

## MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

September 27, 2010  
City of Richardson, Texas

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, September 27, 2010 with a quorum of said Council present, to-wit:

Gary Slagel	Mayor
Bob Townsend	Mayor Pro Tem
Mark Solomon	Council member
John Murphy	Council member
Bob Macy	Council member
Steve Mitchell	Council member
Amir Omar	Council member

City staff present:

Bill Keffler	City Manager
Dan Johnson	Deputy City Manager
Michelle Thames	Assistant City Manager Administrative Services
David Morgan	Assistant City Manager Community Services
Cliff Miller	Assistant City Manager Development Services
EA Hoppe	Assistant to the City Manager
Pamela Schmidt	City Secretary
Peter G. Smith	City Attorney
Sam Chavez	Asst. Director of Development Services

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1. **INVOCATION**
  2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS**
  3. **MINUTES OF THE SEPTEMBER 13, 2010 MEETING**

ACTION TAKEN: Mr. Murphy moved approval as presented; second by Mr. Macy and the motion was approved with a unanimous vote.

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4. **VISITORS** - None

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5. **PUBLIC HEARING, ZONING FILE 10-13: A REQUEST BY PEGGY TSIANG CHERNG, CFT DEVELOPMENTS, LLC, REPRESENTING PANDA EXPRESS, FOR A SPECIAL PERMIT FOR A DRIVE-THRU RESTAURANT AT 501 S. PLANO ROAD (EAST SIDE OF PLANO ROAD, BETWEEN BELT LINE ROAD AND SPRING VALLEY ROAD). THE PROPERTY IS CURRENTLY ZONED LR-M(2) LOCAL RETAIL.**

Mr. Keffler advised that the request was for a special use permit for a drive through for Panda Express. He explained that the subject site was located between the existing Bank of America location and the recently approved Whataburger Restaurant. The Plan Commission met on

September 7, 2010 and recommended approval with a unanimous vote. He asked Sam Chavez, Asst. Director of Development Services – Planning, to further brief the Council.

Mr. Chavez stated that the proposed restaurant is approximately 2,400 sq. ft. in size and the property is zoned LR-M(2), which allows a restaurant and that the request for the drive through window requires a special permit. The property is located south of Belt Line Road on the east side of Plano Road. He stated that the proposed elevations mimic the architectural elements of the existing larger center located directly to the east. The proposed structure includes 100% masonry façade material. He stated that the site conforms to all of the zoning regulations.

Mayor Slagel opened the public hearing and invited the applicant to present the request.

Jeff Linder, Bannister Engineering, 714 Hunters Row Ct., Ste 104, Mansfield, stated there is an existing asphalt drive isle on the north property line that would continue to be owned by Simon and maintained by Simon. He advised that Simon is not willing to pay for the area to remove the asphalt and construct a concrete drive or to share the cost with Panda Express; therefore he requested that it be allowed to remain as asphalt with the understanding that any maintenance would be the responsibility of Simon as well as Panda Express and Whataburger.

He Mr. Omar asked about landscaping and Mr. Linder stated the landscaping plan would be provided later as required for review by the Plan Commission and would include more trees and shrubs. In response to Mayor Slagel, Mr. Chavez stated staff was more concerned about the long-term maintenance due turning movements that would occur in the area and felt that with time, the pavement would be compromised. Mr. Keffler stated staff felt that Simon would figure out how to handle the situation with all of the parties. Mr. Mitchell asked about the size of the area in question and Mr. Linder stated it is 24 ft wide by 157 ft long. Mr. Linder advised further that on the south side, since the bank was a ground lease, less improvement were made, and to the immediate south property line, there is an existing 24 ft access easement that is asphalt now and will continue to be asphalt. He felt the request was not without precedent. In response to Mr. Murphy, Mr. Linder explained that the area is a shared drive feeding traffic to Whataburger and Panda Express. Mayor Slagel reminded Council that the owner of the property would be responsible for maintenance in the future.

**ACTION TAKEN:** Mr. Mitchell moved to close the public hearing; second by Mr. Macy and the motion was approved with a unanimous vote.

Mr. Macy moved to approve ZF 10-13; second by Mr. Solomon and the motion was approved with a unanimous vote.

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**6. VARIANCE 10-04: A REQUEST BY DAVID MARCINKOWSKI WITH MADERIA RESIDENTIAL, REPRESENTING BELLE GROVE APARTMENTS, LLC, FOR APPROVAL OF A VARIANCE FROM ARTICLE III, SECTION 21-54(a), SIDEWALKS, OF CHAPTER 21 OF THE CITY OF RICHARDSON CODE OF ORDINANCES FOR A SIDEWALK WAIVER. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CIVIC CENTER DRIVE AND BELLE GROVE DRIVE.**

Mr. Keffler stated that the complex was constructed in 1968 prior to the dedication of the right-of-way for Civic Center Drive and sidewalks were not required at that time. He advised that a deferral was granted regarding sidewalks in 1991 when the property owner sought to construct a wrought iron fence and install landscaping. The sidewalk requirement re-appeared as a result

of refinancing on the part of the complex. He advised that the Plan Commission recommend approval with a 4-3 vote. He asked Sam Chavez to present the case.

Mr. Chavez stated the request was for a sidewalk waiver along the west side of Civic Center Drive. He stated that there is an existing sidewalk located along the east side of Civic Center Drive that starts at Belle Grove and heads north toward Arapaho. He advised that a three-year deferral had been approved in 1991 and as part of the refinancing, the lender discovered the lapse of the deferral and have given the owner one year to rectify the issue, either by constructing the sidewalk or obtaining a permanent sidewalk waiver. He stated that the Plan Commission recommended approval of the request on September 21, 2010 with a stipulation that the sidewalk at the southern end be extended toward Civic Center Drive to complete the accessibility corridor route.

Mr. Mitchell noted that the Council has stressed the connectivity of sidewalks in the City and stated a preference to have the sidewalk constructed. Mr. Chavez stated the existing sidewalk is approximately 4 ft wide. The area between the back of curb and pavement for parking is approximately 10 ft wide. He felt staff could work with the applicant to construct a 4 ft meandering sidewalk within the parkway around the existing crepe myrtles, and acknowledging that some of the plant material would probably need to be removed, which would have to be replaced. Mr. Mitchell asked about the photinia material and Mr. Chavez stated that if the plants were lost, it would need to be replaced with other plant material on the City's approved list. Mr. Omar stated his preference to have the sidewalk continue even if the current plant material is lost. Mr. Murphy asked about the location of a sidewalk and was searching for a way that the crepe myrtles could be maintained. Mr. Chavez reiterated that staff could work with the applicant to develop a meandering sidewalk and would do everything possible to keep as much of the existing plant material as possible. Mr. Murphy stated that the purpose of the living screen was to keep people from entering the property from the street and asked if there would be enough space for some sort of planting and a fence. With regard to the fence, Mr. Chavez felt there was approximately 2 ft between the property line and the edge of pavement, and if desired, the applicant could erect a wrought iron fence as original intended, however, the landscape screening is required. Mr. Townsend asked about screening requirements, Mr. Chavez stated that if the request is denied, the applicant would be required to provide live screening.

Mayor Slagel opened the public hearing and invited the applicant to the podium to present the request..

Dixie Robinson, 5005 Strickland, The Colony, on behalf of the Belle Grove Apartments, stated there does not seem to be a lot of walk-in traffic from Civic Center Drive. She felt that it would make the residents unhappy to lose the screen and felt it was a great diversion between the parking and the street. She asked that the expense be considered as well.

Mr. Mitchell explained Council's desire regarding sidewalks and felt that the sidewalk could be perceived in a positive manner by the residents of the complex. He also felt that security could be enhanced with fewer trees. Ms. Robinson stated the residents rarely go through the current live screen to get to the Civic Center. With regard security, she stated that they have very long-term residents and is not aware of a security problem.

Mr. Omar asked about the deferral and Ms. Robinson stated that they did not own the property in 1991 and she was not aware of the previous deferral. Mr. Omar explained his perspective and preference for continuity of the sidewalk.

Mr. Solomon stated he would like to see the 4 ft sidewalk continued to Belle Grove and would like to maintain as many of the crepe myrtles as possible. Mr. Murphy advised that there was a time when there was no living screen and felt the current screen is preferable. He noted that the current requirements will require new plantings but it would take many years to have the growth as provided today. He stated his preference to leave the sidewalk as it is and stated he does not want to be responsible for losing the crepe myrtles. Mr. Townsend stated he had mixed feelings because he agreed with Mr. Murphy about the loss of the live screening wall, but he would also like to see the sidewalk. Mr. Macy stated he was also torn and agreed with the points made by Mr. Murphy. Mr. Omar talked about the need to address gaps in sidewalk connections. He felt that reducing the width to 4 ft was appropriate and suggested a meandering sidewalk to preserve the crepe myrtles. He also noted the lack of maintenance of the photinia. Mr. Mitchell stated that it is possible that the area is not being used at this time because it is not walkable and spoke strongly in favor of requiring the sidewalk. Mayor Slagel noted that there is a sidewalk across the street that is used and the Plan Commission identified the need to continue the Belle Grove sidewalk. He stated he did not have a strong sense for the need for the sidewalk while he recognized the need to complete gaps in sidewalks in other areas. He understood the hardship, but felt the sidewalk would be appropriate. Mr. Townsend asked if a decision could be delayed and Mr. Keffler advised his understanding that the financing requirement was that the sidewalk be completed within a year. Discussion was held on the merits of delaying the decision to consider how the sidewalk would affect the living screen.

**ACTION TAKEN:** Mr. Mitchell moved to deny VAR 10-04 and require a minimum of a 4ft sidewalk that must be implemented within one year. Second by Mr. Solomon and the motion was approved with a 5-2 vote with Mr. Murphy and Mr. Townsend in opposition. Variance request denied.

Mr. Macy complimented the ownership of Belle Grove for the maintenance of the complex.

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**7. VARIANCE 10-06: A REQUEST BY SARAH WILLIAMSON WITH KIMLEY-HORN, REPRESENTING UNIVERSITY VILLAGE, FOR APPROVAL OF A VARIANCE FROM ARTICLE III, SECTION 21-46(d), LOTS AND BLOCKS, OF CHAPTER 21 OF THE CITY OF RICHARDSON CODE OF ORDINANCES TO ALLOW FOR A FLAG LOT. THE PROPERTY IS LOCATED NORTH OF BELT LINE ROAD, ON THE EAST SIDE OF PLANO ROAD.**

Mr. Keffler stated University Village was initially built in 1975 and has contained up to 135,000 sq. ft. of floor area. In 2007, LA Fitness came to the site and renovation has continued since that time. He provided a history of the site. He stated the request is for a variance to facilitate the sell of the lot in question. He asked Mr. Chavez to brief the Council.

Mr. Chavez stated the request is to allow the creation of a flag lot and provided a plan highlighting the area in question. He stated that typically, flag lots are created to provide street frontage on the lot or to address parking needs for the development. If approved, the property owner would have to submit a formal replat application to the Plan Commission. He advised that the Plan Commission recommended unanimous approval of the request.

Mayor Slagel opened the public hearing and invited the applicant to the podium to present the request.

Sarah Williamson, Kimley Horn, 12700 Park Central, Dallas, and Chris Lamack, Gemini Richardson Village, 16740 Birkdale Commons Parkway, Huntersville, were present to answer questions, but did not have a formal presentation.

Mr. Solomon asked what had changed since their last presentation because Council was previously told that large building or big boxes were not wanted. Mr. Lamack stated that since then the City and another gymnastic facility showed interest in the property and more recently they have been more progressive with marketing the property. He talked about the interest and activity regarding the property and felt the variance request would assist in the endeavor.

Mr. Omar voiced concern with dividing the property, the consistent architectural integrity and future maintenance of the property. Mr. Lamack stated they have had discussion about including covenants to protect the integrity of the center.

Mr. Solomon spoke about the need to have some degree of uniformity of styles and homogenous management. Mr. Lamack stated they are in need of a Council decision prior to completing a contract on the property. Mayor Slagel stated that the Council is trying to protect shopping center, the neighborhood around it, and investment made in the area.

Mr. Mitchell noted that for a long period of time, the center was underperforming and noted the investment in the area. He felt that subdividing the property without more details was concerning. Mr. Lamack stated they have an agreement that ties everything together and they still have a substantial investment even if they were to sell the lot. He stated the agreement is that this area be and look like one shopping center regardless of the number of property owners and includes access throughout the site. Mayor Slagel voiced a concern about the property being purchased by a grocer because there are already other grocery stores nearby and he would not want one of those businesses adversely impacted. Mr. Lamack stated it would be more of a specialty type grocer.

Dante Massaro, 16740 Birkdale Commons Parkway, stated he understands the concerns and suggested the Council table the request to allow them an opportunity to address the concerns voiced. He stated that as the seller, they have the ability to place stipulations on the property. Mr. Keffler stated there is no legal advertisement requirement as the request is not a zoning matter, and the Council could bring it back at any time.

Mayor Slagel opened the floor for speakers to address the Council.

Diana Clawson, 800 Westminster Drive, stated she would be concerned about another grocery store being developed so close to Albertson's and the new Aldi store. She agreed with the concerns voiced by Council regarding multiple owners. She also voiced a need for restaurants in the area and would not want to lose what is there now.

Mr. Omar stated he was not necessarily opposed but would like to know what it is and if it will add value to the neighborhood, he would be in favor of helping to make it happen. Mr. Massaro stated any proposed sell would be an owner occupied situation.

With regard to the agreement referred to by Mr. Massaro, Mr. Murphy asked the applicant to bring information to the next meeting.

ACTION TAKEN: Mr. Murphy moved to table VAR 10-06 until notified by the applicant that they are ready to proceed; second by Mr. Solomon and the motion was approved with a unanimous vote.

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**8. CONTINUE PUBLIC HEARING AND CONSIDER APPROVAL OF ORDINANCE NO. 3785, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 2, ADMINISTRATION, BY AMENDING ARTICLE I TO ADD A CODE OF ETHICS FOR CITY OFFICIALS.**

Mr. Keffler noted the various discussions held regarding the Ethics Ordinance and noted the proposed ordinance is inclusive of changes since the last meeting.

Mayor Slagel opened the public hearing.

Gala Partlow, 1308 Grinnell, felt that the comment from Mr. Murphy that he would continue to take messages during Council meetings would be a violation of the proposed Ethics Ordinance. Mayor Slagel stated that the use of electronic devices is the type of item that would be addressed as part of a Code of Conduct. Ms. Partlow asked for clarification if a complaint doesn't arise until a member is gone. City Attorney Pete Smith stated it was his understanding that Council wanted any complaints filed while a person held office to be resolved even if they no longer held office by the time the complaint was completed. He stated if the complaint gave rise to an issue not covered by the Ethics Ordinance, the Council could consider an amendment at that time.

Jim Mallett, 1623 Greenhaven, stated he was pleased to see that the Council removed the 6 month limitation for filing a complaint. He stated he was concerned that the section on confidentiality goes further than the State laws require and felt it was not necessary to be more restrictive. He felt redundancy was not a problem with regard to making the code applicable to city employees.

Richard Tanner, 401 Ridgehaven, thanked the Council from a personal standpoint on behalf of his wife, Courtenay, in regards to parole of an individual in connection with the 1973 project. He stated he was present for a better city through citizen awareness. He voiced various concerns he had regarding the proposed ordinance and specifically took issue with the section regarding confidentiality and the city attorney being responsible for investigating complaints. He felt that a vote for the ordinance as written was not a vote for the citizens of Richardson.

Diana Clawson, 800 Westminster Drive, voiced concern that city employees would not be required to adhere to the policy and also felt it was a conflict of interest to have the city attorney be responsible for investigating complaints. She asked for clarification about removal from office and with regard to gifts.

Mayor Slagel asked staff to respond about staff accountability. Ms. Thames stated that once the Council adopts a Code of Ethics, staff would develop a policy that mirrors the Council policy and it would be placed in the Interdepartmental Policy and Procedures, which must be adhered to by all employees. Mr. Keffler stated that all city employees, including himself, would be required to adhere to the policy referred to by Ms. Thames. Mr. Murphy asked who the authority would be that implements discipline with a violation by an employee. Mr. Keffler stated that in a Council – Manager form of government, all of the employees with the exception of the city secretary, and the city attorney rest in an employment system that ultimately follows back up to

the City Manager. Those individuals that report up to the City Manager would be processed in the same manner as any other departmental regulation. With regard to confidentiality, Mayor Slagel clarified that items discussed in executive session would remain confidential and provided an example of economic development. Mr. Smith stated that the idea is to prevent an individual council member from disclosing information and voiding the privilege afforded to Council by the Open Meetings Act. He stated it does not preclude the Council as a whole from talking about what was discussed. He also noted the addition of the option to allow the Council to hire someone other than the city attorney to investigate a complaint. Mr. Smith reminded Council that neither he nor Mr. Keffler proposed the ordinance, but rather it was developed after review of many cities' ordinances. Mr. Macy stated the purpose of the Council is to look after the City's benefit and the purpose of the confidentiality is for the City's benefit. Mr. Omar felt the issue of confidentiality speaks directly to the desire that Council members act in an ethical manner. He felt that without the clause, a council member would be allowed to provide information that could hurt the city and would be unethical. Mr. Smith confirmed that the section does not preclude a council member for seeking his own counsel so long as he doesn't disclose the details or the legal advice given. Mr. Omar spoke strongly in favor of including the confidentiality item and felt it would hold council members more accountable. Mr. Mitchell emphasized that the proposed ordinance does not expand the items to be discussed in closed session; the Open Meetings Act allows the Council to convene into Executive Session for specific exceptions and he felt that the clause only states that the Council must maintain that level of confidentiality as it has always been implied. With regard to the question about gifts, Mr. Smith stated if it is a token gift, it would not be a violation. He stated a gift does not include a campaign contribution and is nearly identical to what can be found in other cities and very similar to the language found in the Texas Penal Code. Mr. Omar asked if there was a situation where a group or subgroup would get something valued more than \$50 that Council would find allowable and suggested the clause be removed. Mr. Mitchell was in agreement with removing the clause. After discussion about the section, Mr. Mitchell felt that if the clause reads as one gift such as a piece of artwork to a group rather than artwork to each member of the group, keeping the clause would be acceptable.

Mr. Mitchell felt that he would like to see the establishment of a Council appointed ethics commission to review the complaints filed. Mr. Macy stated that members of an ethics commission would still be beholding to the City Council; same as the City Attorney. Mr. Mitchell felt that a commission of citizens could provide good feedback to the Council and felt it was a form of checks and balances. Mr. Murphy stated he likes the idea of the Council being accountable to the citizens and did not want to take the Council off the hook. Mr. Omar suggested deleting the previous statement discussed regarding groups or subgroups because of the statement under Sec 2-4(d) that the gift influenced the members vote on an item. He clarified that under definitions of Sec 2-3 under the word "gift", he would strike everything after "nor does it include the receipt or acceptance of things of value presented to officials as groups or subgroups". Mr. Mitchell felt the Council has done a good job with the ordinance, listened and responded to input and reminded Council that it could be amended if needed in the future. Mr. Murphy stated he would like to see a clause requiring a review at a specific time and suggested every four years. Mr. Omar clarified that if a complaint is filed while an individual is on the Council and subsequently leaves, the complaint would continue until resolved. Mr. Smith also clarified that if a council member left office, then was re-elected and a complaint was filed for something that occurred during the initial term of office, the complaint would be investigated to a resolution. Mr. Omar encouraged citizens to send information to council members at any time rather than wait for the visitors item and feel constrained with the 5 minute rule. Mr. Murphy underscored the need to develop a code of conduct to address items such as the receipt of emails and texts during the meeting.

ACTION TAKEN: Mr. Solomon moved to close the public hearing; second by Mr. Macy and the motion was approved with a unanimous vote.

Mr. Townsend moved to approve Ordinance 3785 with the one suggestion to delete the portion of the sentence with regard to gifts; second by Mr. Macy. Mr. Omar asked if he would include a review of the ordinance. Mr. Townsend amended his motion to approve Ordinance 3785 as presented; second by Mr. Murphy. Mr. Omar voiced a concern with adopting the ordinance as presented. After discussion and clarification, Mr. Townsend stated he was not aware that he had received a second to his initial motion and agreed that the ordinance should be reviewed every four years. Mayor Slagel asked for a second and Mr. Murphy asked that the motion be restated.

Mayor Slagel stated the motion is to approve the ordinance as written with the exception of removing the last portion of the sentence on page 3 after gifts that starts after the commas that says nor does it include receipt, etc., and to review the document every four years. Mr. Mitchell asked Mr. Townsend to consider the review every 2 years and Mr. Townsend agreed. Mayor Slagel re-stated the motion noting a 2 year review and striking a portion of the sentence under gifts. Second by Mr. Macy. The motion was approved with a unanimous vote.

Mr. Macy recognized and commended staff for including information from the various cities to develop the policy.

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ALL ITEMS LISTED UNDER ITEM 9 OF THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED BELOW. THERE WILL BE NO SEPARATE DISCUSSIONS OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY:

**9. CONSENT AGENDA:**

ACTION TAKEN: Mr. Solomon moved approval as presented; second by Mr. Townsend and the motion was approved with a unanimous vote.

A. Approve recommendations from Arts Commission for financial assistance from the hotel/motel tax fund for the following organizations:

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| 1. Al-Khitab Christian Compassion Mission              | \$0     |
| 2. Texas Ballet Theater School, Dallas                 | \$0     |
| 3. Arts Incubator of Richardson (AIR)                  | \$1,000 |
| 4. Greater Dallas Youth Orchestra                      | \$1,000 |
| 5. National Association of Composers/USA-Texas Chapter | \$1,500 |
| 6. Rover Dramawerks                                    | \$1,500 |
| 7. Plano Community Band                                | \$2,000 |
| 8. Dallas Chinese Community Center                     | \$3,500 |
| 9. Pegasus Theatre Incorporated                        | \$3,500 |
| 10. Contemporary Chorale                               | \$3,800 |
| 11. Texas Performing Chinese Arts Association          | \$3,800 |
| 12. Friends of the Richardson Public Library           | \$4,000 |
| 13. Richardson Reads One Book                          | \$5,000 |
| 14. Chamberlain Performing Arts                        | \$6,000 |



15. Dallas Asian American Youth Orchestra	\$6,500
16. Texas Winds Musical Outreach	\$7,000
17. Lone Star Wind Orchestra	\$7,500
18. Dallas Repertoire Ballet	\$9,000
19. Plano Symphony Orchestra	\$9,500
20. Richardson Civic Art Society	\$10,500
21. Tuzer Ballet	\$10,500
22. The Rich-Tone Chorus	\$12,500
23. Richardson Community Band	\$15,500
24. Chamber Music International	\$20,000
25. Richardson Theatre Centre	\$36,200
26. Repertory Company Theatre	\$43,700
27. Richardson Symphony	\$75,000

B. Approve the following Ordinances:

1. Ordinance No. 3789, amending the Code of Ordinances by amending Chapter 6, Article VIII, Subdivision II "Building and Standards Commission" by amending Sections 6-341 through 6-345 by providing the powers and duties of the Building and Standards Commission that are consistent with State Law and providing provisions regarding notice of hearing before the Building and Standards Commission.
2. Ordinance No. 3790, amending the Code of Ordinances by amending Section 6-366 required property standards to add Subsection (7) regarding Window and door maintenance; by amending Section 6-367 required property structural standards to add Subsection (52) regarding maintenance of exterior surfaces.
3. Ordinance No. 3791, amending Article V, Graffiti, of Chapter 14, Nuisances, of The Code of Ordinances of the City of Richardson, Texas by revising Section 14-125, Owner responsibility, and Section 14-126, assessment of expenses, liens.
4. Ordinance No. 3792, approving a negotiated resolution between the Atmos Cities Steering Committee ("ACSC" or "Steering Committee") and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company") regarding the Company's third Rate Review Mechanism ("RRM") filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; requiring the Company to reimburse Cities' reasonable ratemaking expenses; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; approving Atmos Mid-Tex's proof of revenues; extending the RRM Process for two cycles and adopting a new RRM Tariff; ratifying the settlement agreement, including cost recovery for a steel service line replacement program; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; and requiring delivery of this ordinance to the Company and the Steering Committee's legal counsel.

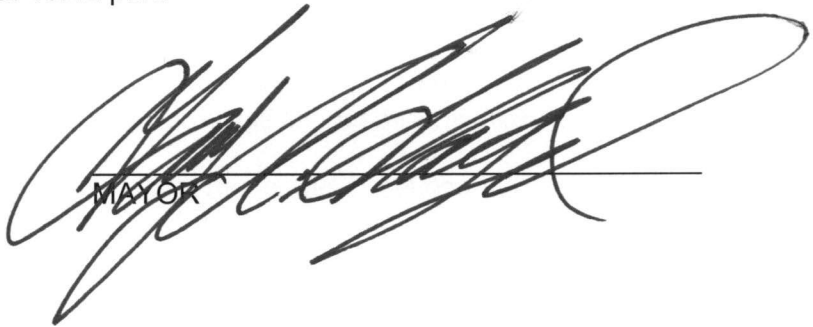
C. Receive from the City Plan Commission:

1. Amending plat of Lots 10A & 12A, Cantera Addition.

2. Replat of Lots 3B and 10, Block 1 of the Collins Technology Park Addition, being a replat of Lot 3A, Block 1 of the Collins Technology Park Addition.
- D. Award of the following bids:
1. Bid #51-10 – authorization to issue annual requirements contracts to Richardson Ready Electric, Inc. and Boyd Electric, Ltd. for electrical services pursuant to hourly prices bid for electricians, electrician helpers, and ladder truck rental/operators.
  2. Bid #59-10 – authorization to issue a Co-Op Purchase Order with Richardson I.S.D. for the Municipal Court Computer Room Uninterruptable Power Supply replacement to LED Enterprises, Inc. in the amount of \$43,911.50 and to Richardson Ready Electric in the amount of \$7,275 for a total expenditure of \$51,186.50.
  3. Bid #60-10 – authorization to issue a Purchase Order to Qwest Communications, Inc., for the internet circuit and ISP provider through the State Of Texas Department of Information Services Contract #DIR-SDD-833 for an annual expenditure of \$87,619.20 annually or \$7,301.60 monthly.
- E. Authorize the City Manager to execute Change Order #1 to Purchase Order #101178 to Hencie International, Inc., for the 2010 utility pavement repair contract in the amount of \$40,000.

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Mayor Slagel adjourned the meeting at 10:12 p.m.

  
MAYOR

ATTEST:

  
CITY SECRETARY