RICHARDSON CITY COUNCIL WORK SESSION AND SPECIAL CALLED MEETING AGENDA MONDAY, NOVEMBER 19, 2012



Richardson Room Richardson Civic Center/City Hall 411 W. Arapaho Road, Richardson, Texas 75080



The Richardson City Council will meet at 5:30 p.m., on Monday, November 19, 2012, in the Richardson Room of the Civic Center/City Hall, 411 W. Arapaho, in compliance with Section 551.002 of the Texas Government Code (open meetings law). 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. This building is wheelchair accessible. Any requests for sign interpretive services must be made 48 hours ahead of the meeting. To make arrangements, call 972-744-4000 VIA TDD or call 1-800-735-2989 to reach 972-744-4000.

WORK SESSION -- 6:00 P.M.

- Call to Order
- A. Visitors
- B. Consider approval of Resolution No. 12-21, canvassing and declaring the results of the Special Election of the City of Richardson held on November 6, 2012, regarding adoption of amendments to the City Charter of the City of Richardson.

Action Taken:

C. Consider adoption of Ordinance No. 3889, adopting the amendments to the Home Rule Charter approved by the voters of the City of Richardson at an election held on November 6, 2012.

Action Taken:

- D. Review and Discuss the Cotton Belt Rail Line Briefing
- E. Review and Discuss the Investment Policy Review
- F. Review and Discuss the Final Community Involvement Session Related to the Main Street/Central Expressway Enhancement/Redevelopment Study and the Study's Current Status
- G. Report on Items of Community Interest

EXECUTIVE SESSION

- In compliance with Section 551.074 of the Texas Government Code, Council will convene into a closed session to discuss the following:
 - Personnel

- Evaluation of the City Manager
- Council will reconvene into open session, and take action, if any, on matters discussed in executive session.

I certify the above agenda was posted on the Bulletin Board at the Friday, November 16, 2012 by 5:00 p.m.	e Civic Center/City Hall on
Signed:	
	Aimee Nemer City Secretary



Work Session Meeting Date: Monday, November 19, 2012

Agenda Item: Visitors (The City Council invites citizens to address the

Council on any topic not already scheduled for public hearing.)

Staff Resource: Aimee Nemer, City Secretary

Summary: Members of the public are welcome to address the City

Council on any topic not already scheduled for public hearing. Speaker Appearance Cards should be submitted to the City Secretary prior to the meeting. Speakers are limited to 5 minutes and should avoid personal attacks, accusations, and characterizations.

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 resolution.

Board/Commission Action: N/A

Action Proposed: Receive comments by visitors.



Meeting Date: Monday, November 19, 2012

Agenda Item: Consider approval of Resolution No. 12-21, canvassing

and declaring the results of the Special Election of the City of Richardson held on November 6, 2012, regarding adoption of amendments to the City Charter of the City

of Richardson.

Staff Resource: Aimee Nemer, City Secretary

Summary: Approval of this resolution will officially declare the

results of the November 6, 2012 Election.

Board/Commission Action: N/A

Action Proposed: Approve resolution.

RESOLUTION NO. 12-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, CANVASSING AND DECLARING THE RESULTS OF THE SPECIAL ELECTION OF THE CITY OF RICHARDSON HELD NOVEMBER 6, 2012, REGARDING ADOPTION OF AMENDMENTS TO THE CITY CHARTER OF THE CITY OF RICHARDSON; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is hereby found and determined that notice of the election was duly given in the form, manner and time required by law, and said election was in all respects legally held and conducted in accordance with applicable laws of the State of Texas and the proceedings calling and governing the holding of such election; and

WHEREAS, it is imperative to consider the returns of an election held on November 6, 2012, for the purpose of considering the returns of a proposition for the approval of amendments to the City Charter of the City of Richardson; and

WHEREAS, the returns of said election have been duly and legally made and submitted to the City Council for canvassing, and a tabulation of the returns for the polling place and for early voting, as canvassed and tabulated by this governing body as follows:

EARLY	ELECTION DAY	TOTAL VOTES
ELECTION VOTES	VOTES CAST	CAST
CAST		

PROPOSITION NO. 1 Shall the Home Rule Charter of the City of Richardson, Texas be amended to provide for the direct election of the Mayor of the City of Richardson, Texas by amending Article 3, Section 3.01(a), Section 3.02, Section 3.03, Section 3.07, Article 4, Section 4.02, Section 4.05, Section 4.06, Section 4.08, Section 4.09 and Article 5, Section 5.01, Section 5.02, and Section 5.03 of the Home Rule Charter of the City of Richardson, Texas?

FOR	<u>16070</u>	<u>8144</u>	<u>24214</u>
AGAINST	<u>5551</u>	<u>2536</u>	<u>8087</u>

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

SECTION 1. That said election was duly called, that notice of said election was given in accordance with law, that said election was held in accordance with law, and that it is determined that:

Proposition No. 1 has been approved by the majority of the qualified voters voting at said election and shall become a part of the City of Richardson City Charter.

SECTION 2. That it is further found and determined that in accordance with the order of this governing body, the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the scheduled time of said meeting.

SECTION 3. 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 19th day of November, 2012.

CITY OF RICHARDSON, TEXAS

MAYOR

APPROVED AS TO FORM:

ATTEST:

CITY SECRETARY

(PGS:11-07-12:58069)



Meeting Date: Monday, November 19, 2012

Agenda Item: Consider adoption of Ordinance No. 3889, adopting the

amendments to the Home Rule Charter approved by the voters of the City of Richardson at an election held on

November 6, 2012.

Staff Resource: Dan Johnson, City Manager

Aimee Nemer, City Secretary

Summary: Approval of this ordinance will adopt the amendments to

the City Charter as approved by voters at the November 6, 2012 Election. The amended Charter is effective upon

approval.

Board/Commission Action: N/A

Action Proposed: Approve ordinance.

ORDINANCE NO. 3889

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, ADOPTING THE AMENDMENTS TO THE HOME RULE CHARTER APPROVED BY THE VOTERS OF THE CITY OF RICHARDSON AT AN ELECTION HELD ON NOVEMBER 6, 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council ordered that an election be held in the City of Richardson, Texas, on November 6, 2012, for the purpose of adopting amendments to the Home Rule Charter of the City of Richardson; and

WHEREAS, immediately after said election, the presiding judges and other election officials holding said election made their returns and results thereof to the City Council; and

WHEREAS, the majority of the votes cast at said election were for the adoption of Proposition No. 1 amending the Home Rule Charter of the City of Richardson, Texas; and

WHEREAS, the City Council canvassed the results of the election on November 6, 2012; **NOW, THEREFORE**,

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

SECTION 1. That Proposition No. 1 setting forth amendments to the Home Rule Charter, approved and adopted by the voters of the City of Richardson, Texas, in an election held for the purpose on November 6, 2012, a copy of which proposition is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby declared to be and constitutes duly adopted amendments to the Home Rule Charter of the City of Richardson, Texas.

SECTION 2. That the City Secretary shall record in the Office of the City Secretary, the Charter amendments adopted by the voters of the City; and pursuant to Section 9.007, Tex. Loc. Gov't Code, the Mayor shall certify to the Secretary of State of the State of Texas, an authenticated copy of this Ordinance and said amendment to the Home Rule Charter under the seal of the City, showing the approval by the qualified voters of the City of Richardson, Texas.

SECTION 3. That this Ordinance and the Charter amendments adopted hereby shall take effect immediately from and after the passage of this Ordinance, as the law and charter in such case provides.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 19th day of November, 2012.

	APPROVED:	
	MAYOR	
	CORRECTLY ENROLLED:	
	CITY SECRETARY	
APPROVED AS TO FORM:		
CITY ATTORNEY (PGS:11-0512:58072)		

MAYOR'S CERTIFICATE OF AUTHENTICATION

Pursuant to Tex. Loc. Gov't Code Ann., Section 9.007, I, Bob Townsend, Mayor of the				
City of Richardson, Texas, hereby certify that the above and forgoing is a true and correct copy				
of the City of Richardson Ordinance No, adopted by the City Council				
of the City of Richardson, Texas, on the 19th day of November, 2012, and attached thereto as				
Exhibit "A" is a true and correct copy of the amendments to the City of Richardson Home Rule				
Charter approved by the voters of the City of Richardson, Texas, at an election held for that				
purpose on November 6, 2012.				
This certificate of authentication executed this day of November, 2012.				
Bob Townsend, Mayor				
ATTEST:				
Aiman Naman Cita Canadama				
Aimee Nemer, City Secretary				
Soal of the City of Dichardson Toyon				
Seal of the City of Richardson, Texas				

EXHIBIT "A"

ARTICLE 3. – CITY COUNCIL

Section 3.01. – Number, election, terms.

- (a) Except as otherwise provided by this Charter of the City of Richardson, all powers conferred on the City shall be exercised by a City 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 and the Mayor shall be elected by the qualified voters of the entire City, and they shall each be elected for a term of two (2) years and until a successor is elected and qualified.
- (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 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] be known as the official head of the government. The mayor shall 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 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 case of the absence of both the mayor and the mayor pro tem, the remaining councilmembers 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 3.07. – Councilmember Vacancies.

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 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.

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. 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 councilmembers shall be designated as Places No. 1, 2, 3, 4, 5, and 6. Councilmembers 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 (Place 7) and Councilmembers in Places 5 and 6, may reside in any district. The council place for the Mayor shall be designated as Place 7. All six (6) councilmembers and the 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 the date of the member's election a registered voter, a resident of the city for one (1) year previous to the date of election, 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 in the second quarter on a date prescribed by state law. There shall be elected at that election six (6) city councilmembers and the 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 the position of Mayor and members of the city council shall be by petition, separately circulated, on behalf of each proposed candidate for the position of councilmember, and 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 place to be filled by such candidate. In all elections the name of each candidate shall appear on the official ballot for the 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 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. 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 and councilmember receiving a majority of all votes cast as provided in the Charter hereof for the position of Mayor and councilmember under the place number which that person's name appears shall be declared the duly elected Mayor and councilmember to hold such position. If no candidate for Mayor or a place shall receive a majority of all votes cast in an election, a runoff election shall be called for that place.

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 CITY COUNCILMEMBERS

Section 5.01. – Recall of Mayor and city councilmembers.

The Mayor and any councilmember of this city may be recalled and removed from office by the electors qualified to vote.

Section 5.02. – Procedure.

- a. A petition demanding the recall of the Mayor and/or a councilmember shall be filed with the city secretary, provided that such petition shall contain a complete statement of the grounds for which the removal is sought.
- b. The petition shall be signed by qualified voters equal in number to at least ten (10) percent of the entire number 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 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 [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 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 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 same, without prejudice to the filing of a completely new petition based upon new and different grounds, but not upon the same grounds.
- g. If the petition is found to be sufficient, the city secretary shall without delay submit it and the certificate declaring the petition to be sufficient to the city council. The city council, in the event that the Mayor or councilmember fails to

resign, shall order and set an election to be held within forty-five (45) [to] sixty (60) days from submission 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 or councilmember in question resigns, no 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 or a councilmember, when all the requirements for such election have been complied with by the petitioning citizens, in conformity with this article of the Charter, then it shall be the duty of any one of the district judges of Dallas County, Texas, upon proper application being made therefor, to order such election and to enforce the carrying into effect of the provisions of this article of the Charter.



City of Richardson City Council Worksession Agenda Item Summary



Worksession Meeting Date: Monday, November 19, 2012

Agenda Item: Review and Discuss the Cotton Belt Rail Line

Briefing

Staff Resource: Dan Johnson, City Manager

Summary: The Regional Transportation Council (RTC) staff

continues to progress in identifying an implementation strategy for the Cotton Belt Corridor passenger rail project. Last month, the NCTCOG Executive Board directed staff to work with Dallas Area Rapid Transit (DART), the Ft. Worth Transportation Authority (The T), Denton County Transportation Authority (DCTA), and cities along the Cotton Belt Rail Corridor to establish a consensus on a preferred procurement method and governance structure for implementation of the project. Much progress has been achieved in developing a joint procurement process to facilitate the region receiving an unsolicited proposal for the project. The proposed Joint Procurement Process takes advantage of Senate Bill 1048 (SB 1048) as well as DART's authority under Texas Transportation Code Chapter 452 (TTC 452).

City staff, DART Board Member Gary Slagel and NCTCOG staff representatives will brief the City (

NCTCOG staff representatives will brief the City Council on next steps and a specific action to request NCTCOG to pursue a public-private partnership procurement

utilizing SB 1048 for project development.

Board/Commission Action: N/A

Action Proposed: N/A



City Council Meeting Date: Monday, November 19, 2012

Agenda Item: Investment Policy Review

Staff Resource: Kent Pfeil, Director of Finance

Keith Dagen, Assistant Director of Finance

Summary: The Public Funds Investment Act requires an annual

review and ratification of the City's Investment Policy.

Staff will give an overview of the current Policy.

Board/Commission Action: N/A

Action Proposed: The updated Policy will be presented for ratification at

the November 26th Council Meeting.



City of Richardson City Council Meeting Agenda Item Summary



City Council Meeting Date: November 19, 2012

Agenda Item: Review and Discuss the Final Community Involvement

Session related to the Main Street/Central Expressway Enhancement/Redevelopment Study and the Study's

Current Status

Staff Resource: Monica Heid, Community Projects Manager

Summary: The third of three community meetings for the marketing

analysis and visioning phase of the Main Street/Central Expressway Corridor Study was held on Thursday, November 8. Approximately 60 people attended. On Monday, staff will present a briefing on the Final Community Involvement Session and a status report on

the project.

Board/Commission Action: None required

Action Proposed: Review and discuss



Work Session Meeting Date: Monday, November 19, 2012

Agenda Item: Items of Community Interest

Staff Resource: Dan Johnson, City Manager

Summary: 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 of Richardson 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 the posting of

the agenda.

Board/Commission Action: NA

Action Proposed: No action will be taken.



Work Session Meeting Date: Monday, November 19, 2012

Agenda Item: Executive Session

Staff Resource: Dan Johnson, City Manager

Summary: The Council will convene into a closed session in

compliance with Texas Government Code Section 551.074 – Personnel – Evaluation of the City

Manager.

Board/Commission Action: N/A

Action Proposed: Council will reconvene into open session to take any

action, if any, on matters discussed in Executive

Session.