	Deduct Cityline TXDOT Standard Rip-Rap	(318.00)	SY	85.00 $	(27,030.00)
6	Deduct Cityline Trench Safety	(131.00)	LF	1.00 $	(131.00)
7	Add Caruth 8'x5' RCB	574.00	LF	383.00 $	219,842.00
8	Add Caruth 7'x5' RCB	707.00	LF	389.00 $	275,023.00
9	Add Caruth 10'x10' Junction Box	2.00	EA	13,450.00 $	26,900.00

10	Add Caruth TXDOT Standard FW-0 Headwall	1.00	EA	14,500.00	$	14,500.00
11	Add Caruth TXDOT Standard Rip-Rap	250.00	SY	85.00	$	21,250.00
12	Add Caruth Connect to Existing 8'x5'	1.00	EA	5,150.00	$	5,150.00
13	Add Caruth Connect to Existing 7'x5'	2.00	EA	5,000.00	$	10,000.00
14	Add Caruth Remove Existing 7'x5' PW Headwall	1.00	EA	4,750.00	$	4,750.00
15	Add Caruth Remove Concrete Apron	40.00	SY	12.00	$	480.00
16	Add Caruth Trench Safety	1,281.00	LF	1.00	$	1,281.00
17	Add Caruth Remobilization (If Necessary)	1.00	LS	7,500.00	$	7,500.00
	BOX REVISION TOTAL				**$**	**479,314.00**

QUALIFICATIONS:

~ This is the cost to install the additional box as noted on the attached highlighted drawing should the 404 permit be granted to allow installation

~ We credited items that will no longer apply should we receive authorization to proceed before the Cityline box items are installed as per attached drawing

Should you have any questions, or need clarification regarding this proposal, please feel free to contact this office.

Sincerely,
MARIO SINACOLA & SONS EXCAVATING, INC.

Harlan Jones
Vice President

Change Order

Distribution to:
___ Owner
___ Engineer
___ Contractor
___ Field

Project: (name and address) 14430 / CITYLINE EXTENSION
RICHARDSON, TX

Change order number: 1

Initiation date: 06/04/15

MSSEI project no: CSP 901-15 14430

To: (contractor) Mario Sinacola & Sons Exc Inc.
10950 Research
Frisco, TX 75033

Contract for: CITYLINE EXTENSION

Contract date:

You are directed to make the following changes in this Contract:

Billing Grp/Item		Description	Quantity	Unit of Measure	Unit Price	Amount
85	30010	CO1-Ded Cityline 8'x5' RCB	-68.00	LF	383.0000	-26,044.00
85	30020	CO1-Ded Cityline 7'x5' RCB	-63.00	LF	389.0000	-24,507.00
85	30040	CO1-Ded Cityline 7'x5' RCB Plug	-1.00	EA	650.0000	-650.00
85	30050	CO1-Ded Cityline TxDot Std FW- 0 Headwall	-2.00	EA	14,500.0000	-29,000.00
85	30060	CO1-Ded Cityline TxDot Std RipRap	-318.00	SY	85.0000	-27,030.00
85	30260	CO1-Ded Cityline Trench Safety	-131.00	LF	1.0000	-131.00
85	85010	CO1-Add Caruth 8'x5' RCB	574.00	LF	383.0000	219,842.00
85	85020	CO1-Add Caruth 7'x5' RCB	707.00	LF	389.0000	275,023.00
85	85030	CO1-Add Caruth 10'x10' Junct. Box	2.00	EA	13,450.0000	26,900.00
85	85040	CO1-Add CaruthTxDot Std FW-0 Headwall	1.00	EA	14,500.0000	14,500.00
85	85050	CO1-Add CaruthTxDot Std RipRap	250.00	SY	85.0000	21,250.00
85	85060	CO1-Add Caruth Conn. to Ex. 8'x5' RCB	1.00	EA	5,150.0000	5,150.00
85	85070	CO1-Add Caruth Conn. to Ex. 7'x5' RCB	2.00	EA	5,000.0000	10,000.00
85	85080	CO1-Add Caruth Remv Ex. 7'x5' PW Headwall	1.00	EA	4,750.0000	4,750.00
85	85090	CO1-Add Caruth Trench Safety	1,281.00	LF	1.0000	1,281.00
85	85100	CO1-Add Caruth Remobilzation (if necessary)	1.00	LP	7,500.0000	7,500.00
85	85110	CO1-Add Caruth Remv Conc Apron	40.00	SY	12.0000	480.00
					Total:	479,314.00

Not valid until signed by the Owner, the Architect, and the Contractor.

The original (Contract Sum) (Guaranteed Maximum Price) was $2,414,145.95
Net change by previously authorized Change Orders $0.00
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was $2,414,145.95
The (Contract Sum) (Guaranteed Maximum Price) will be (increased) (decreased) (unchanged) by this Change Order $479,314.00
The new (Contract Sum) (Guaranteed Maximum Price) including this Change Order will be $2,893,459.95
The Contract Time will be (increased) (decreased) (unchanged) by (15) days
The date of Substantial Completion as of the date of this change order therefore is _____.

Engineer

By _____
Date _____

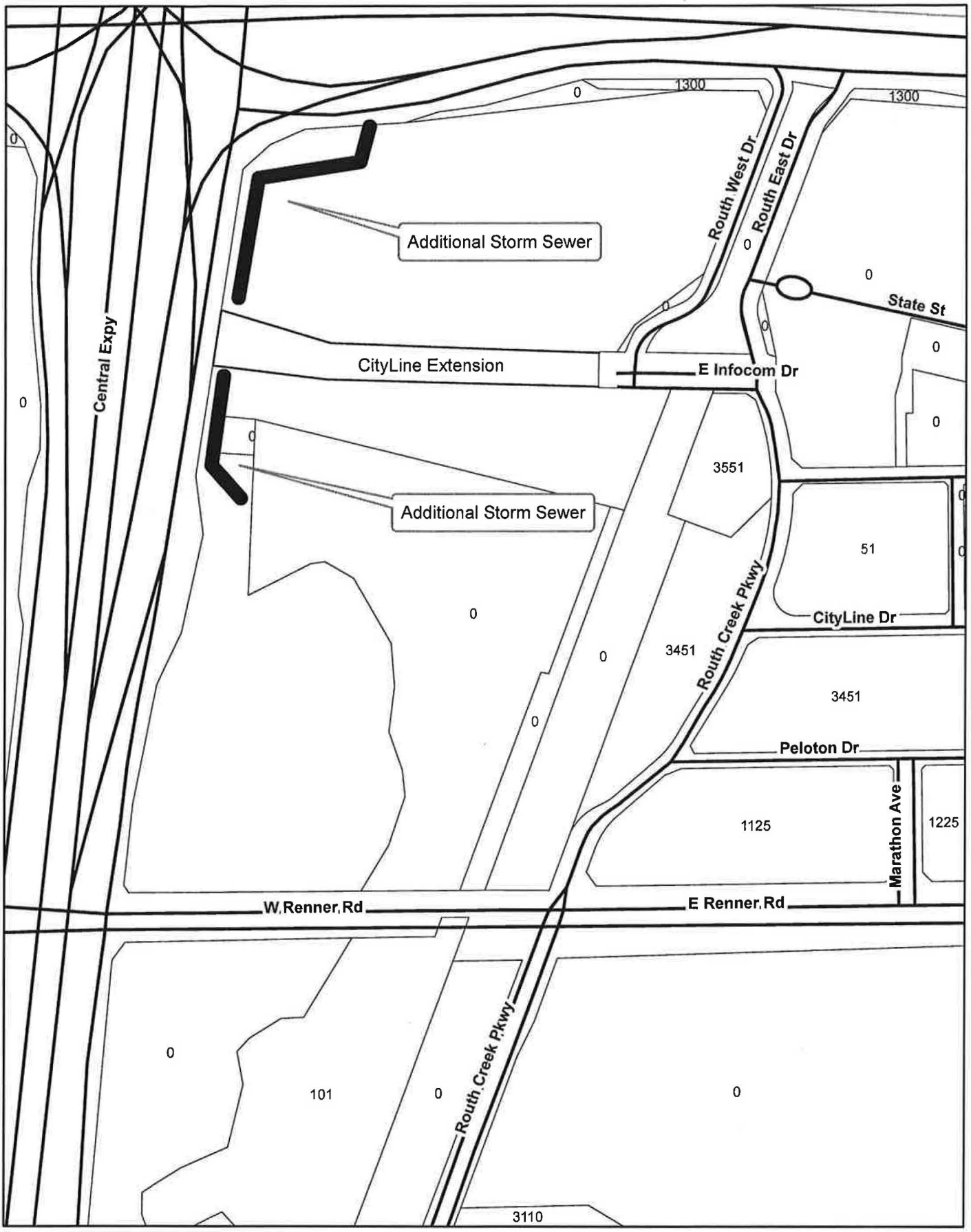
Contractor
Mario Sinacola & Sons Exc Inc.
10950 Research
Frisco, TX 75033

By _____
Michael Sinacola, Vice President
Date June 9, 2015

Owner
City of Richardson
PO Box 830309
Richardson, TX 75083

By _____
Date _____

JJ - 6-9-15



CityLine Extension Storm Sewer Change Order