

**RICHARDSON CITY COUNCIL  
MONDAY, APRIL 24, 2023  
COUNCIL MEETING AT 6:00 PM  
RICHARDSON POLICE DEPARTMENT, 200 N. GREENVILLE AVE., RICHARDSON, TX 75081**

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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.

**Attention: Meeting Attendance/Viewing**

City Council meetings are available for viewing via live stream on-line and on-demand at [www.cor.net/city](http://www.cor.net/city). Cablecast viewing of City Council meetings for U-verse and Spectrum customers is temporarily unavailable due to a fire which damaged Richardson City Hall. Cablecast services will be restored as soon as possible. Videos of past Council meetings are also available to view on-demand at [www.cor.net/city](http://www.cor.net/city).

Anyone wishing to address the City Council can submit comments on any topic or agenda item electronically by utilizing the Public Comment Card found here: [www.cor.net/PublicCommentForm](http://www.cor.net/PublicCommentForm), or in-person during the Visitors section or the Public Hearing item. Comments submitted online must be received by 5 p.m. on the date of the meeting to be included in the public record.

**COUNCIL MEETING – 6:00 PM, MULTIPURPOSE ROOM #1103**

• **CALL TO ORDER**

**1. INVOCATION – JANET DEPUY**

**2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – JANET DEPUY**

**3. MINUTES OF THE APRIL 10, 2023 AND APRIL 17, 2023 MEETINGS**

**4. VISITORS/ACKNOWLEDGEMENT OF PUBLIC COMMENT CARDS**

*Visitors may address the Council on any topic that is not already scheduled for Public Hearing. Speakers should complete a Public Comment Card and present it to the City Secretary before the meeting. Speakers are limited to 3 minutes. Comments should be directed to the Mayor and City Council. The Texas Open Meetings Act prohibits the City Council from discussing or taking action on items that are not posted on the agenda. The Mayor or City Manager may provide specific factual information, recite an existing policy, or schedule the item for discussion on a future agenda in response to the public comments.*

**5. REVIEW AND DISCUSS THE 2023 GENERAL OBLIGATION BONDS AND CERTIFICATES OF OBLIGATION SALE**

**6. REVIEW AND DISCUSS THE LIBRARY PROGRAM OVERVIEW AND NATIONAL LIBRARY WEEK**

**7. CONSIDER REAPPOINTMENT TO THE NORTH TEXAS MUNICIPAL WATER DISTRICT BOARD**

**PUBLIC HEARING ITEMS:**

**8. PUBLIC HEARING ON PROPOSED REGIONAL AND LOCAL AMENDMENTS TO THE 2021 INTERNATIONAL BUILDING CODE AND 2021 INTERNATIONAL RESIDENTIAL CODE.**

**Citizens wishing to address the City Council can submit comments electronically by 5:00 p.m. by utilizing the Public Comment Card found here: [www.cor.net/PublicCommentForm](http://www.cor.net/PublicCommentForm).**

9. PUBLIC HEARING, ZONING FILE 23-01, A REQUEST FOR APPROVAL OF A SPECIAL DEVELOPMENT PLAN AND SPECIAL PERMIT FOR A 2.5-ACRE LOT LOCATED AT 1001 S. SHERMAN STREET, ON THE EAST SIDE OF SHERMAN STREET, SOUTH OF SPRING VALLEY ROAD, CURRENTLY ZONED MAIN STREET/CENTRAL EXPRESSWAY PD PLANNED DEVELOPMENT (CREATIVE CORPORATE SUB-DISTRICT) TO ALLOW DEVELOPMENT OF A 5-STORY APARTMENT BUILDING CONSISTING OF 215 APARTMENT UNITS.

**Citizens wishing to address the City Council can submit comments electronically by 5:00 p.m. by utilizing the Public Comment Card found here: [www.cor.net/PublicCommentForm](http://www.cor.net/PublicCommentForm).**

**10. 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. 4456, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO GRANT A CHANGE IN ZONING FROM LR-M(2) LOCAL RETAIL TO PD PLANNED DEVELOPMENT FOR LR-M(2) LOCAL RETAIL DISTRICT; ADOPTING DEVELOPMENT REGULATIONS, INCLUDING A CONCEPT PLAN AND A SPECIAL PERMIT FOR A DOG DAYCARE AND BOARDING KENNEL LOCATED ON A 2.5-ACRE TRACT OF LAND LOCATED AT 2100 ALAMO ROAD, RICHARDSON, TEXAS.
2. ORDINANCE NO. 4457, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP BY GRANTING A CHANGE IN ZONING BY GRANTING A SPECIAL PERMIT FOR A MASSAGE ESTABLISHMENT FOR THE PROPERTY LOCATED AT 210 E. SPRING VALLEY ROAD, RICHARDSON, TEXAS, ZONED PD PLANNED DEVELOPMENT MAIN STREET/CENTRAL EXPRESSWAY FORM BASED CODE (CENTENNIAL GREEN SUB-DISTRICT).
3. ORDINANCE NO. 4458, ADOPTING SUPPLEMENT NO. 31 TO THE CODE OF ORDINANCES.
4. CONSIDER ALL MATTERS INCIDENT AND RELATED TO THE ISSUANCE AND SALE OF "CITY OF RICHARDSON, TEXAS GENERAL OBLIGATION BONDS, SERIES 2023," INCLUDING THE ADOPTION OF ORDINANCE NO. 4459, AUTHORIZING THE ISSUANCE OF SUCH BONDS, ESTABLISHING PARAMETERS FOR THE SALE AND ISSUANCE OF SUCH BONDS AND DELEGATING CERTAIN MATTERS TO AN AUTHORIZED OFFICIAL OF THE CITY.
5. CONSIDER ALL MATTERS INCIDENT AND RELATED TO THE ISSUANCE AND SALE OF "CITY OF RICHARDSON, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2023," INCLUDING THE ADOPTION OF ORDINANCE NO. 4460, AUTHORIZING THE ISSUANCE OF SUCH CERTIFICATES OF OBLIGATION, ESTABLISHING PARAMETERS FOR THE SALE AND ISSUANCE OF SUCH CERTIFICATES OF OBLIGATION AND DELEGATING CERTAIN MATTERS TO AN AUTHORIZED OFFICIAL OF THE CITY.
6. CONSIDER ALL MATTERS INCIDENT AND RELATED TO THE ISSUANCE AND SALE OF "CITY OF RICHARDSON, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, TAXABLE SERIES 2023A," INCLUDING THE ADOPTION OF ORDINANCE NO. 4461, AUTHORIZING THE ISSUANCE OF SUCH CERTIFICATES OF OBLIGATION, ESTABLISHING PARAMETERS FOR THE SALE AND ISSUANCE OF SUCH CERTIFICATES OF OBLIGATION AND DELEGATING CERTAIN MATTERS TO AN AUTHORIZED OFFICIAL OF THE CITY.
7. ORDINANCE NO. 4462, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 8, ARTICLE II, SECTION 8-27 AND SECTION 8-28 ADOPTING THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE, INCLUDING APPENDICES B, D, H, I, AND N, AND AMENDMENTS THERETO.

8. ORDINANCE NO. 4463, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, ARTICLE III, RICHARDSON ELECTRICAL CODE, BY AMENDING SECTIONS 6.111(a) AND 6-132(1) ADOPTING THE NATIONAL ELECTRICAL CODE, 2020 EDITION, NFPA 70, RELATING TO ELECTRICAL CONTRACTOR REQUIREMENTS AND STANDARDS FOR ELECTRICAL INSTALLATIONS.
9. ORDINANCE NO. 4464, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, ARTICLE II, BY AMENDING SECTIONS 6-27 AND 6-28, TO ADOPT THE INTERNATIONAL BUILDING CODE, 2021 EDITION, TOGETHER WITH APPENDIX D AND AMENDMENTS THERETO; BY AMENDING SECTIONS 6-30 AND 6-31, TO ADOPT THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, 2021 EDITION AND AMENDMENTS THERETO; BY AMENDING SECTIONS 6-33 AND 6-34, TO ADOPT THE INTERNATIONAL ENERGY CONSERVATION CODE, 2021 EDITION, AND AMENDMENTS THERETO; BY AMENDING ARTICLE V, SECTIONS 6-237 AND 6-238, TO ADOPT THE INTERNATIONAL FUEL GAS CODE, 2021 EDITION, WITH APPENDIX A AND AMENDMENTS THERETO; BY AMENDING ARTICLE VI, SECTIONS 6-262 AND 6-263, TO ADOPT THE INTERNATIONAL MECHANICAL CODE, 2021 EDITION AND AMENDMENTS THERETO; BY AMENDING ARTICLE VII, SECTIONS 6-287 AND 6-288, TO ADOPT THE INTERNATIONAL PLUMBING CODE, 2021 EDITION, TOGETHER WITH APPENDICES C AND E AND AMENDMENTS THERETO; BY AMENDING ARTICLE II-A, SECTIONS 6-45 AND 6-46 TO ADOPT THE INTERNATIONAL EXISTING BUILDING CODE, 2021 EDITION, AND AMENDMENTS THERETO; BY AMENDING ARTICLE II-B, SECTIONS 6-46 AND 6-47 TO ADOPT THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2021 EDITION AND AMENDMENTS THERETO.

B. CONSIDER AWARD OF THE FOLLOWING BIDS:

1. BID #11-23 – WE RECOMMEND THE AWARD TO DFW SERVICES FOR FLOYD BRANCH UTILITY HOLE REPLACEMENT IN THE AMOUNT OF \$1,085,035.
2. BID #38-23 – WE RECOMMEND THE AWARD TO A&C CONSTRUCTION, INC. FOR APOLLO ROAD PROPERTY PHASE I IMPROVEMENTS PROJECT IN THE AMOUNT OF \$1,413,800 WHICH INCLUDES ALTERNATE 1 AND AUTHORIZATION TO EXECUTE A CHANGE ORDER TO DECREASE THE CONTRACT AMOUNT BY \$291,316.
3. BID #41-23 – WE RECOMMEND THE AWARD TO HORSESHOE CONSTRUCTION, INC. FOR 2022 CAPACITY, MANAGEMENT, OPERATION & MAINTENANCE SANITARY SEWER IMPROVEMENTS IN THE AMOUNT OF \$691,647.50.
4. BID #72-23 – WE RECOMMEND THE AWARD TO INTERCON ENVIRONMENTAL, INC. FOR THE COOPERATIVE PURCHASE FOR ASBESTOS ABATEMENT AND DEMOLITION OF TWO BUILDINGS AT BRECKINRIDGE PARK THROUGH THE INTERLOCAL PURCHASING SYSTEM ("TIPS") CONTRACT #RCSP 211001 IN THE AMOUNT OF \$61,563.22.
5. BID #73-23 – WE RECOMMEND THE AWARD TO CORE CONSTRUCTION (CORE) FOR THE COOPERATIVE PURCHASE FOR CONSTRUCTION FOR THE CITY HALL AND LIBRARY TEMPORARY RELOCATION TENANT IMPROVEMENT PROJECT THROUGH THE INTERLOCAL PURCHASING SYSTEM ("TIPS") CONTRACT #200201 IN THE AMOUNT OF \$1,715,000.

**11. 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.*

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- **ADJOURN**

I CERTIFY THE ABOVE AGENDA WAS POSTED ON THE BULLETIN BOARD AT THE CIVIC CENTER/CITY HALL AND RICHARDSON POLICE DEPARTMENT ON FRIDAY, APRIL 21, 2023, BY 5:00 P.M.

AIMEE NEMER, CITY SECRETARY

ACCOMMODATION REQUESTS FOR PERSONS WITH DISABILITIES SHOULD BE MADE AT LEAST 48 HOURS PRIOR TO THE MEETING BY CONTACTING THE ADA COORDINATOR, VIA PHONE AT (972) 744-4168, VIA EMAIL AT [ADACOORDINATOR@COR.GOV](mailto:ADACOORDINATOR@COR.GOV), OR BY APPOINTMENT AT 2003 E. RENNER RD., RICHARDSON, TEXAS 75082.

PURSUANT TO SECTION 46.03, PENAL CODE (PLACES WEAPONS PROHIBITED), A PERSON MAY NOT CARRY A FIREARM OR OTHER WEAPON ON THIS PROPERTY. \*

FOR THE PURPOSE OF THIS NOTICE "PROPERTY" SHALL MEAN THE RICHARDSON POLICE DEPARTMENT, MULTIPURPOSE ROOM OR ANY OTHER ROOM WHERE A MEETING SUBJECT TO AN OPEN MEETING UNDER GOVERNMENT CODE CHAPTER 551 OF THE RICHARDSON CITY COUNCIL IS HELD.

*\*This does not apply to licensed carriers.*

**MINUTES**  
**RICHARDSON CITY COUNCIL MEETING**  
**APRIL 10, 2023**

- **Call to Order**

Mayor Voelker called the meeting to order at 6:00 p.m. with the following Council members present:

Paul Voelker	Mayor
Janet DePuy	Mayor Pro Tem
Bob Dubey	Councilmember
Jennifer Justice	Councilmember
Joe Corcoran	Councilmember
Ken Hutchenrider	Councilmember
Arefin Shamsul	Councilmember

The following staff members were also present:

Don Magner	City Manager
Kent Pfeil	Chief Financial Officer
Charles Goff	Assistant City Manager
Michaela Dollar	Assistant City Manager
Aimee Nemer	City Secretary
Haley Alsabrook	Management Analyst
Greg Sowell	Communications Director
Bill Alsup	Health Director
Noura Jammal	Animal Services Manager
Lori Smeby	Parks and Recreation Director
Yvonne Falgout	Assistant Director of Parks and Recreation
Spencer Doyle	Superintendent of Recreation
Margie Trame	Recreation/Day Camp Coordinator
Sam Chavez	Director of Development Services

**COUNCIL MEETING – 6:00 PM, MULTIPURPOSE ROOM #1103**

- 1. INVOCATION – JENNIFER JUSTICE**
- 2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – JENNIFER JUSTICE**
- 3. MINUTES OF THE MARCH 27, 2023 AND APRIL 3, 2023 MEETINGS**

**Council Action**

Councilmember Hutchenrider moved to approve the Minutes as presented. Councilmember Shamsul seconded the motion. A vote was taken and passed, 7-0.

- 4. VISITORS/ACKNOWLEDGEMENT OF PUBLIC COMMENT CARDS**

There were no public comment cards submitted.

- 5. RECOGNITION OF MARTIN LUTHER KING, JR. ESSAY AND BLACK HISTORY MONTH ART CONTEST WINNERS**

Greg Sowell, Communications Director, reviewed this item for Council and recognized contest judges:

Mayor Voelker moved Item 5 after the presentation of Item 6. Council recognized the following Martin Luther King, Jr. Essay Contest winners:

4 <sup>th</sup> – 6 <sup>th</sup> Grade	Hafsa Sayeed
7 <sup>th</sup> – 9 <sup>th</sup> Grade	Daniela Mantula
10 <sup>th</sup> – 12 <sup>th</sup> Grade	Shereen Qaralusi

Council also recognized the following Black History Month Art Contest winners:

1st – 3rd Grade	Yuval Segal
4th – 6th Grade	Amal Raj Anilkumar
7th – 9th Grade	Cooper Mansur
10th – 12th Grade	Katherine Ramirez Sosa

## **6. RECOGNITION AND PRESENTATION FOR ANIMAL CARE AND CONTROL APPRECIATION WEEK**

This item was handled before Item 5.

Noura Jammal, Animal Services Manager, informed Council of some of the statistics and duties of Animal Services. Council recognized members of the Animal Services Department with a proclamation recognizing Animal Care and Control Appreciation Week.

### **PUBLIC HEARING ITEMS:**

## **7. PUBLIC HEARING AND CONSIDER ADOPTION OF ORDINANCE NO. 4452, ADOPTING STANDARDS OF CARE FOR EARLY CHILD DEVELOPMENT PROGRAMS OFFERED BY THE RICHARDSON PARKS AND RECREATION DEPARTMENT.**

### **Public Hearing**

After a briefing from Margie Trame, Recreation/Day Camp Coordinator, Mayor Voelker opened the Public Hearing. With no public comments submitted, Councilmember Hutchenrider moved to close the Public Hearing, seconded by Councilmember Justice and approved unanimously.

### **Council Action**

Councilmember Hutchenrider moved to approve the ordinance as presented. Councilmember Justice seconded the motion. A vote was taken and passed, 7-0.

## **8. PUBLIC HEARING AND CONSIDER ADOPTION OF ORDINANCE NO. 4453, ADOPTING STANDARDS OF CARE FOR YOUTH PROGRAMS OFFERED BY THE RICHARDSON PARKS AND RECREATION DEPARTMENT.**

### **Public Hearing**

After a briefing from staff, Mayor Voelker opened the Public Hearing. With no public comments submitted, Councilmember Hutchenrider moved to close the Public Hearing, seconded by Councilmember Shamsul and approved unanimously.

**Council Action**

Councilmember Corcoran moved to approve the ordinance as presented. Councilmember Shamsul seconded the motion. A vote was taken and passed, 7-0.

- 9. PUBLIC HEARING, ZONING FILE 23-04, A REQUEST TO REZONE A 2.5-ACRE LOT LOCATED AT 2100 ALAMO ROAD, ON THE EAST SIDE OF ALAMO ROAD, NORTH OF CAMPBELL ROAD, FROM LR-M(2) LOCAL RETAIL TO PD PLANNED DEVELOPMENT FOR THE LR-M(2) LOCAL RETAIL DISTRICT WITH AMENDED DEVELOPMENT STANDARDS AND FOR APPROVAL OF A SPECIAL PERMIT FOR A DOG DAYCARE AND BOARDING KENNEL WITHIN AN EXISTING BUILDING WITH AN OUTDOOR PLAY AREA.**

**Public Hearing**

After a briefing from staff and Kevin Tennant, representing the applicants, Mayor Voelker opened the Public Hearing. With no public comments submitted, Councilmember Hutchenrider moved to close the Public Hearing, seconded by Councilmember Justice and approved unanimously.

**Council Action**

Councilmember Hutchenrider moved to approve the request as presented. Mayor Pro Tem seconded the motion. A vote was taken and passed, 7-0.

- 10. PUBLIC HEARING, ZONING FILE 23-05, A REQUEST FOR APPROVAL OF A SPECIAL PERMIT FOR A MASSAGE ESTABLISHMENT LOCATED WITHIN AN EXISTING BUILDING ON A 0.83-ACRE LOT CURRENTLY ZONED MAIN STREET/CENTRAL EXPRESSWAY PD PLANNED DEVELOPMENT (CENTENNIAL GREEN SUB-DISTRICT), LOCATED AT 210 E. SPRING VALLEY ROAD, ON THE SOUTH SIDE OF SPRING VALLEY ROAD, WEST OF GREENVILLE AVENUE.**

**Public Hearing**

After a briefing from staff and applicant representatives, Chun Lin, Sissy Tong, and Yuanli Tang; Mayor Voelker opened the Public Hearing. With no further comments, Councilmember Hutchenrider moved to close the Public Hearing, seconded by Councilmember Corcoran, and approved unanimously.

**Council Action**

Councilmember Hutchenrider moved to approve the request with the clarification that an additional staff person would be allowed as a massage therapist. Councilmember Corcoran seconded the motion. A vote was taken and passed, 7-0.

**11. CONSENT AGENDA:**

**A. CONSIDER ADOPTION OF THE FOLLOWING ORDINANCES:**

- 1. ORDINANCE NO. 4454, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO GRANT A CHANGE IN ZONING BY GRANTING MAJOR MODIFICATIONS TO THE WEST SPRING VALLEY CORRIDOR PD PLANNED DEVELOPMENT DISTRICT FOR**

**36.75 ACRES LOCATED ON THE EAST SIDE OF S. COIT ROAD AND NORTH OF W. SPRING VALLEY ROAD.**

- 2. ORDINANCE NO. 4455, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO GRANT A CHANGE IN ZONING BY GRANTING A SPECIAL PERMIT FOR A PRIVATE UNIVERSITY FOR THE PROPERTY LOCATED AT 1301 W. PRESIDENT GEORGE BUSH HIGHWAY, RICHARDSON, TEXAS, ZONED TO-M TECHNICAL OFFICE.**

**B. CONSIDER AWARD OF THE FOLLOWING BIDS:**

- 1. BID #20-23 – WE RECOMMEND THE AWARD TO FNH CONSTRUCTION, LLC FOR COLLECTOR AND ARTERIAL STREETS REHABILITATION IN THE AMOUNT OF \$2,617,940.**
- 2. BID #33-23 – WE RECOMMEND THE AWARD TO RICHMOND & ASSOCIATES LANDSCAPING, LTD. FOR CONSTRUCTION OF 2023 OPEN CHANNEL MAINTENANCE – WINTER IN THE AMOUNT OF \$103,300.**
- 3. BID #65-23 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO SIDDONS-MARTIN EMERGENCY GROUP FOR THE COOPERATIVE PURCHASE OF ONE (1) PIERCE CUSTOM ENFORCER PUMPER APPARATUS FOR FIRE DEPARTMENT THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (“HGAC”) CONTRACT #FS12-19 IN THE AMOUNT OF \$1,101,325.**
- 4. BID #66-23 – WE RECOMMEND THE AWARD TO SOUTHERN TRENCHLESS SOLUTIONS FOR THE PURCHASE OF COTTONWOOD CREEK BASIN SANITARY SEWER MANHOLE REHABILITATION PHASE 2 PURSUANT TO THE LOCAL GOVERNMENT PURCHASING COOPERATIVE (“BUYBOARD”) CONTRACT #635-21 IN THE AMOUNT OF \$880,000.**

**C. CONSIDER CHANGE ORDER TO INCREASE CONTRACT #321000852 WITH HQS CONSTRUCTION LLC FOR 2021 COMMERCIAL SIDEWALK REPLACEMENT PROGRAM REGION 1 IN THE AMOUNT OF \$100,000 FOR A TOTAL CONTRACT VALUE OF \$770,050.**

**Council Action**

Councilmember Hutchenrider moved to approve the Consent Agenda as presented. Councilmember Dubey seconded the motion. A vote was taken and passed, 7-0.

**12. REPORT ON ITEMS OF COMMUNITY INTEREST**

Council reported on items of community interest.

**EXECUTIVE SESSION**

In compliance with Section 551.087 (1) and (2) of the Texas Government Code, Council will convene into a closed session to discuss the following:

- Deliberation Regarding Economic Development Negotiations
  - Commercial Development – Main St./U.S. 75 Area

**Council Action**

Council convened into Executive Session at 8:05 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**

Council reconvened into regular session at 9:10 p.m. There was no action taken as a result of the Executive Session.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 9:10 p.m.

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MAYOR

ATTEST:

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CITY SECRETARY

**MINUTES**  
**RICHARDSON CITY COUNCIL MEETING**  
**APRIL 17, 2023**

• **Call to Order**

Mayor Voelker called the meeting to order at 6:00 p.m. with the following Council members present:

Paul Voelker	Mayor
Janet DePuy	Mayor Pro Tem
Bob Dubey	Councilmember
Jennifer Justice	Councilmember
Joe Corcoran	Councilmember
Ken Hutchenrider	Councilmember
Arefin Shamsul	Councilmember

The following staff members were also present:

Don Magner	City Manager
Kent Pfeil	Chief Financial Officer
Charles Goff	Assistant City Manager
Michaela Dollar	Assistant City Manager
Crystal Brown	Records and Information Mgmt. Coordinator
Haley Alsabrook	Management Analyst
Gary Tittle	Police Chief
Brent Tignor	Building Official
Curtis Poovey	Fire Chief
Gene Senter	Assistant Fire Chief
Wesley Caskey	Assistant Fire Chief/Fire Marshal
Bryan Patrick	Fire Investigator/Plan Reviewer
Lori Smeby	Parks and Recreation Director
Yvonne Falgout	Assistant Parks and Recreation Director
Diana Lawrence	Supt. of Community Events

Partners:

Deborah Dobbs, Executive Director, The Counseling Place  
Cindy Shaffer, The Counseling Place

**WORK SESSION – 6:00 PM, MULTIPURPOSE ROOM #1103**

**A. VISITORS/ACKNOWLEDGEMENT OF PUBLIC COMMENT CARDS**

There were no public comment cards submitted.

**B. REVIEW AND DISCUSS THE COUNSELING PLACE**

Deborah Dobbs, Executive Director, and Cindy Shaffer, The Counseling Place, reviewed the organization's mission, activity, and future programs and services.

**C. REVIEW AND DISCUSS ADOPTION OF THE 2021 INTERNATIONAL CODES**

Staff provided a summary of the recommended codes for adoption.

**D. REVIEW AND DISCUSS THE SPRING 2023 COTTONWOOD ART FESTIVAL**

Diana Lawrence, Superintendent of Community Events, reviewed the festival details.

**E. CONSIDER AWARD OF THE FOLLOWING BIDS:**

1. **BID #68-23 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO INSIGHT PUBLIC SECTOR, INC. FOR THE PURCHASE OF NETWORK REPLACEMENT EQUIPMENT FOR TEMPORARY CITY HALL THROUGH THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (“DIR”) CONTRACT #DIR-TSO-4167 IN THE AMOUNT OF \$114,170.**
2. **BID #69-23 – WE RECOMMEND THE AWARD TO GRANITE TELECOMMUNICATIONS, LLC FOR THE PURCHASE OF SESSION INITIATION PROTOCOL (SIP) PROJECT PURSUANT TO OMNIA PARTNERS CONTRACT #R200901 IN THE AMOUNT OF \$197,305.56.**
3. **BID #70-23 – WE RECOMMEND THE AWARD TO SPECTRUM ENTERPRISE FOR THE PURCHASE OF SPECTRUM NETWORK SERVICE PURSUANT TO MICHIGAN COLLEGIATE TELECOMMUNICATIONS ASSOCIATION (“MICTA”) CONTRACT #HQ-MTG-75081-01 IN THE AMOUNT OF \$91,800.**

**Council Action**

Councilmember Hutchenrider moved to approve Bid # 68-23, 69-23, and 70-23 as presented. Councilmember Shamsul seconded the motion. A vote was taken and passed, 7-0.

**F. REPORT ON ITEMS OF COMMUNITY INTEREST**

Council reported on items of community interest.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 8:37 p.m.

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MAYOR

ATTEST:

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CITY SECRETARY

**City Council Worksession  
Agenda Item Summary**

- Worksession Meeting Date:** Monday, April 24, 2023
- Agenda Item:** 2023 General Obligation Bonds and Certificates of Obligation Sale
- Staff Resource:** Keith Dagen, Director of Finance
- Summary:** A representative from the City's Financial Advisors (Hilltop Securities) and Bond Counsel (Norton Rose Fulbright LLP) will review the city's issuance of: 1) General Obligation Bonds, Series 2023; 2) Combination Tax and Revenue Certificates of Obligation, Series 2023, and 3) Combination Tax and Revenue Certificates of Obligation, Taxable Series 2023A.
- City Council Strategic Goals:** The agenda helps further the following City Council Strategic Goals:
- Maintain strong fund balance and bond rating
- Background Information:** The 2022-2023 Budget included the issuance of debt for Year Two of the 2021 GO Bond Program as well as the annual issuance of debt for the City's Capital Improvement Plan, vehicles and equipment.
- Three separate ordinances must be approved to complete the sale. Pricing is tentatively scheduled to occur on Monday. If conditions are not favorable in the bond markets on Monday, approval of the ordinances will allow City staff to complete the sale based on Council designated financing parameters that would be discussed Monday night.
- Financial Implications:** As discussed during the 2022-2023 Budget adoption process, the City can issue the contemplated debt without a tax rate increase.

**City Council Worksession  
Agenda Item Summary**

- Worksession Meeting Date:** Monday, April 24, 2023
- Agenda Item:** Library Program Update & National Library Week
- Staff Resource:** Jennifer Davidson, Director of Library Services  
Vrena Patrick, Assistant Director of Library Services
- Summary:** City staff will provide an overview of Library Services, highlighting National Library Week and TMLDA Award for Library Excellence.
- City Council Strategic Goals:** This agenda item helps further the following City Council Strategic Goals:
- Improve access, usability, and user experience with policies, processes, and procedures
  - Continue to explore unique incentives/initiatives to attract and retain residents and other stakeholders
  - Promote avenues for public engagement and input
  - Work to maintain a balance between responsible neighborhood integrity and the regulatory environment
  - Value, protect, and create a positive return on City, resident, and other stakeholder investments in the City
- Background Information:** City Staff will discuss activities for National Library Week (April 23 -29), criteria for TMLDA Award for Library Excellence, highlight Library Services, and the next steps for the Library renovation and move to the temporary location.

**City Council Worksession  
Agenda Item Summary**

- Worksession Meeting Date:** Monday, April 24, 2023
- Agenda Item:** Consider reappointment to the North Texas Municipal Water District Board
- Staff Resource:** Don Magner, City Manager
- Summary:** Council will consider the reappointment of John Sweeden to a term effective June 1, 2023, to May 31, 2025.
- City Council Strategic Goals:** This agenda item helps further the following City Council Strategic Goals:
- Protect and strengthen stakeholder investments in the City
  - Increase the sense of community and citizen engagement
  - Effective and efficient management of city finances
  - Leverage our regional leadership position to positively impact County, State and Federal issues
- Background Information:** Director Sweeden was appointed by the City in 2009 and has served as president, vice president, and secretary. He has also served on the Legislative Committee and Wastewater Committee and currently serves as vice chair on the Real Estate Committee for the NTMWD Board.

## Agenda Item Summary

<b>Council Meeting Date:</b>	Monday, April 24, 2023
<b>Agenda Item:</b>	Public Hearing on proposed regional and local amendments to the 2021 International Building Code and 2021 International Residential Code
<b>Staff Resource:</b>	Brent Tignor, Building Official
<b>Summary:</b>	Staff will conduct a public hearing for community input prior to Council consideration and adoption of the 2021 International Codes and the 2020 National Electrical Code.
<b>City Council Strategic Goals:</b>	<p>This agenda item helps further the following City Council Strategic Goals:</p> <ul style="list-style-type: none"><li>• Value, protect, and create a positive return on City, resident, and other stakeholder investments in the City</li></ul>
<b>Background Information:</b>	Staff reviewed and discussed the regional and local amendments to the 2021 International Building Code and International Residential Coding during the April 17, 2023, City Council meeting. In addition, background related to the International Code Council as well as an overview of the proposed adoption of the 2021 edition of the I-Codes and 2020 National Electrical Code was presented.
<b>Financial Implications:</b>	N/A

## INTERNATIONAL BUILDING CODE AMENDMENTS

Amendment Type	Code Section	Code Amendment	Amendment Justification
Regional – NCTCOG*	Section 404: Atriums	404.10 Exit stairways in an atrium	Clarify requirements are applicable to exit access stairway not interior exit stairway; printed in error with code edition creating confusion
Regional – NCTCOG*	Section 708: Fire Partitions	708.4.2 Fireblocks and draftstops in combustibile construction	Clarify that sprinkler protection in combustibile construction must be provided within the concealed space to eliminate the requirement for fire blocks and draftstopping
Regional – NCTCOG*	Section 718: Concealed Spaces	718.3 Draftstopping in floors	Clarify that sprinkler protection in combustibile construction must be provided within the concealed space to eliminate the requirement for fire blocks and draftstopping
Regional – NCTCOG*	Section 718: Concealed Spaces	718.4 Draftstopping in attics	Clarify that sprinkler protection in combustibile construction must be provided within the concealed space to eliminate the requirement for fire blocks and draftstopping
Regional – NCTCOG*	Section 1809: Shallow Foundations	1809.5.1 Frost protection at required exits	Delete requirement for protection at exterior exit doors; not applicable to TX climate zone
Regional – NCTCOG*	Section 2702: Emergency & Standby Generators	2702.5 Designated critical operations areas (DCOA)	Designers are advised of the requirements outlined in the NEC, specific to Critical Operations Power Systems (COPS) for areas requiring continuous operations

<b>Local – COR</b>	<b>Section 901: General Scope</b>	<b>901.4.7 Pump and riser room requirements</b>	To provide a protected space and sufficient working clearances for firefighters to access and control fire suppression and fire alarm systems.
<b>Local - COR</b>	<b>Section 901: General Scope</b>	<b>901.4.7.1 Access</b>	To require security for fire sprinkler system main controls.
<b>Local - COR</b>	<b>Section 901: General Scope</b>	<b>901.4.7.2 Marking access doors</b>	Applies Fire Department's "Signs Policy" to provides more detail on sign specifications and options.
<b>Regional – NCTCOG*</b>	<b>Section 901: General Scope</b>	<b>901.6.1.1 Standpipe Testing</b>	Increases the reliability of the fire protection system.
<b>Local - COR</b>	<b>Section 903: Automatic Sprinkler Systems</b>	<b>903.2 Where required</b>	Refines requirements for expansion of existing buildings, while maintaining fire safety
<b>Regional – NCTCOG*</b>	<b>Section 903: Automatic Sprinkler Systems</b>	<b>903.2.11.7 High-Piled Combustible Storage</b>	Requires fire sprinklers for high-piled combustible storage
<b>Regional – NCTCOG*</b>	<b>Section 903: Automatic Sprinkler Systems</b>	<b>903.2.11.8 Spray Booths and Rooms</b>	Requires fire sprinklers for high-piled combustible storage

<b>Regional – NCTCOG*</b>	<b>Section 903: Automatic Sprinkler Systems</b>	<b>903.3.1.1.1 Exempt Locations</b>	Eliminates an exception that might lead to combustible storage in rooms previously approved only for non-combustible storage
<b>Regional – NCTCOG*</b>	<b>Section 903: Automatic Sprinkler Systems</b>	<b>903.3.1.2.2 Corridors and balconies</b>	Requires fire sprinklers to protect all corridors and balconies in multi-family occupancies
<b>Regional – NCTCOG*</b>	<b>Section 903: Automatic Sprinkler Systems</b>	<b>903.3.1.4 Freeze protection</b>	Adds freeze protection to prevent breaks in water-filled sprinkler systems, most specifically in attic spaces.
<b>Local - COR</b>	<b>Section 904: Alternative Automatic Fire-Extinguishing Systems</b>	<b>904.2.1</b>	Section was deleted to allow for an automatic fire-extinguishing system to replace fire sprinklers in portions of buildings approved by the Fire Code and Building Code Officials.
<b>Local - COR</b>	<b>Section 903: Automatic Sprinkler Systems</b>	<b>904.13.1 Manual system operation</b>	Allows flexibility in locating the hood suppression system manual pull station.
<b>Regional – NCTCOG*</b>	<b>Section 905: Standpipe Systems</b>	<b>905.8 Dry standpipes</b>	Requires supervision of dry standpipes to ensure reliability.
<b>Regional – NCTCOG*</b>	<b>Section 906: Portable Fire Extinguishers</b>	<b>906.1 Where required</b>	Deleted an exception eliminating fire extinguishers in warehouses under a certain conditions.

<b>Local - COR</b>	<b>Section 907: Fire Alarm and Detection Systems</b>	<b>907.2.3 Group E</b>	Added Exception 5 for consistency with State law concerning interconnected smoke alarms in certain residential in-home day cares.
<b>Local - COR</b>	<b>Section 907: Fire Alarm and Detection Systems</b>	<b>907.5.2.2.3 Alternative uses</b>	The change permits overriding a manual fire alarm activation which might be initiated by a malicious actor. This change is generally intended for schools where the implementation of an emergency response plan is important to the successful outcome of lock-down
<b>Regional – NCTCOG*</b>	<b>Section 910: Smoke and Heat Removal</b>	<b>910.2 Where Required</b>	Allows the fire department to control the smoke and heat during and after a fire event.

\*North Central Texas Council of Government (NCTCOG)

## INTERNATIONAL RESIDENTIAL CODE AMENDMENTS

Amendment Type	Code Section	Code Amendment	Amendment Justification
Regional – NCTCOG*	<b>Section R302: Fire Resistant Construction</b>	<b>R302.1 Exterior walls</b>	To provide an exception for fire separation requirements for open or unenclosed structures (arbors, patio cover, carports) to be closer to property line consistent with local zoning regulations or ordinances
Regional – NCTCOG*	<b>Section R302: Fire Resistant Construction</b>	<b>Section R302.2.6 Structural independence</b>	Delete the exception allowing a NFPA 13D sprinkler system as a substitute to the required structural independence between townhome units. Provides clear separation between units since each unit is separately platted by individual property lines. Enables the adjacent unit to remain standing in a fire event or during a renovation or repair to eliminate impacts affecting both units
Regional – NCTCOG*	<b>Section R327: Swimming Pools, Spas &amp; Hot Tubs</b>	<b>R327.1.1 Adjacency to structural foundations</b>	Clarifying language - the depth of a swimming pool or spa shall maintain a 1:1 ratio from the nearest building foundation or footing of a retaining wall designed by a licensed structural engineer
Regional – NCTCOG*	<b>Section G2415 (404): Piping System Installation</b>	<b>G2415.2 Corrugated Stainless Steel Tubing (CSST)</b>	Amended to require specific warning tags identifying operating gas pressure for CSST gas piping; protects homeowners and plumbers
Regional – NCTCOG*	<b>Section G2417 (406): Inspection, Testing &amp; Purging</b>	<b>G2417.4 Test pressure measurement</b>	Amended to require the use of more accurate pressure test gauges; eliminates the use of inaccurate older spring gauges

\*North Central Texas Council of Government (NCTCOG)

<b>Local – COR</b>	<b>Section 901: General Scope</b>	<b>901.4.7 Pump and riser room requirements</b>	To provide a protected space and sufficient working clearances for firefighters to access and control fire suppression and fire alarm systems.
<b>Local - COR</b>	<b>Section 901: General Scope</b>	<b>901.4.7.1 Access</b>	To require security for fire sprinkler system main controls.
<b>Local - COR</b>	<b>Section 901: General Scope</b>	<b>901.4.7.2 Marking access doors</b>	Applies Fire Department's "Signs Policy" to provides more detail on sign specifications and options.
<b>Regional – NCTCOG*</b>	<b>Section 901: General Scope</b>	<b>901.6.1.1 Standpipe Testing</b>	Increases the reliability of the fire protection system.
<b>Local - COR</b>	<b>Section 903: Automatic Sprinkler Systems</b>	<b>903.2 Where required</b>	Refines requirements for expansion of existing buildings, while maintaining fire safety
<b>Regional – NCTCOG*</b>	<b>Section 903: Automatic Sprinkler Systems</b>	<b>903.2.11.7 High-Piled Combustible Storage</b>	Requires fire sprinklers for high-piled combustible storage
<b>Regional – NCTCOG*</b>	<b>Section 903: Automatic Sprinkler Systems</b>	<b>903.2.11.8 Spray Booths and Rooms</b>	Requires fire sprinklers for high-piled combustible storage

<b>Regional – NCTCOG*</b>	<b>Section 903: Automatic Sprinkler Systems</b>	<b>903.3.1.1.1 Exempt Locations</b>	Eliminates an exception that might lead to combustible storage in rooms previously approved only for non-combustible storage
<b>Regional – NCTCOG*</b>	<b>Section 903: Automatic Sprinkler Systems</b>	<b>903.3.1.2.2 Corridors and balconies</b>	Requires fire sprinklers to protect all corridors and balconies in multi-family occupancies
<b>Regional – NCTCOG*</b>	<b>Section 903: Automatic Sprinkler Systems</b>	<b>903.3.1.4 Freeze protection</b>	Adds freeze protection to prevent breaks in water-filled sprinkler systems, most specifically in attic spaces.
<b>Local - COR</b>	<b>Section 904: Alternative Automatic Fire-Extinguishing Systems</b>	<b>904.2.1</b>	Section was deleted to allow for an automatic fire-extinguishing system to replace fire sprinklers in portions of buildings approved by the Fire Code and Building Code Officials.
<b>Local - COR</b>	<b>Section 903: Automatic Sprinkler Systems</b>	<b>904.13.1 Manual system operation</b>	Allows flexibility in locating the hood suppression system manual pull station.
<b>Regional – NCTCOG*</b>	<b>Section 905: Standpipe Systems</b>	<b>905.8 Dry standpipes</b>	Requires supervision of dry standpipes to ensure reliability.
<b>Regional – NCTCOG*</b>	<b>Section 906: Portable Fire Extinguishers</b>	<b>906.1 Where required</b>	Deleted an exception eliminating fire extinguishers in warehouses under a certain conditions.

<b>Local - COR</b>	<b>Section 907: Fire Alarm and Detection Systems</b>	<b>907.2.3 Group E</b>	Added Exception 5 for consistency with State law concerning interconnected smoke alarms in certain residential in-home day cares.
<b>Local - COR</b>	<b>Section 907: Fire Alarm and Detection Systems</b>	<b>907.5.2.2.3 Alternative uses</b>	The change permits overriding a manual fire alarm activation which might be initiated by a malicious actor. This change is generally intended for schools where the implementation of an emergency response plan is important to the successful outcome of lock-down
<b>Regional – NCTCOG*</b>	<b>Section 910: Smoke and Heat Removal</b>	<b>910.2 Where Required</b>	Allows the fire department to control the smoke and heat during and after a fire event.

\*North Central Texas Council of Government (NCTCOG)



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**DATE:** April 24, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Sam Chavez, AICP, Director of Development Services *SDC*

**SUBJECT:** Zoning File 23-01: Special Development Plan & Special Permit – Sherman Multi-Family

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### REQUEST

Sammy Jibrin, Campfire Shops LLC, is requesting approval of a Special Development Plan and Special Permit to accommodate a 5-story apartment development consisting of 215 units.

The subject property is located at 1001 S. Sherman Street, on the east side of Sherman Street, south of Spring Valley Road. Approval of a Special Permit for multi-family development is required in the Creative Corporate Sub-district of the Main Street/Central Expressway PD Planned Development. A minimum density of forty (40) dwelling units per acre is required. Additionally, exceptions to the PD can be granted with approval of a Special Development Plan.

The proposed development is located approximately ¼ mile south of the Spring Valley DART station. The 5-story, urban style development contains 215 units (87 dwelling units per acre) and a 3.5-level parking garage with 254 parking spaces. Amenities include a central pool courtyard area, connections to the Central Trail located on the DART property to the east with off-site amenities such as seating and rest areas to be coordinated with DART at the time of development.

The Special Development Plan request includes the following exceptions to the development standards of the Creative Corporate Sub-District which are similar to the exceptions granted in 2021 for a multi-family development, directly north of the subject property, through the Special Development Plan process:

- Reduction in required parking from 1.5 spaces per dwelling unit to one (1) space per bedroom;
- Modifications to the building entry requirements to allow grade level units along Sherman Street and waiver of the requirement for the primary entry to be located along Sherman Street; and
- Allow private yard space (not accessible to all residents of the development) to be counted toward the 15% private open space requirement.

The proposed development complies with all other requirements of the Creative Corporate Sub-District.

No written correspondence related to the request has been received.

### BACKGROUND

The subject 2.5-acre site is zoned Main Street/Central Expressway PD Planned Development (Creative Corporate Sub-District). The site is currently developed with a single-story, 28,000-square foot office building.

## **PLAN COMMISSION RECOMMENDATION**

The City Plan Commission, by a 7-0 vote recommends approval of the request subject to the attached conditions.

## **ATTACHMENTS**

Special Conditions

CC Public Hearing Notice

DRAFT-City Plan Commission Minutes 2023-04-04

Staff Report

Zoning/Aerial Map

Zoning Concept (Exhibit “B”)

Building Elevations (Exhibits “C-1” and “C-2”)

Landscape and Open Space Illustrations

Architectural Renderings

Apartment Location Map

Applicant’s Statement

CPC Notice of Public Hearing

Notification List

**Special Conditions: ZF 23-01: Special Development Plan & Special Permit – Sherman Multi-Family**

1. The property shall be developed in substantial conformance with the Concept Plan, attached as Exhibit “B”, and the Building Elevations, attached as Exhibits “C-1” and “C-2”, which are made a part thereof and which are hereby approved. Collectively, the Concept Plan and the Building Elevations are referred to as the “Special Development Plan” as allowed in the Main Street/Central Expressway Form Based Code.
2. A Special Permit shall be granted for Multi-Family on the property and shall be developed in substantial conformance with the Concept Plan (Exhibit “B”) and the Building Elevations (Exhibits “C-1” and “C-2”) attached hereto.
3. The extension of the left turn lane on northbound Sherman Street, south of the intersection with Spring Valley Road shall be constructed as shown on Exhibit “B”.



**DRAFT EXCERPT  
CITY OF RICHARDSON  
CITY PLAN COMMISSION MINUTES – April 4, 2023**

**Zoning File 23-01 – Special Development Plan & Special Permit – Sherman Multi-Family:** Consider and act on a request for approval of a Special Development Plan and Special Permit for a 2.5-acre lot located at 1001 S. Sherman Street, on the east side of Sherman Street, south of Spring Valley Road, currently zoned Main Street/Central Expressway PD Planned Development (Creative Corporate Sub-District) to allow development of a 5-story apartment building consisting of 215 apartment units. Property Owner: Sammy Jibrin, Campfire Shops LLC. *Staff: Chris Shacklett.*

Mr. Shacklett began by stating Zoning File 23-01 was a request for a Special Permit for a 5-story multi-family development with 215 units and a 3.5-level parking garage as well as a Special Development Plan request for three (3) exceptions to the PD for a property located at 1001 S. Sherman Street. The subject property was located on the east side of Sherman Street, south of Spring Valley Road, approximately ¼ mile south of the Spring Valley DART Station. The subject property was within the Creative Corporate Sub-district which allowed multi-family but only upon approval of a Special Permit. Additionally, the PD allowed exceptions to be granted through a Special Development Plan. This allowed the applicant to request deviations to the Code. These could be granted in the same manner as a typical zoning case. The property to the north, Sherman Lofts, was approved for a similar request in 2021 and was in the beginning stages of development.

He presented the concept plan and described the location of the building, courtyard, garage, and other amenity areas. The parking garage was wrapped on three (3) sides from public view and open on the east side. There would be garage entry points on the east and south sides. The applicant proposed connections to the Central Trail. This was the trail that ran north and south along the DART Rail throughout the City. The building was being built along Sherman Street within the build-to zone area and provided the proper amenity zone and sidewalk area per the PD. The applicant provided a Traffic Impact Analysis (TIA) with their submittal which was reviewed by staff, and modifications to include the extension of the left turn lane were being required with this development. There was currently a striped area between the existing left turn lane and the existing through lane that would be removed to create a second left turn lane that would be part of the roadway modifications for the property to the north. When the subject property came in for development, they would further extend the left turn lane.

Mr. Shacklett explained the three (3) exceptions the applicant requested including:

- To reduce the required parking from 1.5 parking spaces per unit which would require 323 parking spaces for the property to one (1) parking space per bedroom which would require 248 parking spaces. As presented, the applicant would be providing 254 parking spaces. The same request was approved for Sherman Lofts when they came forward for an amendment to their Special Development Plan last year. The applicant was requesting the reduced parking ratio because 84% of the units were 1-bedroom units and because of the proximity to the Spring Valley DART Station. He presented other developments that were with approved parking ratios on a per bedroom basis.

- To allow modifications related to primary entry requirements along the public streets. Along Sherman Street, this development would be required to have their primary entries to those units from Sherman Street. The primary entry was from the corridor on the back side of those units which would be typical of the other units within the development. Additionally, it would be required for any units adjacent to the street to be a minimum of eighteen (18) inches above the grade of the sidewalk and provide a 24-square foot stoop. This was required so the units would engage the public realm. The applicant would not be meeting this requirement; however, they would be providing fenced yards and entries that could be utilized for entry to those units. While the specific requirements were not met, the applicant stated they met the intent of engaging the street. Mr. Shacklett stated the property to the north was also approved for a similar design.
- To allow private yards to count toward meeting the minimum 15% open space requirement for privately accessible open space. If open space was only privately accessible, the privately accessible open space would be required to be centrally located and accessible to all residents. The developer would be providing 15% open space; however, 9.2% of the open space area was open to all residents, while the remaining 5.9% would be located within private yard areas. Within the staff report, the calculation for the open space that was accessible to everyone in the development was 10.7%. The applicant recalculated and found that calculation was 9.2%; however, the private yard area calculation did increase. The applicant still provided the 15% open space. The property to the north utilized private yard area in their calculations as well.

Mr. Shacklett presented renderings of the proposed building. The building would be constructed of brick, metal panels and cementitious siding. A mixture of glass and metal balconies would also be utilized. The parking garage that was only open on the east side would be concrete with painted spandrels that were 36-42 inches above the parking decks to provide screening of vehicles. Additionally, there would be perforated metal screens placed along or between those spandrels to provide additional screening and architectural interest. There would be pedestrian bridges along each level to provide access from the west side of the building to the east side and to the parking garage.

Mr. Shacklett summarized the request stating the applicant requested a Special Permit for a 5-story multi-family building that included 215 multi-family units, a 3.5-level parking garage with 254 parking spaces and the buildings would be comprised of brick, metal panel and cementitious siding. The Special Development Plan request was for three (3) exceptions to include a reduction in parking, modifications to the entry requirements along Sherman and modified open space requirements. He stated no correspondence had been received.

Commissioner Purdy asked how representative were the renderings as compared to the final product.

Mr. Shacklett stated the renderings were representative. These were the exhibits that would be attached to the ordinance and what would regulate what was being developed. The renderings were representative of the massing of the building, the material types and the location of windows, balconies, and other building features.

Chairman Marsh asked how the pedestrian ingress and egress in the building would work.

Mr. Shacklett it would be pedestrians traversing the internal corridors, getting to the parking garage then leaving in their vehicles. The ground floor residents would be able to enter through their ground floor entries, where available or enter at common entrances to the building.

With no further discussion among the Commission or questions for staff, Chairman Marsh asked the applicant to come forward on behalf of the request.

Mr. Michael Magee, 10888 Caprock Circle, Dallas, Texas, architect representing Munn Harris, came forward to speak. He stated the owner and developer for the project was Sammy Jibrin. He stated Mr. Jibrin had developed other projects within the City of Richardson. He briefly commented that he felt the project was a good fit for the City, then made himself available for questions.

Chairman Marsh asked for more clarification regarding pedestrian access.

Mr. Magee stated there was access at the end of every corridor, and in the middle of several of the corridors.

Chairman Marsh asked about the grassy area located to the south of the gated pool courtyard and if the area was a pet relief area.

Mr. Magee responded the gate was to provide resident only access point into the pool courtyard area. He stated the grassy area was not for pet relief.

Chairman Marsh asked if the pool area would be visible from the street or would there be a solid or partial barrier.

Mr. Magee stated it would be partially screened in the sense that a fence screened the area as well as the walkways above. There would be some partial views of the area.

Chairman Marsh asked what the width and depth of balconies were.

Mr. Magee responded a minimum balcony would be approximately five (5) feet deep. There were no Juliet balconies. They were cantilevered, inset or a combination of the two (2) types.

Vice Chairman Southard asked for examples of other projects within the City that Mr. Jibrin had developed.

Mr. Magee stated he had developed single-family, multi-family and retail developments.

Mr. Shacklett responded that Mr. Jibrin most recently redeveloped the site on Sherman Street, north of Spring Valley Road where Jasmine Market and Café was located as well as the smaller office building to the south of it. Additionally, at the southeast corner of Buckingham Road

and Abrams Road, he completed a smaller multi-family complex with approximately 80-85 units approximately ten (10) years ago.

Commissioner Beach asked if the development on the southeast corner of Buckingham Road and Abrams Road was named the Spring Creek Apartments.

Mr. Magee responded Richland Park was the name of that development.

Mr. Shacklett clarified the location of the apartment development.

Chairman Marsh asked for more information about the property to the north and how the fire lane ties into the property.

Mr. Magee stated there was an agreement for the fire lane access. The access along the east side of the Sherman Lofts would be restricted.

Mr. Shacklett commented prior to either of the developments, there was a connection from Spring Valley Road at Lingco Drive that provided connection all the way south to Buckingham Road. To the north, vehicular traffic was limited along the east side of the property to address the issue which was the detection loop at the Spring Valley Road and Lingco Drive traffic signal. It would allow for emergency access, however. The subject property did not need the fire lane that runs east and west along the north side of the subject property; however, it would remain a fire lane for the Fire Department use. There would probably be agreements between the property owners regarding traffic flow directives. It would not be physically blocked off. The fire lane would allow the Fire Department access to the north side of the building, but they met their hose lay requirements without utilizing this fire lane. This would be a secondary point should they need it. Staff's concern was they did not want a fence between the two (2) properties because it would narrow the pathway should emergency personnel that were walking on the north side of the building need to maneuver a ladder. The Fire Department would typically need a minimum of ten (10) feet, but only seven (7) feet would be provided if a fence was constructed. There were some agreements that were being worked through on the private side, but the subject site could fully function without having to send their traffic out to Sherman Street via the Sherman Lofts property.

Chairman Marsh commented that he could see the potential for some of the residents or visitors unknowingly utilizing the property to the north to exit out to Sherman Street.

Mr. Shacklett commented the project to the north as well as this project had lagged a bit due to these discussions about how they wanted to address that issue. The City still wanted to allow the fire lane for emergency personnel to be able fully maneuver around the buildings. It could be that to prevent the traffic issue, additional drivable bollards could also be placed at the connection between the two (2) properties. The bollards were set up and designed for emergency vehicles to drive over them, but still provide a visual, physical barrier. There may still be made some of those modifications that could occur after zoning.

Chairman Marsh commented he felt there was potential for drivers to cut across the other property and felt there needed to be some sort of mutual access easement between the two (2) properties to avoid any potential conflicts.

Mr. Sammy Jibrin (property owner), 21 Balmoral, Richardson, Texas came forward to speak and stated he had met with Dan Tracy on multiple occasions regarding the access, and it was a complicated issue. They did not want to have mutual access where traffic from the subject site would be shifted to site to the north or vice versa. Because there was a median opening on Sherman Street, they could utilize that as well. The other property would inform their clientele how to exit their property, and the same would be done for subject site. He stated they were still working to find the best solution.

Chairman Marsh asked about median access and cuts at Sherman Street.

Mr. Jibrin stated they had originally requested mutual access that currently existed, so they are still working to address the issue.

Mr. Tracy responded the property to the north did have access from Spring Valley Road, via the traffic signal at Lingco Drive that would access their parking garage. They do not need the southbound left turn lane onto the property from Sherman Street. The property to the south does need the southbound left turn. The TIA stated there were very few exiting vehicles going south onto Sherman Street. The dominant movement was going up to Spring Valley Road to get to Central Expressway or go east.

Chairman Marsh commented the bollards being installed were not really to prevent people from the subject project using that access on the east side of Sherman Lofts out to that signal.

Mr. Tracy commented that was correct.

Mr. Shacklett concurred with Mr. Tracy and stated as vehicles go north out of the Sherman Lofts parking garage, the exit lined up with Lingco Drive signal, and they could use that signal to go west onto Spring Valley Road. The detection loop issue would occur if vehicles came from the south around the northeast corner of the garage.

With no further questions of the applicant, Chairman Marsh opened the public hearing.

He asked if there was anyone that would like to speak in favor or opposition to the request.

Seeing none, Chairman Marsh made a motion to close the public hearing, seconded by Vice Chairman Southard. Motion passed 7-0.

Chairman Marsh asked for further deliberation or a recommendation from the Commission.

Chairman Marsh commented the area needed redevelopment or revitalization. The DART Rail Station was a great magnet. Much discussion had been had about enhancing the area and putting high-density multi-family around transit-oriented developments. This project met that.

The Central Trail being along the railroad was conducive to this style of development. Overall, this was a big improvement over the existing office building. Hopefully this project would encourage more redevelopment and activity in this district. There was a request to deviate from the Code for parking from 1.5 spaces per unit to one (1) space per bedroom. He felt it was established very clearly over multiple cases that this was an acceptable ratio, especially given proximity to the DART Station. It was good to hear the left turn lane on northbound Sherman Street would be extended. The intersection was already challenged today and with this project and Sherman Lofts, it would only increase the amount of traffic. He felt that 15% overall private open space was acceptable although slightly different than what was recommended. He did not have an issue the building height. It appeared that all setbacks were acceptable. The real issue for him was the access and not wanting that to become an issue in the future.

**Motion:** Chairman Marsh made a motion to recommend approval of Zoning 23-01 – Special Development Plan & Special Permit – Sherman Multi-Family as presented. Seconded by Commissioner Beach. Motion Passed 7-0.



**TO:** City Council  
**THROUGH:** Sam Chavez, AICP, Director of Development Services *SDC*  
**FROM:** Chris Shacklett, Assistant Director of Development Services-Planning *CS*  
**DATE:** April 24, 2023  
**RE:** **Zoning File 23-01: Special Development Plan & Special Permit – Sherman Multi-Family**

### REQUEST

A request for approval of a Special Development Plan and Special Permit for 2.5 acres located at 1001 S. Sherman Street, on the east side of Sherman Street, south of Spring Valley Road currently zoned Main Street/Central Expressway PD Planned Development (Creative Corporate Sub-District) to allow the development of a 5-story apartment building consisting of 215 units. (See property owner’s statement and letter for further explanation).

### APPLICANT/PROPERTY OWNER

Sammy Jibrin / Campfire Shops LLC

### EXISTING DEVELOPMENT

The site is developed with a single-story, 28,000-square foot office building.

### ADJACENT ROADWAYS

**W. Spring Valley Road:** Six-lane, divided arterial, 42,200 vehicles per day on all lanes between Sherman Street and Lingco Drive (2021).

**S. Sherman Street:** Six-lane, divided minor collector, 5,000 vehicles per day on all lanes between W. Spring Valley Road and Buckingham Road (2021).

### SURROUNDING LAND USE AND ZONING

**North:** Future Apartments; PD Planned Development (Creative Corporate Sub-district)  
**South:** Office; PD Planned Development (Creative Corporate Sub-district)  
**East:** DART & Office/Warehouse; PD Planned Development (Centennial Green Sub-district)  
**West:** Retail/Commercial & Office; PD Planned Development (Creative Corporate Sub-district)

## FUTURE LAND USE PLAN

### **Main Street/Central Expressway**

*The subject property is in the Creative Corporate Sub-district of the 2016 approved Main Street/Central Expressway PD Planned Development District. The vision for this Sub-district is to attract creative, innovative corporations and knowledge workers. Infill development and redevelopment are encouraged to further diversify this Sub-district. Multifamily uses may be appropriate with a mixed-use development to provide supportive housing for employees working within this Sub-district.*

### **Future Land Uses of Surrounding Area:**

North: Main Street/Central Expressway

South: Main Street/Central Expressway

East: Main Street/Central Expressway

West: Main Street/Central Expressway

## EXISTING ZONING

PD Planned Development – Main Street/Central Expressway PD Planned Development (Creative Corporate Sub-district) (Ordinance Number 4191).

## INFRASTRUCTURE/TRAFFIC

The request may have an impact on the wastewater infrastructure as it is near capacity; alternative means to improve the issue may be required to be implemented by the developer at the time of development.

A Traffic Impact Analysis (TIA) was conducted by Lee Engineering, a traffic engineering firm hired by the applicant to analyze the potential traffic impacts of the proposed apartment development. The proposed development will have 215 apartment units.

The study analyzed traffic impacts of the proposed development, which anticipated a 2023 opening; however, the development would likely not open until 2024 or 2025. Traffic generated by the proposed development was projected, and nearby major intersections were analyzed for traffic operations in the 2023 background and 2023 background plus site conditions. According to the applicant, the proposed development will add 60 vehicular trips (23 entering and 37 exiting) in the AM peak hour, 57 vehicular trips (33 entering & 24 exiting) in the PM peak hour, and 710 vehicular trips per weekday to the roadway network.

Transportation and Mobility staff reviewed the TIA and have concluded:

- The intersection of Sherman & Spring Valley is predicted to operate at an unacceptable level of service even during the existing situation. Therefore, the addition of a second northbound left-turn lane is recommended to reduce delay significantly for the existing and all future developments. This improvement can be accomplished by removing the painted

hatched section on northbound Sherman Street, and the northbound left-turn lane should be a protected-only movement to avoid conflict with southbound left-turn movements. The removal of the painted hatched section will be made with the redevelopment of the site to the north. There will be no changes to the right turn lane and through lane on northbound Sherman Street to accommodate the second left turn lane.

- The storage for the existing left turn lane is being required as part of this proposed development. The applicant has reflected the extension of the left turn lane storage on the Concept Plan by modifying the median.
- All the existing and proposed driveways are anticipated to operate at an acceptable level of service.
- No other roadway modifications are recommended in relation to the proposed request.

## STAFF COMMENTS

### **Background:**

The Main Street/Central Expressway Form Based Code, which is comprised of eight (8) distinct sub-districts, was approved in November 2016 (Ordinance 4191). The Code represented the first step in the implementation of a vision crafted through extensive public input during 2012, which culminated into a final report presented to City Council in January 2013.

The vision identified eleven (11) prospective sub-districts on both sides of US-75 extending from Arapaho Road, south to the southern city limits. Two (2) of the six (6) Enhancement/Redevelopment areas identified in the 2009 Comprehensive Plan were addressed through the visioning process (Main Street/Old Town and Central).

In 2015, the first four (4) sub-districts were rezoned consistent with the vision. These were the northern sub-districts, including Central Place, Chinatown, Interurban and Main Street. In 2016, the PD was expanded to include the four (4) southern sub-districts, including Centennial Green, Creative Corporate, Gateway Commercial and Railside.

### **Request:**

The applicant's request is two-fold:

- Approval of a Special Permit for multi-family development as required in the Creative Corporate Sub-district of the Main Street/Central Expressway PD Planned Development.
- Approval of a Special Development Plan to address proposed non-compliant development standards that can be considered in accordance with the Main Street/Central Expressway PD Planned Development District in the same manner as a zoning change or Special Permit request. The applicant may request exceptions to any of the regulations contained within the PD that are not expressly allowed as a Minor Modification, which is an exception that may be approved by the City Manager or designee.

### Special Permit Request

The proposed project is a 5-story urban-style apartment development with an attached 3.5-level parking garage. The proposed development is located to the south of a recently approved 4-story apartment development, which is directly across Spring Valley Road from the Spring Valley DART Station. The proposed development is approximately ¼ of a mile from the station, and pedestrian access is available via Sherman Street and the Central Trail (crossing Spring Valley Road at Lingco Drive) which runs along the east property line of the subject property. Both crossings are signal controlled.

The proposed 5-story building, with a building height of sixty-four (64) feet, is comprised of brick, metal panel and cementitious siding. Additional building features include wooden or metal fencing at the ground floor for patios, perforated metal panel balcony railings, glass balcony railings and a cementitious (wood look) slat treatments around upper floor balconies. The parking garage, which is only visible along the east elevation, is constructed of painted concrete spandrels. The spandrels are a minimum 42-inch height above the parking decks to provide screening of the parked vehicles. Perforated metal panels will be placed along portions of the openings between spandrels to provide additional screening and architectural interest.

The development includes 215 apartment units at a density of approximately eighty-seven (87) dwelling units per acre. The Code requires a minimum density of forty (40) dwelling units per acre for multi-family development in the Creative Corporate Sub-district. Units will be accessed from internal corridors; however, ground floor units along the north, south and west sides of the building may also be accessed through secondary access points that connect to private yard areas.

The parking garage provides access points on the south and east sides of the garage. As proposed, the parking garage would provide a minimum of 254 parking spaces (see Special Development Plan request below related to requested parking exception) with a minimum of twenty-six (26) bicycle parking spaces to be provided within a secure area. Additional bicycle racks may be located at appropriate locations outside of the garage which would be determined at the time of development plan review. Additional areas within the parking garage include trash rooms and mechanical areas.

A 22-foot-wide fire lane is proposed along the east side of the parking garage which connects to the 24-foot-wide fire lanes along the south end of the site as well as to the fire lane on the property to the north. The Fire Department has reviewed and approved the 22-foot-wide fire lane as the majority of the east side of the building is the non-habitable portion of the development (the parking garage).

A total of 15.0% of private open space is provided; 9.2% of the private open space is intended for the use of all the residents, while the other 5.9% of private open space consists of private yard areas (see Special Development Plan request below related to requested open space exception).

- Common Private Open Space: A total of 9,821 square feet of private open space/amenity areas intended for the residents are proposed. The internal pool courtyard includes shade structure, barbeque grill area, firepit and various outdoor seating areas.

- Private Yard Open Space: A total 6,327 square feet of private fenced yard area is proposed. These areas are fenced areas located at the ground floor of the building along the north, south and west sides of the building. The areas would be enclosed with 42-inch tall wooden or metal fences in conformance with the PD.
- Central Trail: The Central Trail is located along the east side of the property, between the subject property and the DART Light Rail Red Line. The trail runs north/south along the rail line from the southern city limits to the northern city limits. The applicant is proposing to provide connections to the trail. Additionally, they propose to provide amenities, such as seating and rest areas, along the trail; however, those amenities would be located off-site and will need to be coordinated with DART at the time of development.

Items Related to the Special Development Plan Request

1. Required Parking Reduction – The minimum parking requirement for multi-family dwelling units within the Creative Corporate Sub-district is 1.5 parking spaces per dwelling unit. Based on this ratio, the proposed development would be required to provide 323 parking spaces. The applicant is requesting to modify the parking ratio and utilize a ratio of one (1) parking space per bedroom. Based on the proposed ratio, 248 parking spaces would be required; 254 spaces are proposed. The applicant is requesting the modified ratio since 84% of units are expected to be 1-bedroom units while the remaining 16% would be 2-bedroom units. Additionally, the applicant is requesting the reduced ratio due to the development’s proximity to the Spring Valley DART station. If the number of 2-bedroom units were increased at the time of development, the required number of spaces would be increased accordingly.

The same parking ratio was approved for the future multi-family development to the north (Sherman Lofts) in 2022. The City of Richardson has approved other transit-adjacent multi-family developments with similar per bedroom parking ratios. The following developments have been developed using a per bedroom parking ratio as follows (see map in packet for location of the developments):

UTD Northside Phase 1	1 parking space per bedroom
UTD Northside Phase 2	0.9 parking spaces per bedroom
UTD Northside Phase 3	0.8 parking spaces per bedroom
UTD Northside Phase 4	0.8 parking spaces per bedroom
Galatyn Apartments (The Cue)	0.8 parking spaces per bedroom
Galatyn Apartments (Ovation–under construction)	0.8 parking spaces per bedroom
Routh Woods Apartments	1 parking space per bedroom
Routh Creek Apartments	1 parking space per bedroom
Palisades Wrap Apartments	1 parking space per bedroom
Palisades Flats Apartments	1 parking space per bedroom
Sherman Lofts	1 parking space per bedroom

2. Modification to Building Entry Requirements – Within the Creative Corporate Sub-district, all residential units within four (4) feet of grade are required to provide a primary front door entrance into the unit or outdoor living space accessed from the adjacent required sidewalk. Additionally, these units are required to be located a minimum eighteen (18) inches above the sidewalk elevation and include a minimum 24-square foot stoop.

The applicant is requesting to allow the primary entries to be from the interior corridor rather than from the adjacent sidewalk along Sherman Street. A door providing access from the unit to the private yard and paved entry leading to the sidewalk along Sherman Street will be provided, but it would not be considered the primary entry. The applicant is also requesting to allow the units to be less than eighteen (18) inches above grade and to not provide a dedicated minimum 24-square foot stoop.

The applicant has requested these exceptions stating that creating a split-level project where there is no existing grade change increases the complexity of project. The requirement for the grade level units to be above the adjacent sidewalk is to provide a feeling of separation and security between the adjacent sidewalk and units while engaging the public realm. The applicant states that since they are providing the fenced yard areas with unit entrances along Sherman Street, they still engage the public realm.

The development to the north was also approved to be developed with units along Sherman Street and Spring Valley Road that do not provide primary entrances along the street as well as units that did not meet the minimum 18-inch above grade and 24-square foot stoop requirements.

3. Open Space Requirements – Within the Creative Corporate Sub-district, any new development is required to set aside a minimum of 8% of the lot for open space if it is publicly accessible or 15% of the lot if it is not publicly accessible. For open space designed for public use, it is required to be highly visible from the public right-of-way and accessible to the general public. If designed for private use, it is required to be centrally located and easily accessible to all individuals it is expected to serve.

The applicant is proposing to provide 15% open space that is not publicly accessible; however, they are requesting to allow private yard areas to count toward the minimum 15% open space requirement. Approximately 9.2% of the privately accessible open space would be accessible to all the residents of the development while approximately 5.9% of the open space would be within private yard areas.

For comparison purposes, the development to the north was approved to be developed with approximately 4.9% publicly accessible open space and 11.5% privately accessible open space, which was also allowed to include private, fenced yard areas.

**Correspondence:** To date, staff has not received correspondence regarding this request.

**Motion:** On April 4, 2023, the City Plan Commission recommended approval of the applicant's request by a vote of 7-0, subject to the following conditions:

1. The property shall be developed in substantial conformance with the Concept Plan, attached as Exhibit “B”, and the Building Elevations, attached as Exhibits “C-1” and “C-2”, which are made a part thereof and which are hereby approved. Collectively, the Concept Plan and the Building Elevations are referred to as the “Special Development Plan” as allowed in the Main Street/Central Expressway Form Based Code.
2. A Special Permit shall be granted for Multi-Family on the property and shall be developed in substantial conformance with the Concept Plan (Exhibit “B”) and the Building Elevations (Exhibits “C-1” and “C-2”) attached hereto.
3. The extension of the left turn lane on northbound Sherman Street, south of the intersection with Spring Valley Road shall be constructed as shown on Exhibit “B”.

# ZF 23-01



## ZF 23-01 Aerial and Zoning Map Special Development Plan/Special Permit 1001 S. Sherman Street

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



RICHARDSON  
TEXAS









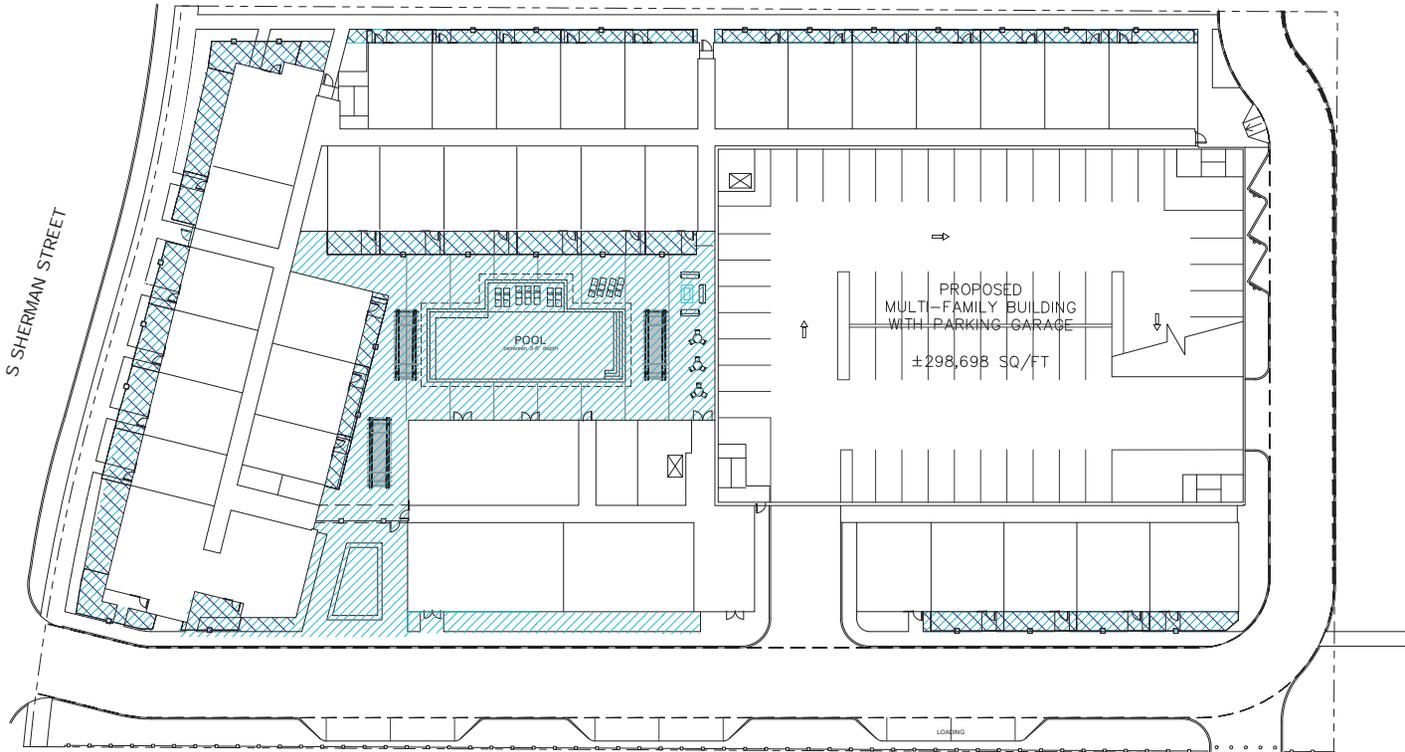
- KEY**
- 1. MULTIFAMILY BUILDING
  - 2. AMENITY CENTER
  - 3. PARKING GARAGE
  - 4. POOL COURTYARD
  - 5. BBQ GRILL AREA
  - 6. FIREPIT
  - 7. PERGOLA, TYP.
  - 8. SEATING
  - 9. PUBLIC PLAZA
  - 10. PEDESTRIAN BRIDGE
  - 11. PATIOS, TYP.
  - 12. PRIVATE YARD AREA W/ SYNTHETIC TURF, TYP.
  - 13. LANDSCAPE PLANTINGS, TYP.
  - 14. STREET TREES TYP.
  - 15. ORNAMENTAL TREE GROUPS
  - 16. ENHANCED PATH

# SHERMAN MULTIFAMILY

RICHARDSON, TEXAS

JANUARY, 2023

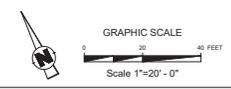




TOTAL SITE AREA  
107,282 S.F.

PRIVATE: 16,148 S.F.  
15% PROVIDED  
15% REQUIRED

-  PRIVATE YARDS - 6,327 S.F. - 5.9%
-  PRIVATE OPEN SPACE - 9,821 S.F. - 9.2%



Project Number: 22142

Drawn By: AWR  
Checked By: AWR

Issue Date:

Revisions

Sheet Title:

**LANDSCAPE  
AREA  
PLAN**

Sheet Number:

**LP1.02**



MUNN HARRIS  
ARCHITECTS

**Looking East at West  
Side of the Building**



MUNN HARRIS  
ARCHITECTS

**Looking North at Southwest  
Corner of the Building**



MUNN HARRIS  
ARCHITECTS

**Looking South along West  
Side of the Building**



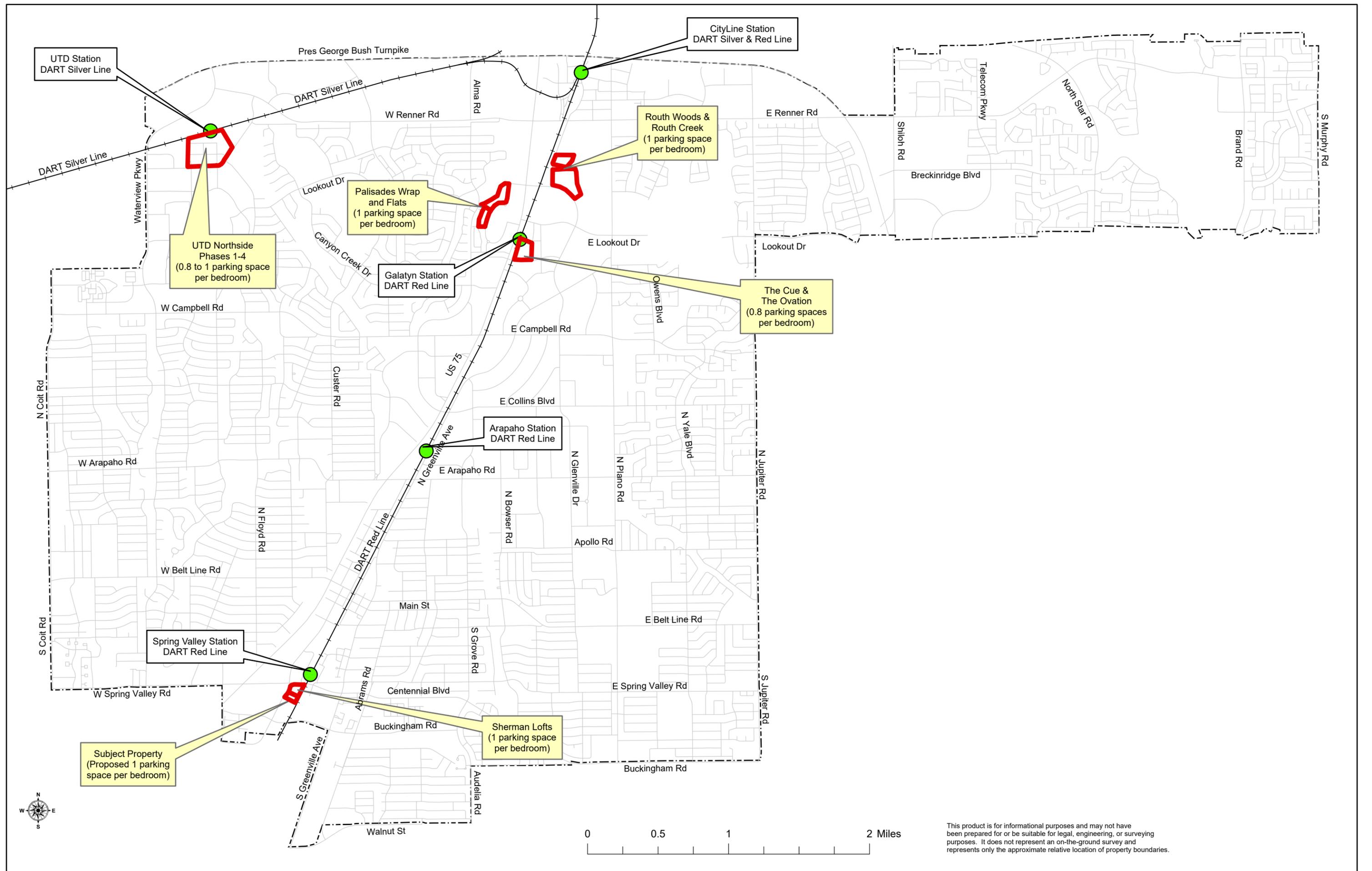
MUNN HARRIS  
ARCHITECTS

**Looking North at South  
Side of the Building**



MUNN HARRIS  
ARCHITECTS

**Looking South at North  
Side of the Building**



UTD Station  
DART Silver Line

CityLine Station  
DART Silver & Red Line

UTD Northside  
Phases 1-4  
(0.8 to 1 parking space  
per bedroom)

Palisades Wrap  
and Flats  
(1 parking space  
per bedroom)

Routh Woods &  
Routh Creek  
(1 parking space  
per bedroom)

Galatyn Station  
DART Red Line

The Cue &  
The Ovation  
(0.8 parking spaces  
per bedroom)

Arapaho Station  
DART Red Line

Spring Valley Station  
DART Red Line

Sherman Lofts  
(1 parking space  
per bedroom)

Subject Property  
(Proposed 1 parking  
space per bedroom)

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

**Sherman Street Multifamily  
Applicant Statement**

This request seeks a Special Permit for the multifamily and a Special Development Plan for a property of approximately 2.46 acres located at 1001 S. Sherman Street (the Property). The property is located within the Creative Corporate subdistrict of the Main St./Central Expressway FBC. A one-story office building is part of the existing condition of the current site. Surrounding the site are uses that include office, transit, multifamily, retail, and restaurant.

The proposed mixed-use project (the Project) will consist of the approximately 215 multifamily units (approx. 87-88 units/acre), 6,045 square feet of amenity and fitness area, and 254 parking spaces in a parking structure that is wrapped by units. The project will contain 16,118 square feet of private open space that consists of interior courtyards and private yards at the ground level dwelling units. The project will also connect to the Central Trail as well as enhance the boundary between the site and trail. Enhancements to include landscaping, creating connecting pathways to the trail and providing specific seating/resting areas.

The proposed structure consists of 5 stories built to a maximum of 64'. Building materials for the project will include brick, cementitious panel, and metal panel.

Modifications to the FBC requested with the Special Development Plan relate to architectural standards, building and envelope standards, and parking. Required architectural standards include grade-level units be located a minimum of 18 inches above the adjacent sidewalk along Sherman Street including a primary door with sidewalk access and a 24 square foot stoop. An entry door with sidewalk access will be present with access to the sidewalk. Concerning this requirement, a modification to ground-level units to be less than 18 inches and not have the primary entry to the street along with a 24 square foot stoop. Parking requirement for the Creative Corporate subdistrict is 1.5 spaces per unit. We are requesting 1 space per bedroom. Open space requirements require 15% percent open space if it is not publicly available. We are requesting an exception for using the private yards to reach 15%.



# Notice of Public Hearing

## City Plan Commission

An application has been received by the City of Richardson for a:

### **SPECIAL DEVELOPMENT PLAN & SPECIAL PERMIT**

**File No.:** ZF 23-01  
**Applicant:** Sammy Jibrin  
**Location:** (See map on reverse side)  
**Request:** **ZF 23-01 Special Development Plan & Special Permit – Sherman Multi-Family:** Consider and act on a request for approval of a Special Development Plan and Special Permit for a 2.5-acre lot located at 1001 S. Sherman Street, on the east side of Sherman Street, south of Spring Valley Road, currently zoned Main Street/Central Expressway PD Planned Development (Creative Corporate Sub-District) to allow development of a 5-story apartment building consisting of 215 apartment units. Owner: Sammy Jibrin, Campfire Shops LLC. Staff: Chris Shacklett.

The City Plan Commission will consider this request at a public hearing on:

**TUESDAY, APRIL 4, 2023**  
**7:00 p.m.**  
**Richardson ISD Administration Building**  
**400 S. Greenville Avenue**  
**Richardson, Texas 75081**

*This notice has been sent to all owners of real property affected by the zoning request and those who are within 200 feet of the request; as such ownership appears on the last approved city tax roll.*

**Process for Public Input:** Individuals attending the meeting will be allocated a maximum of 3 minutes each to address the City Plan Commission to express whether they are in favor or opposed the request.

Persons not attending the meeting who would like 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: Dept. of Development Services, PO Box 830309, Richardson, TX 75083 or by utilizing the Public Comment Card at <https://www.cor.net/PublicCommentForm>.

*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 before the public hearing. For a copy of the agenda, please go to: <http://www.cor.net/index.aspx?page=1331>.

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Zoning File number ZF 23-01.

Date Posted and Mailed: March 24, 2023

# ZF 23-01

W Spring Valley Rd

Lingco Dr

**200' NOTIFICATION  
BOUNDARY**

**SUBJECT PROPERTY**

Business Pkwy

S Sherman St

## ZF 23-01 Notification Map Special Development Plan/Special Permit 1001 S. Sherman Street

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



RICHARDSON  
TEXAS

1-LANG SPRING VALLEY LLC  
1501 DRAGON ST STE 102  
DALLAS, TX 75207

2-DART  
MB 7230  
P O BOX 660163  
DALLAS, TX 75266

3-REALTY INCOME PROPERTIES 27 LLC  
% CVS HEALTH # 7118 01  
11995 EL CAMINO REAL  
SAN DIEGO, CA 92130

4-B9 SEQUOIA RICHARDSON OWNER LP  
%BLACKSTONE REAL ESTATE ADVISORS  
345 PARK AVE  
NEW YORK, NY 101540004

5-C2 LAND LP  
% ING CLARION PTNRS/700  
1717 MCKINNEY AVE #1900  
DALLAS, TX 75202

6-MCGILL HOLDINGS LLC  
2321 OLYMPIA DR  
FLOWER MOUND, TX 75028

7-CAMPFIRE SHOPS LLC  
1625 FERRIS RD  
GARLAND, TX 750442301

8-HARTMAN SPE LLC  
2909 HILLCROFT ST STE 420  
HOUSTON, TX 77057

9-RICHARDSON CITY OF  
TAX DEPT SUITE 101  
411 W ARAPAHO RD SUITE 101  
RICHARDSON, TX 75080

10-HARTMAN SPE LLC  
2909 HILLCROFT ST STE 420  
HOUSTON, TX 77057

**SAMMY JIBRIN**  
**CAMPFIRE SHOPS LLC**  
**1625 FERRIS RD**  
**GARLAND, TX 75044**

SUPERINTENDENT OF SCHOOLS  
RICHARDSON ISD  
400 S. GREENVILLE AVE  
RICHARDSON, TX 75081

**ZF23-01 1001 S. Sherman**

**ORDINANCE NO. 4456**

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, TO GRANT A CHANGE IN ZONING FROM LR-M(2) LOCAL RETAIL TO PD PLANNED DEVELOPMENT FOR LR-M(2) LOCAL RETAIL DISTRICT; ADOPTING DEVELOPMENT REGULATIONS, INCLUDING A CONCEPT PLAN AND A SPECIAL PERMIT FOR A DOG DAYCARE AND BOARDING KENNEL LOCATED ON A 2.5-ACRE TRACT OF LAND LOCATED AT 2100 ALAMO 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 23-04).**

**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 5<sup>th</sup> day of June, 1956, as heretofore amended, be further amended by granting a change in zoning from LR-M(2) Local Retail to PD Planned Development for LR-M(2) Local Retail District, subject to the development regulations, concept plan and a Special Permit for a dog daycare and boarding kennel located on a 2.5-acre tract of land located at 2100 Alamo Road, Richardson, Texas, and being more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes (the “Property”).

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

1. The property shall be zoned PD Planned Development for the LR-M(2) Local Retail District and shall be used and developed in accordance with the LR-M(2) zoning district regulations except as otherwise provided herein; and developed and used in accordance with the Concept Plan attached hereto as Exhibit “B” (the “Concept Plan”) incorporated herein subject to the following conditions:
  - a. A minimum of 4% of the Property shall be landscaped.
  - b. Use of the Property for a dog daycare and boarding kennel shall be allowed upon approval of a Special Permit.
2. A Special Permit shall be granted to allow a dog daycare and boarding kennel with an outdoor play area which shall be limited to the 9,000-square foot lease space as shown on the Concept Plan and shall be limited to K9 Resorts. No other person(s), company, business or legal entity may operate a dog daycare and boarding kennel on the property other than K9 Resorts. The Special Permit automatically terminates upon the change in ownership, brand or operator, in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.
3. The parking ratio for the dog daycare and boarding kennel shall be one (1) parking space per 500 square feet of building area.

**SECTION 3.** That the Property 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.

**SECTION 4.** That all provisions of the ordinances of the City of Richardson relating to the development of the Property 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 24<sup>th</sup> day of April 2023.

**APPROVED:**

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**MAYOR**

**APPROVED AS TO FORM:**

**CORRECTLY ENROLLED:**

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**CITY ATTORNEY**  
(PGS:4-17-23:TM134528)

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**CITY SECRETARY**

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**ZF 23-04**

BEING all of Lot 1, Block A, Campbell Way, Revised, an addition to the City of Richardson, Texas according to the plat recorded in Volume 77086, Page 619 of the Map Records of Dallas County, Texas.



**ORDINANCE NO. 4457**

**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 GRANTING A CHANGE IN ZONING BY GRANTING A SPECIAL PERMIT FOR A MASSAGE ESTABLISHMENT FOR THE PROPERTY LOCATED AT 210 E. SPRING VALLEY ROAD, RICHARDSON, TEXAS, ZONED PD PLANNED DEVELOPMENT MAIN STREET/CENTRAL EXPRESSWAY FORM BASED CODE (CENTENNIAL GREEN SUB-DISTRICT), 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 23-05).**

**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 5<sup>th</sup> day of June, 1956, as heretofore amended, be amended by granting a change in zoning by granting a Special Permit for a massage establishment for the property located at 210 E. Spring Valley Road, Richardson, Texas, zoned PD Planned Development Main Street/Central Expressway Form Based Code (Centennial Green Sub-district), and being described in Exhibit “A” attached hereto and made a part hereof for all purposes (“the Property”).

**SECTION 2.** That the Special Permit for a massage establishment is hereby conditionally granted subject to the following special conditions:

1. A Special Permit shall be granted to allow a massage establishment which shall be limited to a 700-square foot lease space as shown on the Concept Plan attached as Exhibit “B” and made a part thereof (“Concept Plan”).

2. No other person, company, business, or legal entity may operate a massage establishment on the Property other than Chun Lin, provided however one (1) additional licensed massage therapist shall be allowed to perform massage, massage therapy or other massage services. The Special Permit granted pursuant to this Ordinance automatically terminates upon the change in ownership or operator, in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.
3. A Certificate of Occupancy shall be obtained from the City in accordance with Article XXII-A, Section 7.(c.) of the Comprehensive Zoning Ordinance, as amended.
4. The hours of operation of the massage establishment shall be limited to 10:00 a.m. to 8:00 p.m. Monday through Saturday.

**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.

**SECTION 4.** 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 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 24th day of April 2023.

**APPROVED:**

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**MAYOR**

**APPROVED AS TO FORM:**

**CORRECTLY ENROLLED:**

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**CITY ATTORNEY**  
(PGS:4-13-23:TM 134529)

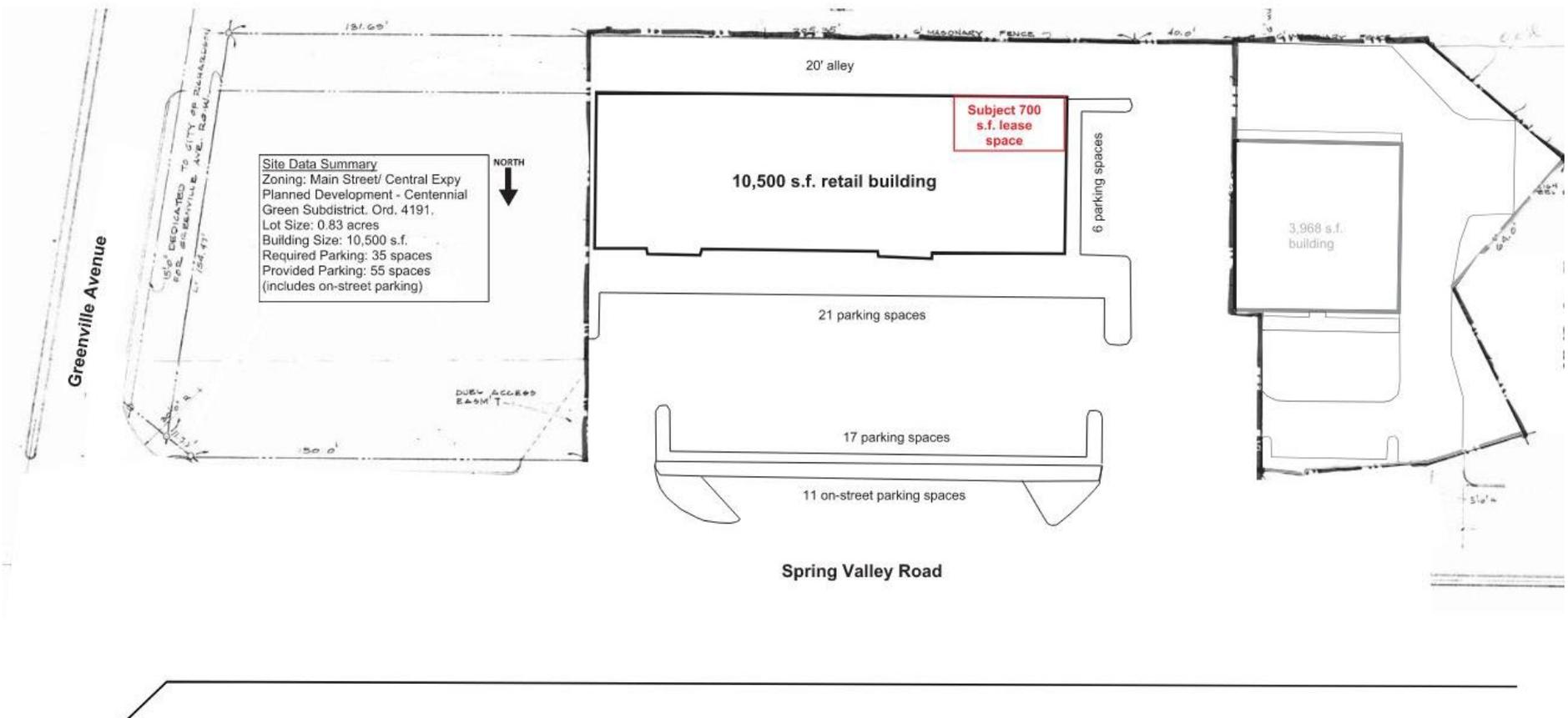
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**CITY SECRETARY**

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**ZF 23-05**

BEING a 0.83-acre tract of land situated in the J.R. Reid Survey, Abstract No. 1196, City of Richardson, Dallas County, Texas and being all of Tract 2, Sheet 8-A, Original Town of Richardson, according to the plat recorded in sheet 8A of the of the Records of Dallas County, Texas.

# EXHIBIT "B" Concept Plan



**ORDINANCE NO. 4458**

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, ADOPTING SUPPLEMENT NO. 31 TO THE CODE OF ORDINANCES; PROVIDING FOR THE PRINTING THEREOF AND AUTHENTICATION BY THE MAYOR; PROVIDING FOR REPEAL OF CERTAIN ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE, EXCEPT WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE, IN WHICH CASE THE PENALTY SHALL BE THAT FIXED BY STATE LAW, AND FOR ANY OFFENSE WHICH IS A VIOLATION OF ANY PROVISION THAT GOVERNS FIRE SAFETY, ZONING, PUBLIC HEALTH AND SANITATION OR DUMPING REFUSE, THE PENALTY SHALL BE A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Richardson, Texas, adopted a new Code of Ordinances for the City of Richardson by Ordinance No. 2912-A on October 16, 1992; and

**WHEREAS**, the City Council has enacted additional ordinances amending the Code of Ordinances; and

**WHEREAS**, it is necessary to supplement the Code of Ordinances to include those amendments within the body of the Code; **NOW, THEREFORE**,

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

**SECTION 1.** That Supplement No. 31 to the Code of Ordinances of the City of Richardson, heretofore enacted by Ordinance No. 2912-A, be, and the same is hereby, adopted and shall hereafter constitute a Supplement to the Code of Ordinances.

**SECTION 2.** That said Code, as supplemented, shall be admitted in evidence without further proof, and the City Secretary shall record this Supplement adopted as amendments to said Code in the ordinance records of the City, and thereafter such Code, as amended and supplemented, shall serve as a record of the ordinances so codified, and it shall not be necessary in establishing the content of any particular ordinance so codified to go beyond said record.

**SECTION 3.** It is the intention of the City Council to make this Supplement and the amendments incorporated within it as part of the Code of Ordinances when printed or reprinted in page form, distributed to and incorporated within the original Code of Ordinance books distributed by the City Secretary. A copy of such Code, as supplemented, hereby shall be available for all persons desiring to examine the same in the office of the City Secretary during regular business hours. Ordinances passed subsequent to the enactment of this Supplement shall be added to the body of the Code of Ordinances and incorporated within it by reference so that reference to the Code of Ordinances of the City of Richardson shall be understood and intended to include such additions and amendments.

**SECTION 4.** Whenever in the Code of Ordinances an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of such provision of the Code by any person, firm or corporation shall be deemed to be a misdemeanor and, upon conviction in the Municipal Court of the City of Richardson, such person, firm or corporation shall be punished by a penalty of fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except where a different penalty has been established by state law for such offense, in which case the penalty shall be that fixed by state law, and for any offense which is a violation of any provision that governs fire safety, zoning, public health and sanitation or dumping refuse, the penalty shall be a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

**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 thereof decided to be unconstitutional, illegal or invalid.

**SECTION 7.** That this Ordinance shall take effect immediately from and after its passage, as the law and Charter in such case provide.

**DULY PASSED** by the City Council of the City of Richardson, Texas, on the 24<sup>th</sup> day of April, 2023.

APPROVED:

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MAYOR

CORRECTLY ENROLLED:

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CITY SECRETARY

ORDINANCE NO. 4459

AN ORDINANCE authorizing the issuance of "CITY OF RICHARDSON, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2023"; levying a continuing direct annual ad valorem tax for the payment of said bonds; resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds; establishing procedures for the sale and delivery of said bonds; and delegating matters relating to the sale and issuance of said bonds to an authorized City official; enacting provisions incident and related to the purposes and subject of this ordinance; and providing an effective date.

WHEREAS, the City Council (the "Council") of the City of Richardson, Texas (the "City") hereby finds and determines that it is in the best interests of the City to issue bonds to pay the costs of making permanent public improvements authorized by the voters of the City at a bond election held on November 2, 2021 (the "Election"), and that the Pricing Officer be authorized to determine, from such voted authorization, the purposes and amounts for which such bonds shall be issued in accordance with the parameters specified herein, such determination to be included in a pricing certificate (the "Pricing Certificate") to be executed by the Pricing Officer (hereinafter defined), all in accordance with the provisions of Chapters 1331 and 1371, Texas Government Code, as amended, and now, therefor,

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

Section 1. Authorization - Series Designation - Principal Amount - Purpose - Bond Date. General obligation bonds of the City shall be and are hereby authorized to be issued in the maximum aggregate principal amount hereinafter set forth to be designated and bear the title "CITY OF RICHARDSON, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2023", or such other designation as specified in the Pricing Certificate (herein referred to as the "Bonds"), for the purpose of providing funds (1) to make various permanent public improvements for the City, to wit: (i) acquiring, constructing, improving and maintaining streets, thoroughfares and alleyways within the City, traffic signalization and signage and traffic management equipment, (ii) constructing, improving, renovating, expanding and equipping municipal public buildings and the acquisition of land therefor, to-wit: renovating City Hall, the Richardson Public Library, Fire Station 5 and the Richardson Animal Shelter, (iii) constructing, improving, extending, repairing sidewalks and related improvements, (iv) planning, designing, constructing, improving, renovating, repairing, replacing, and expanding flood protection and storm drainage facilities and improvements, erosion control, including necessary and appropriate relocation of utilities and the acquisition of land related thereto and (v) designing, acquiring, constructing, renovating, improving, and equipping the City parks (including passive parks and open space improvements), and acquiring lands, interests in lands, and rights-of-way related thereto and (2) to pay the costs and expenses of issuance, in accordance with the authority conferred by and in conformity with the Election and the Constitution and laws of the State of Texas, including Chapters 1331 and 1371, Texas Government Code, as amended. The Bonds shall be dated (the "Bond Date") as provided in the Pricing Certificate.

Section 2. Fully Registered Obligations – Terms. The Bonds shall be issued as fully registered obligations, without coupons, and the Bonds (other than the Initial Bond(s) referenced in Section 8 hereof) shall be in denominations of \$5,000 or any integral multiple (within a Stated Maturity) thereof, shall be lettered "R" and numbered consecutively from one (1) upward and principal shall become due and payable on a date certain in each of the years and in amounts (the

"Stated Maturities") and bear interest at the rate(s) per annum in accordance with the details of the Bonds as set forth in the Pricing Certificate.

The Bonds shall bear interest on the unpaid principal amounts from the date specified in the Pricing Certificate at the rate(s) per annum shown in the applicable Pricing Certificate (calculated on the basis of a 360-day year consisting of twelve 30-day months). Interest on the Bonds shall be payable in each year, on the dates, and commencing on the date, set forth in the applicable Pricing Certificate.

Section 3. Delegation of Authority to Pricing Officer. (a) As authorized by Section 1371.053, Texas Government Code, as amended, the Chief Financial Officer or the Director of Finance of the City (either, the "Pricing Officer") is hereby authorized to act on behalf of the City in selling and delivering the Bonds, in one or more series, and carrying out the other procedures specified in this Ordinance, including determining the purposes and amounts of the Bonds to be issued to fund public improvements authorized at the Election, determining the aggregate principal amount of the Bonds, the date of the Bonds, any additional or different designation or title by which the Bonds shall be known, the price at which the Bonds will be sold, the manner of sale (negotiated, privately placed or competitively bid), the years in which the Bonds will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each such maturity, the date from which interest on the Bonds will accrue, the interest payment dates, the record date, the price and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, determination of the use of a book-entry-only securities clearance, settlement and transfer system, the terms of any bond insurance applicable to the Bonds, including any modification of the continuing disclosure undertaking contained in Section 29 hereof as may be required by the purchasers of the Bonds in connection with any amendments to the Rule (hereinafter defined), and all other matters relating to the issuance, sale and delivery of the Bonds, all of which shall be specified in the Pricing Certificate, provided that:

- (i) the aggregate original principal amount of the Bonds shall not exceed \$47,905,000;
- (ii) the maximum true interest cost for the Bonds shall not exceed 5.00%; and
- (iii) the maximum maturity date of the Bonds shall not exceed February 15, 2043.

The execution of the Pricing Certificate shall evidence the sale date of the Bonds by the City to the Purchasers (hereinafter defined).

If the Pricing Officer determines that bond insurance results in a net reduction of the City's interest costs associated with the Bonds, then the Pricing Officer is authorized, in connection with effecting the sale of the Bonds, to make the selection of the municipal bond insurance company for the Bonds (the "Insurer") and to obtain from the Insurer a municipal bond insurance policy in support of the Bonds. The Pricing Officer shall have the authority to determine the provisions of the commitment for any such policy and to execute any documents to effect the issuance of said policy by the Insurer.

(b) In establishing the aggregate principal amount of the Bonds, the Pricing Officer shall establish an amount not exceeding the amount authorized in subsection (a)(i) above, which shall be sufficient in amount to provide for the purposes for which the Bonds are authorized and to pay

costs of issuing the Bonds. The delegation made hereby shall expire if not exercised by the Pricing Officer within one (1) year of the date of the adoption of this Ordinance. The Pricing Officer may exercise such delegation on more than one occasion during such time period. The Bonds shall be sold to the purchaser(s)/underwriter(s) named in the Pricing Certificate (the "Purchasers"), at such price and with and subject to such terms as set forth in the Pricing Certificate and the Purchase Contract (hereinafter defined), and may be sold by negotiated or competitive sale or by private placement. The Pricing Officer is hereby delegated the authority to designate the Purchasers, which delegation shall be evidenced by the execution of the Pricing Certificate.

**Section 4. Terms of Payment - Paying Agent/Registrar.** The principal of, premium, if any, and the interest on the Bonds, due and payable by reason of maturity, redemption or otherwise, shall be payable only to the registered owners or holders of the Bonds (hereinafter called the "Holders") appearing on the registration and transfer books maintained by the Paying Agent/Registrar, and the payment thereof shall be in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, and shall be without exchange or collection charges to the Holders.

The selection and appointment of the Paying Agent/Registrar to serve as paying agent/registrar for the Bonds (the "Paying Agent/Registrar") shall be as provided in the Pricing Certificate. Books and records relating to the registration, payment, exchange and transfer of the Bonds (the "Security Register") shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar, all as provided herein, in accordance with the terms and provisions of a "Paying Agent/Registrar Agreement," substantially in the form attached hereto as **Exhibit A** and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Pricing Officer or the Mayor and City Secretary are hereby authorized to execute and deliver such Paying Agent/Registrar Agreement in connection with the delivery of the Bonds. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Bonds are paid and discharged, and any successor Paying Agent/Registrar shall be a commercial bank, trust company, financial institution, or other entity qualified and authorized to serve in such capacity and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Bonds, the City agrees to promptly cause a written notice thereof to be sent to each Holder by United States Mail, first class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

The Bonds shall be payable at their Stated Maturities or upon their earlier redemption, only upon the presentation and surrender of the Bonds to the Paying Agent/Registrar at its designated offices as provided in the Pricing Certificate (the "Designated Payment/Transfer Office"); provided, however, while a Bond is registered to Cede & Co., the payment thereof upon a partial redemption of the principal amount thereof may be accomplished without presentation and surrender of such Bond. Interest due on the Bonds shall be paid by the Paying Agent/Registrar to the Holders whose names appears in the Security Register at the close of business on the Record Date (which shall be set forth in the Pricing Certificate) and such interest payments shall be made (i) by check sent United States Mail, first class postage prepaid, to the address of the Holder recorded in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to be closed; and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a non-payment of interest on one or more maturities of the Bonds on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such past due interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States Mail, first class postage prepaid, to the address of each Holder of the Bonds appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

**Section 5. Registration - Transfer - Exchange of Bonds - Predecessor Bonds.** The Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of each and every Holder of the Bonds issued under and pursuant to the provisions of this Ordinance, or if appropriate, the nominee thereof. Any Bond may be transferred or exchanged for other Bonds having the same maturity and amount and in authorized denominations upon the Security Register by the Holder, in person or by his duly authorized agent, upon surrender of such Bond to the Paying Agent/Registrar at its Designated Payment/Transfer Office for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon surrender for assignment or transfer of any Bond (other than the Initial Bonds authorized in Section 8 hereof) for transfer at the Designated Payment/Transfer Office of the Paying Agent/Registrar, one or more new Bonds, executed on behalf of and furnished by the City, shall be registered and issued to the assignee or transferee of the previous Holder; such Bonds to be of authorized denominations, of like Stated Maturity, and of a like aggregate principal amount as the Bond or Bonds surrendered for transfer.

At the option of the Holder, Bonds (other than the Initial Bonds authorized in Section 8 hereof) may be exchanged for other Bonds of authorized denominations and having the same Stated Maturity, bearing the same rate of interest and of like aggregate principal amount as the Bonds surrendered for exchange, upon surrender of the Bonds to be exchanged at the Designated Payment/Transfer Office of the Paying Agent/Registrar. Whenever any Bonds are surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Bonds, executed on behalf of and furnished by the City, to the Holder requesting the exchange.

All Bonds issued upon any such transfer or exchange of Bonds shall be delivered to the Holders at the Designated Payment/Transfer Office of the Paying Agent/Registrar or sent by United States Mail, first class postage prepaid, to the Holders, and, upon the registration and delivery thereof, the same shall be the valid obligations of the City, evidencing the same obligation to pay and entitled to the same benefits under this Ordinance, as the Bonds surrendered in such transfer or exchange.

All transfers or exchanges of Bonds pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Bonds canceled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be "Predecessor Bonds," evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Bond or Bonds registered and delivered in the exchange or transfer therefor. Additionally, the term "Predecessor Bonds" shall include any

mutilated, lost, destroyed, or stolen Bond for which a replacement Bond has been issued, registered, and delivered in lieu thereof pursuant to the provisions of Section 11 hereof, and such new replacement Bond shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Bond.

Neither the City nor the Paying Agent/Registrar shall be required to transfer or exchange any Bond called for redemption, in whole or in part, within forty-five (45) days of the date fixed for the redemption of such Bond; provided, however, such limitation on transferability shall not be applicable to an exchange by the Holder of the unredeemed balance of a Bond called for redemption in part.

Section 6. Book-Entry-Only Transfers and Transactions. Notwithstanding the provisions contained in Sections 4 and 5 hereof relating to the payment and transfer/exchange of the Bonds, the City hereby approves and authorizes the use of "Book-Entry-Only" securities clearance, settlement, and transfer system provided by The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York ("DTC"), in accordance with the requirements and procedures identified in the current DTC Operational Arrangements memorandum, as amended, the Blanket Issuer Letter of Representations, by and between the City and DTC, and the Letter of Representations from the Paying Agent/Registrar to DTC (collectively, the "Depository Agreement") relating to the Bonds.

In the event the Pricing Officer elects to utilize DTC's "Book-Entry-Only" System, which election shall be made by the Pricing Officer in the Pricing Certificate, pursuant to the Depository Agreement and the rules of DTC, the Bonds shall be deposited with DTC who shall hold said Bonds for its participants (the "DTC Participants"). While the Bonds are held by DTC under the Depository Agreement, the Holder of the Bonds on the Security Register for all purposes, including payment and notices, shall be Cede & Co., as nominee of DTC, notwithstanding the ownership of each actual purchaser or owner of each Bond (the "Beneficial Owners") being recorded in the records of DTC and DTC Participants.

In the event DTC determines to discontinue serving as securities depository for the Bonds or otherwise ceases to provide book-entry clearance and settlement of securities transactions in general or the City determines that DTC is incapable of properly discharging its duties as securities depository for the Bonds, the City covenants and agrees with the Holders of the Bonds to cause Bonds to be printed in definitive form and provide for the Bond certificates to be issued and delivered to DTC Participants and Beneficial Owners, as the case may be. Thereafter, the Bonds in definitive form shall be assigned, transferred and exchanged on the Security Register maintained by the Paying Agent/Registrar and payment of such Bonds shall be made in accordance with the provisions of Sections 4 and 5 hereof.

Section 7. Execution – Registration. The Bonds shall be executed on behalf of the City by the Mayor or the Mayor Pro Tem under the City's seal reproduced or impressed thereon and attested by the City Secretary. The signature of said officials on the Bonds may be manual or facsimile. Bonds bearing the manual or facsimile signatures of individuals who are or were the proper officials of the City on the date of the adoption of this Ordinance shall be deemed to be duly executed on behalf of the City, notwithstanding that such individuals or either of them shall cease to hold such offices at the time of delivery of the Bonds to the initial purchaser(s) and with respect to Bonds delivered in subsequent exchanges and transfers, all as authorized and provided in Chapter 1201 of the Texas Government Code, as amended.

No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond either a certificate of registration substantially in the form provided in Section 9(c), manually executed by the Comptroller of Public Accounts of the State of Texas, or his or her duly authorized agent, or a certificate of registration substantially in the form provided in Section 9(d), manually executed by an authorized officer, employee or representative of the Paying Agent/Registrar, and either such certificate duly signed upon any Bond shall be conclusive evidence, and the only evidence, that such Bond has been duly certified, registered, and delivered.

Section 8. Initial Bonds. The Bonds herein authorized shall be initially issued as fully registered Bonds as specified in the Pricing Certificate, being a single, fully registered Bond in the aggregate principal amount noted and principal installments to become due and payable as provided in the Pricing Certificate and numbered T-1, (hereinafter called the "Initial Bond") and the Initial Bond shall be registered in the name of the initial purchaser(s) or the designee thereof. The Initial Bond shall be the Bonds submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the initial purchaser(s). Any time after the delivery of the Initial Bond, the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall cancel the Initial Bond delivered hereunder and exchange therefor definitive Bonds of like kind and of authorized denominations, Stated Maturities, principal amounts and bearing applicable interest rates for transfer and delivery to the Holders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the initial purchaser(s), or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

Section 9. Forms.

(a) Forms Generally. The Bonds, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Registration Certificate of Paying Agent/Registrar, and the form of Assignment to be printed on each of the Bonds, shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and, with the Bonds to be completed and modified with the information set forth in the Pricing Certificate, may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends on insured Bonds and any reproduction of an opinion of counsel) thereon as may, consistently herewith, be established by the City or determined by the Pricing Officer. The Pricing Certificate shall set forth the final and controlling forms and terms of the Bonds. Any portion of the text of any Bonds may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Bond.

The definitive Bonds and the Initial Bonds shall be printed, lithographed, engraved, typewritten, photocopied or otherwise reproduced in any other similar manner, all as determined by the officers executing such Bonds as evidenced by their execution thereof.

(b) Form of Definitive Bonds.

REGISTERED  
NO. R-\_\_\_\_\_

PRINCIPAL AMOUNT  
\$\_\_\_\_\_

**UNITED STATES OF AMERICA  
STATE OF TEXAS  
CITY OF RICHARDSON, TEXAS  
GENERAL OBLIGATION BOND  
SERIES 2023**

Bond Date: \_\_\_\_\_, 20\_\_      Interest Rate: \_\_\_\_\_%      Stated Maturity: \_\_\_\_\_, 20\_\_      CUSIP No.: \_\_\_\_\_

Registered Owner:

Principal Amount: \_\_\_\_\_ DOLLARS

The City of Richardson (hereinafter referred to as the "City"), a body corporate and political subdivision in the Counties of Collin and Dallas, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, on the Stated Maturity date specified above the Principal Amount hereinabove stated (or so much thereof as shall not have been paid upon prior redemption), and to pay interest on the unpaid principal amount hereof from the interest payment date next preceding the "Registration Date" of this Bond appearing below (unless this Bond bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Bond is prior to the initial interest payment date in which case it shall bear interest from the \_\_\_\_\_) at the per annum rate of interest specified above computed on the basis of a 360 day year of twelve 30 day months; such interest being payable on \_\_\_\_\_ and \_\_\_\_\_ in each year, commencing \_\_\_\_\_, 20\_\_, until maturity or prior redemption. Principal of this Bond is payable at its Stated Maturity or upon its prior redemption to the registered owner hereof, upon presentation and surrender, at the designated offices of the Paying Agent/Registrar executing the registration certificate appearing hereon, initially in \_\_\_\_\_, \_\_\_\_\_, or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"); provided, however, while this Bond is registered to Cede & Co., the payment of principal upon a partial redemption of the principal amount hereof may be accomplished without presentation and surrender of this Bond. Interest is payable to the registered owner of this Bond (or one or more Predecessor Bonds, as defined in the Ordinance hereinafter referenced) whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date", which is the \_\_\_\_\_ day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Bond shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Bond is one of the series specified in its title issued in the aggregate principal amount of \$ \_\_\_\_\_ (herein referred to as the "Bonds") for the purpose of providing funds (1) to make permanent public improvements for the City, to wit: (i) acquiring, constructing, improving and maintaining streets, thoroughfares and alleyways within the City, traffic signalization and signage and traffic management equipment, (ii) constructing, improving, renovating, expanding and equipping municipal public buildings and the acquisition of land therefor, to-wit: renovating City Hall, the Richardson Public Library, Fire Station 5 and the Richardson Animal Shelter, (iii) constructing, improving, extending, repairing sidewalks and related improvements, (iv) planning, designing, constructing, improving, renovating, repairing, replacing, and expanding flood protection and storm drainage facilities and improvements, erosion control, including necessary and appropriate relocation of utilities and the acquisition of land related thereto and (v) designing, acquiring, constructing, renovating, improving, and equipping the City parks (including passive parks and open space improvements), and acquiring lands, interests in lands, and rights-of-way related thereto and (2) to pay the costs and expenses of issuance, under and in strict conformity with the Constitution and laws of the State of Texas, including Chapters 1331 and 1371 of the Texas Government Code, as amended, and pursuant to a Pricing Certificate and an ordinance adopted by the governing body of the City (the "Bond Ordinance", and jointly with the Pricing Certificate, the "Ordinance").

[The Bonds maturing on the dates hereinafter identified (the "Term Bonds") are subject to mandatory redemption prior to maturity with funds on deposit in the Interest and Sinking Fund established and maintained for the payment thereof in the Ordinance, and shall be redeemed in part prior to maturity at the price of par and accrued interest thereon to the date of redemption, and without premium, on the dates and in the principal amounts as follows:

Term Bonds due _____, 20__	Term Bonds due _____, 20__
<u>Redemption Date</u>	<u>Redemption Date</u>
<u>Principal Amount</u>	<u>Principal Amount</u>
_____, 20__	_____, 20__
_____, 20__*	_____, 20__*

\* Stated maturity.

The particular Term Bonds of a Stated Maturity to be redeemed on each redemption date shall be chosen by lot by the Paying Agent/Registrar; provided, however, that the principal amount of Term Bonds for a Stated Maturity required to be redeemed on a mandatory redemption date may be reduced, at the option of the City, by the principal amount of Term Bonds of like Stated Maturity which, at least fifty (50) days prior to a mandatory redemption date, (1) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation or (2) shall have been redeemed pursuant to the optional redemption provisions appearing below and not theretofore credited against a mandatory redemption requirement.]

The Bonds maturing on and after \_\_\_\_\_, 20\_\_, may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on \_\_\_\_\_, 20\_\_, or on any date thereafter, at the redemption price of par, together with accrued interest to the date of redemption.

At least thirty (30) days prior to the date fixed for any redemption of Bonds, the City shall cause a written notice of such redemption to be sent by United States Mail, first class postage prepaid, to the registered owners of each Bond to be redeemed, in whole or in part, at the address

shown on the Security Register and subject to the terms and provisions relating thereto contained in the Ordinance. If a Bond (or any portion of its principal sum) shall have been duly called for redemption and notice of such redemption duly given, then upon such redemption date such Bond (or the portion of its principal sum to be redeemed) shall become due and payable, and interest thereon shall cease to accrue from and after the redemption date therefor; provided moneys for the payment of the redemption price and the interest on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar.

In the event a portion of the principal amount of a Bond is to be redeemed and the registered owner is someone other than Cede & Co., payment of the redemption price of such principal amount shall be made to the registered owner only upon presentation and surrender of such Bond to the Designated Payment/Transfer Office of the Paying Agent/Registrar, and a new Bond or Bonds of like maturity and interest rate in any authorized denominations provided by the Ordinance for the then unredeemed balance of the principal sum thereof will be issued to the registered owner, without charge. If a Bond is selected for redemption, in whole or in part, the City and the Paying Agent/Registrar shall not be required to transfer such Bond to an assignee of the registered owner within forty-five (45) days of the redemption date therefor; provided, however, such limitation on transferability shall not be applicable to an exchange by the registered owner of the unredeemed balance of a Bond redeemed in part.

With respect to any optional redemption of the Bonds, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

The Bonds are payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City. Reference is hereby made to the Ordinance, a copy of which is on file in the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all of the provisions of which the owner or holder of this Bond by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied for the payment of the Bonds; the terms and conditions relating to the transfer or exchange of this Bond; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Holders; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Bond may be discharged at or prior to its maturity or redemption, and deemed to be no longer Outstanding thereunder; and for other terms and provisions contained therein. Capitalized terms used herein and not otherwise defined have the meanings assigned in the Ordinance.

This Bond, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the registered owner hereof, or his duly authorized agent. When a transfer on the Security Register occurs, one or more new fully registered Bonds of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same

aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, shall treat the registered owner whose name appears on the Security Register (i) on the Record Date as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Bond as the owner entitled to payment of principal at the Stated Maturity, or its redemption, in whole or in part, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of nonpayment of interest on a Bond on a scheduled payment date and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States Mail, first class postage prepaid, to the address of each registered owner of a Bond appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, recited, represented, and declared that the City is a body corporate and political subdivision duly organized and legally existing under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Bonds is duly authorized by law; that all acts, conditions, and things required to exist and be done precedent to and in the issuance of the Bonds to render the same lawful and valid obligations of the City have been properly done, have happened, and have been performed in regular and due time, form, and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Bonds do not exceed any Constitutional or statutory limitation; and that due provision has been made for the payment of the principal of and interest on the Bonds by the levy of a tax as aforesated. In case any provision in this Bond shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The terms and provisions of this Bond and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Bond to be duly executed under the official seal of the City.

CITY OF RICHARDSON, TEXAS

\_\_\_\_\_  
Mayor

ATTEST

\_\_\_\_\_  
City Secretary

(City Seal)

(c) The Initial Bond shall be in the respective form set forth therefor in subsection (b) of this Section, except as follows:

Heading and the first paragraph shall be amended to read as follows:

NO. T-1 \$ \_\_\_\_\_

**UNITED STATES OF AMERICA  
STATE OF TEXAS  
CITY OF RICHARDSON, TEXAS  
GENERAL OBLIGATION BOND  
SERIES 2023**

Bond Date: \_\_\_\_\_, 20\_\_

Registered Owner:

Principal Amount: DOLLARS

The City of Richardson (hereinafter referred to as the "City"), a body corporate and political subdivision in the Counties of Collin and Dallas, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the registered owner named above, or the registered assigns thereof, the Principal Amount hereinabove stated on \_\_\_\_\_ in the years and in principal installments in accordance with the following schedule:

<u>STATED MATURITY</u>	<u>PRINCIPAL AMOUNT</u>	<u>INTEREST RATE(S)</u>
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(Information to be inserted from Pricing Certificate)

(or so much principal thereof as shall not have been redeemed prior to maturity) and to pay interest on the unpaid principal installments hereof from the \_\_\_\_\_ at the per annum rates of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on \_\_\_\_\_, 20\_\_, and each \_\_\_\_\_ and \_\_\_\_\_ thereafter, until maturity or prior redemption. Principal installments of this Bond are payable in the year of maturity or on a redemption date to the registered owner hereof by \_\_\_\_\_ (the "Paying Agent/Registrar"), upon presentation and surrender at its designated offices, initially in \_\_\_\_\_, \_\_\_\_\_, or, with respect to a successor paying agent/registrar, at the designated office of such successor (the "Designated Payment/Transfer Office"). Interest is payable to the registered owner of this Bond whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the \_\_\_\_\_ day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. All payments of principal of, premium, if any, and interest on this Bond shall be without exchange or collection charges to the registered owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed, then the date for such payment shall be the

next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to be closed; and payment on such date shall have the same force and effect as if made on the original date payment was due.

Section 10. Levy of Taxes. To provide for the payment of the “Debt Service Requirements” of the Bonds, being (i) the interest on the Bonds and (ii) a sinking fund for their redemption at maturity or a sinking fund of 2% (whichever amount is the greater) there is hereby levied, and there shall be annually assessed and collected in due time, form, and manner, a tax on all taxable property in the City, within the limitations by law prescribed, sufficient to pay the principal of and interest on the Bonds as the same becomes due and payable; and such tax hereby levied on each one hundred dollars’ valuation of taxable property in the City for the payment of the Debt Service Requirements of the Bonds shall be at a rate from year to year as will be ample and sufficient to provide funds each year to pay the principal of and interest on said Bonds while Outstanding; full allowance being made for delinquencies and costs of collection; the taxes levied, assessed, and collected for and on account of the Bonds shall be accounted for separate and apart from all other funds of the City and shall be deposited in the “SPECIAL SERIES 2023 GENERAL OBLIGATION BOND FUND”, or such other fund designation as specified in the Pricing Certificate (the “Interest and Sinking Fund”) to be maintained at an official depository of the City’s funds; and such tax hereby levied, and to be assessed and collected annually, is hereby pledged to the payment of the Bonds.

PROVIDED, however, with regard to any payment to become due on the Bonds prior to the tax delinquency date next following the annual assessment of taxes levied which next follows the Bond Date, if any, sufficient current funds will be available and are hereby appropriated to make such payments; and the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Director of Finance and City Secretary of the City, individually or jointly, are hereby authorized and directed to transfer and deposit in the Interest and Sinking Fund such current funds which, together with the accrued interest received from the initial purchasers, will be sufficient to pay the payments due on the Bonds prior to the tax delinquency date next following the annual assessment of taxes levied which next follows the Bond Date.

The Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Director of Finance and City Secretary of the City, individually or jointly, are hereby authorized and directed to cause to be transferred to the Paying Agent/Registrar for the Bonds, from funds on deposit in the Interest and Sinking Fund, amounts sufficient to fully pay and discharge promptly each installment of interest and principal of the Bonds as the same accrues or matures or comes due by reason of redemption prior to maturity; such transfers of funds to be made in such manner as will cause collected funds to be deposited with the Paying Agent/Registrar on or before each principal and interest payment date for the Bonds.

Section 11. Mutilated - Destroyed - Lost and Stolen Bonds. In case any Bond shall be mutilated, or destroyed, lost, or stolen, the Paying Agent/Registrar may execute and deliver a replacement Bond of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Bond; and with respect to a lost, destroyed, or stolen Bond, a replacement Bond may be issued only upon the approval of the City and after (i) the filing by the Holder with the Paying Agent/Registrar of evidence satisfactory to the Paying Agent/Registrar of the destruction, loss, or theft of such Bond, and of the authenticity of the ownership thereof and (ii) the furnishing to the Paying Agent/Registrar of indemnification in an amount satisfactory to hold the City and the Paying Agent/Registrar harmless. All expenses and charges associated with such indemnity and with the preparation, execution and

delivery of a replacement Bond shall be borne by the Holder of the Bond mutilated, destroyed, lost, or stolen.

Every replacement Bond issued pursuant to this Section shall be a valid and binding obligation of the City, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds; notwithstanding the enforceability of payment by anyone of the destroyed, lost, or stolen Bonds.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost, or stolen Bonds.

**Section 12. Satisfaction of Obligation of City.** If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Bonds, at the times and in the manner stipulated in this Ordinance and the Pricing Certificate, then the pledge of taxes levied under this Ordinance and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, and be discharged and satisfied.

Bonds or any principal amount(s) thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (i) money sufficient to pay in full such Bonds or the principal amount(s) thereof at maturity or to the redemption date therefor, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, or (ii) Government Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities have been certified by an independent accounting firm or consulting firm to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any moneys deposited therewith, if any, to pay when due the principal of and interest on such Bonds, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof or (if notice of redemption has been duly given or waived or if irrevocable arrangements therefor acceptable to the Paying Agent/Registrar have been made) the redemption date thereof. The City covenants that no deposit of moneys or Government Securities will be made under this Section and no use made of any such deposit which would cause the Bonds to be treated as "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, or regulations adopted pursuant thereto.

Any moneys so deposited with the Paying Agent/Registrar, or an authorized escrow agent, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Bonds, or any principal amount(s) thereof, or interest thereon with respect to which such moneys have been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Bonds and remaining unclaimed for a period of three (3) years after the Stated Maturity, or applicable redemption date, of the Bonds such moneys were deposited and are held in trust to pay shall upon the request of the City be remitted to the City against a written receipt therefor. Notwithstanding the above and foregoing, any remittance of funds from the Paying Agent/Registrar to the City shall be subject to any applicable unclaimed property laws of the State of Texas.

Unless otherwise provided in the Pricing Certificate, the term "Government Securities" shall mean (i) direct noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations unconditionally guaranteed or insured by the agency or instrumentality and, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent and (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

The City reserves the right, subject to satisfying the requirements of (i) and (ii) above, to substitute other Government Securities for the Government Securities originally deposited, to reinvest the uninvested moneys on deposit for such defeasance and to withdraw for the benefit of the City moneys in excess of the amount required for such defeasance.

Upon such deposit as described above, such Bonds shall no longer be regarded to be outstanding or unpaid. Provided, however, the City has reserved the option, to be exercised at the time of the defeasance of the Bonds, to call for redemption, at an earlier date, those Bonds which have been defeased to their maturity date, if the City: (i) in the proceedings providing for the firm banking and financial arrangements, expressly reserves the right to call the Bonds for redemption; (ii) gives notice of the reservation of that right to the Holders of the Bonds immediately following the making of the firm banking and financial arrangements; and (iii) directs that notice of the reservation be included in any redemption notices that it authorizes.

Section 13. Ordinance a Contract - Amendments - Outstanding Bonds. This Ordinance, together with the Pricing Certificate, shall constitute a contract with the Holders from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Bond remains Outstanding except as permitted in this Section and in Section 29 hereof. The City may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance or any provision in the Pricing Certificate in any manner not detrimental to the interests of the Holders, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the consent of Holders who own a majority of the aggregate of the principal amount of the Bonds then Outstanding, amend, add to, or rescind any of the provisions of this Ordinance or any provision in the Pricing Certificate; provided that, without the consent of all Holders of Outstanding Bonds, no such amendment, addition, or rescission shall (1) extend the time or times of payment of the principal of and interest on the Bonds, reduce the principal amount thereof, the redemption price, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of or interest on the Bonds, (2) give any preference to any Bond over any other Bond, or (3) reduce the aggregate principal amount of Bonds required to be held by Holders for consent to any such amendment, addition, or rescission.

The term "Outstanding" when used in this Ordinance with respect to Bonds means, as of the date of determination, all Bonds theretofore issued and delivered under this Ordinance, except:

- (1) those Bonds cancelled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;

(2) those Bonds deemed to be duly paid by the City in accordance with the provisions of Section 12 hereof; and

(3) those mutilated, destroyed, lost, or stolen Bonds which have been replaced with Bonds registered and delivered in lieu thereof as provided in Section 11 hereof.

Section 14. Covenants to Maintain Tax-Exempt Status.

(a) Definitions. When used in this Section, the following terms have the following meanings:

“*Closing Date*” means the date on which the Bonds are first authenticated and delivered to the initial purchasers against payment therefor.

“*Code*” means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

“*Computation Date*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Gross Proceeds*” means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Bonds.

“*Investment*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Nonpurpose Investment*” means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Bonds are invested and which is not acquired to carry out the governmental purposes of the Bonds.

“*Rebate Amount*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Regulations*” means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“*Yield*” of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations and (2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction, or improvement of which is to be financed (or refinanced) directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Bond to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of

municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

- (i) exclusively own, operate, and possess all property the acquisition, construction, or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Bonds (including property financed with Gross Proceeds of the Refunded Obligations), and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed, or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department, and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and
- (ii) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction, or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds (including property financed with Gross Proceeds of the Refunded Obligations), other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan: Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be "loaned" to a person or entity if: (1) property acquired, constructed, or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output, or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed, or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield: Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Bonds.

(f) Not Federally Guaranteed: Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action

which would cause the Bonds to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report: The City shall timely file the information required by Section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits: Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

- (i) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six (6) years after the day on which the last outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.
- (ii) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.
- (iii) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the Holders thereof for federal income tax purposes, the City shall pay to the United States out of the general fund, other appropriate fund, or, if permitted by applicable Texas statute, regulation, or opinion of the Attorney General of the State of Texas, the Interest and Sinking Fund, the amount that when added to the future value of previous rebate payments made for the Bonds equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place, and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.
- (iv) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (ii) and (iii), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including

payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Bonds not been relevant to either party.

(j) Elections. The City hereby directs and authorizes the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer and Director of Finance of the City, individually or jointly, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as one or more of such persons deems necessary or appropriate in connection with the Bonds, in the Certificate as to Tax Exemption, or similar or other appropriate certificate, form, or document.

Section 15. Sale of Bonds - Official Statement. The Bonds authorized by this Ordinance are to be sold by the City to the Purchasers in accordance with a bond purchase agreement in the event of a negotiated sale, letter agreement to purchase in the event of a private placement, or the successful bid form in the event of a competitive sale, as applicable (the "Purchase Contract"), the terms and provisions of which Purchase Contract are to be determined by the Pricing Officer in accordance with Section 3 hereof. The Pricing Officer is hereby authorized and directed to execute the Purchase Contract for and on behalf of the City, as the act and deed of this Council, and to make a determination as to whether the terms are in the City's best interests, which determination shall be final.

With regard to such terms and provisions of the Purchase Contract, the Pricing Officer is hereby authorized to come to an agreement with the Purchasers on the following, among other matters:

1. The details of the purchase and sale of the Bonds;
2. The details of any public offering of the Bonds by the Purchasers, if any;
3. The details of any Official Statement or similar disclosure document (and, if appropriate, any Preliminary Official Statement) relating to the Bonds and the City's Rule 15c2-12 compliance, if applicable;
4. A security deposit for the Bonds, if any;
5. The representations and warranties of the City to the Purchasers;
6. The details of the delivery of, and payment for, the Bonds;
7. The Purchasers' obligations under the Purchase Contract;
8. The certain conditions to the obligations of the City under the Purchase Contract;
9. Termination of the Purchase Contract;
10. Particular covenants of the City;

11. The survival of representations made in the Purchase Contract;
12. The payment of any expenses relating to the Purchase Contract;
13. Notices; and
14. Any and all such other details that are found by the Pricing Officer to be necessary and advisable for the purchase and sale of the Bonds.

The Pricing officer or the Mayor and City Secretary of the City are further authorized and directed to deliver for and on behalf of the City copies of a Preliminary Official Statement and Official Statement prepared in connection with the offering of the Bonds by the Purchasers, in final form as may be required by the Purchasers, and such final Official Statement as delivered by said officials shall constitute the Official Statement authorized for distribution and use by the Purchasers.

Section 16. Control and Custody of Bonds. The Mayor or Mayor Pro Tem of the City shall be and is hereby authorized to take and have charge of all necessary ordinances, resolutions, orders and records, including the definitive Bonds and the Initial Bonds, pending the investigation and approval of the Initial Bonds by the Attorney General of the State of Texas, and the registration of the Initial Bonds to the Comptroller of Public Accounts and the delivery thereof to the Purchasers.

Section 17. Proceeds of Sale. Immediately following the delivery of the Bonds, the proceeds of sale (less those proceeds of sale designated to pay costs of issuance and any accrued interest received from the Purchasers of the Bonds or additional proceeds being deposited to the Interest and Sinking Fund) shall be disbursed for payment of the costs of making permanent public improvements of the City, the costs of issuance, or deposited in the Interest and Sinking Fund for the Bonds, all in accordance with written instructions from the City or its financial advisor. Such proceeds of sale may be invested in authorized investments and any investment earnings realized may be (with respect to the accrued interest received from the Purchasers) deposited in the Interest and Sinking Fund as shall be determined by this Council.

Section 18. Notices to Holders – Waiver. Wherever this Ordinance or the Pricing Certificate provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States Mail, first class postage prepaid, to the address of each Holder appearing in the Security Register at the close of business on the business day next preceding the mailing of such notice.

In any case in which notice to Holders is given by mail, neither the failure to mail such notice to any particular Holders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Bonds. Where this Ordinance or the Pricing Certificate provides for notice in any manner, such notice may be waived in writing by the Holder entitled to receive such notice, either before or after the event with respect to which such notice is given, and such waiver shall be the equivalent of such notice. Waivers of notice by Holders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

Section 19. Cancellation. All Bonds surrendered for payment, redemption, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly cancelled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already cancelled, shall be promptly cancelled by the Paying Agent/Registrar. The City may

at any time deliver to the Paying Agent/Registrar for cancellation any Bonds previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly cancelled by the Paying Agent/Registrar. All cancelled Bonds held by the Paying Agent/Registrar shall be returned to the City.

Section 20. Bond Counsel Opinion. The obligation of the Purchasers to accept delivery of the Bonds is subject to being furnished a final opinion of Norton Rose Fulbright US LLP, Attorneys, Dallas, Texas, approving the Bonds as to their validity, said opinion to be dated and delivered as of the date of delivery and payment for the Bonds. A true and correct reproduction of said opinion is hereby authorized to be printed on the Bonds, or an executed counterpart thereof is hereby authorized to be either printed on definitive printed obligations or deposited with DTC along with the global certificates for the implementation and use of the Book-Entry-Only System used in the settlement and transfer of the Bonds. The Council confirms the continuation of the engagement of Norton Rose Fulbright US LLP as the City's bond counsel.

Section 21. CUSIP Numbers. CUSIP numbers may be printed or typed on the definitive Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the definitive Bonds shall be of no significance or effect as regards the legality thereof, and neither the City nor attorneys approving the Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Bonds.

Section 22. Benefits of Ordinance. Nothing in this Ordinance or the Pricing Certificate, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof or the Pricing Certificate, this Ordinance and all of its provisions and the Pricing Certificate being intended to be and being for the sole and exclusive benefit of the City, the Paying Agent/Registrar, and the Holders.

Section 23. Inconsistent Provisions. All ordinances or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance or the Pricing Certificate are hereby repealed to the extent of such conflict, and the provisions of this Ordinance and the Pricing Certificate shall be and remain controlling as to the matters contained herein and therein.

Section 24. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 25. Effect of Headings. The Section headings herein are for convenience of reference only and shall not affect the construction hereof.

Section 26. Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine, or neuter gender shall be considered to include the other genders.

Section 27. Severability. If any provision of this Ordinance or the Pricing Certificate or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the Pricing Certificate and the application thereof to other circumstances shall nevertheless be valid, and this Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 28. Incorporation of Findings and Determinations. The findings and determinations of this Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section.

Section 29. Continuing Disclosure Undertaking. This Section shall apply unless the Pricing Officer determines in the Pricing Certificate that an undertaking is not required pursuant to the Rule (defined below).

(a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

“*Financial Obligation*” means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that “financial obligation” shall not include municipal securities as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

“*MSRB*” means the Municipal Securities Rulemaking Board.

“*Rule*” means SEC Rule 15c2-12, as amended from time to time or officially interpreted by the SEC.

“*SEC*” means the United States Securities and Exchange Commission.

(b) Annual Reports. The City shall provide annually to the MSRB (1) within six months after the end of each fiscal year, beginning with the year stated in the Pricing Certificate, financial information and operating data with respect to the City of the general type included in the final Official Statement approved by the Pricing Officer and described in the Pricing Certificate and (2) if not provided as part of such financial information and operating data, audited financial statements of the City within twelve months after the end of each fiscal year, beginning with the year stated in the Pricing Certificate. If audited financial statements are not available by the required time, the City will file unaudited financial statements within such twelve-month period and audited financial statements when and if such audited financial statements become available. Any financial statements so provided shall be prepared in accordance with the accounting principles described in the Pricing Certificate, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document available to the public on the MSRB’s Internet Web site or filed with the SEC.

(c) Notice of Certain Events. The City shall provide notice of any of the following events with respect to the Bonds to the MSRB in a timely manner and not more than 10 business days after occurrence of the event:

1. Principal and interest payment delinquencies;

2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. Modifications to rights of holders of the Bonds, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material;
15. Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and
16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

For these purposes, (a) any event described in the immediately preceding item 12 is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or

business of the City, and (b) the City intends the words used in immediately preceding items 15 and 16 to have the meanings ascribed to them in SEC Release No. 34-83885, dated August 20, 2018.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (b) of this Section by the time required by such Section.

(d) Filings with the MSRB. All financial information, operating data, financial statements, notices and other documents provided to the MSRB in accordance with this Section shall be provided in an electronic format prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

(e) Limitations, Disclaimers and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section while, but only while, the City remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except that the City in any event will give the notice required by subsection (c) hereof of any Bond calls and defeasance that cause the City to be no longer such an “obligated person.”

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

Notwithstanding anything to the contrary in this Ordinance, the provisions of this Section may be amended by the City from time to time to adapt to changed circumstances resulting from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to

the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and beneficial owners of the Bonds. The provisions of this Section may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent an underwriter of the initial public offering of the Bonds from lawfully purchasing or selling Bonds in such offering. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided pursuant to subsection (b) of this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

Section 30. Municipal Bond Insurance. The Bonds may be sold with the principal of and interest thereon being insured by a municipal bond insurance provider authorized to transact business in the State of Texas. The Pricing Officer is hereby authorized to make the selection of municipal bond insurance (if any) for the Bonds and make the determination of the provisions of any commitment therefor.

Section 31. Further Procedures. Any one or more of the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Director of Finance and City Secretary are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance of the Bonds. In addition, prior to the initial delivery of the Bonds, the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Director of Finance or Bond Counsel to the City are each hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the documents authorized and approved by this Ordinance, including the Pricing Certificate: (i) in order to cure any technical ambiguity, formal defect or omission in this Ordinance or such other document; or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Bonds by the Attorney General and if such officer or counsel determines that such ministerial changes are consistent with the intent and purpose of this Ordinance, which determination shall be final. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 32. Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Texas Government Code, Chapter 551, as amended.

Section 33. Effective Date. In accordance with the provisions of Texas Government Code, Section 1201.028, as amended, this Ordinance shall be in force and effect from and after its passage on the date shown below and it is so ordained.

*[Remainder of page left blank intentionally]*

PASSED AND ADOPTED, this April 24, 2023.

CITY OF RICHARDSON, TEXAS

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

[CITY SEAL]

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert D. Dransfield, Bond Counsel

**EXHIBIT A**  
**FORM OF PAYING AGENT/REGISTRAR AGREEMENT**

ORDINANCE NO. 4460

AN ORDINANCE authorizing the issuance of “CITY OF RICHARDSON, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2023”; providing for the payment of such certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the net revenues derived from the operation of the City’s waterworks and sewer system; providing the terms and conditions of such certificates and resolving other matters incident and relating to the issuance, payment, security and delivery of such certificates of obligation; delegating matters relating to the sale and issuance of such certificates to an authorized City official; and providing an effective date.

WHEREAS, the City Council of the City of Richardson, Texas, has heretofore determined that certificates of obligation should be issued in the maximum principal amount not to exceed \$49,000,000 for the purpose of paying contractual obligations to be incurred for authorized needs and purposes, to wit: (i) constructing, improving, renovating, expanding and equipping the existing municipal library facilities; (ii) acquiring vehicles and equipment for solid waste and fire departments; (iii) improving and extending the City’s water and sewer system; (iv) constructing, improving, renovating, expanding and equipping an emergency communications system and (v) professional services rendered in connection therewith; and

WHEREAS, a “Notice of Intention to Issue City of Richardson, Texas, Certificates of Obligation Series 2023” was (a) duly published in *The Dallas Morning News*, a newspaper hereby found and determined to be of general circulation in the City of Richardson, Texas, on March 2, 2023, and March 9, 2023, the date of the first publication of such notice being not less than forty-six (46) days prior to the date of the passage and adoption of this Ordinance and (b) duly published on the City’s website starting on February 28, 2023, at least forty-five (45) days before the date of the passage of this Ordinance, and has been continuously published on the City’s website to the date hereof; and

WHEREAS, no petition protesting the issuance of such certificates of obligation and bearing valid petition signatures of at least 5% of the qualified voters of the City, has been presented to or filed with the Mayor, City Secretary or any other official of the City on or prior to the date of the passage of this Ordinance; and

WHEREAS, the City Council by this Ordinance, in accordance with the provisions of Texas Government Code, Chapter 1371, as amended (“Chapter 1371”), delegates to a Pricing Officer (hereinafter designated) the authority to determine the principal amount of the Certificates to be issued and to negotiate the terms of sale thereof; now therefore,

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

Section 1: Authorization – Designation – Principal Amount – Purpose. Certificates of obligation of the City shall be and are hereby authorized to be issued in an amount not to exceed the aggregate original principal amount hereinafter set forth to be designated and bear the title “CITY OF RICHARDSON, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2023” or such other designation as specified in the Pricing Certificate (hereinafter referred to as the “Certificates”), for the purpose of paying contractual obligations to

be incurred for authorized needs and purposes, to wit: (i) constructing, improving, renovating, expanding and equipping the existing municipal library facilities; (ii) acquiring vehicles and equipment for solid waste and fire departments; (iii) improving and extending the City's water and sewer system; (iv) constructing, improving, renovating, expanding and equipping an emergency communications system and (v) professional services rendered in connection therewith, pursuant to authority conferred by and in conformity with the Constitution and laws of the State of Texas, including Texas Local Government Code, Subchapter C of Chapter 271, as amended, and Chapter 1371.

Section 2: Fully Registered Obligations - Authorized Denominations - Stated Maturities - Interest Rates - Date. The Certificates are issuable in fully registered form only; shall be dated as provided in the Pricing Certificate (the "Certificate Date") and shall be in denominations of \$5,000 or any integral multiple thereof (within a Stated Maturity) and the Certificates shall become due and payable on a date certain in each of the years and in principal amounts (the "Stated Maturities") and bear interest at the per annum rates in accordance with the details of the Certificates as provided in the Pricing Certificate.

The Certificates shall bear interest on the unpaid principal amounts from the date specified in the Pricing Certificate (calculated on the basis of a 360-day year of twelve 30-day months) and shall be payable in each year, on the dates and commencing on the date, set forth in the Pricing Certificate.

Section 3: Delegation of Authority to Pricing Officer. (a) As authorized by Chapter 1371, the Chief Financial Officer or Director of Finance of the City (either a "Pricing Officer") is hereby authorized to act on behalf of the City in selling and delivering the Certificates and carrying out the other procedures specified in this Ordinance determining the aggregate principal amount of the Certificates, the date of the Certificates, any additional or different designation or title by which the Certificates shall be known, the price at which the Certificates will be sold, the manner of sale (negotiated, privately placed or competitively bid), the years in which the Certificates will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each such maturity, the date from which interest on the Certificates will accrue, the interest payment dates, the record date, the price and terms upon and at which the Certificates shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, determination of the use of a book-entry-only securities clearance, settlement and transfer system, the terms of any bond insurance applicable to the Certificates, any modification of the continuing disclosure undertaking contained in Section 32 hereof as may be required by the purchasers of the Certificates in connection with any amendments to Rule 15c2-12, and all other matters relating to the issuance, sale and delivery of the Certificates, all of which shall be specified in the Pricing Certificate, provided that:

- (i) the aggregate original principal amount of the Certificates shall not exceed \$49,000,000;
- (ii) the maximum true interest cost for the Certificates shall not exceed 5.00%; and
- (iii) the maximum maturity date of the Certificates shall not exceed February 15, 2043.

The execution of the Pricing Certificate shall evidence the sale date of the Certificates by the City to the Purchasers (hereinafter defined).

If the Pricing Officer determines that bond insurance results in a net reduction of the City's interest costs associated with the Certificates, then the Pricing Officer is authorized, in connection with effecting the sale of the Certificates, to make the selection of the municipal bond insurance company for the Certificates (the "Insurer") and to obtain from the Insurer a municipal bond insurance policy in support of the Certificates. The Pricing Officer shall have the authority to determine the provisions of the commitment for any such policy and to execute any documents to affect the issuance of such policy by the Insurer.

(b) In establishing the aggregate principal amount of the Certificates, the Pricing Officer shall establish an amount not exceeding the amount authorized in subsection (a)(i) above, which shall be sufficient in amount to provide for the purposes for which the Certificates are authorized and to pay costs of issuing the Certificates. The delegation made hereby shall expire if not exercised by the Pricing Officer within six (6) months of the date of the adoption of this Ordinance. The Certificates shall be sold to the purchaser(s)/underwriter(s) named in the Pricing Certificate (the "Purchasers"), at such price and with and subject to such terms as set forth in the Pricing Certificate and the Purchase Contract (hereinafter defined), and may be sold by negotiated or competitive sale or by private placement. The Pricing Officer is hereby delegated the authority to designate the Purchasers, which delegation shall be evidenced by the execution of the Pricing Certificate.

Section 4: Terms of Payment-Paying Agent/Registrar. The principal of, premium, if any, and the interest on the Certificates, due and payable by reason of maturity, redemption or otherwise, shall be payable only to the registered owners or holders of the Certificates (hereinafter called the "Holders") appearing on the registration and transfer books maintained by the Paying Agent/Registrar and the payment thereof shall be in any coin or currency of the United States of America, which at the time of payment is legal tender for the payment of public and private debts, and shall be without exchange or collection charges to the Holders.

The selection and appointment of the Paying Agent/Registrar for the Certificates shall be as provided in the Pricing Certificate. Books and records relating to the registration, payment, exchange and transfer of the Certificates (the "Security Register") shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar, all as provided herein, in accordance with the terms and provisions of a "Paying Agent/Registrar Agreement," substantially in the form attached hereto as **Exhibit A** and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Mayor or Mayor Pro Tem and City Secretary or the Pricing Officer are hereby authorized to execute and deliver such Paying Agent/Registrar Agreement in connection with the delivery of the Certificates. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Certificates are paid and discharged, and any successor Paying Agent/Registrar shall be a commercial bank, trust company, financial institution, or other entity qualified and authorized to serve in such capacity and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Certificates, the City agrees to promptly cause a written notice thereof to be sent to each Holder by United States mail, first-class, postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Principal of and premium, if any, on the Certificates, shall be payable at the Stated Maturities or the redemption thereof only upon presentation and surrender of the Certificates to the Paying Agent/Registrar at its designated offices as provided in the Pricing Certificate or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). Interest on the Certificates shall be paid to the Holder whose name appears in the Security Register at the close of business on the Record Date (which

shall be set forth in the Pricing Certificate) and shall be paid by the Paying Agent/Registrar (i) by check sent United States mail, first-class, postage prepaid, to the address of the Holder recorded in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder. If the date for the payment of the principal or of interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when such banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a non-payment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class, postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

Section 5: Registration - Transfer - Exchange of Certificates - Predecessor Certificates. The Paying Agent/Registrar shall obtain, record and maintain in the Security Register the name and address of each and every owner of the Certificates issued under and pursuant to the provisions of this Ordinance or, if appropriate, the nominee thereof. Any Certificate may be transferred or exchanged for Certificates of other authorized denominations by the Holder, in person or by his duly authorized agent, upon surrender of such Certificate to the Paying Agent/Registrar for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon surrender of any Certificate (other than the Initial Certificate authorized in Section 8 hereof) for transfer at the Designated Payment/Transfer Office of the Paying Agent/Registrar, the Paying Agent/Registrar shall register and deliver, in the name of the designated transferee or transferees, one or more new Certificates, executed on behalf of, and furnished by, the City, of authorized denominations and having the same Stated Maturity and of a like aggregate principal amount as the Certificate or Certificates surrendered for transfer.

At the option of the Holders, Certificates (other than the Initial Certificate authorized in Section 8 hereof) may be exchanged for other Certificates of authorized denominations and having the same Stated Maturity, bearing the same rate of interest and of like aggregate principal amount as the Certificates surrendered for exchange upon surrender of the Certificates to be exchanged at the Designated Payment/Transfer Office of the Paying Agent/Registrar. Whenever any Certificates are so surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Certificates, executed on behalf of, and furnished by the City, to the Holder requesting the exchange.

All Certificates issued upon any transfer or exchange of Certificates shall be delivered at the Designated Payment/Transfer Office of the Paying Agent/Registrar, or sent by United States mail, first-class, postage prepaid, to the Holder and, upon the registration and delivery thereof, the same shall be valid obligations of the City, evidencing the same obligation to pay, and entitled

to the same benefits under this Ordinance, as the Certificates surrendered in such transfer or exchange.

All transfers or exchanges of Certificates pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Certificates canceled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be "Predecessor Certificates," evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Certificate or Certificates registered and delivered in the exchange or transfer therefor. Additionally, the term "Predecessor Certificates" shall include any mutilated, lost, destroyed, or stolen Certificate for which a replacement Certificate has been issued, registered and delivered in lieu thereof pursuant to Section 25 hereof and such new replacement Certificate shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Certificate.

Neither the City nor the Paying Agent/Registrar shall be required to issue or transfer to an assignee of a Holder any Certificate called for redemption, in whole or in part, within 45 days of the date fixed for the redemption of such Certificate; provided, however, such limitation on transferability shall not be applicable to an exchange by the Holder of the unredeemed balance of a Certificate called for redemption in part.

Section 6: Book-Entry-Only Transfers and Transactions. Notwithstanding the provisions contained herein relating to the payment and transfer/exchange of the Certificates, the City hereby approves and authorizes the use of "Book-Entry-Only" securities clearance, settlement and transfer system provided by The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York ("DTC"), in accordance with the operational arrangements referenced in the Blanket Issuer Letter of Representations by and between the City and DTC (the "Depository Agreement").

In the event the Pricing Officer elects to utilize DTC's "Book-Entry-Only" System, which election shall be made by the Pricing Officer in the Pricing Certificate, pursuant to the Depository Agreement and the rules of DTC, the Certificates shall be deposited with DTC who shall hold such Certificates for its participants (the "DTC Participants"). While the Certificates are held by DTC under the Depository Agreement, the Holder of the Certificates on the Security Register for all purposes, including payment and notices, shall be Cede & Co., as nominee of DTC, notwithstanding the ownership of each actual purchaser or owner of each Certificate (the "Beneficial Owners") being recorded in the records of DTC and DTC Participants.

In the event DTC determines to discontinue serving as securities depository for the Certificates or otherwise ceases to provide book-entry clearance and settlement of securities transactions in general, or in the event the City decides to discontinue use of the system of book-entry transfers through DTC, the City covenants and agrees with the Holders of the Certificates to cause Certificates to be printed in definitive form and issued and delivered to DTC Participants and Beneficial Owners, as the case may be. Thereafter, the Certificates in definitive form shall be assigned, transferred and exchanged on the Security Register maintained by the Paying Agent/Registrar and payment of such Certificates shall be made in accordance with the provisions of Sections 4 and 5 hereof.

Section 7: Execution - Registration. The Certificates shall be executed on behalf of the City by the Mayor or the Mayor Pro Tem under its seal reproduced or impressed thereon and countersigned by the City Secretary. The signature of such officers on the Certificates may be manual or facsimile. Certificates bearing the manual or facsimile signatures of such individuals who are or were the proper officers of the City on the date of the adoption of this Ordinance shall be deemed to be duly executed on behalf of the City, notwithstanding that such individuals or any of them shall cease to hold such offices prior to the delivery of the Certificates to the initial purchaser(s), and with respect to Certificates delivered in subsequent exchanges and transfers, all as authorized and provided by Texas Government Code, Chapter 1201, as amended.

No Certificate shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Certificate either a certificate of registration substantially in the form provided in Section 9(c), manually executed by the Comptroller of Public Accounts of the State of Texas or his or her duly authorized agent, or a certificate of registration substantially in the form provided in Section 9(d), manually executed by an authorized officer, employee or representative of the Paying Agent/Registrar, and either such certificate duly signed upon any Certificate shall be conclusive evidence, and the only evidence, that such Certificate has been duly certified, registered and delivered.

Section 8: Initial Certificate. The Certificates herein authorized shall be initially issued as a single fully registered certificate in the total principal amount with principal installments to become due and payable as provided in the Pricing Certificate and numbered T-1 (hereinafter called the "Initial Certificate") and the Initial Certificate shall be registered in the name of the initial purchaser(s) or the designee thereof. The Initial Certificate shall be the Certificate submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the initial purchaser(s). Any time after the delivery of the Initial Certificate, the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall cancel the Initial Certificate delivered hereunder and exchange therefor definitive Certificates of authorized denominations, Stated Maturities, principal amounts and bearing applicable interest rates for transfer and delivery to the Holders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the initial purchaser(s), or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

Section 9: Forms.

(a) Forms Generally. The Certificates, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Registration Certificate of Paying Agent/Registrar, and the form of Assignment to be printed on the Certificates, shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and to be completed and modified with the information set forth in the Pricing Certificate and may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends in the event the Certificates, or any maturities thereof, are purchased with bond insurance and any reproduction of an opinion of counsel) thereon as may, consistently herewith, be established by the City or determined by the Pricing Officer. The Pricing Officer shall set forth the final and controlling forms and terms of the Certificates. Any portion of the text of any Certificates may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Certificate.

The Certificates, including the Initial Certificate, shall be typewritten, printed, lithographed, or photocopied, or produced in any other similar manner, all as determined by the officers executing such Certificates as evidenced by their execution.

(b) Form of Definitive Certificate.

REGISTERED  
NO. \_\_\_\_\_

REGISTERED  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF TEXAS  
CITY OF RICHARDSON, TEXAS  
COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION  
SERIES 2023

Certificate Date:  
\_\_\_\_\_, 20\_\_

Interest Rate:  
\_\_\_\_\_%

Stated Maturity:  
\_\_\_\_\_, 20\_\_

CUSIP No.:

Registered Owner:

Principal Amount: \_\_\_\_\_ DOLLARS

The City of Richardson (hereinafter referred to as the "City"), a body corporate and municipal corporation in the Counties of Collin and Dallas, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, on the Stated Maturity date specified above the Principal Amount stated above (or so much thereof as shall not have been paid upon prior redemption) and to pay interest on the unpaid principal amount hereof from the interest payment date next preceding the "Registration Date" of this Certificate appearing below (unless this Certificate bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Certificate is prior to the initial interest payment date, in which case it shall bear interest from \_\_\_\_\_) at the per annum rate of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, 20\_\_, until maturity or prior redemption of this Certificate. Principal of this Certificate is payable at its Stated Maturity or redemption to the registered owner hereof upon presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar executing the registration certificate appearing hereon, or its successor; provided, however, while the Certificate is registered to Cede & Co., the payment of principal upon a partial redemption of the principal amount may be accomplished without presentation and surrender of this Certificate. Interest is payable to the registered owner of this Certificate (or one or more Predecessor Certificates, as defined in the Ordinance hereinafter referenced) whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the \_\_\_\_\_ day of the month next preceding each interest payment date and interest shall be paid by the Paying Agent/Registrar by check sent United States mail, first-class, postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding

day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Certificate shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Certificate is one of the series specified in its title issued in the aggregate principal amount of \$\_\_\_\_\_ to be designated and bear the title "CITY OF RICHARDSON, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2023" (hereinafter referred to as the "Certificates"), for the purpose of paying contractual obligations to be incurred for authorized needs and purposes, to wit: (i) constructing, improving, renovating, expanding and equipping the existing municipal library facilities; (ii) acquiring vehicles and equipment for solid waste and fire departments; (iii) improving and extending the City's water and sewer system; (iv) constructing, improving, renovating, expanding and equipping an emergency communications system and (v) professional services rendered in connection therewith, under and in strict conformity with the Constitution and laws of the State of Texas, particularly Texas Local Government Code, Subchapter C of Chapter 271, as amended, and Texas Government Code, Chapter 1371, as amended, and pursuant to an ordinance adopted by the City Council of the City (herein referred to as the "Ordinance").

[The Certificates maturing on the dates hereinafter identified (the "Term Certificates") are subject to mandatory redemption prior to maturity with funds on deposit in the Certificate Fund established and maintained for the payment thereof in the Ordinance, and shall be redeemed in part prior to maturity at the price of par and accrued interest thereon to the date of redemption, and without premium, on the dates and in the principal amounts as follows:

Term Certificates due _____, 20__		Term Certificates due _____, 20__	
<u>Redemption Date</u>	<u>Principal Amount</u>	<u>Redemption Date</u>	<u>Principal Amount</u>
____, 20__	\$____,000	____, 20__	\$____,000
____, 20__	\$____,000	____, 20__	\$____,000
____, 20__ (maturity)	\$____,000	____, 20__ (maturity)	\$____,000

The particular Term Certificates of a Stated Maturity to be redeemed on each redemption date shall be chosen by lot by the Paying Agent/Registrar; provided, however, that the principal amount of Term Certificates for a Stated Maturity required to be redeemed on a mandatory redemption date may be reduced, at the option of the City, by the principal amount of Term Certificates of like Stated Maturity which, at least 50 days prior to a mandatory redemption date, (1) shall have been acquired by the City at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation or (2) shall have been redeemed pursuant to the optional redemption provisions appearing below and not theretofore credited against a mandatory redemption requirement.]

[The Certificates having Stated Maturities on and after \_\_\_\_\_, 20\_\_ may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part, in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on \_\_\_\_\_, 20\_\_\_\_, or on any date thereafter, at the redemption price of par, together with accrued interest to the date of redemption.

At least thirty (30) days prior to a redemption date, the City shall cause a written notice of such redemption to be sent by United States mail, first-class, postage prepaid, to the registered owners of each Certificate to be redeemed at the address shown on the Security Register and subject to the terms and provisions relating thereto contained in the Ordinance. If a Certificate (or any portion of its principal sum) shall have been duly called for redemption and notice of such redemption duly given, then upon the redemption date such Certificate (or the portion of its principal sum to be redeemed) shall become due and payable, and, if moneys for the payment of the redemption price and the interest accrued on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar, interest shall cease to accrue and be payable from and after the redemption date on the principal amount redeemed.

In the event a portion of the principal amount of a Certificate is to be redeemed and the registered owner is someone other than Cede & Co., payment of the redemption price of such principal amount shall be made to the registered owner only upon presentation and surrender of such Certificate to the Designated Payment/Transfer Office of the Paying Agent/Registrar, and a new Certificate or Certificates of like maturity and interest rate in any authorized denominations provided by the Ordinance for the then unredeemed balance of the principal sum thereof will be issued to the registered owner, without charge. If a Certificate is selected for redemption, in whole or in part, the City and the Paying Agent/Registrar shall not be required to transfer such Certificate to an assignee of the registered owner within forty-five (45) days of the redemption date therefor; provided, however, such limitation on transferability shall not be applicable to an exchange by the registered owner of the unredeemed balance of a Certificate redeemed in part.

With respect to any optional redemption of the Certificates, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that such redemption may, at the option of the City, be conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.]

The Certificates are payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City and are additionally payable from and secured by a lien on and limited pledge of the Net Revenues (as defined in the Ordinance) of the City's Waterworks and Sewer System (the "System"), such lien and pledge being junior and subordinate to the lien on and pledge of the Net Revenues of the System securing the payment of "Prior Lien Obligations" (identified and defined in the Ordinance) now outstanding and hereafter issued by the City. In the Ordinance, the City reserves and retains the right to issue Prior Lien Obligations while the Certificates are outstanding without limitation as to principal amount but subject to any terms, conditions or restrictions as may be applicable thereto under law or otherwise.

Reference is hereby made to the Ordinance, a copy of which is on file in the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all the provisions of which the Holder by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied for the payment of the Certificates; the Net Revenues of the System pledged to the payment of the principal of and interest on the Certificates; the nature

and extent and manner of enforcement of the limited pledge; the terms and conditions relating to the transfer or exchange of this Certificate; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Holders; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which the tax levy and the liens, pledges, charges and covenants made therein may be discharged at or prior to the maturity of this Certificate, and this Certificate deemed to be no longer Outstanding thereunder; and for the other terms and provisions contained therein. Capitalized terms used herein and not otherwise defined have the meanings assigned in the Ordinance.

This Certificate, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the registered owner hereof, or his duly authorized agent. When a transfer on the Security Register occurs, one or more new fully registered Certificates of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, may treat the registered owner hereof whose name appears on the Security Register (i) on the Record Date as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Certificate as the owner entitled to payment of principal hereof at its Stated Maturity or its redemption, in whole or in part, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of a non-payment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class, postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, recited, represented and covenanted that the City is duly organized and legally incorporated under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Certificates is duly authorized by law; that all acts, conditions and things required to exist and be done precedent to and in the issuance of the Certificates to render the same lawful and valid obligations of the City have been properly done, have happened and have been performed in regular and due time, form and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Certificates do not exceed any constitutional or statutory limitation; and that due provision has been made for the payment of the principal of and interest on the Certificates by the levy of a tax and a pledge of the Net Revenues of the System as aforesated. In case any provision in this Certificate or any application thereof shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions and applications shall not in any way be affected or impaired thereby. The terms and provisions of this Certificate and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Certificate to be duly executed under the official seal of the City as of the Certificate Date.

\_\_\_\_\_  
[Mayor][Mayor Pro Tem]

COUNTERSIGNED:

\_\_\_\_\_  
City Secretary

(CITY SEAL)

(c) Form of Registration Certificate of Comptroller of Public Accounts to appear on the Initial Certificate only.

REGISTRATION CERTIFICATE OF  
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER  
OF PUBLIC ACCOUNTS

(  
(  
(  
(

REGISTER NO. \_\_\_\_\_

THE STATE OF TEXAS

I HEREBY CERTIFY that this Certificate has been examined, certified as to validity and approved by the Attorney General of the State of Texas and duly registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS my signature and seal of office this \_\_\_\_\_ .

\_\_\_\_\_  
Comptroller of Public Accounts  
of the State of Texas

(SEAL)

(d) Form of Certificate of Paying Agent/Registrar to appear on Definitive Certificates only.

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Certificate has been duly issued and registered under the provisions of the within-mentioned Ordinance; the certificate or certificates of the above entitled and designated series originally delivered having been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts, as shown by the records of the Paying Agent/Registrar.

The designated office of the Paying Agent/Registrar located in \_\_\_\_\_, \_\_\_\_\_, is the Designated Payment/Transfer Office for this Certificate.

\_\_\_\_\_,  
\_\_\_\_\_, Texas,  
as Paying Agent/Registrar

Registration Date:

\_\_\_\_\_

By: \_\_\_\_\_  
Authorized Signature

(e) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto (Print  
or typewrite name, address, and zip code of transferee:)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Social Security or other identifying number: \_\_\_\_\_)  
the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints  
\_\_\_\_\_ attorney to transfer the within Certificate on the books kept  
for registration thereof, with full power of substitution in the premises.

DATED: \_\_\_\_\_

Signature guaranteed:  
\_\_\_\_\_

NOTICE: The signature on this  
assignment must correspond with the  
name of the registered owner as it appears  
on the face of the within Certificate in every  
particular.

(f) The Initial Certificate shall be in the form set forth in paragraph (b) of this Section,  
except that the heading and first paragraph shall be modified as follows:

REGISTERED:  
NO. T-1

REGISTERED:  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF TEXAS  
CITY OF RICHARDSON, TEXAS,  
COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION  
SERIES 2023

Certificate Date: \_\_\_\_\_, 20\_\_

Registered Owner:

Principal Amount: \_\_\_\_\_ DOLLARS

The City of Richardson (hereinafter referred to as the "City"), a body corporate and municipal corporation in the Counties of Collin and Dallas, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, the above stated Principal Amount on \_\_\_\_\_ in each of the years and in principal installments in accordance with the following schedule:

<u>YEAR</u>	<u>PRINCIPAL INSTALLMENT (\$)</u>	<u>INTEREST RATE (%)</u>
-------------	---------------------------------------	------------------------------

(Information to be inserted from the Pricing Certificate).

(or so much thereof as shall not have been redeemed prior to maturity) and to pay interest on the unpaid Principal Amount from the interest payment date next preceding the "Registration Date" of this Certificate appearing below (unless this Certificate bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Certificate is prior to the initial interest payment date, in which case it shall bear interest from the \_\_\_\_\_) at the per annum rate(s) of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, 20\_\_\_\_, until maturity or prior redemption of this Certificate. Principal installments of this Certificate are payable at the year of maturity or on a redemption date to the registered owner hereof by \_\_\_\_\_, \_\_\_\_\_, Texas (the "Paying Agent/Registrar"), upon presentation and surrender at its designated offices in \_\_\_\_\_, \_\_\_\_\_, or, with respect to a successor paying agent/registrar, at the designated office of such successor (the "Designated Payment/Transfer Office"). Interest is payable to the registered owner of this Certificate whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the \_\_\_\_\_ day of the month next preceding each interest payment date hereof and interest shall be paid by the Paying Agent/Registrar by check sent United States mail, first-class, postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Certificate shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

Section 10: Definitions. For purposes of this Ordinance and for clarity with respect to the issuance of the Certificates herein authorized, and the levy of taxes and appropriation of Net Revenues therefor, the following words or terms, whenever the same appear herein without qualifying language, are defined to mean as follows:

- (a) The term “Additional Certificates” shall mean tax and revenue obligations hereafter issued under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, or other law and payable from ad valorem taxes and additionally payable from and secured by a lien on and pledge of the Net Revenues of the System on a parity with and of equal rank and dignity with the lien and pledge securing the payment of the Certificates.
- (b) The term “Certificate Fund” shall mean the special Fund created and established under the provisions of Section 11 of this Ordinance.
- (c) The term “Certificates” shall mean the “City of Richardson, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2023” authorized by this Ordinance.
- (d) The term “Collection Date” shall mean, when reference is being made to the levy and collection of annual ad valorem taxes, the date the annual ad valorem taxes levied each year by the City become delinquent.
- (e) The term “Fiscal Year” shall mean the annual financial accounting period used with respect to the operations of the System now ending on September 30th of each year; provided, however, the City Council may change, by ordinance duly passed, such annual financial accounting period to end on another date if such change is found and determined to be necessary for budgetary or other fiscal purposes.
- (f) The term “Gross Revenues” shall mean all revenues, income and receipts of every nature derived or received by the City from the operation and ownership of the System, including the interest income from the investment or deposit of money in any Fund created or reaffirmed by this Ordinance.
- (g) The term “Net Revenues” shall mean all Gross Revenues after deducting and paying the current expenses of operation and maintenance of the System, as required by Texas Government Code, Chapter 1502, as amended, including all salaries, labor, materials, repairs and extensions necessary to render efficient service; provided, however, that only such repairs and extensions as in the judgment of the City Council, reasonably and fairly exercised by the adoption of the appropriate resolution or ordinance, are necessary to keep the System in operation and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair any obligations payable from Net Revenues of the System shall be deducted in determining “Net Revenues”. Payments made by the City for water supply or treatment of sewage which constitute under the law operation and maintenance expense shall be considered herein as expenses incurred in the operation and maintenance of the System. Depreciation shall never be considered as an expense of operation and maintenance.
- (h) The term “Operating and Maintenance Expenses” shall mean the operating and maintenance expenses referred to in the definition of Net Revenues.
- (i) The term “Outstanding” when used in this Ordinance with respect to Certificates means, as of the date of determination, all Certificates theretofore issued and delivered under this Ordinance, except:

(1) those Certificates canceled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;

(2) those Certificates deemed to be duly paid by the City in accordance with the provisions of Section 24 hereof; and

(3) those Certificates that have been mutilated, destroyed, lost, or stolen and replacement Certificates have been registered and delivered in lieu thereof as provided in Section 25 hereof.

(j) The term "Prior Lien Obligations" shall mean all bonds or other similar obligations hereafter issued and outstanding that are payable in whole or in part from and secured by a lien on and pledge of the Net Revenues of the System and such lien and pledge securing the payment thereof is prior and superior in claim, rank and dignity to the lien and pledge of the Net Revenues securing the payment of the Certificates.

(i) The term "System" shall mean and include the City's combined existing waterworks and sewer system, together with all future extensions, improvements, enlargements and additions thereto, and all replacements thereof; provided that, notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not include any waterworks or sewer facilities which are declared not to be a part of the System and which are acquired or constructed by the City with the proceeds from the issuance of "Special Facilities Bonds", which are hereby defined as being special revenue obligations of the City which are not secured by or payable from the Net Revenues, but which are secured by and payable solely from special contract revenues or payments shall not be considered as or constitute Gross Revenues of the System, unless and to the extent otherwise provided in the ordinance or ordinances authorizing the issuance of such "Special Facilities Bonds".

Section 11: Certificate Fund. For the purpose of paying the interest on and to provide a sinking fund for the payment, redemption and retirement of the Certificates, there shall be and is hereby created a special account on the books of the City to be designated "SPECIAL 2023 TAX AND REVENUE CERTIFICATE OF OBLIGATION FUND," and all moneys deposited to the credit of such account shall be kept and maintained in a banking fund maintained at the City's depository. The Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Director of Finance or City Secretary, individually or collectively, are hereby authorized and directed to make withdrawals from the Certificate Fund sufficient to pay the principal of and interest on the Certificates as the same become due and payable, and, shall cause to be transferred to the Paying Agent/Registrar from moneys on deposit in the Certificate Fund an amount sufficient to pay the amount of principal and/or interest falling due on the Certificates, such transfer of funds to the Paying Agent/Registrar to be made in such manner as will cause immediately available funds to be deposited with the Paying Agent/Registrar on or before the last business day next preceding each interest and principal payment date for the Certificates.

Pending the transfer of funds to the Paying Agent/Registrar, money in the Certificate Fund may, at the option of the City, be invested in obligations identified in, and in accordance with the provisions of the City's Investment Policy as the same may be amended from time to time and the "Public Funds Investment Act" relating to the investment of "bond proceeds"; provided that all such investments shall be made in such a manner that the money required to be expended from such Fund will be available at the proper time or times. All interest and income derived from deposits and investments in the Certificate Fund shall be credited to, and any losses debited to,

the Certificate Fund. All such investments shall be sold promptly when necessary to prevent any default in connection with the Certificates.

Section 12: Tax Levy. To provide for the payment of the “Debt Service Requirements” on the Certificates being (i) the interest on the Certificates and (ii) a sinking fund for their redemption at maturity or a sinking fund of 2% (whichever amount shall be the greater), there shall be and there is hereby levied, within the limitations prescribed by law, for the current year and each succeeding year thereafter while the Certificates or any interest thereon shall remain Outstanding, a sufficient tax on each one hundred dollars’ valuation of taxable property in the City, adequate to pay such Debt Service Requirements, full allowance being made for delinquencies and costs of collection; such tax shall be assessed and collected each year and applied to the payment of the Debt Service Requirements, and the same shall not be diverted to any other purpose. The taxes so levied and collected shall be paid into the Certificate Fund. The City Council hereby declares its purpose and intent to provide and levy a tax legally and fully sufficient to pay the Debt Service Requirements, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding indebtedness.

The amount of taxes to be provided annually for the payment of the principal of and interest on the Certificates shall be determined and accomplished in the following manner:

(a) Prior to the date the City Council establishes the annual tax rate and passes an ordinance levying ad valorem taxes each year, the City Council shall determine:

(1) The amount on deposit in the Certificate Fund after (a) deducting therefrom the total amount of Debt Service Requirements to become due on Certificates prior to the Collection Date for the ad valorem taxes to be levied and (b) adding thereto the amount of the Net Revenues of the System appropriated and allocated to pay such Debt Service Requirements prior to the Collection Date for the ad valorem taxes to be levied.

(2) The amount of Net Revenues of the System, and any other lawfully available revenues which are appropriated and to be set aside for the payment of the Debt Service Requirements on the Certificates between the Collection Date for the taxes then to be levied and the Collection Date for the taxes to be levied during the next succeeding calendar year.

(3) The amount of Debt Service Requirements to become due and payable on the Certificates between the Collection Date for the taxes then to be levied and the Collection Date for the taxes to be levied during the next succeeding calendar year.

(b) The amount of taxes to be levied annually each year to pay the Debt Service Requirements on the Certificates shall be the amount established in paragraph (3) above less the sum total of the amounts established in paragraphs (1) and (2), after taking into consideration delinquencies and costs of collecting such annual taxes.

Section 13: Limited Pledge of Net Revenues. The City hereby covenants and agrees that, subject to the prior lien on and pledge of the Net Revenues of the System to the payment and security of Prior Lien Obligations, the Net Revenues of the System, within the limitation of a total amount of \$1,000, are hereby irrevocably pledged, equally and ratably, to the payment of the principal of and interest on the Certificates, and the limited pledge of \$1,000 of the Net Revenues of the System herein made for the payment of the Certificates shall constitute a lien on

the Net Revenues of the System until such time as the City shall pay all of such \$1,000, after which time the pledge shall cease. Furthermore, such lien on and pledge of the Net Revenues securing the payment of the Certificates shall be valid and binding and fully perfected from and after the date of adoption of this Ordinance without physical delivery or transfer or transfer of control of the Net Revenues, the filing of this Ordinance or any other act; all as provided in Texas Government Code, Chapter 1208, as amended.

Texas Government Code, Section 1208, as amended, applies to the issuance of the Certificates and the pledge of the Net Revenues of the System granted by the City under this Section 13, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Certificates are Outstanding such that the pledge of the Net Revenues of the System granted by the City under this Section 13 is to be subject to the filing requirements of Texas Business and Commerce Code, Chapter 9, as amended, then in order to preserve to the registered owners of the Certificates the perfection of the security interest in such pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Texas Business and Commerce Code, Chapter 9, as amended, and enable a filing to perfect the security interest in such pledge to occur.

Section 14: System Fund. The City hereby covenants and agrees that all Gross Revenues (excluding earnings from the investment of money held in any special funds or accounts created for the payment and security of Prior Lien Obligations) shall be deposited from day to day as collected into a "City of Richardson Waterworks and Sewer System Fund" (hereinafter called "System Fund") which Fund shall be kept and maintained at an official depository bank of the City. All moneys deposited in the System Fund shall be pledged and appropriated to the extent required for the following purposes and in the order of priority shown, to wit:

First: To the payment of all necessary and reasonable Operating and Maintenance Expenses of the System as defined herein or required by statute to be a first charge on and claim against the Gross Revenues;

Second: To the payment of the amounts required to be deposited in the special Funds created and established for the payment, security and benefit of Prior Lien Obligations in accordance with the terms and provisions of the ordinances authorizing the issuance of Prior Lien Obligations; and

Third: To the payment of the amounts required to be deposited in the special funds and accounts (including the Certificate Fund) created and established for the payment of the Certificates, the "City of Richardson, Texas Combination Tax and Revenue Certificates of Obligation, Taxable Series 2023A" (the "Taxable Series 2023A Certificates") being issued concurrently with the Certificates, and Additional Certificates.

Any Net Revenues remaining in the System Fund after satisfying the foregoing payments, or making adequate and sufficient provision for the payment thereof, may be appropriated and used for any other City purpose now or hereafter permitted by law.

Section 15: Deposits to Certificate Fund. The City hereby covenants and agrees to cause to be deposited in the Certificate Fund from the pledged Net Revenues in the System Fund, an amount not to exceed \$1,000.

The City covenants and agrees that the amount of pledged Net Revenues (\$1,000), together with ad valorem taxes levied, collected, and deposited in the Certificate Fund for and on behalf of the Certificates, will be an amount equal to one hundred percent (100%) of the amount required to fully pay the interest and principal due and payable on the Certificates. In addition, any surplus proceeds from the sale of the Certificates not expended for authorized purposes shall be deposited in the Certificate Fund, or another fund created for the payment of the principal of and interest on any Certificates, and such amounts so deposited shall reduce the sums otherwise required to be deposited in said Fund from ad valorem taxes and the Net Revenues.

Section 16: Security of Funds. All moneys on deposit in the Funds for which this Ordinance makes provision (except any portion thereof as may be at any time properly invested) shall be secured in the manner and to the fullest extent required by the laws of Texas for the security of public funds, and moneys on deposit in such Funds shall be used only for the purposes permitted by this Ordinance.

Section 17: Special Covenants. The City hereby further covenants as follows:

(1) It has the lawful power to pledge the Net Revenues of the System supporting this issue of Certificates and has lawfully exercised such powers under the Constitution and laws of the State of Texas, including such power existing under Texas Government Code, Chapter 1502, as amended, and Texas Local Government Code, Sections 271.041, et seq., as amended.

(2) Other than for the payment of the Prior Lien Obligations, the Certificates and the Taxable Series 2023A Certificates, the Net Revenues of the System are not pledged to the payment of any debt or obligation of the City or of the System.

Section 18: Issuance of Prior Lien Obligations and Additional Certificates. The City hereby expressly reserves the right to hereafter issue Prior Lien Obligations, without limitation as to principal amount but subject to any terms, conditions or restrictions applicable thereto under law or otherwise.

In addition, the City reserves the right to issue Additional Certificates, without limitation or any restriction or condition being applicable to their issuance under the terms of this Ordinance, payable from and secured by a lien on and pledge of the Net Revenues of the System of equal rank and dignity, and on a parity in all respects, with the lien thereon and pledge thereof securing the payment of the Certificates.

Section 19: Application of Prior Lien Obligations Covenants and Agreements. It is the intention of this governing body and accordingly hereby recognized and stipulated that the provisions, agreements and covenants contained herein bearing upon the management and operations of the System, and the administering and application of revenues derived from the operation thereof, shall to the extent possible be harmonized with like provisions, agreements and covenants contained in the ordinances authorizing the issuance of the Prior Lien Obligations, and to the extent of any irreconcilable conflict between the provisions contained herein and in the ordinances authorizing the issuance of the Prior Lien Obligations, the provisions, agreements and covenants contained therein shall prevail to the extent of such conflict and be applicable to this Ordinance but in all respects subject to the priority of rights and benefits, if any, conferred thereby to the holders of the Prior Lien Obligations. Notwithstanding the above, any change or modification affecting the application of revenues derived from the operation of the System shall

not impair the obligation of contract with respect to the pledge of revenues herein made for the payment and security for the Certificates.

Section 20: Further Procedures. Any one or more of the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Director of Finance and City Secretary are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance of the Certificates. In addition, prior to the initial delivery of the Certificates, the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Director of Finance or Bond Counsel to the City are each hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the documents authorized and approved by this Ordinance: (i) in order to cure any ambiguity, formal defect, or omission in the Ordinance or such other document; or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Certificates by the Attorney General and if such officer or counsel determines that such changes are consistent with the intent and purpose of the Ordinance, which determination shall be final. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 21: Notices to Holders Waiver. Wherever this Ordinance provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States mail, first-class, postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the business day next preceding the mailing of such notice.

In any case where notice to Holders is given by mail, neither the failure to mail such notice to any particular Holders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Certificates. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by the Holder entitled to receive such notice, either before or after the event with respect to which such notice is given, and such waiver shall be the equivalent of such notice. Waivers of notice by Holders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

Section 22: Cancellation. All Certificates surrendered for payment, redemption, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly canceled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already canceled, shall be promptly canceled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Certificates previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Certificates so delivered shall be promptly canceled by the Paying Agent/Registrar. All canceled Certificates held by the Paying Agent/Registrar shall be returned to the City.

Section 23: Covenants to Maintain Tax-Exempt Status.

(a) Definitions. When used in this Section, the following terms have the following meanings:

“*Closing Date*” means the date on which the Certificates are first authenticated and delivered to the initial purchasers against payment therefor.

“*Code*” means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

“*Computation Date*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Gross Proceeds*” means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Certificates.

“*Investment*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Nonpurpose Investment*” means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Certificates are invested and which is not acquired to carry out the governmental purposes of the Certificates.

“*Rebate Amount*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Regulations*” means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Certificates. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“*Yield*” of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations and (2) the Certificates has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Certificate to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Certificate, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Certificates:

(1) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Certificates, and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Certificates or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds, other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Certificates to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be "loaned" to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Certificates directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Certificates.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Certificates to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The City shall timely file the information required by Section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(1) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last outstanding

Certificate is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Certificates with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(2) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Certificates until six years after the final Computation Date.

(3) As additional consideration for the purchase of the Certificates by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall pay to the United States from the general fund, other appropriate fund, or if permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the Certificate Fund, the amount that when added to the future value of previous rebate payments made for the Certificates equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(4) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the Issuer shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Certificates, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Certificates not been relevant to either party.

(j) Elections. The City hereby directs and authorizes the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer and Director of Finance, either or any combination of them to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connection with the Certificates, in the Certificate as to Tax Exemption or similar or other appropriate certificate, form or document.

(k) Qualified Tax-Exempt Obligations. The Pricing Officer is hereby authorized to designate in the Pricing Certificate the designation of the Certificates as "qualified tax-exempt

obligations” in accordance with the provisions of the paragraph (3) of subsection (b) of Section 265 of the Code in the event the Certificates qualify for such designation and confirm that the Certificates are not “private activity bonds” as defined in the Code and confirm the amount of “tax-exempt obligations” to be issued by the City (including all subordinate entities of the City) for the calendar year in which the Certificates are issued will not exceed the applicable limitation.

Section 24: Satisfaction of Obligations of City. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Certificates, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied under this Ordinance and the Net Revenues of the System (to the extent such limited pledge of Net Revenues shall not have been discharged or terminated by prior payment of principal of or interest on the Certificates) and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, and be discharged and satisfied.

Certificates or any principal amount(s) thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section (“Defeased Certificates”) when (i) money sufficient to pay in full such Certificates or the principal amount(s) thereof at maturity or the redemption date therefor, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, or (ii) Government Securities (as defined below) shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities shall mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any moneys deposited therewith, if any, to pay when due the principal of and interest on such Certificates, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof or (if notice of redemption has been duly given or waived or if irrevocable arrangements therefor acceptable to the Paying Agent/ Registrar have been made) the redemption date thereof. In the event of a defeasance of the Certificates, the City shall deliver a certificate from its financial advisor, the Paying Agent/Registrar, an independent certified public accountant, or another qualified third party concerning the sufficiency of the deposit of cash and/or Government Securities to pay, when due, the principal of, redemption premium (if any), and interest due on any defeased Certificates. At such time as Certificates shall be deemed to be Defeased Certificates hereunder, as aforesaid, such Certificates and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the taxes or revenues levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Government Securities. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem the Defeased Certificates that is made in conjunction with the payment arrangements specified in (i) or (ii) above in this paragraph shall not be irrevocable, provided that in the proceedings providing for such payment arrangements, the City: (1) expressly reserves the right to call the Defeased Certificates for redemption; (2) gives notice of the reservation of that right to the registered owners of the Defeased Certificates immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes. The City covenants that no deposit of moneys or Government Securities will be made under this Section and no use made of any such deposit which would cause the Certificates to be treated as “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, or regulations adopted pursuant thereto.

The City reserves the right, subject to satisfying the requirements of (i) and (ii) above, to substitute other Government Securities for the Government Securities originally deposited, to

reinvest the uninvested moneys on deposit for such defeasance and to withdraw for the benefit of the City moneys in excess of the amount required for such defeasance.

Any moneys so deposited with the Paying Agent/Registrar, or an authorized escrow agent, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Certificates, or any principal amount(s) thereof, or interest thereon with respect to which such moneys have been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Certificates and remaining unclaimed for a period of three (3) years after the Stated Maturity, or applicable redemption date, of the Certificates such moneys were deposited and are held in trust to pay shall upon the request of the City be remitted to the City against a written receipt therefor. Notwithstanding the above and foregoing, any remittance of funds from the Paying Agent/Registrar to the City shall be subject to any applicable unclaimed property laws of the State of Texas.

Unless otherwise modified by the Pricing Officer, the term "Government Securities" as used herein, means (a) direct noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (b) noncallable obligations of an agency or instrumentality of the United States, including obligations unconditionally guaranteed or insured by the agency or instrumentality and, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (c) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, and (d) any other then authorized securities or obligations that may be used to defease obligations such as the Certificates under the then applicable laws of the State of Texas.

Section 25: Mutilated, Destroyed, Lost, and Stolen Certificates. In case any Certificate shall be mutilated, or destroyed, lost or stolen, the Paying Agent/Registrar may execute and deliver a replacement Certificate of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Certificate, or in lieu of and in substitution for such destroyed, lost or stolen Certificate, only upon the approval of the City and after (i) the filing by the Holder thereof with the Paying Agent/Registrar of evidence satisfactory to the Paying Agent/Registrar of the destruction, loss or theft of such Certificate, and of the authenticity of the ownership thereof and (ii) the furnishing to the Paying Agent/Registrar of indemnification in an amount satisfactory to hold the City and the Paying Agent/Registrar harmless. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Certificate shall be borne by the Holder of the Certificate mutilated, or destroyed, lost or stolen.

Every replacement Certificate issued pursuant to this Section shall be a valid and binding obligation, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Certificates; notwithstanding the enforceability of payment by anyone of the destroyed, lost, or stolen Certificates.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost or stolen Certificates.

Section 26: Ordinance a Contract - Amendments. This Ordinance, together with the Pricing Certificate, shall constitute a contract with the Holders from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Certificate remains Outstanding except as permitted in this Section and Section 32 hereof. The City, may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Holders, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the written consent of Holders holding a majority in aggregate principal amount of the Certificates then Outstanding, amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Holders of Outstanding Certificates, no such amendment, addition, or rescission shall (1) extend the time or times of payment of the principal of, premium, if any, and interest on the Certificates, reduce the principal amount thereof, the redemption price, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, premium, if any, or interest on the Certificates, (2) give any preference to any Certificate over any other Certificate, or (3) reduce the aggregate principal amount of Certificates required to be held by Holders for consent to any such amendment, addition, or rescission.

Section 27: Sale of the Certificates – Official Statement. The Certificates authorized by this Ordinance are to be sold by the City to the Purchasers in accordance with a bond purchase agreement in the event of a negotiated sale, letter agreement to purchase in the event of a private placement, or the successful bid form in the event of a competitive sale, as applicable (the “Purchase Contract”), the terms and provisions of which Purchase Contract are to be determined by the Pricing Officer in accordance with Section 3 hereof. The Pricing Officer is hereby authorized and directed to execute the Purchase Contract for and on behalf of the City, as the act and deed of this Council, and to make a determination as to whether the terms are in the City’s best interests, which determination shall be final.

With regard to such terms and provisions of the Purchase Contract, the Pricing Officer is hereby authorized to come to an agreement with the Purchasers on the following, among other matters:

1. The details of the purchase and sale of the Certificates;
2. The details of any public offering of the Certificates by the Purchasers, if any;
3. The details of any Official Statement or similar disclosure document (and, if appropriate, any Preliminary Official Statement) relating to the Certificates and the City’s Rule 15c2-12 compliance, if applicable;
4. A security deposit for the Certificates, if any;
5. The representations and warranties of the City to the Purchasers;
6. The details of the delivery of, and payment for, the Certificates;
7. The Purchasers’ obligations under the Purchase Contract;
8. The certain conditions to the obligations of the City under the Purchase Contract;
9. Termination of the Purchase Contract;

10. Particular covenants of the City;
11. The survival of representations made in the Purchase Contract;
12. The payment of any expenses relating to the Purchase Contract;
13. Notices; and
14. Any and all such other details that are found by the Pricing Officer to be necessary and advisable for the purchase and sale of the Certificates.

The Mayor or Mayor Pro Tem and City Secretary of the City and the Pricing Officer are each further authorized and directed to deliver for and on behalf of the City copies of a Preliminary Official Statement and Official Statement prepared in connection with the offering of the Certificates by the Purchasers, in final form as may be required by the Purchasers, and such final Official Statement as delivered by such officials shall constitute the Official Statement authorized for distribution and use by the Purchasers.

Section 28: Proceeds of Sale. The proceeds of sale of the Certificates excluding accrued interest, if any, received from the Purchasers, and amounts to pay costs of issuance and any additional proceeds to be deposited to the Certificate Fund as specified in the Pricing Certificate, shall be deposited in a fund maintained at a City depository bank (the "Construction Fund"). Pending expenditure for authorized projects and purposes, such proceeds of sale may be invested in authorized investments in accordance with the provisions of Texas Government Code, Chapter 2256, as amended, including specifically guaranteed investment contracts permitted by Texas Government Code, Section 2256.015, et seq., and the City's investment policies and guidelines, and any investment earnings realized may be expended for such authorized projects and purposes or deposited in the Certificate Fund as shall be determined by the City Council. Accrued interest, if any, received from the Purchasers as well as proceeds of sale, including investment earnings thereon, remaining after completion of all authorized projects or purposes shall be deposited to the credit of the Certificate Fund.

Section 29: Control and Custody of Certificates. The Mayor or Mayor Pro Tem of the City shall be and is hereby authorized to take and have charge of all necessary orders and records pending the sale of the Certificates, the investigation by the Attorney General of the State of Texas, including the printing and supply of definitive Certificates, and shall take and have charge and control of the Initial Certificate pending the approval thereof by the Attorney General and its registration thereof by the Comptroller of Public Accounts.

Furthermore, the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Director of Finance and City Secretary individually or collectively, are hereby authorized and directed to furnish and execute such documents and certifications relating to the City and the issuance of the Certificates, including a certification as to facts, estimates, circumstances and reasonable expectations pertaining to the use and expenditure and investment of the proceeds of the Certificates as may be necessary for the approval of the Attorney General and their registration by the Comptroller of Public Accounts. In addition, such officials, together with the City's financial advisor, bond counsel and the Paying Agent/Registrar, are authorized and directed to make the necessary arrangements for the delivery of the Initial Certificate to the initial purchasers.

Section 30: Bond Counsel's Opinion. The Purchasers' obligation to accept delivery of the Certificates is subject to being furnished a final opinion of Norton Rose Fulbright US LLP,

Dallas, Texas, approving the Certificates as to their validity, such opinion to be dated and delivered as of the date of delivery and payment for the Certificates. An executed counterpart of such opinion shall accompany the global certificates deposited with The Depository Trust Company or a reproduction thereof shall be printed on the definitive Certificates in the event the book-entry-only system shall be discontinued. The City Council confirms the continuation of the engagement of Norton Rose Fulbright US LLP as the City's bond counsel.

Section 31: CUSIP Numbers. CUSIP numbers may be printed or typed on the definitive Certificates. It is expressly provided, however, that the presence or absence of CUSIP numbers on the definitive Certificates shall be of no significance or effect as regards the legality thereof and neither the City nor attorneys approving the Certificates as to legality are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Certificates.

Section 32: Continuing Disclosure Undertaking. This Section shall apply unless the Pricing Officer determines in the Pricing Certificate that an undertaking is not required pursuant to the Rule (defined below).

(a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

*"Financial Obligation"* means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that "financial obligation" shall not include municipal securities as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

*"MSRB"* means the Municipal Securities Rulemaking Board.

*"Rule"* means SEC Rule 15c2-12, as amended from time to time.

*"SEC"* means the United States Securities and Exchange Commission.

(b) Annual Reports.

The City shall provide annually to the MSRB (1) within six months after the end of each fiscal year, beginning with the year stated in the Pricing Certificate, financial information and operating data with respect to the City of the general type included in the Official Statement approved by the Pricing Officer and described in the Pricing Certificate, and (2) if not provided as part of such financial information and operating data, audited financial statements of the City within twelve months after the end of each fiscal year, beginning with the year stated in the Pricing Certificate. Any financial statements so provided shall be prepared in accordance with the accounting principles described in the Pricing Certificate, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation. If audited financial statements are not available by the required time, the City will file unaudited financial statements within such twelve-month period and audited financial statements when and if such audited financial statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any documents available to the public on the MSRB's internet web site or filed with the SEC.

(c) Notice of Certain Events.

The City shall provide notice of any of the following events with respect to the Certificates to the MSRB in a timely manner and not more than ten (10) business days after occurrence of the event:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Certificates, or other material events affecting the tax status of the Certificates;
- (7) Modifications to rights of holders of the Certificates, if material;
- (8) Certificate calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the Certificates, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
- (13) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and

(16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

For these purposes, (a) any event described in the immediately preceding item (12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City, and (b) the City intends the words used in the immediately preceding items (15) and (16) to have the meanings ascribed to them in SEC Release No. 34-83885, dated August 20, 2018.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Subsection (b) of this Section of this Ordinance by the time required by such Section.

(d) Filings with the MSRB.

All financial information, operating data, financial statements, notices and other documents provided to the MSRB in accordance with this Section shall be provided in an electronic format prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

(e) Limitations, Disclaimers, and Amendments.

The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Certificates within the meaning of the Rule, except that the City in any event will give the notice required by Subsection (c) of this Section of any Certificate calls and defeasance that cause the City to be no longer such an “obligated person.”

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Certificates; and, nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section. Except as expressly provided within this Section, the City does not undertake to provide any other information, whether or not it may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects; nor does the City undertake to update any information provided in accordance with this Section or otherwise. Furthermore, the City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE

CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

Notwithstanding anything herein to the contrary, the provisions of this Section may be amended by the City from time to time to adapt to changed circumstances resulting from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Certificates consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and beneficial owners of the Certificates. The provisions of this Section may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent underwriters of the initial public offering of the Certificates from lawfully purchasing or selling Certificates in such offering. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided pursuant to subsection (b) of this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

Section 33: Benefits of Ordinance. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar, and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof, this Ordinance and all its provisions being intended to be and being for the sole and exclusive benefit of the City, the Paying Agent/Registrar and the Holders.

Section 34: Inconsistent Provisions. Subject to Section 19 hereof, all ordinances, orders, or resolutions, or parts thereof which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

Section 35: Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 36: Effect of Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

Section 37: Severability. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance or the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 38: Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

Section 39: Incorporation of Findings and Determinations. The findings and determinations of the City Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section.

Section 40: Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Texas Government Code, Chapter 551, as amended.

Section 41: Effective Date. In accordance with the provisions of Texas Government Code, Section 1201.028, as amended, this Ordinance shall be in force and effect from and after its passage on the date shown below and it is so ordained.

*[Remainder of page intentionally left blank]*

PASSED AND ADOPTED, this April 24, 2023.

CITY OF RICHARDSON, TEXAS

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Mayor

ATTEST:

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City Secretary

(City Seal)

APPROVED AS TO FORM:

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Robert D. Dransfield, Bond Counsel

**EXHIBIT A**  
**FORM OF PAYING AGENT/REGISTRAR AGREEMENT**

ORDINANCE NO. 4461

AN ORDINANCE authorizing the issuance of “CITY OF RICHARDSON, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, TAXABLE SERIES 2023A”; providing for the payment of such certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the net revenues derived from the operation of the City’s waterworks and sewer system; providing the terms and conditions of such certificates and resolving other matters incident and relating to the issuance, payment, security and delivery of such certificates of obligation; delegating matters relating to the sale and issuance of such certificates to an authorized City official; and providing an effective date.

WHEREAS, the City Council of the City of Richardson, Texas, has heretofore determined that certificates of obligation should be issued in the maximum principal amount not to exceed \$10,000,000 for the purpose of paying contractual obligations to be incurred for authorized needs and purposes, to wit: (i) constructing, improving, renovating and equipping the City’s municipal golf course and (ii) professional services rendered in connection therewith; and

WHEREAS, a “Notice of Intention to Issue City of Richardson, Texas, Certificates of Obligation Taxable Series 2023A” was (a) duly published in *The Dallas Morning News*, a newspaper hereby found and determined to be of general circulation in the City of Richardson, Texas, on March 2, 2023, and March 9, 2023, the date of the first publication of such notice being not less than forty-six (46) days prior to the date of the passage and adoption of this Ordinance and (b) duly published on the City’s website starting on February 28, 2023, at least forty-five (45) days before the date of the passage of this Ordinance, and has been continuously published on the City’s website to the date hereof; and

WHEREAS, no petition protesting the issuance of such certificates of obligation and bearing valid petition signatures of at least 5% of the qualified voters of the City, has been presented to or filed with the Mayor, City Secretary or any other official of the City on or prior to the date of the passage of this Ordinance; and

WHEREAS, the City Council by this Ordinance, in accordance with the provisions of Texas Government Code, Chapter 1371, as amended (“Chapter 1371”), delegates to a Pricing Officer (hereinafter designated) the authority to determine the principal amount of the Certificates to be issued and to negotiate the terms of sale thereof; now therefore,

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

Section 1: Authorization – Designation – Principal Amount – Purpose. Certificates of obligation of the City shall be and are hereby authorized to be issued in an amount not to exceed the aggregate original principal amount hereinafter set forth to be designated and bear the title “CITY OF RICHARDSON, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, TAXABLE SERIES 2023A” or such other designation as specified in the Pricing Certificate (hereinafter referred to as the “Certificates”), for the purpose of paying contractual obligations to be incurred for authorized needs and purposes, to wit: (i) constructing, improving, renovating and equipping the City’s municipal golf course and (ii) professional services rendered in connection therewith, pursuant to authority conferred by and in conformity with the Constitution

and laws of the State of Texas, including Texas Local Government Code, Subchapter C of Chapter 271, as amended, and Chapter 1371.

Section 2: Fully Registered Obligations - Authorized Denominations - Stated Maturities - Interest Rates - Date. The Certificates are issuable in fully registered form only; shall be dated as provided in the Pricing Certificate (the "Certificate Date") and shall be in denominations of \$5,000 or any integral multiple thereof (within a Stated Maturity) and the Certificates shall become due and payable on a date certain in each of the years and in principal amounts (the "Stated Maturities") and bear interest at the per annum rates in accordance with the details of the Certificates as provided in the Pricing Certificate.

The Certificates shall bear interest on the unpaid principal amounts from the date specified in the Pricing Certificate (calculated on the basis of a 360-day year of twelve 30-day months) and shall be payable in each year, on the dates and commencing on the date, set forth in the Pricing Certificate.

Section 3: Delegation of Authority to Pricing Officer. (a) As authorized by Chapter 1371, the Chief Financial Officer or Director of Finance of the City (either a "Pricing Officer") is hereby authorized to act on behalf of the City in selling and delivering the Certificates and carrying out the other procedures specified in this Ordinance determining the aggregate principal amount of the Certificates, the date of the Certificates, any additional or different designation or title by which the Certificates shall be known, the price at which the Certificates will be sold, the manner of sale (negotiated, privately placed or competitively bid), the years in which the Certificates will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each such maturity, the date from which interest on the Certificates will accrue, the interest payment dates, the record date, the price and terms upon and at which the Certificates shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, determination of the use of a book-entry-only securities clearance, settlement and transfer system, the terms of any bond insurance applicable to the Certificates, any modification of the continuing disclosure undertaking contained in Section 32 hereof as may be required by the purchasers of the Certificates in connection with any amendments to Rule 15c2-12, and all other matters relating to the issuance, sale and delivery of the Certificates, all of which shall be specified in the Pricing Certificate, provided that:

- (i) the aggregate original principal amount of the Certificates shall not exceed \$10,000,000;
- (ii) the maximum true interest cost for the Certificates shall not exceed 6.50%; and
- (iii) the maximum maturity date of the Certificates shall not exceed February 15, 2043.

The execution of the Pricing Certificate shall evidence the sale date of the Certificates by the City to the Purchasers (hereinafter defined).

If the Pricing Officer determines that bond insurance results in a net reduction of the City's interest costs associated with the Certificates, then the Pricing Officer is authorized, in connection with effecting the sale of the Certificates, to make the selection of the municipal bond insurance company for the Certificates (the "Insurer") and to obtain from the Insurer a municipal bond insurance policy in support of the Certificates. The Pricing Officer shall have the authority to determine the provisions of the commitment for any such policy and to execute any documents to affect the issuance of such policy by the Insurer.

(b) In establishing the aggregate principal amount of the Certificates, the Pricing Officer shall establish an amount not exceeding the amount authorized in subsection (a)(i) above, which shall be sufficient in amount to provide for the purposes for which the Certificates are authorized and to pay costs of issuing the Certificates. The delegation made hereby shall expire if not exercised by the Pricing Officer within six (6) months of the date of the adoption of this Ordinance. The Certificates shall be sold to the purchaser(s)/underwriter(s) named in the Pricing Certificate (the "Purchasers"), at such price and with and subject to such terms as set forth in the Pricing Certificate and the Purchase Contract (hereinafter defined), and may be sold by negotiated or competitive sale or by private placement. The Pricing Officer is hereby delegated the authority to designate the Purchasers, which delegation shall be evidenced by the execution of the Pricing Certificate.

Section 4: Terms of Payment-Paying Agent/Registrar. The principal of, premium, if any, and the interest on the Certificates, due and payable by reason of maturity, redemption or otherwise, shall be payable only to the registered owners or holders of the Certificates (hereinafter called the "Holders") appearing on the registration and transfer books maintained by the Paying Agent/Registrar and the payment thereof shall be in any coin or currency of the United States of America, which at the time of payment is legal tender for the payment of public and private debts, and shall be without exchange or collection charges to the Holders.

The selection and appointment of the Paying Agent/Registrar for the Certificates shall be as provided in the Pricing Certificate. Books and records relating to the registration, payment, exchange and transfer of the Certificates (the "Security Register") shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar, all as provided herein, in accordance with the terms and provisions of a "Paying Agent/Registrar Agreement," substantially in the form attached hereto as **Exhibit A** and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Mayor or Mayor Pro Tem and City Secretary or the Pricing Officer are hereby authorized to execute and deliver such Paying Agent/Registrar Agreement in connection with the delivery of the Certificates. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Certificates are paid and discharged, and any successor Paying Agent/Registrar shall be a commercial bank, trust company, financial institution, or other entity qualified and authorized to serve in such capacity and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Certificates, the City agrees to promptly cause a written notice thereof to be sent to each Holder by United States mail, first-class, postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Principal of and premium, if any, on the Certificates, shall be payable at the Stated Maturities or the redemption thereof only upon presentation and surrender of the Certificates to the Paying Agent/Registrar at its designated offices as provided in the Pricing Certificate or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). Interest on the Certificates shall be paid to the Holder whose name appears in the Security Register at the close of business on the Record Date (which shall be set forth in the Pricing Certificate) and shall be paid by the Paying Agent/Registrar (i) by check sent United States mail, first-class, postage prepaid, to the address of the Holder recorded in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal

holiday, or day when such banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a non-payment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class, postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

Section 5: Registration - Transfer - Exchange of Certificates - Predecessor Certificates. The Paying Agent/Registrar shall obtain, record and maintain in the Security Register the name and address of each and every owner of the Certificates issued under and pursuant to the provisions of this Ordinance or, if appropriate, the nominee thereof. Any Certificate may be transferred or exchanged for Certificates of other authorized denominations by the Holder, in person or by his duly authorized agent, upon surrender of such Certificate to the Paying Agent/Registrar for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon surrender of any Certificate (other than the Initial Certificate authorized in Section 8 hereof) for transfer at the Designated Payment/Transfer Office of the Paying Agent/Registrar, the Paying Agent/Registrar shall register and deliver, in the name of the designated transferee or transferees, one or more new Certificates, executed on behalf of, and furnished by, the City, of authorized denominations and having the same Stated Maturity and of a like aggregate principal amount as the Certificate or Certificates surrendered for transfer.

At the option of the Holders, Certificates (other than the Initial Certificate authorized in Section 8 hereof) may be exchanged for other Certificates of authorized denominations and having the same Stated Maturity, bearing the same rate of interest and of like aggregate principal amount as the Certificates surrendered for exchange upon surrender of the Certificates to be exchanged at the Designated Payment/Transfer Office of the Paying Agent/Registrar. Whenever any Certificates are so surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Certificates, executed on behalf of, and furnished by the City, to the Holder requesting the exchange.

All Certificates issued upon any transfer or exchange of Certificates shall be delivered at the Designated Payment/Transfer Office of the Paying Agent/Registrar, or sent by United States mail, first-class, postage prepaid, to the Holder and, upon the registration and delivery thereof, the same shall be valid obligations of the City, evidencing the same obligation to pay, and entitled to the same benefits under this Ordinance, as the Certificates surrendered in such transfer or exchange.

All transfers or exchanges of Certificates pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Certificates canceled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be "Predecessor Certificates," evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Certificate or Certificates registered and delivered in the exchange or transfer therefor. Additionally, the term "Predecessor Certificates" shall include any mutilated, lost, destroyed, or stolen Certificate for which a replacement Certificate has been issued, registered and delivered in lieu thereof pursuant to Section 25 hereof and such new replacement Certificate shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Certificate.

Neither the City nor the Paying Agent/Registrar shall be required to issue or transfer to an assignee of a Holder any Certificate called for redemption, in whole or in part, within 45 days of the date fixed for the redemption of such Certificate; provided, however, such limitation on transferability shall not be applicable to an exchange by the Holder of the unredeemed balance of a Certificate called for redemption in part.

Section 6: Book-Entry-Only Transfers and Transactions. Notwithstanding the provisions contained herein relating to the payment and transfer/exchange of the Certificates, the City hereby approves and authorizes the use of "Book-Entry-Only" securities clearance, settlement and transfer system provided by The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York ("DTC"), in accordance with the operational arrangements referenced in the Blanket Issuer Letter of Representations by and between the City and DTC (the "Depository Agreement").

In the event the Pricing Officer elects to utilize DTC's "Book-Entry-Only" System, which election shall be made by the Pricing Officer in the Pricing Certificate, pursuant to the Depository Agreement and the rules of DTC, the Certificates shall be deposited with DTC who shall hold such Certificates for its participants (the "DTC Participants"). While the Certificates are held by DTC under the Depository Agreement, the Holder of the Certificates on the Security Register for all purposes, including payment and notices, shall be Cede & Co., as nominee of DTC, notwithstanding the ownership of each actual purchaser or owner of each Certificate (the "Beneficial Owners") being recorded in the records of DTC and DTC Participants.

In the event DTC determines to discontinue serving as securities depository for the Certificates or otherwise ceases to provide book-entry clearance and settlement of securities transactions in general, or in the event the City decides to discontinue use of the system of book-entry transfers through DTC, the City covenants and agrees with the Holders of the Certificates to cause Certificates to be printed in definitive form and issued and delivered to DTC Participants and Beneficial Owners, as the case may be. Thereafter, the Certificates in definitive form shall be assigned, transferred and exchanged on the Security Register maintained by the Paying Agent/Registrar and payment of such Certificates shall be made in accordance with the provisions of Sections 4 and 5 hereof.

Section 7: Execution - Registration. The Certificates shall be executed on behalf of the City by the Mayor or the Mayor Pro Tem under its seal reproduced or impressed thereon and countersigned by the City Secretary. The signature of such officers on the Certificates may be manual or facsimile. Certificates bearing the manual or facsimile signatures of such individuals who are or were the proper officers of the City on the date of the adoption of this Ordinance shall be deemed to be duly executed on behalf of the City, notwithstanding that such individuals or any of them shall cease to hold such offices prior to the delivery of the Certificates to the initial purchaser(s), and with respect to Certificates delivered in subsequent exchanges and transfers, all as authorized and provided by Texas Government Code, Chapter 1201, as amended.

No Certificate shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Certificate either a certificate of registration substantially in the form provided in Section 9(c), manually executed by the Comptroller of Public Accounts of the State of Texas or his or her duly authorized agent, or a certificate of registration substantially in the form provided in Section 9(d), manually executed by an authorized officer, employee or representative of the Paying Agent/Registrar, and either such certificate duly signed upon any Certificate shall be conclusive evidence, and the only evidence, that such Certificate has been duly certified, registered and delivered.

Section 8: Initial Certificate. The Certificates herein authorized shall be initially issued as a single fully registered certificate in the total principal amount with principal installments to become due and payable as provided in the Pricing Certificate and numbered T-1 (hereinafter called the "Initial Certificate") and the Initial Certificate shall be registered in the name of the initial purchaser(s) or the designee thereof. The Initial Certificate shall be the Certificate submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the initial purchaser(s). Any time after the delivery of the Initial Certificate, the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall cancel the Initial Certificate delivered hereunder and exchange therefor definitive Certificates of authorized denominations, Stated Maturities, principal amounts and bearing applicable interest rates for transfer and delivery to the Holders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the initial purchaser(s), or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

Section 9: Forms.

(a) Forms Generally. The Certificates, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Registration Certificate of Paying Agent/Registrar, and the form of Assignment to be printed on the Certificates, shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and to be completed and modified with the information set forth in the Pricing Certificate and may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends in the event the Certificates, or any maturities thereof, are purchased with bond insurance and any reproduction of an opinion of counsel) thereon as may, consistently herewith, be established by the City or determined by the Pricing Officer. The Pricing Officer shall set forth the final and controlling forms and terms of the Certificates. Any portion of the text of any Certificates may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Certificate.

The Certificates, including the Initial Certificate, shall be typewritten, printed, lithographed, or photocopied, or produced in any other similar manner, all as determined by the officers executing such Certificates as evidenced by their execution.

(b) Form of Definitive Certificate.

REGISTERED  
NO. \_\_\_\_\_

REGISTERED  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF TEXAS  
CITY OF RICHARDSON, TEXAS  
COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION  
TAXABLE SERIES 2023A

Certificate Date: \_\_\_\_\_, 20\_\_ Interest Rate: \_\_\_\_\_% Stated Maturity: \_\_\_\_\_, 20\_\_ CUSIP No.:

Registered Owner:

Principal Amount: \_\_\_\_\_ DOLLARS

The City of Richardson (hereinafter referred to as the "City"), a body corporate and municipal corporation in the Counties of Collin and Dallas, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, on the Stated Maturity date specified above the Principal Amount stated above (or so much thereof as shall not have been paid upon prior redemption) and to pay interest on the unpaid principal amount hereof from the interest payment date next preceding the "Registration Date" of this Certificate appearing below (unless this Certificate bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Certificate is prior to the initial interest payment date, in which case it shall bear interest from \_\_\_\_\_) at the per annum rate of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, 20\_\_, until maturity or prior redemption of this Certificate. Principal of this Certificate is payable at its Stated Maturity or redemption to the registered owner hereof upon presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar executing the registration certificate appearing hereon, or its successor; provided, however, while the Certificate is registered to Cede & Co., the payment of principal upon a partial redemption of the principal amount may be accomplished without presentation and surrender of this Certificate. Interest is payable to the registered owner of this Certificate (or one or more Predecessor Certificates, as defined in the Ordinance hereinafter referenced) whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the \_\_\_\_\_ day of the month next preceding each interest payment date and interest shall be paid by the Paying Agent/Registrar by check sent United States mail, first-class, postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Certificate shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Certificate is one of the series specified in its title issued in the aggregate principal amount of \$\_\_\_\_\_ to be designated and bear the title "CITY OF RICHARDSON, TEXAS,

COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, TAXABLE SERIES 2023A” (hereinafter referred to as the “Certificates”), for the purpose of paying contractual obligations to be incurred for authorized needs and purposes, to wit: (i) constructing, improving, renovating and equipping the City’s municipal golf course and (ii) professional services rendered in connection therewith, under and in strict conformity with the Constitution and laws of the State of Texas, particularly Texas Local Government Code, Subchapter C of Chapter 271, as amended, and Texas Government Code, Chapter 1371, as amended, and pursuant to an ordinance adopted by the City Council of the City (herein referred to as the “Ordinance”).

[The Certificates maturing on the dates hereinafter identified (the “Term Certificates”) are subject to mandatory redemption prior to maturity with funds on deposit in the Certificate Fund established and maintained for the payment thereof in the Ordinance, and shall be redeemed in part prior to maturity at the price of par and accrued interest thereon to the date of redemption, and without premium, on the dates and in the principal amounts as follows:

Term Certificates due _____, 20__	Term Certificates due _____, 20__
<u>Redemption Date</u> <u>Principal Amount</u>	<u>Redemption Date</u> <u>Principal Amount</u>
_____, 20__                    \$____,000	_____, 20__                    \$____,000
_____, 20__                    \$____,000	_____, 20__                    \$____,000
_____, 20__ (maturity)      \$____,000	_____, 20__ (maturity)      \$____,000

The particular Term Certificates of a Stated Maturity to be redeemed on each redemption date shall be chosen by lot by the Paying Agent/Registrar; provided, however, that the principal amount of Term Certificates for a Stated Maturity required to be redeemed on a mandatory redemption date may be reduced, at the option of the City, by the principal amount of Term Certificates of like Stated Maturity which, at least 50 days prior to a mandatory redemption date, (1) shall have been acquired by the City at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation or (2) shall have been redeemed pursuant to the optional redemption provisions appearing below and not theretofore credited against a mandatory redemption requirement.]

[The Certificates having Stated Maturities on and after \_\_\_\_\_, 20\_\_ may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part, in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on \_\_\_\_\_, 20\_\_\_\_, or on any date thereafter, at the redemption price of par, together with accrued interest to the date of redemption.

At least thirty (30) days prior to a redemption date, the City shall cause a written notice of such redemption to be sent by United States mail, first-class, postage prepaid, to the registered owners of each Certificate to be redeemed at the address shown on the Security Register and subject to the terms and provisions relating thereto contained in the Ordinance. If a Certificate (or any portion of its principal sum) shall have been duly called for redemption and notice of such redemption duly given, then upon the redemption date such Certificate (or the portion of its principal sum to be redeemed) shall become due and payable, and, if moneys for the payment of the redemption price and the interest accrued on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar, interest shall cease to accrue and be payable from and after the redemption date on the principal amount redeemed.

In the event a portion of the principal amount of a Certificate is to be redeemed and the registered owner is someone other than Cede & Co., payment of the redemption price of such principal amount shall be made to the registered owner only upon presentation and surrender of such Certificate to the Designated Payment/Transfer Office of the Paying Agent/Registrar, and a new Certificate or Certificates of like maturity and interest rate in any authorized denominations provided by the Ordinance for the then unredeemed balance of the principal sum thereof will be issued to the registered owner, without charge. If a Certificate is selected for redemption, in whole or in part, the City and the Paying Agent/Registrar shall not be required to transfer such Certificate to an assignee of the registered owner within forty-five (45) days of the redemption date therefor; provided, however, such limitation on transferability shall not be applicable to an exchange by the registered owner of the unredeemed balance of a Certificate redeemed in part.

With respect to any optional redemption of the Certificates, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that such redemption may, at the option of the City, be conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.]

The Certificates are payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City and are additionally payable from and secured by a lien on and limited pledge of the Net Revenues (as defined in the Ordinance) of the City's Waterworks and Sewer System (the "System"), such lien and pledge being junior and subordinate to the lien on and pledge of the Net Revenues of the System securing the payment of "Prior Lien Obligations" (identified and defined in the Ordinance) now outstanding and hereafter issued by the City. In the Ordinance, the City reserves and retains the right to issue Prior Lien Obligations while the Certificates are outstanding without limitation as to principal amount but subject to any terms, conditions or restrictions as may be applicable thereto under law or otherwise.

Reference is hereby made to the Ordinance, a copy of which is on file in the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all the provisions of which the Holder by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied for the payment of the Certificates; the Net Revenues of the System pledged to the payment of the principal of and interest on the Certificates; the nature and extent and manner of enforcement of the limited pledge; the terms and conditions relating to the transfer or exchange of this Certificate; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Holders; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which the tax levy and the liens, pledges, charges and covenants made therein may be discharged at or prior to the maturity of this Certificate, and this Certificate deemed to be no longer Outstanding thereunder; and for the other terms and provisions contained therein. Capitalized terms used herein and not otherwise defined have the meanings assigned in the Ordinance.

This Certificate, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly

endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the registered owner hereof, or his duly authorized agent. When a transfer on the Security Register occurs, one or more new fully registered Certificates of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, may treat the registered owner hereof whose name appears on the Security Register (i) on the Record Date as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Certificate as the owner entitled to payment of principal hereof at its Stated Maturity or its redemption, in whole or in part, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of a non-payment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class, postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, recited, represented and covenanted that the City is duly organized and legally incorporated under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Certificates is duly authorized by law; that all acts, conditions and things required to exist and be done precedent to and in the issuance of the Certificates to render the same lawful and valid obligations of the City have been properly done, have happened and have been performed in regular and due time, form and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Certificates do not exceed any constitutional or statutory limitation; and that due provision has been made for the payment of the principal of and interest on the Certificates by the levy of a tax and a pledge of the Net Revenues of the System as aforesated. In case any provision in this Certificate or any application thereof shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions and applications shall not in any way be affected or impaired thereby. The terms and provisions of this Certificate and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Certificate to be duly executed under the official seal of the City as of the Certificate Date.

CITY OF RICHARDSON, TEXAS

\_\_\_\_\_  
[Mayor][Mayor Pro Tem]

COUNTERSIGNED:

\_\_\_\_\_  
City Secretary

(CITY SEAL)



(e) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto (Print or typewrite name, address, and zip code of transferee:)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Social Security or other identifying number: \_\_\_\_\_) the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to transfer the within Certificate on the books kept for registration thereof, with full power of substitution in the premises.

DATED: \_\_\_\_\_

Signature guaranteed:  
\_\_\_\_\_

NOTICE: The signature on this assignment must correspond with the name of the registered owner as it appears on the face of the within Certificate in every particular.

(f) The Initial Certificate shall be in the form set forth in paragraph (b) of this Section, except that the heading and first paragraph shall be modified as follows:

REGISTERED:  
NO. T-1

REGISTERED:  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF TEXAS  
CITY OF RICHARDSON, TEXAS,  
COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION  
TAXABLE SERIES 2023A

Certificate Date: \_\_\_\_\_, 20\_\_

Registered Owner:

Principal Amount: \_\_\_\_\_ DOLLARS

The City of Richardson (hereinafter referred to as the "City"), a body corporate and municipal corporation in the Counties of Collin and Dallas, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, the above stated Principal Amount on \_\_\_\_\_ in each of the years and in principal installments in accordance with the following schedule:

<u>YEAR</u>	<u>PRINCIPAL INSTALLMENT (\$)</u>	<u>INTEREST RATE (%)</u>
-------------	---------------------------------------	------------------------------

(Information to be inserted from the Pricing Certificate).

(or so much thereof as shall not have been redeemed prior to maturity) and to pay interest on the unpaid Principal Amount from the interest payment date next preceding the "Registration Date" of this Certificate appearing below (unless this Certificate bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Certificate is prior to the initial interest payment date, in which case it shall bear interest from the \_\_\_\_\_) at the per annum rate(s) of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, 20\_\_\_\_, until maturity or prior redemption of this Certificate. Principal installments of this Certificate are payable at the year of maturity or on a redemption date to the registered owner hereof by \_\_\_\_\_, \_\_\_\_\_, Texas (the "Paying Agent/Registrar"), upon presentation and surrender at its designated offices in \_\_\_\_\_, \_\_\_\_\_, or, with respect to a successor paying agent/registrar, at the designated office of such successor (the "Designated Payment/Transfer Office"). Interest is payable to the registered owner of this Certificate whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the \_\_\_\_\_ day of the month next preceding each interest payment date hereof and interest shall be paid by the Paying Agent/Registrar by check sent United States mail, first-class, postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Certificate shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

Section 10: Definitions. For purposes of this Ordinance and for clarity with respect to the issuance of the Certificates herein authorized, and the levy of taxes and appropriation of Net Revenues therefor, the following words or terms, whenever the same appear herein without qualifying language, are defined to mean as follows:

- (a) The term "Additional Certificates" shall mean tax and revenue obligations hereafter issued under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, or other law and payable from ad valorem taxes and additionally payable from and secured by a lien on and pledge of the Net Revenues of the System on a parity with and of equal rank and dignity with the lien and pledge securing the payment of the Certificates.
- (b) The term "Certificate Fund" shall mean the special Fund created and established under the provisions of Section 11 of this Ordinance.
- (c) The term "Certificates" shall mean the "City of Richardson, Texas, Combination Tax and Revenue Certificates of Obligation, Taxable Series 2023A" authorized by this Ordinance.

(d) The term "Collection Date" shall mean, when reference is being made to the levy and collection of annual ad valorem taxes, the date the annual ad valorem taxes levied each year by the City become delinquent.

(e) The term "Fiscal Year" shall mean the annual financial accounting period used with respect to the operations of the System now ending on September 30th of each year; provided, however, the City Council may change, by ordinance duly passed, such annual financial accounting period to end on another date if such change is found and determined to be necessary for budgetary or other fiscal purposes.

(f) The term "Gross Revenues" shall mean all revenues, income and receipts of every nature derived or received by the City from the operation and ownership of the System, including the interest income from the investment or deposit of money in any Fund created or reaffirmed by this Ordinance.

(g) The term "Net Revenues" shall mean all Gross Revenues after deducting and paying the current expenses of operation and maintenance of the System, as required by Texas Government Code, Chapter 1502, as amended, including all salaries, labor, materials, repairs and extensions necessary to render efficient service; provided, however, that only such repairs and extensions as in the judgment of the City Council, reasonably and fairly exercised by the adoption of the appropriate resolution or ordinance, are necessary to keep the System in operation and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair any obligations payable from Net Revenues of the System shall be deducted in determining "Net Revenues". Payments made by the City for water supply or treatment of sewage which constitute under the law operation and maintenance expense shall be considered herein as expenses incurred in the operation and maintenance of the System. Depreciation shall never be considered as an expense of operation and maintenance.

(h) The term "Operating and Maintenance Expenses" shall mean the operating and maintenance expenses referred to in the definition of Net Revenues.

(i) The term "Outstanding" when used in this Ordinance with respect to Certificates means, as of the date of determination, all Certificates theretofore issued and delivered under this Ordinance, except:

(1) those Certificates canceled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;

(2) those Certificates deemed to be duly paid by the City in accordance with the provisions of Section 24 hereof; and

(3) those Certificates that have been mutilated, destroyed, lost, or stolen and replacement Certificates have been registered and delivered in lieu thereof as provided in Section 25 hereof.

(j) The term "Prior Lien Obligations" shall mean all bonds or other similar obligations hereafter issued and outstanding that are payable in whole or in part from and secured by a lien on and pledge of the Net Revenues of the System and such lien and pledge securing

the payment thereof is prior and superior in claim, rank and dignity to the lien and pledge of the Net Revenues securing the payment of the Certificates.

(i) The term "System" shall mean and include the City's combined existing waterworks and sewer system, together with all future extensions, improvements, enlargements and additions thereto, and all replacements thereof; provided that, notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not include any waterworks or sewer facilities which are declared not to be a part of the System and which are acquired or constructed by the City with the proceeds from the issuance of "Special Facilities Bonds", which are hereby defined as being special revenue obligations of the City which are not secured by or payable from the Net Revenues, but which are secured by and payable solely from special contract revenues or payments shall not be considered as or constitute Gross Revenues of the System, unless and to the extent otherwise provided in the ordinance or ordinances authorizing the issuance of such "Special Facilities Bonds".

Section 11: Certificate Fund. For the purpose of paying the interest on and to provide a sinking fund for the payment, redemption and retirement of the Certificates, there shall be and is hereby created a special account on the books of the City to be designated "SPECIAL 2023A TAXABLE TAX AND REVENUE CERTIFICATE OF OBLIGATION FUND," and all moneys deposited to the credit of such account shall be kept and maintained in a banking fund maintained at the City's depository. The Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Director of Finance or City Secretary, individually or collectively, are hereby authorized and directed to make withdrawals from the Certificate Fund sufficient to pay the principal of and interest on the Certificates as the same become due and payable, and, shall cause to be transferred to the Paying Agent/Registrar from moneys on deposit in the Certificate Fund an amount sufficient to pay the amount of principal and/or interest falling due on the Certificates, such transfer of funds to the Paying Agent/Registrar to be made in such manner as will cause immediately available funds to be deposited with the Paying Agent/Registrar on or before the last business day next preceding each interest and principal payment date for the Certificates.

Pending the transfer of funds to the Paying Agent/Registrar, money in the Certificate Fund may, at the option of the City, be invested in obligations identified in, and in accordance with the provisions of the City's Investment Policy as the same may be amended from time to time and the "Public Funds Investment Act" relating to the investment of "bond proceeds"; provided that all such investments shall be made in such a manner that the money required to be expended from such Fund will be available at the proper time or times. All interest and income derived from deposits and investments in the Certificate Fund shall be credited to, and any losses debited to, the Certificate Fund. All such investments shall be sold promptly when necessary to prevent any default in connection with the Certificates.

Section 12: Tax Levy. To provide for the payment of the "Debt Service Requirements" on the Certificates being (i) the interest on the Certificates and (ii) a sinking fund for their redemption at maturity or a sinking fund of 2% (whichever amount shall be the greater), there shall be and there is hereby levied, within the limitations prescribed by law, for the current year and each succeeding year thereafter while the Certificates or any interest thereon shall remain Outstanding, a sufficient tax on each one hundred dollars' valuation of taxable property in the City, adequate to pay such Debt Service Requirements, full allowance being made for delinquencies and costs of collection; such tax shall be assessed and collected each year and applied to the payment of the Debt Service Requirements, and the same shall not be diverted to any other purpose. The taxes so levied and collected shall be paid into the Certificate Fund. The

City Council hereby declares its purpose and intent to provide and levy a tax legally and fully sufficient to pay the Debt Service Requirements, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding indebtedness.

The amount of taxes to be provided annually for the payment of the principal of and interest on the Certificates shall be determined and accomplished in the following manner:

(a) Prior to the date the City Council establishes the annual tax rate and passes an ordinance levying ad valorem taxes each year, the City Council shall determine:

(1) The amount on deposit in the Certificate Fund after (a) deducting therefrom the total amount of Debt Service Requirements to become due on Certificates prior to the Collection Date for the ad valorem taxes to be levied and (b) adding thereto the amount of the Net Revenues of the System appropriated and allocated to pay such Debt Service Requirements prior to the Collection Date for the ad valorem taxes to be levied.

(2) The amount of Net Revenues of the System, and any other lawfully available revenues which are appropriated and to be set aside for the payment of the Debt Service Requirements on the Certificates between the Collection Date for the taxes then to be levied and the Collection Date for the taxes to be levied during the next succeeding calendar year.

(3) The amount of Debt Service Requirements to become due and payable on the Certificates between the Collection Date for the taxes then to be levied and the Collection Date for the taxes to be levied during the next succeeding calendar year.

(b) The amount of taxes to be levied annually each year to pay the Debt Service Requirements on the Certificates shall be the amount established in paragraph (3) above less the sum total of the amounts established in paragraphs (1) and (2), after taking into consideration delinquencies and costs of collecting such annual taxes.

Section 13: Limited Pledge of Net Revenues. The City hereby covenants and agrees that, subject to the prior lien on and pledge of the Net Revenues of the System to the payment and security of Prior Lien Obligations, the Net Revenues of the System, within the limitation of a total amount of \$1,000, are hereby irrevocably pledged, equally and ratably, to the payment of the principal of and interest on the Certificates, and the limited pledge of \$1,000 of the Net Revenues of the System herein made for the payment of the Certificates shall constitute a lien on the Net Revenues of the System until such time as the City shall pay all of such \$1,000, after which time the pledge shall cease. Furthermore, such lien on and pledge of the Net Revenues securing the payment of the Certificates shall be valid and binding and fully perfected from and after the date of adoption of this Ordinance without physical delivery or transfer or transfer of control of the Net Revenues, the filing of this Ordinance or any other act; all as provided in Texas Government Code, Chapter 1208, as amended.

Texas Government Code, Section 1208, as amended, applies to the issuance of the Certificates and the pledge of the Net Revenues of the System granted by the City under this Section 13, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Certificates are Outstanding such that the pledge of the Net Revenues of the System granted by the City under this Section 13 is to be subject to the filing requirements of Texas Business and Commerce Code, Chapter 9, as amended, then in order to preserve to the

registered owners of the Certificates the perfection of the security interest in such pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Texas Business and Commerce Code, Chapter 9, as amended, and enable a filing to perfect the security interest in such pledge to occur.

Section 14: System Fund. The City hereby covenants and agrees that all Gross Revenues (excluding earnings from the investment of money held in any special funds or accounts created for the payment and security of Prior Lien Obligations) shall be deposited from day to day as collected into a "City of Richardson Waterworks and Sewer System Fund" (hereinafter called "System Fund") which Fund shall be kept and maintained at an official depository bank of the City. All moneys deposited in the System Fund shall be pledged and appropriated to the extent required for the following purposes and in the order of priority shown, to wit:

First: To the payment of all necessary and reasonable Operating and Maintenance Expenses of the System as defined herein or required by statute to be a first charge on and claim against the Gross Revenues;

Second: To the payment of the amounts required to be deposited in the special Funds created and established for the payment, security and benefit of Prior Lien Obligations in accordance with the terms and provisions of the ordinances authorizing the issuance of Prior Lien Obligations; and

Third: To the payment of the amounts required to be deposited in the special funds and accounts (including the Certificate Fund) created and established for the payment of the Certificates, the "City of Richardson, Texas Combination Tax and Revenue Certificates of Obligation, Series 2023" (the "Tax-Exempt Series 2023 Certificates") being issued concurrently with the Certificates, and Additional Certificates.

Any Net Revenues remaining in the System Fund after satisfying the foregoing payments, or making adequate and sufficient provision for the payment thereof, may be appropriated and used for any other City purpose now or hereafter permitted by law.

Section 15: Deposits to Certificate Fund. The City hereby covenants and agrees to cause to be deposited in the Certificate Fund from the pledged Net Revenues in the System Fund, an amount not to exceed \$1,000.

The City covenants and agrees that the amount of pledged Net Revenues (\$1,000), together with ad valorem taxes levied, collected, and deposited in the Certificate Fund for and on behalf of the Certificates, will be an amount equal to one hundred percent (100%) of the amount required to fully pay the interest and principal due and payable on the Certificates. In addition, any surplus proceeds from the sale of the Certificates not expended for authorized purposes shall be deposited in the Certificate Fund, or another fund created for the payment of the principal of and interest on any Certificates, and such amounts so deposited shall reduce the sums otherwise required to be deposited in said Fund from ad valorem taxes and the Net Revenues.

Section 16: Security of Funds. All moneys on deposit in the Funds for which this Ordinance makes provision (except any portion thereof as may be at any time properly invested) shall be secured in the manner and to the fullest extent required by the laws of Texas for the

security of public funds, and moneys on deposit in such Funds shall be used only for the purposes permitted by this Ordinance.

Section 17: Special Covenants. The City hereby further covenants as follows:

(1) It has the lawful power to pledge the Net Revenues of the System supporting this issue of Certificates and has lawfully exercised such powers under the Constitution and laws of the State of Texas, including such power existing under Texas Government Code, Chapter 1502, as amended, and Texas Local Government Code, Sections 271.041, et seq., as amended.

(2) Other than for the payment of the Prior Lien Obligations, the Certificates and the Tax-Exempt Series 2023 Certificates, the Net Revenues of the System are not pledged to the payment of any debt or obligation of the City or of the System.

Section 18: Issuance of Prior Lien Obligations and Additional Certificates. The City hereby expressly reserves the right to hereafter issue Prior Lien Obligations, without limitation as to principal amount but subject to any terms, conditions or restrictions applicable thereto under law or otherwise.

In addition, the City reserves the right to issue Additional Certificates, without limitation or any restriction or condition being applicable to their issuance under the terms of this Ordinance, payable from and secured by a lien on and pledge of the Net Revenues of the System of equal rank and dignity, and on a parity in all respects, with the lien thereon and pledge thereof securing the payment of the Certificates.

Section 19: Application of Prior Lien Obligations Covenants and Agreements. It is the intention of this governing body and accordingly hereby recognized and stipulated that the provisions, agreements and covenants contained herein bearing upon the management and operations of the System, and the administering and application of revenues derived from the operation thereof, shall to the extent possible be harmonized with like provisions, agreements and covenants contained in the ordinances authorizing the issuance of the Prior Lien Obligations, and to the extent of any irreconcilable conflict between the provisions contained herein and in the ordinances authorizing the issuance of the Prior Lien Obligations, the provisions, agreements and covenants contained therein shall prevail to the extent of such conflict and be applicable to this Ordinance but in all respects subject to the priority of rights and benefits, if any, conferred thereby to the holders of the Prior Lien Obligations. Notwithstanding the above, any change or modification affecting the application of revenues derived from the operation of the System shall not impair the obligation of contract with respect to the pledge of revenues herein made for the payment and security for the Certificates.

Section 20: Further Procedures. Any one or more of the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Director of Finance and City Secretary are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance of the Certificates. In addition, prior to the initial delivery of the Certificates, the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Director of Finance or Bond Counsel to the City are each hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the documents authorized and approved by this

Ordinance: (i) in order to cure any ambiguity, formal defect, or omission in the Ordinance or such other document; or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Certificates by the Attorney General and if such officer or counsel determines that such changes are consistent with the intent and purpose of the Ordinance, which determination shall be final. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 21: Notices to Holders Waiver. Wherever this Ordinance provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States mail, first-class, postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the business day next preceding the mailing of such notice.

In any case where notice to Holders is given by mail, neither the failure to mail such notice to any particular Holders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Certificates. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by the Holder entitled to receive such notice, either before or after the event with respect to which such notice is given, and such waiver shall be the equivalent of such notice. Waivers of notice by Holders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

Section 22: Cancellation. All Certificates surrendered for payment, redemption, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly canceled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already canceled, shall be promptly canceled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Certificates previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Certificates so delivered shall be promptly canceled by the Paying Agent/Registrar. All canceled Certificates held by the Paying Agent/Registrar shall be returned to the City.

Section 23: Reserved.

Section 24: Satisfaction of Obligations of City. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Certificates, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied under this Ordinance and the Net Revenues of the System (to the extent such limited pledge of Net Revenues shall not have been discharged or terminated by prior payment of principal of or interest on the Certificates) and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, and be discharged and satisfied.

Certificates or any principal amount(s) thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section ("Defeased Certificates") when (i) money sufficient to pay in full such Certificates or the principal amount(s) thereof at maturity or the redemption date therefor, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, or (ii) Government Securities (as defined below) shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities shall

mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any moneys deposited therewith, if any, to pay when due the principal of and interest on such Certificates, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof or (if notice of redemption has been duly given or waived or if irrevocable arrangements therefor acceptable to the Paying Agent/ Registrar have been made) the redemption date thereof. In the event of a defeasance of the Certificates, the City shall deliver a certificate from its financial advisor, the Paying Agent/Registrar, an independent certified public accountant, or another qualified third party concerning the sufficiency of the deposit of cash and/or Government Securities to pay, when due, the principal of, redemption premium (if any), and interest due on any defeased Certificates. At such time as Certificates shall be deemed to be Defeased Certificates hereunder, as aforesaid, such Certificates and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the taxes or revenues levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Government Securities. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem the Defeased Certificates that is made in conjunction with the payment arrangements specified in (i) or (ii) above in this paragraph shall not be irrevocable, provided that in the proceedings providing for such payment arrangements, the City: (1) expressly reserves the right to call the Defeased Certificates for redemption; (2) gives notice of the reservation of that right to the registered owners of the Defeased Certificates immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

The City reserves the right, subject to satisfying the requirements of (i) and (ii) above, to substitute other Government Securities for the Government Securities originally deposited, to reinvest the uninvested moneys on deposit for such defeasance and to withdraw for the benefit of the City moneys in excess of the amount required for such defeasance.

Any moneys so deposited with the Paying Agent/Registrar, or an authorized escrow agent, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Certificates, or any principal amount(s) thereof, or interest thereon with respect to which such moneys have been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Certificates and remaining unclaimed for a period of three (3) years after the Stated Maturity, or applicable redemption date, of the Certificates such moneys were deposited and are held in trust to pay shall upon the request of the City be remitted to the City against a written receipt therefor. Notwithstanding the above and foregoing, any remittance of funds from the Paying Agent/Registrar to the City shall be subject to any applicable unclaimed property laws of the State of Texas.

Unless otherwise modified by the Pricing Officer, the term "Government Securities" as used herein, means (a) direct noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (b) noncallable obligations of an agency or instrumentality of the United States, including obligations unconditionally guaranteed or insured by the agency or instrumentality and, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (c) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than

AAA or its equivalent, and (d) any other then authorized securities or obligations that may be used to defease obligations such as the Certificates under the then applicable laws of the State of Texas.

Section 25: Mutilated, Destroyed, Lost, and Stolen Certificates. In case any Certificate shall be mutilated, or destroyed, lost or stolen, the Paying Agent/Registrar may execute and deliver a replacement Certificate of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Certificate, or in lieu of and in substitution for such destroyed, lost or stolen Certificate, only upon the approval of the City and after (i) the filing by the Holder thereof with the Paying Agent/Registrar of evidence satisfactory to the Paying Agent/Registrar of the destruction, loss or theft of such Certificate, and of the authenticity of the ownership thereof and (ii) the furnishing to the Paying Agent/Registrar of indemnification in an amount satisfactory to hold the City and the Paying Agent/Registrar harmless. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Certificate shall be borne by the Holder of the Certificate mutilated, or destroyed, lost or stolen.

Every replacement Certificate issued pursuant to this Section shall be a valid and binding obligation, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Certificates; notwithstanding the enforceability of payment by anyone of the destroyed, lost, or stolen Certificates.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost or stolen Certificates.

Section 26: Ordinance a Contract - Amendments. This Ordinance, together with the Pricing Certificate, shall constitute a contract with the Holders from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Certificate remains Outstanding except as permitted in this Section and Section 32 hereof. The City, may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Holders, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the written consent of Holders holding a majority in aggregate principal amount of the Certificates then Outstanding, amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Holders of Outstanding Certificates, no such amendment, addition, or rescission shall (1) extend the time or times of payment of the principal of, premium, if any, and interest on the Certificates, reduce the principal amount thereof, the redemption price, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, premium, if any, or interest on the Certificates, (2) give any preference to any Certificate over any other Certificate, or (3) reduce the aggregate principal amount of Certificates required to be held by Holders for consent to any such amendment, addition, or rescission.

Section 27: Sale of the Certificates – Official Statement. The Certificates authorized by this Ordinance are to be sold by the City to the Purchasers in accordance with a bond purchase agreement in the event of a negotiated sale, letter agreement to purchase in the event of a private placement, or the successful bid form in the event of a competitive sale, as applicable (the "Purchase Contract"), the terms and provisions of which Purchase Contract are to be determined by the Pricing Officer in accordance with Section 3 hereof. The Pricing Officer is hereby authorized and directed to execute the Purchase Contract for and on behalf of the City, as the act

and deed of this Council, and to make a determination as to whether the terms are in the City's best interests, which determination shall be final.

With regard to such terms and provisions of the Purchase Contract, the Pricing Officer is hereby authorized to come to an agreement with the Purchasers on the following, among other matters:

1. The details of the purchase and sale of the Certificates;
2. The details of any public offering of the Certificates by the Purchasers, if any;
3. The details of any Official Statement or similar disclosure document (and, if appropriate, any Preliminary Official Statement) relating to the Certificates and the City's Rule 15c2-12 compliance, if applicable;
4. A security deposit for the Certificates, if any;
5. The representations and warranties of the City to the Purchasers;
6. The details of the delivery of, and payment for, the Certificates;
7. The Purchasers' obligations under the Purchase Contract;
8. The certain conditions to the obligations of the City under the Purchase Contract;
9. Termination of the Purchase Contract;
10. Particular covenants of the City;
11. The survival of representations made in the Purchase Contract;
12. The payment of any expenses relating to the Purchase Contract;
13. Notices; and
14. Any and all such other details that are found by the Pricing Officer to be necessary and advisable for the purchase and sale of the Certificates.

The Mayor or Mayor Pro Tem and City Secretary of the City and the Pricing Officer are each further authorized and directed to deliver for and on behalf of the City copies of a Preliminary Official Statement and Official Statement prepared in connection with the offering of the Certificates by the Purchasers, in final form as may be required by the Purchasers, and such final Official Statement as delivered by such officials shall constitute the Official Statement authorized for distribution and use by the Purchasers.

Section 28: Proceeds of Sale. The proceeds of sale of the Certificates excluding accrued interest, if any, received from the Purchasers, and amounts to pay costs of issuance and any additional proceeds to be deposited to the Certificate Fund as specified in the Pricing Certificate, shall be deposited in a fund maintained at a City depository bank (the "Construction Fund"). Pending expenditure for authorized projects and purposes, such proceeds of sale may be invested in authorized investments in accordance with the provisions of Texas Government Code, Chapter 2256, as amended, including specifically guaranteed investment contracts

permitted by Texas Government Code, Section 2256.015, et seq., and the City's investment policies and guidelines, and any investment earnings realized may be expended for such authorized projects and purposes or deposited in the Certificate Fund as shall be determined by the City Council. Accrued interest, if any, received from the Purchasers as well as proceeds of sale, including investment earnings thereon, remaining after completion of all authorized projects or purposes shall be deposited to the credit of the Certificate Fund.

Section 29: Control and Custody of Certificates. The Mayor or Mayor Pro Tem of the City shall be and is hereby authorized to take and have charge of all necessary orders and records pending the sale of the Certificates, the investigation by the Attorney General of the State of Texas, including the printing and supply of definitive Certificates, and shall take and have charge and control of the Initial Certificate pending the approval thereof by the Attorney General and its registration thereof by the Comptroller of Public Accounts.

Furthermore, the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Director of Finance and City Secretary individually or collectively, are hereby authorized and directed to furnish and execute such documents and certifications relating to the City and the issuance of the Certificates, including a certification as to facts, estimates, circumstances and reasonable expectations pertaining to the use and expenditure and investment of the proceeds of the Certificates as may be necessary for the approval of the Attorney General and their registration by the Comptroller of Public Accounts. In addition, such officials, together with the City's financial advisor, bond counsel and the Paying Agent/Registrar, are authorized and directed to make the necessary arrangements for the delivery of the Initial Certificate to the initial purchasers.

Section 30: Bond Counsel's Opinion. The Purchasers' obligation to accept delivery of the Certificates is subject to being furnished a final opinion of Norton Rose Fulbright US LLP, Dallas, Texas, approving the Certificates as to their validity, such opinion to be dated and delivered as of the date of delivery and payment for the Certificates. An executed counterpart of such opinion shall accompany the global certificates deposited with The Depository Trust Company or a reproduction thereof shall be printed on the definitive Certificates in the event the book-entry-only system shall be discontinued. The City Council confirms the continuation of the engagement of Norton Rose Fulbright US LLP as the City's bond counsel.

Section 31: CUSIP Numbers. CUSIP numbers may be printed or typed on the definitive Certificates. It is expressly provided, however, that the presence or absence of CUSIP numbers on the definitive Certificates shall be of no significance or effect as regards the legality thereof and neither the City nor attorneys approving the Certificates as to legality are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Certificates.

Section 32: Continuing Disclosure Undertaking. This Section shall apply unless the Pricing Officer determines in the Pricing Certificate that an undertaking is not required pursuant to the Rule (defined below).

(a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

*"Financial Obligation"* means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that "financial obligation" shall not include

municipal securities as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

“*MSRB*” means the Municipal Securities Rulemaking Board.

“*Rule*” means SEC Rule 15c2-12, as amended from time to time.

“*SEC*” means the United States Securities and Exchange Commission.

(b) Annual Reports.

The City shall provide annually to the MSRB (1) within six months after the end of each fiscal year, beginning with the year stated in the Pricing Certificate, financial information and operating data with respect to the City of the general type included in the Official Statement approved by the Pricing Officer and described in the Pricing Certificate, and (2) if not provided as part of such financial information and operating data, audited financial statements of the City within twelve months after the end of each fiscal year, beginning with the year stated in the Pricing Certificate. Any financial statements so provided shall be prepared in accordance with the accounting principles described in the Pricing Certificate, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation. If audited financial statements are not available by the required time, the City will file unaudited financial statements within such twelve-month period and audited financial statements when and if such audited financial statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any documents available to the public on the MSRB’s internet web site or filed with the SEC.

(c) Notice of Certain Events.

The City shall provide notice of any of the following events with respect to the Certificates to the MSRB in a timely manner and not more than ten (10) business days after occurrence of the event:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Certificates, or other material events affecting the tax status of the Certificates;

- (7) Modifications to rights of holders of the Certificates, if material;
- (8) Certificate calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the Certificates, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
- (13) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and
- (16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

For these purposes, (a) any event described in the immediately preceding item (12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City, and (b) the City intends the words used in the immediately preceding items (15) and (16) to have the meanings ascribed to them in SEC Release No. 34-83885, dated August 20, 2018.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Subsection (b) of this Section of this Ordinance by the time required by such Section.

(d) Filings with the MSRB.

All financial information, operating data, financial statements, notices and other documents provided to the MSRB in accordance with this Section shall be provided in an electronic format prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

(e) Limitations, Disclaimers, and Amendments.

The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Certificates within the meaning of the Rule, except that the City in any event will give the notice required by Subsection (c) of this Section of any Certificate calls and defeasance that cause the City to be no longer such an “obligated person.”

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Certificates; and, nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section. Except as expressly provided within this Section, the City does not undertake to provide any other information, whether or not it may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects; nor does the City undertake to update any information provided in accordance with this Section or otherwise. Furthermore, the City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

Notwithstanding anything herein to the contrary, the provisions of this Section may be amended by the City from time to time to adapt to changed circumstances resulting from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Certificates

consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and beneficial owners of the Certificates. The provisions of this Section may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent underwriters of the initial public offering of the Certificates from lawfully purchasing or selling Certificates in such offering. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided pursuant to subsection (b) of this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

Section 33: Benefits of Ordinance. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar, and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof, this Ordinance and all its provisions being intended to be and being for the sole and exclusive benefit of the City, the Paying Agent/Registrar and the Holders.

Section 34: Inconsistent Provisions. Subject to Section 19 hereof, all ordinances, orders, or resolutions, or parts thereof which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

Section 35: Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 36: Effect of Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

Section 37: Severability. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance or the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 38: Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

Section 39: Incorporation of Findings and Determinations. The findings and determinations of the City Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section.

Section 40: Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Texas Government Code, Chapter 551, as amended.

Section 41: Effective Date. In accordance with the provisions of Texas Government Code, Section 1201.028, as amended, this Ordinance shall be in force and effect from and after its passage on the date shown below and it is so ordained.

*[Remainder of page intentionally left blank]*

PASSED AND ADOPTED, this April 24, 2023.

CITY OF RICHARDSON, TEXAS

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Mayor

ATTEST:

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City Secretary

(City Seal)

APPROVED AS TO FORM:

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Robert D. Dransfield, Bond Counsel

**EXHIBIT A**  
**FORM OF PAYING AGENT/REGISTRAR AGREEMENT**

**ORDINANCE NO. 4462**

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF RICHARDSON, BY AMENDING CHAPTER 8, ARTICLE II, SECTION 8-27 AND SECTION 8-28 ADOPTING THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE, INCLUDING APPENDICES B,D,H,I, AND N, AND AMENDMENTS THERETO; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION 1.** That the Code of Ordinances of the City of Richardson, Texas, be, and the same is hereby amended by amending Chapter 8, Article II, Sections 8-27 and 8-28, in part, to read as follows:

**“Sec. 8-27. - Adopted.**

There is hereby adopted by the City of Richardson, Texas, the International Fire Code, 2021 Edition, together with Appendices B, D, H, I, L, and N and amendments, a copy of which is on file in the City Secretary’s Office and made a part of this Article for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.”

**“Sec. 8-28. - Amendments.**

The following sections of the International Fire Code, 2021 Edition, together with Appendices B, D, H, I, L, and N, and amendments, are hereby amended to read as follows:

Section 101.1. of the International Fire Code is amended to read as follows:

**[A] 101.1 Title.** These regulations shall be known as the Fire Code of the City of Richardson, hereinafter referred to as “this code.”

Section 102.1 of the International Fire Code is amended change to read as follows:

**[A] 102.1 Construction and design provisions.** The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities, and conditions when required in Chapter 11 or in specific sections of this code.

4. Existing structures, facilities and conditions that, in the opinion of the *fire code official*, constitute a distinct hazard to life or property.

Section 102.7 of the International Fire Code is amended to read as follows:

**102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be the current effective editions of those listed in Chapter 80, including Tentative Interim Amendments (TIAs) and Errata, except that the 2020 edition of NFPA 70 shall apply. These references shall supersede all previous editions and shall be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

Section 103.1 of the International Fire Code is amended to read as follows:

**[A] 103.1 Creation of agency.** The Fire Marshal's Office is hereby created and the official in charge thereof shall be known as the *fire code official*. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

Section 105.3.3 of the International Fire Code is amended to read as follows:

**105.3.3 Occupancy Prohibited before *Approval*.** The building or structure shall not be occupied prior to the *fire code official* issuing a permit when required and/or conducting associated inspections indicating the applicable provisions of this code have been met.

Section 105.6 of the International Fire Code is amended to delete 105.6.20.

Section 105.6 of the International Fire Code is amended to add 105.6.25 to read as follows:

**105.6.25 Aisle Containment Systems.** A construction permit is required to install or modify *aisle containment systems*.

Section 106.1 of the International Fire Code is amended to read as follows:

**[A] 106.1 Submittals.** Construction documents and supporting data shall be submitted in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.

**Exception:** The fire code official is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

Section 112.4 of the International Fire Code is amended to read as follows:

**[A] 112.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than two thousand dollars [\$2,000.00]. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 113.4 of the International Fire Code is amended to read as follows:

[A] **113.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than two thousand dollars [\$2,000.00].

Section 202 of the International Fire Code is amended to add definitions to read as follows:

**AISLE CONTAINMENT SYSTEM.** A system of physical barriers and doors that separates cold supply airflow from hot exhaust airflow. Such systems are typically used to cool data center electronic equipment. There are two types of aisle containment systems, *hot* and *cold*.

[B] **AMBULATORY CARE FACILITY.** Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided or staff has accepted responsibility for care recipients already incapable.

[BG] **ATRIUM.** A vertical space that is closed at the top, connecting two or more stories in Group I-2 and I-3 occupancies or three or more stories in all other occupancies.

[B] **DEFEND IN PLACE.** A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

**FIRE WATCH.** A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or standby personnel when required by the *fire code official*, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

[B] **FIREPLACE.** A hearth and fire chamber or similar prepared place in which a fire may be made and which is built in conjunction with a chimney.

**FIREWORKS.** Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, detonation, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.3G fireworks, 1.4G fireworks, or sparklers. ... {Remainder of text unchanged} ...

**HIGH-PILED COMBUSTIBLE STORAGE:** add a second paragraph to read as follows:

Any building classified as a group S Occupancy or Speculative Building exceeding 6,000 sq. ft. that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified, a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.

**INFORMATION TECHNOLOGY EQUIPMENT (ITE).** Equipment and systems rated 1000 volts or less, normally found in offices or other business establishments and similar environments classified as ordinary locations, that are used for creation and manipulation of data, voice, video, and similar signals that are not communications equipment as defined in NFPA 70 Article 100 and do not process communications circuits as defined in NFPA 70 Article 800.

**OCCUPANCY CLASSIFICATION. Residential Group R-3;** Change to read as follows:

**Residential Group R-3.** Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, or I, including:

Buildings that do not contain more than two *dwelling units*

Care facilities that provide accommodations for five or fewer persons receiving care

*Congregate living facilities* (nontransient) with 16 or fewer occupants

Boarding houses (nontransient)

Convents

Dormitories

Fraternities and sororities

Monasteries

*Congregate living facilities* (transient) with 10 or fewer occupants

*Boarding houses* (transient)

*Lodging houses* (transient) with five or fewer *guestrooms* and 10 or fewer occupants

**Exception:** Detached one- and two-family dwellings and multiple (three or more) single-family dwellings (townhouses) that are three or less stories in height are regulated by the IRC (see 102.5 for the provisions of this code).

**REPAIR GARAGE.** A building, structure or portion thereof used for servicing or repairing motor vehicles.

**SELF-SERVICE STORAGE FACILITY.** Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

**STANDBY PERSONNEL.** Qualified fire service personnel *approved* by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction.

**WORK AREA.** That portion or portions of a building consisting of all reconfigured spaces as indicated on the construction documents. Work area excludes other portions of the building where incidental work entailed by the intended work must be performed and portions of the building where work not initially intended by the owner is specifically required by this code.

Section 307.1.1 of the International Fire Code is amended to read as follows:

**307.1.1 Prohibited Open Burning.** Open burning is prohibited.

Section 307 of the International Fire Code is amended to add section 307.1.2 as follows:

**307.1.2 Burn Ban.** When the County Commissioner's Court of either Collin or Dallas County adopts a burn ban order to prohibit outdoor burning in the unincorporated areas of the county, the ordered burn ban shall extend to include the incorporated areas of the City of

Richardson within the respective county. This includes any burning addressed in Sections 307 and 308 unless otherwise approved by the Fire Code Official.

Section 307.2 of the International Fire Code is amended to Section 307.2.

Section 307.3 of the International Fire Code is amended to read as follows:

**307.3 Extinguishment Authority.** The fire code official is authorized to order the extinguishment by the property owner, another person responsible, or the fire department of any open burning.

Section 307.4 of the International Fire Code is amended to read as follows:

**307.4 Location.** Recreational fires and outdoor fireplaces shall comply with 307.4.1 through 307.4.4.

Section 307.4.1 of the International Fire Code is amended to read as follows:

**307.4.1 Prohibited Bonfires.** Bonfires are prohibited.

Section 307 of the International Fire Code is amended to add section 307.4.4 to read as follows:

**307.4.4 Permanent Outdoor Firepit.** Permanently installed outdoor firepits for recreational fire purposes shall not be installed within 10 feet of a structure or combustible material.

**Exception:** Permanently installed outdoor fireplaces constructed in accordance with the *International Residential Code* or *International Building Code*.

Section 307.5 of the International Fire Code is amended to read as follows:

**307.5 Attendance.** *Recreational fires*, and use of outdoor fireplaces shall be constantly attended until the fire is extinguished. Not fewer than one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

Section 308.1.4 of the International Fire Code is amended to read as follows:

**308.1.4 Open-flame Cooking Devices.** Open-flame cooking devices, charcoal grills and other similar devices used for cooking shall not be located or used on combustible balconies, decks, or within 10 feet (3048 mm) of combustible construction.

**Exceptions:**

1. One- and two-family dwellings, not including *townhouses*.
2. Where buildings, balconies and decks are protected by an *approved* automatic sprinkler system.
3. {Exception 3 deleted}

Section 308.1.6.2 of the International Fire Code is amended to read as follows:

**308.1.6.2 Portable fueled open-flame devices.** Portable open-flame devices fueled by flammable or combustible gases or liquids shall be enclosed or installed in such a manner as to prevent the flame from contacting combustible material.

**Exceptions:**

1. LP-gas-fueled devices used for sweating pipe joints or removing paint in accordance with Chapter 61.
2. Cutting and welding operations in accordance with Chapter 35.
3. Torches or flame-producing devices in accordance with Section 308.1.3.
4. Candles and open-flame decorative devices in accordance with Section 308.3.

Section 308.1.6.3 of the International Fire Code is amended to read as follows:

**308.1.6.3 Sky Lanterns.** A person shall not release or cause to be released an unmanned floating device containing an open flame or other heat source, such as but not limited to a sky lantern.

Section 311.5 of the International Fire Code is amended to read as follows:

**311.5 Placards.** The fire code official is authorized to require marking of any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 114 of this code relating to structural or interior hazards, as required by section 311.5.1 through 311.5.5.

Section [403.5] 403.4 of the International Fire Code is amended to read as follows:

**403.4 Group E Occupancies.** An *approved* fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for Group E occupancies and for buildings containing both a Group E occupancy and an atrium. A diagram depicting two evacuation routes shall be posted in a conspicuous location in each classroom. Group E occupancies shall also comply with Sections 403.5.1 through 403.5.3.

Section 404.2.2 of the International Fire Code is amended to read as follows:

**404.2.2 Fire safety plans.** Fire safety plans shall include the following:

1. The procedure for reporting a fire or other emergency.
2. The life safety strategy including the following:
  - 2.1. Procedures for notifying occupants, including areas with a private mode alarm system.
  - 2.2. Procedures for occupants under a defend-in-place response.
  - 2.3. Procedures for evacuating occupants, including those who need evacuation assistance.
3. Site plans indicating the following:
  - 3.1. The occupancy assembly point.
  - 3.2. The locations of fire hydrants.
  - 3.3. The normal routes of fire department vehicle access.
4. Floor plans identifying the locations of the following:
  - 4.1. Exits.
  - 4.2. Primary evacuation routes.
  - 4.3. Secondary evacuation routes.

- 4.4. Accessible egress routes.
  - 4.4.1. Areas of refuge.
  - 4.4.2. Exterior areas for assisted rescue.
- 4.5. Refuge areas associated with smoke barriers and horizontal exits.
- 4.6. Manual fire alarm boxes.
- 4.7. Portable fire extinguishers.
- 4.8. Occupant-use hose stations.
- 4.9. Fire alarm annunciators and controls.
- 4.10. Fire extinguishing system controls.
- 5. A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures.
- 6. Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.
- 7. Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.

Section 405.5 of the International Fire Code is amended to read as follows:

**405.5 Time.** The *fire code official* may require an evacuation drill at any time. Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions that occur in case of fire.

Exceptions:

- 1. In severe climates, the fire code official shall have the authority to modify the emergency evacuation drill termination points and frequency.
- 2. In Groups I-1, I-2, I-3 and R-4, where staff-only emergency evacuation drills are conducted after visiting hours or where care recipients are expected to be asleep, a coded announcement shall be an acceptable alternative to audible alarms.
- 3. Notification of teachers/staff having supervision of light- or sound-sensitive students/occupants, such as those on the autism spectrum, for the protection of those students/occupants, shall be allowed prior to conducting a drill.

Section 501.4 of the International Fire Code is amended to read as follows:

**501.4 Timing of Installation.** When fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and *approved* prior to the time of which construction has progressed beyond completion of the foundation of any structure.

Section 503.1.1 of the International Fire Code is amended to read as follows:

**503.1.1 Buildings and facilities.** *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall, unless otherwise approved, comply with the requirements of this section and shall extend to within 150 feet (45 720

mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an *approved* route around the exterior of the building or facility. Except for one- or two-family dwellings [not including *townhouses*], the path of measurement shall be along a minimum ten foot (10') wide unobstructed pathway, with no greater than 1:4 grade, around the external walls of the structure, unless otherwise approved.

**Exceptions:**

1. The *fire code official* is authorized to increase the dimension of 150 feet (45 720 mm) to 200 feet (60 960 mm) where any of the following conditions occur:
  - 1.1. The building is equipped throughout with an *approved* automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
  - 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.
  - 1.3. There are not more than two Group R-3 or Group U occupancies.
2. Where *approved* by the *fire code official*, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

Section 503.2.1 of the International Fire Code is amended to read as follows:

**503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

Section 503.2.2 of the International Fire Code is amended to read as follows:

**503.2.2 Authority.** The *fire code official* shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations.

Section 503.2.3 of the International Fire Code is amended to read as follows:

**503.2.3 Surface.** Fire apparatus access roads shall be designed and maintained to support loads of 80,000 Lbs. for fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

Section 503.2.7 Grade of the International Fire Code is amended to read as follows:

**503.2.7 Grade.** The grade of the fire apparatus access road shall be maximum 10% with a 3% cross slope.

Section 503.3 of the International Fire Code is amended to read as follows:

**503.3 Marking.** Striping, signs, or other markings, when *approved* by the *fire code official*, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

**(1) Striping** – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” shall appear in four inch (4”) white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

**(2) Signs** – Signs shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 12” wide and 18” high. Signs shall be painted on a white background with letters and borders in red, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’6”) above finished grade. Signs shall be spaced not more than fifty feet (50’) apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as *approved* by the Fire Chief.

Section 503.4 of the International Fire Code is amended to read as follows:

**503.4 Obstruction of Fire Apparatus Access Roads.** Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

Section 503.6 of the International Fire Code is amended to read as follows:

**503.6 Security gates.** The installation of security gates across fire apparatus access roads or parking garage driveways shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

Section 504.1 of the International Fire Code is amended to read as follows:

**504.1 Required access.** Exterior doors and openings required by this code or the International Building Code shall be maintained readily accessible for emergency access by the fire department. An *approved* access walkway leading from *fire apparatus access roads* to exterior openings shall be provided where required by the *fire code official*. At least one such walkway leading to each interior courtyard shall provide a straight path where required by the fire code official.

Section 505.1 of the International Fire Code is amended to read as follows:

**505.1 Address Identification.** New and existing buildings shall be provided with *approved* address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 6 inches (152.4 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the *fire code official*, address numbers shall be provided in additional *approved* locations to facilitate emergency response. Where access is by means of a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, pole or other sign with *approved* 6 inch (152.4 mm) height building numerals or addresses and 4 inch (101.6 mm) height suite/apartment numerals of a color contrasting with

the background of the building or other *approved* means shall be used to identify the structure. Numerals or addresses shall be posted on a minimum 20 inch (508 mm) by 30 inch (762 mm) background on border. Address identification shall be maintained.

**Exception:** R-3 Single Family occupancies shall have *approved* numerals of a minimum 3½ inches (88.9 mm) in height and a color contrasting with the background-clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

(Ord. No. 3492, § 2, 11-8-04)

Section 506.1.2 of the International Fire Code is amended to read as follows:

**506.1.2 Key boxes for elevator keys.** Key boxes shall be provided for new and existing elevators. Key boxes provided for elevator keys shall comply with Section 506.1 and all the following:

1. The key box shall be compatible with an existing rapid entry key box system in use in the jurisdiction and approved by the fire code official.
2. The front cover shall be permanently labeled with the words “Fire Department Use Only—Elevator Keys.”
3. The key box shall be mounted at each elevator bank at the lobby nearest to the lowest level of fire department access.
4. The key box shall be mounted 5 feet 6 inches (1676 mm) above the finished floor to the right side of the elevator bank.
5. Contents of the key box are limited to elevator keys. Additional elevator access tools, keys, and information pertinent to emergency planning or elevator access shall be permitted where authorized by the fire code official.
6. In buildings with two or more elevator banks, a single key box shall be permitted to be used where such elevator banks are separated by not more than 30 feet (9144 mm). Additional key boxes shall be provided for each individual elevator or elevator bank separated by more than 30 feet (9144 mm).

**Exception:** A single key box shall be permitted to be located adjacent to a fire command center.

Section 507.4 of the International Fire Code is amended to read as follows:

**507.4 Water Supply Test Date and Information.** The water supply test used for hydraulic calculation of fire protection systems shall be conducted in accordance with *NFPA 291* “Recommended Practice for Fire Flow Testing and Marking of Hydrants” and within one year of sprinkler plan submittal. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. On new systems, or whenever hydraulic calculations are necessary, plan submittals shall be accompanied by a copy of the original City of Richardson waterflow test report, or as *approved* by the *fire code official*. The report must indicate the dominant water tank level at the time of the test and the maximum and minimum operating levels of the tank, as well, or identify applicable water supply fluctuation.

The licensed contractor must then design the fire protection system based on this fluctuation information, as per the applicable referenced *NFPA* standard. Reference Section 903.3.5 for additional design requirements.

Section 507.5.4 of the International Fire Code is amended to read as follows:

**507.5.4 Obstruction.** A minimum five foot (1524 mm) wide unobstructed access to fire hydrants shall be maintained. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Section 507.5.5 of the International Fire Code is amended to read as follows:

**507.5.5 Clear space around hydrants.** A minimum five foot (1524 mm) wide clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or *approved*. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible.

Section 509. of the International Fire Code is amended to change add section 509.1.2 to read as follows:

**509.1.2 Sign Requirements.** Signs shall comply with local written policies as established by the *fire code official*.

Section 605.4.1 through 605.4.2.2 of the International Fire Code are amended to read as follows:

**605.4 Fuel oil storage systems.** Fuel oil storage systems for building heating systems shall be installed and maintained in accordance with this code. Tanks and fuel-oil piping systems shall be installed in accordance with Chapter 13 of the International Mechanical Code and Chapter 57.

**605.4.1 Fuel oil storage in outside, above-ground tanks.** Where connected to a fuel-oil piping system, the maximum amount of fuel oil storage allowed outside above ground without additional protection shall be 660 gallons (2498 L). The storage of fuel oil above ground in quantities exceeding 660 gallons (2498 L) shall comply with *NFPA 31* and Chapter 57.

**605.4.1.1 Approval.** Outdoor fuel oil storage tanks shall be in accordance with UL 142 or UL 2085, and also listed as double-wall/secondary containment tanks.

**605.4.2 Fuel oil storage inside buildings.** Fuel oil storage inside buildings shall comply with Sections 605.4.2.2 through 605.4.2.8 and Chapter 57.

**605.4.2.1 Approval.** Indoor fuel oil storage tanks shall be in accordance with UL 80, UL 142 or UL 2085.

**605.4.2.2 Quantity limits.** One or more fuel oil storage tanks containing Class II or III combustible liquid shall be permitted in a building. The aggregate capacity of all tanks shall not exceed the following:

1. 660 gallons (2498 L) in unsprinklered buildings, where stored in a tank complying with UL 80, UL 142 or UL 2085, and also listed as a double-wall/secondary containment tank for Class II liquids.

2. 1,320 gallons (4996 L) in buildings equipped with an automatic sprinkler system in accordance with Section 903.3.1.1, where stored in a tank complying with UL 142 or UL 2085. The tank shall be listed as a secondary containment tank, and the secondary containment shall be monitored visually or automatically.
3. 3,000 gallons (11 356 L) in buildings equipped with an automatic sprinkler system in accordance with Section 903.3.1.1, where stored in protected above-ground tanks complying with UL 2085 and Section 5704.2.9.7. The tank shall be listed as a secondary containment tank, as required by UL 2085, and the secondary containment shall be monitored visually or automatically.

Section 807.5.2.2 and 807.5.2.3 of the International Fire Code are amended to read as follows:

**807.5.2.2 Artwork in Corridors.** Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings, and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of *NFPA 701* in accordance with Section 807 or be noncombustible.

**Exception:** Corridors protected by an *approved* automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

**807.5.2.3 Artwork in Classrooms.** Artwork and teaching materials shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of *NFPA 701* in accordance with Section 807 or be noncombustible.

Section 807.5.5.2 and 807.5.5.3 of the International Fire Code are amended to read as follows:

**807.5.5.2 Artwork in Corridors.** Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of *NFPA 701* in accordance with Section 807 or be noncombustible.

**Exception:** Corridors protected by an *approved* automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

**807.5.5.3 Artwork in Classrooms.** Artwork and teaching materials shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of *NFPA 701* in accordance with Section 807 or be noncombustible.

Section 901.4.7 of the International Fire Code is amended to read as follows:

**901.4.7 Pump and riser room requirements.** A dedicated fire sprinkler riser room, or a room dedicated only to building systems, shall be provided for the main fire sprinkler riser and the fire alarm control panel that supervises the fire sprinkler system. Where provided, fire pump rooms and automatic sprinkler system riser rooms shall be designed with adequate space for all equipment necessary for the installation, as defined by the manufacturer, with sufficient working space around the stationary equipment. Clearances around equipment to

elements of permanent construction, including other installed equipment and appliances, shall be sufficient to allow firefighting operation, inspection, service, repair or replacement without removing such elements of permanent construction or disabling the function of a required fire-resistance-rated assembly. Fire pump and automatic sprinkler system riser rooms shall be provided with doors and unobstructed passageways large enough to allow removal of the largest piece of equipment.

**901.4.7.1 Access.** Rooms containing the main automatic sprinkler system riser(s), and/or fire pumps and controllers, shall be provided with an exterior access door. The door shall be locked, and a key shall be always available in an *approved* key box at the exterior of the door.

Section 901.4.7.2 of the International Fire Code is amended to read as follows:

**901.4.7.2 Marking access doors.** Access doors for automatic sprinkler system riser rooms and fire pump rooms shall be labeled with *approved* signs.

Section 901.6.1 of the International Fire Code is amended to add section 901.6.1 to read as follows:

**901.6.1.1 Standpipe Testing.** Building owners/managers must maintain and test standpipe systems as per NFPA 25 requirements. The following additional requirements shall be applied to the testing that is required every 5 years:

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed or inspected by approved camera when foreign material is present or when caps are missing, and also hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.
2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall connect hose from a fire hydrant or portable pumping system (as approved by the fire code official) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. Confirm that there are no open hose valves prior to introducing water into a dry standpipe. There is no required pressure criteria at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.
3. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25. All hose valves shall be exercised.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's as required by the fire code official.
5. Upon successful completion of standpipe test, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service (ITM) Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "5 Year Standpipe Test" at a minimum.
6. The procedures required by Texas Administrative Code Fire Sprinkler Rules with regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (fire code official) shall be followed.

7. Additionally, records of the testing shall be maintained by the owner and contractor, if applicable, as required by the State Rules mentioned above and NFPA 25.
8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.
9. Contact the fire code official for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the fire code official.

Section 901.6.3 of the International Fire Code is amended to add Section 901.6.3.2 to read as follows:

**901.6.3.2** Existing fire alarm systems shall include the following documentation contained in an *approved* fire alarm system document cabinet complying with *NFPA 72* Section 7.7.2:

A floor plan indicating location of all:

1. Fire sprinkler and standpipe system control valves.
2. Fire sprinkler risers, including pre-action systems.
3. Fire pumps.
4. All fire alarm system initiating devices.

Section 901.6.4 of the International Fire Code is amended to read as follows:

**901.6.4 False Alarms and Nuisance Alarms.** False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner. In the event of an excessive number of activations, the fire department may request that the business or property owner take the system out of service and comply with 901.7.

Section 901.7 of the International Fire Code is amended to read as follows:

**901.7 Systems Out of Service.** Where a required *fire protection system* is out of service or in the event of an excessive number of activations, the fire department and the *fire code official* shall be notified immediately and, where required by the *fire code official*, the building shall either be evacuated or an *approved* fire watch shall be provided for all occupants left unprotected by the shut down until the *fire protection system* has been returned to service.

Where utilized, fire watches shall be provided with not less than one *approved* means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

901.7.1 through 901.7.6 remain unchanged.

Section 903.2 of the International Fire Code is amended to read as follows:

**903.2 Where required.** An automatic sprinkler system shall be installed:

1. In new buildings: Throughout new buildings with an area of 5,000 square feet or greater. For the purpose of this provision, *fire areas* shall not define separate buildings.

2. In existing buildings:
  - a. Throughout new areas of 5,000 square feet or more when fire wall(s) or fire barrier(s) separate the existing from the new construction, or, throughout the entire building when such fire separation is not present. For the purposes of this provision, *fire areas* shall not define separate buildings within the new construction, OR
  - b. If the cumulative area of the building with a new addition exceeds the areas indicated in 903.2.1 through 903.2.12, regardless of separation, those sections apply, OR
  - c. Change of use / occupancy classification, sprinklers shall comply with 903.2.1 through 903.2.12.
3. In locations described in Sections 903.2.1 through 903.2.12.

**Exceptions:**

1. *Open parking garages* in compliance with Section 406.5 of the *International Building Code*;
2. Patios complying with all the following:
  - a. Non-combustible construction; and,
  - b. No combustible materials, including furnishings, are stored or used on the patio; and,
  - c. Openings on at least two opposite sides of the patio. The openings shall be minimum 20% of the area of the patio perimeter walls on each of the opposite sides.
3. Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits where such sprinklers would not necessitate shunt trip under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating “ELEVATOR MACHINERY – NO STORAGE ALLOWED.”

Section 903.2.11. of the International Fire Code is amended to add section 903.2.11.7 to read as follows:

**903.2.11.7 High-Piled Combustible Storage.** For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 32 to determine if those provisions apply.

Section 903.2.11. of the International Fire Code is amended to add section 903.2.11.8 to read as follows:

**903.2.11.8 Spray Booths and Rooms.** New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

Section 903.3.1.1.1 of the International Fire Code is amended to read as follows:

**903.3.1.1.1 Exempt Locations.** When *approved by the fire code official*, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an *approved* automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the fire code official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. Elevator machine rooms, and machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.

Section 903.3.1.2.2 of the International Fire Code is amended to read as follows:

**903.3.1.2.2 Corridors and balconies.** Sprinkler protection shall be provided in all corridors and for all balconies.

{Delete the rest of this section.}

Section 903.3.1.2.3 of the International Fire Code is amended to delete read as follows:

**903.3.1.2.3 Attics and Attached Garages.** Sprinkler protection is required in attic spaces of buildings two or more stories in height, in accordance with NFPA 13 and/or NFPA 13R requirements, and in attached garages or in accordance with state law."

Section 903.3.1.3 of the International Fire Code is amended to read as follows:

**903.3.1.3 NFPA 13D Sprinkler Systems.** *Automatic sprinkler systems* installed in one- and two-family dwellings; Group R-3; Group R-4, Condition 1; and *townhouses* shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

Section 903.3.1.4 of the International Fire Code is amended to read as follows:

**903.3.1.4 Freeze protection.** Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

**903.3.1.4.1 Attics.** Only dry-pipe, pre-action, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

**Exception:** Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

**903.3.1.4.2 Heat trace/insulation.** Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe.

Section 903.3.5 of the International Fire Code is amended to read as follows:

**903.3.5 Water Supplies.** Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section, TCEQ Rules, and the *International Plumbing Code*. For connections to public waterworks systems, the water supply test used for design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as *approved* by the *fire code official*.

Water supplies for such systems shall be provided in conformance with the supply requirements of the respective NFPA standards; however, every water-based fire protection system shall be designed with a minimum 5 psi safety factor, unless otherwise *approved*. See Section 507.4 for additional design requirements.

Section 903.3.5. of the International Fire Code is amended to add section 903.5.3 to read as follows:

**903.3.5.3 Backflow Prevention Valve Location.** Backflow prevention valves shall be in a fire sprinkler riser room, fire pump room, or other approved indoor location.

Section 903.4 of the International Fire Code is amended to read as follows:

**903.4 Sprinkler system supervision and alarms.** Valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and waterflow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit.

**Exceptions:**

1. Automatic sprinkler systems protecting one- and two-family dwellings;
2. Limited area sprinkler systems in accordance with Section 903.3.8;
3. Automatic sprinkler systems installed in accordance with *NFPA 13R* where a common supply main is used to supply both domestic water and the automatic sprinkler system, and a separate shutoff valve for the automatic sprinkler system is not provided;
4. Jockey pump control valves that are sealed or locked in the open position;

5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position;
6. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position;
7. Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed or locked in the open position.

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of constant water flow between 45-60 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 903.4.2 of the International Fire Code is amended to read as follows:

**903.4.2 Alarms.** An *approved* audible device, located on the exterior of the building in an *approved* location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by waterflow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating. The device shall be located on the exterior of the building, in an *approved* location, to identify the primary emergency access to the fire sprinkler riser room, or as otherwise *approved*.

Section 904.2.1 is deleted.

Section 903.4.4 of the International Fire Code is amended to read as follows:

**903.4.4 Group R-2 Riser Security.** Fire sprinkler riser room access doors of group R-2 buildings shall be secured to prevent unauthorized access.

Section 903.4.5 of the International Fire Code is amended to read as follows:

**903.4.5 Dedicated Function Fire Alarm System [“Sprinkler Waterflow and Supervisory System”] Control Panel Location.** In fire sprinklered buildings, the dedicated function fire alarm system [“sprinkler waterflow and supervisory system”] control panel shall be located at the main fire sprinkler riser room, unless otherwise *approved*. A remote annunciator may also be required to facilitate Fire Department response.

Section 903.4.6 of the International Fire Code is amended to read as follows:

**903.4.6 Riser Room Access.** Main fire sprinkler riser rooms shall have an exterior fire department access door not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided.

Section 904.3.5 of the International Fire Code is amended to read as follows:

**904.3.5 Monitoring.** Where a building fire alarm system, or a “sprinkler waterflow and supervisory system”, is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system, or “sprinkler waterflow and supervisory system”.

Section 904.13.1 of the International Fire Code is amended to read as follows:

**904.13.1 Manual system operation.** A manual actuation device shall be located at or near a means of egress from the cooking area not less than 10 feet (3048 mm) and not more than 20 feet (6096 mm) from the kitchen exhaust system, unless otherwise approved. The manual actuation device shall be installed not more than 48 inches (1200 mm) nor less than 42 inches (1067 mm) above the floor and shall clearly identify the hazard protected. The manual actuation shall require a maximum force of 40 pounds (178 N) and a maximum movement of 14 inches (356 mm) to actuate the fire suppression system.

Exception: Automatic sprinkler systems shall not be required to be equipped with manual actuation means.

Section 905.2 of the International Fire Code is amended to read as follows:

**905.2 Installation Standard.** Standpipe systems shall be installed in accordance with this section and *NFPA 14*. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

Section 905.3.1 of the International Fire Code is amended to read as follows:

**905.3.1 Height.** Class III standpipe systems shall be installed throughout buildings where any of the following conditions exist:

1. Four or more stories are above or below grade plane.
2. The floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access.
3. The floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access.

**Exceptions:**

1. Class I standpipes are allowed in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
2. Class I standpipes are allowed in Group B and E occupancies.
3. Class I manual standpipes are allowed in open parking garages where the highest floor is located not more than 150 feet (45 720 mm) above the lowest level of fire department vehicle access.
4. Class I manual dry standpipes are allowed in open parking garages that are subject to freezing temperatures, provided that the hose connections are located as required for Class II standpipes in accordance with Section 905.5.
5. Class I standpipes are allowed in basements equipped throughout with an automatic sprinkler system.
6. Class I standpipes are allowed in buildings where occupant-use hose lines will not be utilized by trained personnel or the fire department.
7. In determining the lowest level of fire department vehicle access, it shall not be required to consider either of the following:
  - 7.1. Recessed loading docks for four vehicles or less.

- 7.2. Conditions where topography makes access from the fire department vehicle to the building impractical or impossible.

Section 905.3 of the International Fire Code is amended to add Section 905.3.9 and exception to read as follows:

**905.3.9 Buildings Exceeding 10,000 sq. ft.** In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided. For the purpose of this provision, fire areas shall not define separate buildings.

**Exceptions:**

1. Automatic dry, semi-automatic dry, and manual dry standpipes are allowed as provided for in *NFPA 14* where *approved* by the *fire code official*;
2. R-2 occupancies of four stories or less in height having no interior corridors.

Section 905.4 of the International Fire Code is amended to read as follows:

**905.4 Location of Class I standpipe hose connections.** Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise *approved* by the *fire code official*.

Exception deleted.

2. On each side of the wall adjacent to the exit opening of a horizontal exit.

**Exception:** Where floor areas adjacent to a horizontal exit are reachable from an interior exit stairway hose connection by a 30-foot (9144 mm) hose stream from a nozzle attached to 100 feet (30 480 mm) of hose, a hose connection shall not be required at the horizontal exit.

3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

**Exception:** Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a 30-foot (9144 mm) hose stream from a nozzle attached to 100 feet (30 480 mm) of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

4. In covered mall buildings, adjacent to each exterior public entrance to the mall and adjacent to each entrance from an exit passageway or exit corridor to the mall. In open mall buildings, adjacent to each public entrance to the mall at the perimeter line and adjacent to each entrance from an exit passageway or exit corridor to the mall.
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a hose connection, except that the most demanding standpipe shall be provided with a two-way hose connection, located to serve the roof or at the highest landing of an interior exit

stairway with stair access to the roof provided in accordance with Section 1011.12, or as otherwise *approved* by the *fire code official*.

6. Where the most remote portion of a non-sprinklered floor or story is more than 150 feet (45 720 mm) from a hose connection or the most remote portion of a sprinklered floor or story is more than 200 feet (60 960 mm) from a hose connection, the *fire code official* is authorized to require that additional hose connections be provided in *approved* locations.
7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at maximum two hundred feet (200') intervals along major corridors thereafter, or as otherwise *approved* by the *fire code official*.

Section 905.4.3 of the International Fire Code is amended to read as follows:

**905.4.3 Identification and clearance.** Standpipe hose valve connection locations shall be clearly identified in the following manner:

1. In parking garages, a blue reflective driveway marker shall be placed in the center of the driveway in line with the center of the standpipe connection.
2. When the connection is on a wall the pipe shall be painted red from floor to ceiling, or minimum 10-feet high, whichever is less.
3. The *fire code official* may require additional signs and/or markings to clearly identify standpipe locations.

In garages and driveways, a minimum 36-inch wide, permanently marked, clear path shall be provided in front of standpipe hose connections and shall extend from the center of the connection to the aisle or driveway from which it can be accessed. Vehicle impact protection complying with Section 312 shall be provided where damage from a vehicle can occur.

Section 905.8 of the International Fire Code is amended to read as follows:

**905.8 Dry standpipes.** Dry standpipes shall not be installed.

**Exception:** Where subject to freezing and in accordance with NFPA 14. Additionally, manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low Supervisory alarm.

Section 905.9 of the International Fire Code is amended to read as follows:

**905.9 Valve supervision.** Valves controlling water supplies shall be supervised in the open position so that a change in the normal position of the valve will generate a supervisory signal at the supervising station required by Section 903.4. Where a fire alarm system is provided, a signal shall be transmitted to the control unit.

**Exceptions:**

1. Valves to underground key or hub valves in roadway boxes provided by the municipality or public utility do not require supervision.
2. Valves locked in the normal position and inspected as provided in this code in buildings not equipped with a fire alarm system.

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for 45-60 seconds.

All control valves in the sprinkler and standpipe systems, except for fire department hose connection valves, shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 906.1 of the International Fire Code is amended to delete Exception 3 to read as follows:

**906.1 Where required.** Portable fire extinguishers shall be installed in all of the following locations:

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

**Exceptions:**

1. In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B:C.
2. In Group E occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each classroom is provided with a portable fire extinguisher having a minimum rating of 2-A:20-B:C.
2. Within 30 feet (9144 mm) distance of travel from commercial cooking equipment and from domestic cooking equipment in Group I-1; I-2, Condition 1; and R-2 college dormitory occupancies.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 3316.1.
5. Where required by the sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the *fire code official*.

**Exception:** Portable fire extinguishers are not required at normally unmanned Group U occupancy buildings or structures where a portable fire extinguisher suitable to the hazard of the location is provided on the vehicle of visiting personnel.

Section 907.1 of the International Fire Code is amended to add Section 907.1.4 to read as follows:

**907.1.4 Design Standards.** Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

Section 907.1.5 of the International Fire Code is amended to read as follows:

**907.1.5 Fire Alarm Control Panel Location.** In fire sprinklered buildings, the fire alarm control panel shall be located at the main fire sprinkler riser room, unless otherwise *approved*. A remote annunciator may also be required to facilitate Fire Department response.

Section 907.2.1 of the International Fire Code is amended to read as follows:

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an

occupant load of 300 or more persons, or where the occupant load is more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the International Building Code shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

**Exception:** Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

Activation of fire alarm notification appliances shall:

1. Cause illumination of the means of egress with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

Section 907.2.3 of the International Fire Code is amended to read as follows:

**907.2.3 Group E.** A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies. Where automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

**Exceptions:**

1. A manual fire alarm system is not required in Group E educational and day care occupancies with an occupant load of 50 or less.
2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less provided that activation of the manual fire alarm system initiates an *approved* occupant notification signal in accordance with Section 907.5.
3. Manual fire alarm boxes shall not be required in Group E occupancies where all the following apply:
  - 3.1. Interior *corridors* are protected by smoke detectors.
  - 3.2. Auditoriums, cafeterias, gymnasiums and similar areas are protected by *heat detectors* or other *approved* detection devices.
  - 3.3. Shops and laboratories involving dusts or vapors are protected by *heat detectors* or other *approved* detection devices.
  - 3.4. Manual activation is provided from a normally occupied location.
4. Manual fire alarm boxes shall not be required in Group E occupancies where all the following apply:
  - 4.1. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1.

- 4.2. The emergency voice/alarm communication system will activate on sprinkler water flow.
- 4.3. Manual activation is provided from a normally occupied location.
5. Residential in-home day care with not more than 12 children shall have interconnected single station smoke alarms in all habitable rooms. (For care of more than five children 2-1/2 or less years of age, see Section 907.2.6.)

Section 907.4.2; add Section 907.4.2.7 of the International Fire Code are amended to read as follows:

**907.4.2.7 Type.** Manual alarm initiating devices shall be an *approved* double action type.

Section 907.5.2.2.3 of the International Fire Code is amended to read as follows:

**907.5.2.2.3 Alternative uses.** The emergency voice/ alarm communication system shall be allowed to be used for other announcements, provided that the manual fire alarm use takes precedence over any other use, unless approved by the fire code official.

Section 907.5.2.3 of the International Fire Code is amended by amending exception 1 to read as follows:

**907.5.2.3 Visible alarms.** Visible alarm notification appliances shall be provided in accordance with Sections 907.5.2.3.1 through 907.5.2.3.3.

**Exceptions:**

1. When *approved* by the *fire code official*, visible alarm notification appliances are not required in alterations, except where an existing fire alarm system is upgraded or replaced, or a new fire alarm system is installed.
2. Visible alarm notification appliances shall not be required in exits as defined in Chapter 2.
3. Visible alarm notification appliances shall not be required in elevator cars.
4. Visual alarm notification appliances are not required in critical care areas of Group I-2 Condition 2 occupancies that comply with Section 907.2.6, Exception 2.
5. A visible alarm notification appliance installed in a nurses' control station or other continuously attended staff location in a Group I-2, Condition 2 suite shall be an acceptable alternative to the installation of visible alarm notification appliances throughout the suite or unit in Group I-2, Condition 2 occupancies that are in compliance with Section 907.2.6, Exception 2.

Section 907.6.1 of the International Fire Code is amended to add Section 907.6.1.1 to read as follows:

**907.6.1.1 Wiring Installation.** All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with *NFPA 72* requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class B, provided the distance from the interface device to the initiating device is ten feet or less.

Section 907.6.3 of the International Fire Code is amended to delete exceptions 1 through 3 to read as follows:

**907.6.3 Initiating device identification.** The fire alarm system shall identify the specific initiating device address, location, device type, floor level where applicable and status including indication of normal, alarm, trouble and supervisory status, as appropriate.

**EXCEPTION:** Fire alarm devices that are replacing existing equipment.

Section 907.6.6 of the International Fire Code is amended to read as follows:

**907.6.6 Monitoring.** Fire alarm systems required by this chapter or by the *International Building Code* shall be monitored by an *approved* supervising station in accordance with *NFPA 72*. See 907.6.3 for the required information transmitted to the supervising station.

**Exception:** Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.10.
2. Smoke detectors in Group 1-3 occupancies.
3. *Automatic sprinkler systems* in one- and two-family dwellings.

Section 910.2 of the International Fire Code is amended by amending Exceptions 2. and 3. to read as follows:

**910.2 Where Required.** Smoke and heat vents or a mechanical smoke removal system shall be installed as required by Sections 910.2.1 and 910.2.2.

**Exceptions:**

1. Frozen food warehouses used solely for storage of Class I and II commodities where protected by an approved automatic sprinkler system.
2. Only manual smoke and heat removal shall be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.
3. Only manual smoke and heat removal shall be required in areas of buildings equipped with control mode special application sprinklers with a response time index of  $50(m \times S)^{1/2}$  or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

Section 910.3 of the International Fire Code is amended to add section 910.3.4 to read as follows:

**910.3.4 Vent Operation.** Smoke and heat vents shall be capable of being operated by *approved* automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections 910.3.4.1 through 910.3.4.2.

**910.3.4.1 Sprinklered buildings.** Where installed in buildings equipped with an *approved* automatic sprinkler system, smoke and heat vents shall be designed to operate automatically. The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees F (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.

**Exception:** Manual only systems per Section 910.2.

**910.3.4.2 Non-sprinklered Buildings.** Where installed in buildings not equipped with an *approved* automatic sprinkler system, smoke and heat vents shall operate automatically

by actuation of a heat-responsive device rated at between 100°F (56°C) and 220°F (122°C) above ambient.

**Exception:** Listed gravity-operated drop out vents.

Section 910.4.3.1 of the International Fire Code is amended to read as follows:

**910.4.3.1 Makeup Air.** Makeup air openings shall be provided within 6 feet (1829 mm) of the floor level. Operation of makeup air openings shall be automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m<sup>2</sup> per 0.4719 m<sup>3</sup>/s) of smoke exhaust.

Section 912.2 of the International Fire Code is amended to read as follows:

**912.2 Location.** With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus unless approved. The location of fire department connections shall be approved by the fire code official.

Section 912.2 of the International Fire Code is amended to add Section 912.2.3 to read as follows:

**912.2.3 Hydrant Distance.** An *approved* fire hydrant shall be located between 35 and 135 feet of the fire department connection, measured along an *approved* route [as the fire hose is laid] along an unobstructed path.

Section 912.2.2 of the International Fire Code is amended to add second paragraph to read as follows:

**912.2.2 Existing buildings.** On existing buildings, wherever the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters “FDC” not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

On existing buildings, the fire department connection may be wall-mounted.

Section 912.7.1 of the International Fire Code is amended to add to read as follows:

**912.7.1 Missing Caps.** The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed or inspected by approved camera when foreign material is present or when caps are missing, and hydrostatically tested for all FDC’s on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems; If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC’s as required by the fire code official.

Section 913.2.1 of the International Fire Code is amended to read as follows:

**913.2.1 Protection of fire pump rooms.** Rooms where fire pumps are located shall be separated from all other areas of the building in accordance with Section 913.2.1 of the *International Building Code*.

The fire pump room shall have an exterior fire department access door not less than 3 ft. in width and 6 ft.-8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1. Access keys shall be provided in the key box as required by Section 506.1.

Section 913.6 of the International Fire Code is amended to add to read as follows:

**913.6 Minimum Suction Pressure.** Where fire pumps are employed, the minimum suction pressure shall not be less than 20 psi at 150% of rated pump capacity.

Section 914.3.1.2 of the International Fire Code is amended to read as follows:

**914.3.1.2 Water Supply to required Fire Pumps.** In buildings that are more than 120 feet (36.5 m) in *building height*, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

**Exception:** Two connections to the same main shall be permitted provided that the main is valved such that an interruption can be isolated so that the water supply will continue without interruption through not fewer than one of the connections.

Section 1009.8.1 of the International Fire Code is amended to read as follows:

**1009.8.1 System requirements.** Two-way communication systems shall provide two-way communication between each required location and an approved constantly attended central control point or other approved location. A connection shall occur within 60 seconds of activation. The address and location shall be automatically identified. The two-way communication system shall include both audible and visible signals.

Section 1020.2 of the International Fire Code is amended to add exception 6 to read as follows:

**1020.2 Construction.** Corridors shall be fire-resistance rated in accordance with Table 1020.2. The corridor walls required to be fire-resistance rated shall comply with Section 708 of the International Building Code for fire partitions.

**Exceptions:**

1. A fire-resistance rating is not required for corridors in an occupancy in Group E where each room that is used for instruction has not less than one door opening directly to the exterior and rooms for assembly purposes have not less than one-half of the required means of egress doors opening directly to the exterior. Exterior doors specified in the exception are required to be at ground level.
2. A fire-resistance rating is not required for corridors contained within a dwelling unit or sleeping unit in an occupancy in Groups I-1 and R.
3. A fire-resistance rating is not required for corridors in open parking garages.
4. A fire-resistance rating is not required for corridors in an occupancy in Group B that is a space requiring only a single means of egress complying with Section 1006.2.
5. Corridors adjacent to the exterior walls of buildings shall be permitted to have unprotected openings on unrated exterior walls where unrated walls are permitted by Table 705.5 of the International Building Code and unprotected openings are permitted by Table 705.8 of the International Building Code.
6. In unsprinklered group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with *approved* automatic smoke-detection within the corridor. The actuation of

any detector must activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors must be connected to an *approved* automatic fire alarm system where such system is provided.

Section 1103.3 of the International Fire Code is amended to read as follows:

**1103.3 Elevators, escalators and moving walks.** Existing elevators, escalators and moving walks shall comply with the requirements of Sections 1103.3.1 and 1103.3.2. Signs shall be provided as required by Section 604.4.

Section 1103.5 of the International Fire Code is amended Section 1103.5 to read as follows:

**1103.5 Sprinkler systems.** An automatic sprinkler system shall be provided in existing buildings in accordance with Sections 1103.5.1 through 1103.5.6. For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the work area shall be extended to include at least the entire tenant space or spaces bounded by walls capable of resisting the passage of smoke containing the subject work area, and if the work area includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

Section 1103.5.1 of the International Fire Code is amended to read as follows:

**1103.5.1 Group A-2.** Where alcoholic beverages are consumed in a Group A-2 occupancy having an occupant load of 300 or more, the fire area containing the Group A-2 occupancy shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1. Fire sprinkler system installation shall be completed within 24 months from date of notification by the *fire code official*.

Section 1103.5 of the International Fire Code is amended to add Section 1103.5.6 to read as follows:

**1103.5.6 Spray Booths and Rooms.** Existing spray booths and spray rooms shall be protected by an *approved* automatic fire-extinguishing system in accordance with Section 2404.

Section 1103.5.3 of the International Fire Code is amended to read as follows:

**1103.5.3 Group I-2, Condition 2.** In addition to the requirements of Section 1103.5.2, existing buildings of Group I-2, Condition 2 occupancy shall be equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1. The automatic sprinkler system shall be installed as established by the adopting ordinance. The automatic sprinkler system shall be installed within 5-years from date of notification by the fire code official.

Section 1103.5.4 of the International Fire Code is amended to read as follows:

**1103.5.4 High-rise buildings.** Where Appendix M has not been adopted, existing high-rise buildings that do not have a previously approved fire sprinkler system shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1 where any of the following conditions apply:

1. The high-rise building has an occupied floor located more than 120 feet (36 576 mm) above the lowest level of fire department vehicle access.

2. The high-rise building has occupied floors located more than 75 feet (22 860 mm) and not more than 120 feet (36 576 mm) above the lowest level of fire department vehicle access, and the building does not have at least two interior exit stairways complying with Section 1104.10 that are separated from the building interior by fire assemblies having a fire-resistance rating of not less than 2 hours with opening protection in accordance with Table 716.1(2) of the International Building Code.

3. The high-rise building has occupied floors located more than 75 feet (22 860 mm) and not more than 120 feet (36 576 mm) above the lowest level of fire department vehicle access, and the building does not have a fire alarm system that includes smoke detection in mechanical equipment, electrical, transformer, telephone equipment and similar rooms; corridors; elevator lobbies; and at doors penetrating interior exit stairway enclosures.

Building owners shall file a compliance schedule with the fire code official not later than 365 days after receipt of a written notice. The compliance schedule shall not exceed 12 years for completion of the automatic sprinkler system retrofit.

Section 1103.7 of the International Fire Code is amended to read as follows:

**1103.7 Fire alarm systems.** An *approved* fire alarm system shall be installed in existing buildings and structures in accordance with Sections 1103.7.1 through 1103.7.7, shall provide occupant notification in accordance with Section 907.5 unless other requirements are provided by other sections of this code, and shall be monitored as described in Section 907.6.6.

**Exception:** Occupancies with an existing, previously *approved* fire alarm system.

Section 1103.7 of the International Fire Code is amended to add Sections 1103.7.7 and 1103.7.7.1 to read as follows:

**1103.7.7 Fire Alarm System Design Standards.** Where an existing fire alarm system is upgraded or replaced, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke and/or heat detectors shall have analog initiating devices.

**Exception:** Existing systems need not comply unless the total building, or fire alarm system, remodel or expansion exceeds 30% of the building. When cumulative building, or fire alarm system, remodel or expansion initiated after the date of original fire alarm panel installation exceeds 50% of the building, or fire alarm system, the fire alarm system must comply within 18 months of permit application.

**1103.7.7.1 Communication requirements.** Refer to Section 907.6.6 for applicable requirements.

Section 2304.1 of the International Fire Code is amended to read as follows:

**2304.1 Supervision of Dispensing.** The dispensing of fuel at motor fuel-dispensing facilities shall be in accordance with the following:

1. Conducted by a qualified attendant; and/or,
2. Shall be under the supervision of a qualified attendant; and/or
3. Shall be an unattended self-service facility in accordance with Section 2304.3.

At any time the qualified attendant of item Number 1 or 2 above is not present, such operations shall be considered as an unattended self-service facility and shall also comply with Section 2304.3.

Table 3206.2, footnote h of the International Fire Code is amended by amending footnote h to read as follows:

- h. Where storage areas are protected by either early suppression fast response (ESFR) sprinkler systems or control mode special application sprinklers with a response time index of  $50 (m \cdot s)^{1/2}$  or less that are listed to control a fire in the stored commodities with 12 or fewer sprinklers, installed in accordance with *NFPA 13*, manual smoke and heat vents or manually activated engineered mechanical smoke exhaust systems shall be required within these areas.

Section 5601.1.3 of the International Fire Code is amended to read as follows:

**5601.1.3 Fireworks.** The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited.

**Exception:** The use of fireworks for *approved* outdoor fireworks displays, use of pyrotechnics before a proximate audience, and pyrotechnic special effects in motion picture, television, theatrical, and group entertainment productions complying with Section 5608.

{Delete remainder of text.}

Section 5601.1.4 of the International Fire Code is amended to read as follows:

**5601.1.4 Rocketry.** The use of model and high-power rockets is prohibited. The storage and handling of model and high-power rockets shall comply with the requirements of *NFPA 1122*, *NFPA 1125* and *NFPA 1127*.

Section 5703.6 of the International Fire Code is amended to read as follows:

**5703.6 Piping Systems.** Piping systems, and their component parts, for flammable and combustible liquids shall be in accordance with Sections 5703.6.1 through 5703.6.11. An *approved* method of secondary containment shall be provided for underground tank and piping systems.

Section 5704.2.9.5 of the International Fire Code is amended to add Section 5704.2.9.5.3 to read as follows:

**5704.2.9.5.3 Combustible Liquid Storage Tanks Inside of Buildings.** The maximum aggregate allowable quantity limit shall be 3,000 gallons (11 356 L) of Class II or III combustible liquid for storage in protected aboveground tanks complying with Section 5704.2.9.7 when all the following conditions are met:

1. The entire 3,000-gallon (11 356 L) quantity shall be stored in protected aboveground tanks;
2. The 3,000-gallon (11 356 L) capacity shall be permitted to be stored in a single tank or multiple smaller tanks;
3. The tanks shall be in a room protected by an automatic sprinkler system complying with Section 903.311; and

4. Tanks shall be connected to fuel-burning equipment, including generators, utilizing an *approved* closed piping system.

The quantity of combustible liquid stored in tanks complying with this section shall not be counted towards the maximum allowable quantity set forth in Table 5003.1.1(1), and such tanks shall not be required to be in a control area. Such tanks shall not be located more than two stories below grade.

Section 5704.2.11.4 of the International Fire Code is amended to read as follows:

**5704.2.11.4 Leak Prevention.** Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 through 5704.2.11.4.3. An *approved* method of secondary containment shall be provided for underground tank and piping systems.

Section 5704.2.11.4.2 of the International Fire Code is amended to read as follows:

**5704.2.11.4.2 Leak Detection.** Underground storage tank systems shall be provided with an *approved* method of leak detection from any component of the system that is designed and installed in accordance with *NFPA 30* and as specified in Section 5704.2.11.4.3.

Section 5704.2.11.4.3 of the International Fire Code is amended to add section 5704.2.11.4.3 to read as follows:

**5704.2.11.4.3 Observation Wells.** *Approved* sampling tubes of a minimum 4 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling tube at the corners of the excavation with a minimum of 4 tubes. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers, a minimum of two are required.

Section 5707.4 of the International Fire Code is amended to read as follows:

**5707.4 Mobile fueling areas.** During fueling, the mobile fueling vehicle and point of connection to the vehicle shall not be located on public streets, public ways or inside buildings. Fueling on the roof level of parking structures or other buildings is prohibited.

Mobile fueling sites shall be restricted to commercial, industrial, governmental, or manufacturing, where the parking area having such operations is primarily intended for employee vehicles. Mobile fueling shall be conducted for fleet fueling or employee vehicles only, not the general public. Commercial sites shall be restricted to office-type or similar occupancies that are not primarily intended for use by the public.

Section 6103.2.1 of the International Fire Code is amended to add Section 6103.2.1.8 to read as follows:

**6103.2.1.8 Jewelry Repair, Dental Labs and Similar Occupancies.** Where natural gas service is not available, portable LP-Gas containers are allowed to be used to supply *approved* torch assemblies or similar appliances. Such containers shall not exceed 20-pound (9.0 kg) water capacity. Aggregate capacity shall not exceed 60-pound (27.2 kg) water capacity. Each device shall be separated from other containers by a distance of not less than 20 feet.

Section 6104.2 of the International Fire Code is amended is deleted

Chapter 80 is amended by amending the NFPA references section to read as follows:

**NFPA** National Fire Protection Association

1 Batterymarch Park

Quincy, MA 02169-7471

For construction/operational permits, the edition of applicable NFPA standards effective at the time of initial permit application shall apply. Where the following referenced section numbers have changed, the updated, applicable section number shall apply.

**Exception:** 2020 edition NFPA 70 applies.

[All references remain]

Chapter 80 is amended to add the following NFPA referenced standard:

NFPA 75 Standard for the Fire Protection of Information Technology Equipment

Appendix D Section D103.4 is amended to read as follows:

**D103.4 Dead ends.** Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4. Dead-end fire apparatus access roads in multi-family residential developments shall not exceed 500 feet in length.

Streets shall comply with City of Richardson Comprehensive Zoning Ordinance, including, “No street may be designed as a dead end without the installation of a cul-de-sac having at least a 50-foot right-of-way radius and a 40-foot paved radius. No cul-de-sac street may exceed 500 feet in length as measured along the street centerline from the projected curb intersection to the farthest curb location.”

**TABLE D103.4  
REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS**

<b>LENGTH (FEET)</b>	<b>WIDTH (FEET)</b>	<b>TURNAROUNDS REQUIRED</b>
0-150	24	None required
151-500	24	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

For SI: 1 foot = 304.8 mm.

Appendix D Section D103.5 is amended by amending Item 1 to read as follows:

**D103.5 Fire apparatus access road gates.** Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 20 feet (7315.2 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm).
2. Gates shall be of the horizontal swing, horizontal slide, vertical lift or vertical pivot type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Methods of locking shall be submitted for approval by the fire code official.
7. Electric gate operators, where provided, shall be listed in accordance with UL 325.
8. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

Appendix D Section 103.6 Marking is amended to read as follows:

**D103.6 Marking.** Striping, signs, or other markings, when *approved* by the *fire code official*, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

**(1) Striping** – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” shall appear in four inch (4”) white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

**(2) Signs** – Signs shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 12” wide and 18” high. Signs shall be painted on a white background with letters and borders in red, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’6”) above finished grade. Signs shall be spaced not more than fifty feet (50’) apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as *approved* by the *fire code official*.

Appendix D Section D103.6.1 is deleted.

Appendix D Section D103.6.2 is deleted.

Appendix D Section D104.3 is amended to read as follows:

**D104.3 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses, or as approved by the fire code official.

Appendix D Section D105.3 is amended to read as follows:

**D105.3 Proximity to building.** Unless otherwise approved by the fire code official, one or more of the required access routes meeting this condition shall be located not less than 15 feet (4572 mm) and not greater than 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

Appendix D Section D106.1 is amended to read as follows:

**D106.1 Multi-family residential projects.** Multiple-family residential projects shall be equipped throughout with two separate and approved fire apparatus access roads.

**{Delete exception}**

Appendix D Section D106.3 is amended to read as follows:

**D106.3 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or as approved by the fire code official.

Appendix D Section D107.2 is amended to read as follows:

**D107.2 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or as approved by the fire code official.

Appendix L Section L101.1 is amended to read as follows:

**Section L101.1 Scope.** Fire fighter air replenishment systems (FARS) shall be provided in accordance with this appendix in new buildings when any of the following conditions occur:

1. Any new building 5 or more stories in height.
2. Any new building with 2 or more floors below grade.
3. Any new building 500,000 square feet or more in size.

Each stairwell shall have a supply riser. SCBA fill panels shall be located on odd numbered floors commencing at the first level in the primary stairwell and on even numbered floors commencing at level 2 in the remaining stairwells. Fill panels in buildings over 500,000 square feet shall be located adjacent to each standpipe connection.

Appendix L Section L104.13.1 is deleted.

Appendix L Section L104.14 is amended to add paragraph to read as follows:

Section L 104.14 External mobile air connection. CDP. An external mobile air connection shall be provided for fire department mobile air apparatus where required by Section L104.5 to supply the system with breathing air.

The external mobile air connection shall be located with approved separation from the Fire Department Connection (FDC) to allow functionality of both devices by first responders; shall be visible from and within 50 ft. of a fire apparatus access road along an unobstructed path; and shall be located in an approved signed, secured cabinet.”

**SECTION 2.** That all provisions of the ordinances of the City of Richardson, Texas, 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, Texas, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 3.** That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudicated 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 Code of Ordinances as a whole.

**SECTION 4.** That any offense committed before the effective date of this Ordinance is governed by the prior law and provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former laws continued in effect for this purpose.

**SECTION 5.** 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 Code of Ordinances 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) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** That this ordinance shall take effect immediately from and after its passage, as the law and charter in such cases provide.

**DULY PASSED AND APPROVED** by the City Council of the City of Richardson, Texas, on the 24th day of April 2023.

APPROVED:

\_\_\_\_\_  
MAYOR

CORRECTLY ENROLLED:

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CITY SECRETARY

APPROVED AS TO FORM:

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CITY ATTORNEY  
(PGS:3-27-23:TM 134224)

**ORDINANCE NO. 4463**

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF RICHARDSON, TEXAS, BY AMENDING CHAPTER 6, ARTICLE III, RICHARDSON ELECTRICAL CODE, BY AMENDING SECTIONS 6.111(a) AND 6-132(1) ADOPTING THE NATIONAL ELECTRICAL CODE, 2020 EDITION, NFPA 70, RELATING TO ELECTRICAL CONTRACTOR REQUIREMENTS AND STANDARDS FOR ELECTRICAL INSTALLATIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1.** That the Code of Ordinances of the City of Richardson, Texas, be, and the same is hereby amended by amending Chapter 6, Article III, Section 6-111(a), in part, to read as follows:

**“Sec. 6-111. Required.**

- (a) It shall be unlawful for any person to engage in the business of being an electrical contractor or electrical sign contractor without being registered with the city in the manner set forth in this subdivision, licensed by the State of Texas as an electrical contractor or electrical sign contractor, and without indicating the name by which the business shall be known.
- (b) .....

**SECTION 2.** That the Code of Ordinances of the City of Richardson, Texas, be, and the same is hereby amended by amending Chapter 6, Article III, Section 6-132(1), in part, to read as follows:

**“Sec. 6-132. Standards for electrical installations.**

Conformity of electrical installations with the following standards shall be prima facie evidence that such installations are reasonably safe to persons and property:

- (1) The National Electrical Code, 2020 edition, NFPA 70 is hereby adopted and incorporated herein by reference and made a part of this article for all purposes, the same as if copied in full herein.

(2) .....”

**SECTION 3.** That all provisions of the Code of Ordinances of the City of Richardson, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 4.** That an offense committed before the effective date of this Ordinance is governed by the prior law and provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 5.** That should any word, phrase, section, or portion of this Ordinance or of the Code of Ordinances, as amended hereby, be held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 6.** 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 Code of Ordinances 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 7.** That this Ordinance shall become effective from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Richardson, Texas, on the 24th day of April 2023.

APPROVED:

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MAYOR

CORRECTLY ENROLLED:

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CITY SECRETARY

APPROVED AS TO FORM:

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CITY ATTORNEY  
(PGS:3-13-23:TM 134021)

**ORDINANCE NO. 4464**

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF RICHARDSON, TEXAS, BY AMENDING CHAPTER 6, ARTICLE II, BY AMENDING SECTIONS 6-27 AND 6-28, TO ADOPT THE INTERNATIONAL BUILDING CODE, 2021 EDITION, TOGETHER WITH APPENDIX D AND AMENDMENTS THERETO; BY AMENDING SECTIONS 6-30 AND 6-31, TO ADOPT THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, 2021 EDITION AND AMENDMENTS THERETO; BY AMENDING SECTIONS 6-33 AND 6-34, TO ADOPT THE INTERNATIONAL ENERGY CONSERVATION CODE, 2021 EDITION, AND AMENDMENTS THERETO; BY AMENDING ARTICLE V, SECTIONS 6-237 AND 6-238, TO ADOPT THE INTERNATIONAL FUEL GAS CODE, 2021 EDITION, WITH APPENDIX A AND AMENDMENTS THERETO; BY AMENDING ARTICLE VI, SECTIONS 6-262 AND 6-263, TO ADOPT THE INTERNATIONAL MECHANICAL CODE, 2021 EDITION AND AMENDMENTS THERETO; BY AMENDING ARTICLE VII, SECTIONS 6-287 AND 6-288, TO ADOPT THE INTERNATIONAL PLUMBING CODE, 2021 EDITION, TOGETHER WITH APPENDICES C AND E AND AMENDMENTS THERETO; BY AMENDING ARTICLE II-A, SECTIONS 6-45 AND 6-46 TO ADOPT THE INTERNATIONAL EXISTING BUILDING CODE, 2021 EDITION, AND AMENDMENTS THERETO; BY AMENDING ARTICLE II-B, SECTIONS 6-46 AND 6-47 TO ADOPT THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2021 EDITION AND AMENDMENTS THERETO; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1.** That the Code of Ordinances of the City of Richardson, Texas, be, and the same is hereby amended by amending Chapter 6, Article II, Sections 6-27 and 6-28, in part, to read as follows:

**“Sec. 6-27. - Adopted.**

There is hereby adopted by the City of Richardson, Texas, the International Building Code, 2021 Edition, together with Appendix D and amendments, a copy of which is on file in the City Secretary’s Office and made a part of this Article for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.”

**“Sec. 6-28. - Amendments.**

The following sections of the International Building Code, 2021 Edition, together with Appendix D and amendments, are hereby amended to read as follows:

Section [A] 101.1 of the International Building Code, 2021 Edition, is amended to read as follows:

**“[A] 101.1 Title.** These regulations shall be known as the Building Code of Richardson, Texas, hereinafter referred to as “this code.”

Section [A] 101.4 of the International Building Code, 2021 Edition, is amended to read as follows:

**“[A] 101.4 Referenced codes.** The other codes listed in Subsections [A] 101.4.1 through [A] 101.4.8 and referenced elsewhere in this code, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.”

Section [A] 101.4.4 of the International Building Code, 2021 Edition, is amended to read as follows:

**“[A] 101.4.4 Property maintenance.** The provisions of the City of Richardson Code of Ordinances, Chapter 6, Article VIII, Property Maintenance, shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety, hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures. All references to the International Property Maintenance Code shall hereafter read the City of Richardson Code of Ordinances, Chapter 6, Article VIII, Property Maintenance.”

Section [A] 101.4 of the International Building Code, 2021 Edition, is amended by adding Subsection [A] 101.4.8 to read as follows:

**“[A] 101.4.8 Electrical.** The provisions of the Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.”

Section [A] 103.1 of the International Building Code, 2021 Edition, is amended to read as follows:

**“Section [A] 103.1 – Creation of enforcement agency.** The City of Richardson Building Inspection Department {remainder of text unchanged}.”

Section [A] 104.2.1 of the International Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section [A] 104.10.1 of the International Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section [A] 105.2 of the International Building Code, 2021 Edition, is amended by amending Building, item 1 to read as follows, and deleting Building, items 2 through 6, 10 and 13.

**“[A] 105.2 Work exempt from permit.**

1. Building: One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the roof area does not exceed 40 square feet (3.71 m<sup>2</sup>).”

Section [A] 110.3.6 of the International Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section [A] 110.6 of the International Building Code, 2021 Edition, is amended by adding Subsections [A] 110.6.1 and [A] 110.6.2 to read as follows:

**“[A] 110.6.1 Reinspection.** Where any work or installation does not pass any initial inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for reinspection.”

**“[A] 110.6.2 Subsequent reinspection.** Where any work or installation does not pass a reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for a subsequent reinspection. A fee shall be paid to the Building Inspection Department prior to each subsequent reinspection.”

Section [A] 113.1 of the International Building Code, 2021 Edition, is hereby amended to read as follows:

**“[A] 113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of adjustment. The board of adjustment shall be appointed and shall hold office in accordance with the City of Richardson Code of Ordinances, Appendix A – Comprehensive Zoning Ordinance of 1956, Article XXV. – Board of Adjustment. {all remaining sections deleted}.”

Section [A] 116 of the International Building Code, 2021 Edition, is amended by deleting Subsections [A] 116.2 through [A] 116.5 and by amending Subsection [A] 116.1 to read as follows:

**“[A] 116.1 Unsafe conditions.** Structures or existing equipment which are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, or which are an urban nuisance, shall be deemed an unsafe condition. Unsafe structures are hereby declared illegal and shall be abated in accordance with the provisions of the City of Richardson Code of Ordinances, Chapter 6, Article VIII, Property Maintenance, as amended.”

Section 202 of the International Building Code, 2021 Edition, is amended by adding or amending the following definitions to read as follows:

**“AISLE CONTAINMENT SYSTEM.** A system of physical barriers and doors that separates cold supply airflow from hot exhaust airflow. Such systems are typically used to cool data center electronic equipment. There are two types of aisle containment systems, hot and cold.”

**“ASSISTED LIVING FACILITIES.** A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability, or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff.”

**“[F] FIREWORKS.** Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, detonation, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.3G fireworks, 1.4G fireworks, or sparklers. {remainder of text unchanged}.”

**“[F] HIGH-PILED COMBUSTIBLE STORAGE:** Storage of combustible materials in closely packed piles or combustible materials on pallets, in racks or on shelves where the top of storage is greater than 12 feet (3658 mm) in height. Where required by the fire code official, high-piled combustible storage also includes certain high-hazard commodities, such as rubber tires, Group A plastics, flammable liquids, idle pallets, and similar commodities, where the top of storage is greater than 6 feet (1829 mm) in height.

Any building classified as a group S Occupancy or Speculative Building exceeding 6,000 sq. ft. that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified, a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.”

**“SPECIAL INSPECTOR.** A qualified person employed or retained by an approved agency who shall prove to the satisfaction of the registered design professional in responsible charge and the Building Official as having the competence necessary to inspect a particular type of construction requiring special inspection.”

Section [F] 403.3 of the International Building Code, 2021 Edition is amended to read as follows:

**“[F] 403.3 Automatic sprinkler system.** {remainder of text unchanged}.

**Exception:** When approved by the fire code official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section [F] 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the fire code official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. Elevator machine rooms, and machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.”

Section [F] 403.3.2 of the International Building Code, 2021 Edition is amended to read as follows:

**“[F] 403.3.2 Water supply to required fire pumps.** In buildings that are more than 120 feet (36.5 m) in building height, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

**Exception:** Two connections to the same main shall be permitted provided that the main is valved such that an interruption can be isolated so that the water supply will continue without interruption through not fewer than one of the connections.”

Section 404.10 of the International Building Code, 2021 Edition, is amended to read as follows:

**“404.10 Exit stairways in an atrium.** Where an atrium contains an exit access stairway all the following shall be met {remainder of text unchanged}.”

Section [F] 502.1 of the International Building Code, 2021 Edition, is amended to read as follows:

**“[F] 502.1 Address identification.** New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers

shall not be spelled out. Each character shall be not less than 6 inches (152.4 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, pole or other sign with approved 6 inch (152.4 mm) height building numerals or addresses and 4 inch (101.6 mm) height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. Numerals or addresses shall be posted on a minimum 20 inch (508 mm) by 30 inch (762 mm) background on border. Address identification shall be maintained.

**Exception:** R-3 Single Family occupancies shall have approved numerals of a minimum 3½ inches (88.9 mm) in height and a color contrasting with the background-clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.”

Table 506.2; footnote i of the International Building Code, 2021 Edition, is hereby deleted and is of no force or effect.

Section 708.4.2, Exception 1 of the International Building Code, 2021 Edition, is amended to read as follows:

**“708.4.2 Fireblocks and draftstops in combustile construction.** {remainder of text unchanged}.

**Exceptions:**

1. Buildings equipped with an automatic sprinkler system installed throughout in accordance with Section [F] 903.3.1.1, or in accordance with Section [F] 903.3.1.2 provided that sprinkler protection is provided in the space between the top of the fire partition and the underside of the floor or roof sheathing, deck or slab above as required for systems complying with Section [F] 903.3.1.1. Portions of buildings containing concealed spaces filled with noncombustible insulation as permitted for sprinkler omission shall not apply to this exception for draftstopping.
2. Through 5. {remainder of text unchanged}.”

Section 718.3 of the International Building Code, 2021 Edition, is amended to read as follows:

**“718.3 Draftstopping in floors.** {remainder of text unchanged}.

**Exception:** Buildings equipped throughout with an automatic sprinkler system in accordance with Section [F] 903.3.1.1 and provided that in combustile construction, sprinkler protection is provided in the floor space.”

Section 718.4 of the International Building Code, 2021 Edition, is amended to read as follows:

**“718.4 Draftstopping in attics.** {remainder of text unchanged}.

**Exception:** Buildings equipped throughout with an automatic sprinkler system in accordance with Section [F] 903.3.1.1 and provided that in combustible construction, sprinkler protection is provided in the attic space.”

Section [F] 902.1 of the International Building Code, 2021 Edition is amended to read as follows:

**“[F] 902.1 Pump and riser room requirements.** A dedicated fire sprinkler riser room, or a room dedicated only to building systems, shall be provided for the main fire sprinkler riser and the fire alarm control panel that supervises the fire sprinkler system. {remainder of text unchanged}.”

Section [F] 902.1.1 of the International Building Code, 2021 Edition is amended to read as follows:

**“[F] 902.1.1 Access.** Rooms containing the main automatic sprinkler system riser(s), and/or fire pumps and controllers, shall be provided with an exterior access door. The door shall be locked, and access keys shall be placed in an approved key box at the exterior access door, as required by the International Fire Code, Section 506.”

Section [F] 902.1.2 of the International Building Code, 2021 Edition is amended to read as follows:

**“[F] 902.1.2 Marking access doors.** Access doors for automatic sprinkler system riser rooms and fire pump rooms shall be labeled with approved signs.”

Section [F] 903.2 of the International Building Code, 2021 Edition, is amended to read as follows:

**“[F] 903.2 Where required.** An automatic sprinkler system shall be installed:

1. In new buildings: Throughout new buildings with an area of 5,000 square feet or greater. For the purpose of this provision, fire areas shall not define separate buildings.
2. In existing buildings:
  - a. Throughout new areas of 5,000 square feet or more when fire wall(s) or fire barrier(s) separate the existing from the new construction, or, throughout the entire building when such fire separation is not present. For the purposes of this provision, fire areas shall not define separate buildings within the new construction, OR
  - b. If the cumulative area of the building with a new addition exceeds the areas indicated in [F] 903.2.1 through [F] 903.2.12, regardless of separation, those sections apply, OR
  - c. Change of use / occupancy classification, sprinklers shall comply with [F] 903.2.1 through [F] 903.2.12.

3. In locations described in Sections [F] 903.2.1 through [F] 903.2.12.

**Exceptions:**

1. Open parking garages in compliance with Section 406.5 of the International Building Code;
2. Patios complying with all the following:
  - a. Non-combustible construction; and,
  - b. No combustible materials, including furnishings, are stored or used on the patio; and,
  - c. Openings on at least two opposite sides of the patio. The openings shall be minimum 20% of the area of the patio perimeter walls on each of the opposite sides.

Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits where such sprinklers would not necessitate shunt trip under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating “ELEVATOR MACHINERY – NO STORAGE ALLOWED.”

Section [F] 903.2.11 of the International Building Code, 2021 Edition, is amended to add Subsections [F] 903.2.11.7 and [F] 903.2.11.8 to read as follows:

“**[F] 903.2.11.7 High-Piled Combustible Storage.** For any building with a clear height exceeding 12 feet (4572 mm). Reference Chapter 32 of the International Fire Code to determine applicable provisions.”

“**[F] 903.2.11.8 Spray Booths and Rooms.** New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.”

Section [F] 903.3.1.1.1 of the International Building Code, 2021 Edition, is amended to read as follows:

“**[F] 903.3.1.1.1 Exempt Locations.** When approved by the fire code official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section [F] 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the fire code official.

3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. Elevator machine rooms, and machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.”

Section [F] 903.3.1.2.2 of the International Building Code, 2021 Edition, is amended to read as follows:

“**[F] 903.3.1.2.2 Corridors and balconies.** Sprinkler protection shall be provided in all corridors and for all balconies.”

Section [F] 903.3.1.2.3 of the International Building Code, 2021 Edition, is amended to read as follows:

“**[F] 903.3.1.2.3 Attics and Attached Garages.** Sprinkler protection is required in attic spaces of buildings two or more stories in height, in accordance with NFPA 13 and/or NFPA 13R requirements, and in attached garages or in accordance with state law.”

Section [F] 903.3.1.3 of the International Building Code, 2021 Edition, is amended to read as follows:

“**[F] 903.3.1.3 NFPA 13D Sprinkler Systems.** Automatic sprinkler systems installed in one- and two-family dwellings; Group R-3; Group R-4, Condition 1; and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.”

Section [F] 903.3.1 of the International Building Code, 2021 Edition, is amended to add Subsections [F] 903.3.1.4, [F] 903.3.1.4.1 and [F] 903.3.1.4.2 to read as follows:

“**[F] 903.3.1.4 Freeze protection.** Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.”

“**[F] 903.3.1.4.1 Attics.** Only dry-pipe, pre-action, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

**Exception:** Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and

3. The attic space is a part of the building’s thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.”

“[F] 903.3.1.4.2 **Heat trace/insulation.** Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe.”

Section [F] 903.3.5 of the International Building Code, 2021 Edition, is amended to read as follows:

“[F] 903.3.5 **Water Supplies.** Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section [F] 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section, TCEQ Rules, and the International Plumbing Code. For connections to public waterworks systems, the water supply test used for design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the fire code official.

Water supplies for such systems shall be provided in conformance with the supply requirements of the respective NFPA standards; however, every water-based fire protection system shall be designed with a minimum 5 psi safety factor, unless otherwise approved. Reference the International Fire Code, Section [F] 507.4 for additional design requirements.”

Section [F] 903.3.5 of the International Building Code, 2021 Edition, is amended to add Subsection [F] 903.3.5.3 to read as follows:

“[F] 903.3.5.3. **Backflow prevention valve location.** Backflow prevention valves shall be in a fire sprinkler riser room, fire pump room, or other approved indoor location.”

Section [F] 903.4 of the International Building Code, 2021 Edition, is amended to read as follows:

“[F] 903.4 **Sprinkler system supervision and alarms.** Valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and waterflow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit.

**Exceptions:**

1. Automatic sprinkler systems protecting one- and two-family dwellings;
2. Limited area sprinkler systems in accordance with Section [F] 903.3.8;
3. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler system, and a separate shutoff valve for the automatic sprinkler system is not provided;
4. Jockey pump control valves that are sealed or locked in the open position;

5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position;
6. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position;
7. Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed or locked in the open position.

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of constant water flow between 45-60 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.”

Section [F] 903.4.2 of the International Building Code, 2021 Edition, is amended to read as follows:

“**[F] 903.4.2 Alarms.** An approved audible device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by waterflow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating. The device shall be located on the exterior of the building, in an approved location, to identify the primary emergency access to the fire sprinkler riser room, or as otherwise approved.”

Section [F] 904.2.1 of the International Building Code, 2021 Edition, is hereby deleted and is of no force or effect.

Section [F] 903.4 of the International Building Code, 2021 Edition, is amended to add Subsections [F] 903.4.4, [F] 903.4.5 and [F] 903.4.6 to read as follows:

“**[F] 903.4.4 Group R-2 riser security.** Fire sprinkler riser room access doors of group R-2 buildings shall be secured to prevent unauthorized access.”

“**[F] 903.4.5 Dedicated function fire alarm system [“sprinkler waterflow and supervisory system”] control panel location.** In fire sprinklered buildings, the dedicated function fire alarm system [“sprinkler waterflow and supervisory system”] control panel shall be located at the main fire sprinkler riser room, unless otherwise approved. A remote annunciator may also be required to facilitate Fire Department response.”

“**[F]903.4.6 Riser room access.** Main fire sprinkler riser rooms shall have an exterior fire department access door not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided.”

Section [F] 904.3.5 of the International Building Code, 2021 Edition, is amended to read as follows:

**“[F] 904.3.5 Monitoring.** Where a building fire alarm system, or a “sprinkler waterflow and supervisory system”, is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system, or “sprinkler waterflow and supervisory system.”

Section [F] 904.13.1 of the International Building Code, 2021 Edition, is amended to read as follows:

**“[F] 904.13.1 Manual system operation.** A manual actuation device shall be located at or near a means of egress from the cooking area not less than 10 feet (3048 mm) and not more than 20 feet (6096 mm) from the kitchen exhaust system, unless otherwise approved. The manual actuation device shall be installed not more than 48 inches (1200 mm) nor less than 42 inches (1067 mm) above the floor and shall clearly identify the hazard protected. The manual actuation shall require a maximum force of 40 pounds (178 N) and a maximum movement of 14 inches (356 mm) to actuate the fire suppression system.

**Exception:** Automatic sprinkler systems shall not be required to be equipped with manual actuation means.”

Section [F] 905.2 of the International Building Code, 2021 Edition, is amended to read as follows:

**“[F] 905.2 Installation standard.** Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.”

Section [F] 905.3.1 of the International Building Code, 2021 Edition, is amended to read as follows:

**“[F] 905.3.1 Height.** Class III standpipe systems shall be installed throughout buildings where any of the following conditions exist:

1. Four or more stories are above or below grade plane.
2. The floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access.
3. The floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access.

**Exceptions:**

1. Class I standpipes are allowed in buildings equipped throughout with an automatic sprinkler system in accordance with Section [F] 903.3.1.1 or [F] 903.3.1.2.
2. Class I standpipes are allowed in Group B and E occupancies.

3. Class I manual standpipes are allowed in open parking garages where the highest floor is located not more than 150 feet (45 720 mm) above the lowest level of fire department vehicle access.
4. Class I manual dry standpipes are allowed in open parking garages that are subject to freezing temperatures, provided that the hose connections are located as required for Class II standpipes in accordance with Section [F] 905.5.
5. Class I standpipes are allowed in basements equipped throughout with an automatic sprinkler system.
6. Class I standpipes are allowed in buildings where occupant-use hose lines will not be utilized by trained personnel or the fire department.
7. In determining the lowest level of fire department vehicle access, it shall not be required to consider either of the following:
  - a. Recessed loading docks for four vehicles or less.
  - b. Conditions where topography makes access from the fire department vehicle to the building impractical or impossible.”

Section [F] 905.3 of the International Building Code, 2021 Edition, is amended to add Subsection [F] 905.3.9 to read as follows:

**“[F] 905.3.9 Buildings exceeding 10,000 sq. ft.** In buildings exceeding 10,000 square feet in area per story and where any portion of the building’s interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided. For the purpose of this provision, fire areas shall not define separate buildings.

**Exceptions:**

1. Automatic dry, semi-automatic dry, and manual dry standpipes are allowed as provided for in NFPA 14 where approved by the fire code official;
2. R-2 occupancies of four stories or less in height having no interior corridors.”

Section [F] 905.4 of the International Building Code, 2021 Edition, is amended to read as follows:

**“[F] 905.4 Location of Class I standpipe hose connections.** Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the fire code official.

**Exception:** {deleted}.

2. On each side of the wall adjacent to the exit opening of a horizontal exit.

**Exception:** Where floor areas adjacent to a horizontal exit are reachable from an interior exit stairway hose connection by a 30-foot (9144 mm) hose stream from a nozzle attached to 100 feet (30 480 mm) of hose, a hose connection shall not be required at the horizontal exit.

3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

**Exception:** Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a 30-foot (9144 mm) hose stream from a nozzle attached to 100 feet (30 480 mm) of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

4. In covered mall buildings, adjacent to each exterior public entrance to the mall and adjacent to each entrance from an exit passageway or exit corridor to the mall. In open mall buildings, adjacent to each public entrance to the mall at the perimeter line and adjacent to each entrance from an exit passageway or exit corridor to the mall.
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a hose connection, except that the most demanding standpipe shall be provided with a two-way hose connection, located to serve the roof or at the highest landing of an interior exit stairway with stair access to the roof provided in accordance with Section 1011.12, or as otherwise approved by the fire code official.
6. Where the most remote portion of a non-sprinklered floor or story is more than 150 feet (45 720 mm) from a hose connection or the most remote portion of a sprinklered floor or story is more than 200 feet (60 960 mm) from a hose connection, the fire code official is authorized to require that additional hose connections be provided in approved locations.
7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at maximum two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the fire code official."

Section [F] 905.4 of the International Building Code, 2021 Edition, is amended to add Subsection [F] 905.4.3 to read as follows:

**“[F] 905.4.3 Identification and clearance.** Standpipe hose valve connection locations shall be clearly identified in the following manner:

1. In parking garages, a blue reflective driveway marker shall be placed in the center of the driveway in line with the center of the standpipe connection.
2. When the connection is on a wall the pipe shall be painted red from floor to ceiling, or minimum 10-feet high, whichever is less.

3. The fire code official may require additional signs and/or markings to clearly identify standpipe locations.
4. In garages and driveways, a minimum 36-inch wide, permanently marked, clear path shall be provided in front of standpipe hose connections and shall extend from the center of the connection to the aisle or driveway from which it can be accessed. Vehicle impact protection complying with the International Fire Code, Section 312 shall be provided where damage from a vehicle can occur.”

Section [F] 905.8 of the International Building Code, 2021 Edition, is amended to read as follows:

“**[F] 905.8 Dry standpipes.** Dry standpipes shall not be installed.

**Exception:** Where subject to freezing and in accordance with NFPA 14. Additionally, manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low supervisory alarm.”

Section [F] 905.9 of the International Building Code, 2021 Edition, is amended to read as follows:

“**[F] 905.9 Valve supervision.** Valves controlling water supplies shall be supervised in the open position so that a change in the normal position of the valve will generate a supervisory signal at the supervising station required by Section [F] 903.4. Where a fire alarm system is provided, a signal shall be transmitted to the control unit.

**Exceptions:**

1. Valves to underground key or hub valves in roadway boxes provided by the municipality or public utility do not require supervision.
2. Valves locked in the normal position and inspected as provided in this code in buildings not equipped with a fire alarm system.

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for 45-60 seconds. All control valves in the sprinkler and standpipe systems, except for fire department hose connection valves, shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.”

Section [F] 906.1 of the International Building Code, 2021 Edition, is amended to read as follows:

“**[F] 906.1 Where required.** Portable fire extinguishers shall be installed in all of the following locations:

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

**Exceptions:**

1. In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B:C.
2. In Group E occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each classroom is provided with a portable fire extinguisher having a minimum rating of 2-A:20-B:C.
2. Within 30 feet (9144 mm) distance of travel from commercial cooking equipment and from domestic cooking equipment in Group I-1; I-2, Condition 1; and R-2 college dormitory occupancies.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with the International Fire Code, Section 3316.1.
5. Where required by the sections indicated in Table [F] 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

**Exception:** Portable fire extinguishers are not required at normally unmanned Group U occupancy buildings or structures where a portable fire extinguisher suitable to the hazard of the location is provided on the vehicle of visiting personnel.”

Section [F] 907.1 of the International Building Code, 2021 Edition, is amended to add Subsection [F] 907.1.4 to read as follows:

“**[F] 907.1.4 Design standards.** Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.”

Section [F] 907.1 of the International Building Code, 2021 Edition, is amended to add Subsection [F] 907.1.5 to read as follows:

“**[F] 907.1.5 Fire alarm control panel location.** In fire sprinklered buildings, the fire alarm control panel shall be located at the main fire sprinkler riser room, unless otherwise approved. A remote annunciator may also be required to facilitate Fire Department response.”

Section [F] 907.2.1 of the International Building Code, 2021 Edition, is amended to read as follows:

“**[F] 907.2.1 Group A.** A manual fire alarm system that activates the occupant notification system in accordance with Section [F] 907.5 shall be installed in Group A occupancies having an occupant load of 300 or more persons, or where the occupant load is more than 100 persons above or below

the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

**Exception:** Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section [F] 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

Activation of fire alarm notification appliances shall:

1. Cause illumination of the means of egress with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.”

Section [F] 907.2.3 of the International Building Code, 2021 Edition, is amended to read as follows:

**“[F] 907.2.3 Group E.** A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section [F] 907.5.2.2 and installed in accordance with Section [F] 907.6 shall be installed in Group E occupancies. Where automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

**Exceptions:**

1. A manual fire alarm system is not required in Group E educational and day care occupancies with an occupant load of 50 or less.
2. Emergency voice/alarm communication systems meeting the requirements of Section [F] 907.5.2.2 and installed in accordance with Section [F] 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section [F] 907.5.
3. Manual fire alarm boxes shall not be required in Group E occupancies where all the following apply:
  1. Interior corridors are protected by smoke detectors.
  2. Auditoriums, cafeterias, gymnasiums and similar areas are protected by heat detectors or other approved detection devices.
  3. Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.

4. Manual activation is provided from a normally occupied location.
4. Manual fire alarm boxes shall not be required in Group E occupancies where all the following apply:
  1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section [F] 903.3.1.1.
  2. The emergency voice/alarm communication system will activate on sprinkler water flow.
  3. Manual activation is provided from a normally occupied location.
  4. Residential in-home day care with not more than 12 children shall have interconnected single station smoke alarms in all habitable rooms. (For care of more than five children 2-1/2 or less years of age, see Section [F] 907.2.6.)"

Section [F] 907.4.2 of the International Building Code, 2021 Edition, is amended to add Subsection [F] 907.4.2.7 to read as follows:

**“[F] 907.4.2.7 Type.** Manual alarm initiating devices shall be an approved double action type.”

Section [F] 907.5.2.2.3 of the International Building Code, 2021 Edition, is amended to read as follows:

**“[F] 907.5.2.2.3 Alternative uses.** The emergency voice/ alarm communication system shall be allowed to be used for other announcements, provided that the manual fire alarm use takes precedence over any other use, unless approved by the fire code official.”

Section [F] 907.5.2.3 of the International Building Code, 2021 Edition, is amended to read as follows:

**“[F] 907.5.2.3 Visible alarms.** Visible alarm notification appliances shall be provided in accordance with Sections [F] 907.5.2.3.1 through [F] 907.5.2.3.3.

**Exceptions:**

1. When approved by the fire code official, visible alarm notification appliances are not required in alterations, except where an existing fire alarm system is upgraded or replaced, or a new fire alarm system is installed.
2. Visible alarm notification appliances shall not be required in exits as defined in Chapter 2.
3. Visible alarm notification appliances shall not be required in elevator cars.
4. Visual alarm notification appliances are not required in critical care areas of Group I-2 Condition 2 occupancies that comply with Section [F] 907.2.6, Exception 2.

5. A visible alarm notification appliance installed in a nurse’s control station or other continuously attended staff location in a Group I-2, Condition 2 suite shall be an acceptable alternative to the installation of visible alarm notification appliances throughout the suite or unit in Group I-2, Condition 2 occupancies that are in compliance with Section [F] 907.2.6, Exception 2.”

Section [F] 907.6.1 of the International Building Code, 2021 Edition, is amended to add Subsection [F] 907.6.1.1 to read as follows:

“**[F] 907.6.1.1 Wiring installation.** All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class B, provided the distance from the interface device to the initiating device is ten feet or less.”

Section [F] 907.6.3 of the International Building Code, 2021 Edition, is amended to read as follows:

“**[F] 907.6.3 Initiating device identification.** The fire alarm system shall identify the specific initiating device address, location, device type, floor level where applicable and status including indication of normal, alarm, trouble and supervisory status, as appropriate.

**Exception:** Fire alarm devices that are replacing existing equipment.”

Section [F] 907.6.6 of the International Building Code, 2021 Edition, is amended to read as follows:

“**[F] 907.6.6 Monitoring.** Fire alarm systems required by this chapter or by the International Fire Code shall be monitored by an approved supervising station in accordance with NFPA 72. Reference [F] 907.6.3 for the required information transmitted to the supervising station.

**Exception:** Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section [F] 907.2.10.
2. Smoke detectors in Group 1-3 occupancies.
3. Automatic sprinkler systems in one- and two-family dwellings.”

Section [F] 910.2 of the International Building Code, 2021 Edition, is amended to read as follows:

“**[F] 910.2 Where Required.** Smoke and heat vents or a mechanical smoke removal system shall be installed as required by Sections [F] 910.2.1 and [F] 910.2.2.

**Exceptions:**

1. Frozen food warehouses used solely for storage of Class I and II commodities where protected by an approved automatic sprinkler system.
2. Only manual smoke and heat removal shall be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.
3. Only manual smoke and heat removal shall be required in areas of buildings equipped with control mode special application sprinklers with a response time index of 50 ( $m \times S$ )<sup>1/2</sup> or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.”

Section [F] 910.3.4 of the International Building Code, 2021 Edition, is amended to read as follows:

“[F] **910.3.4 Vent operation.** Smoke and heat vents shall be capable of being operated by approved automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections [F] 910.3.4.1 through [F] 910.3.4.2.”

Section [F] 910.3.4 of the International Building Code, 2021 Edition, is amended to add Subsections [F] 910.3.4.1 and [F] 910.3.4.2 to read as follows:

“[F] **910.3.4.1 Sprinklered buildings.** Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically. The automatic operating" mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees F (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.

**Exception:** Manual only systems per Section [F] 910.2.”

“[F] **910.3.4.2 Non-sprinklered Buildings.** Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) and 220°F (122°C) above ambient.

**Exception:** Listed gravity-operated drop out vents.”

Section [F] 910.4.3.1 of the International Building Code, 2021 Edition, is amended to read as follows:

“[F] **910.4.3.1 Makeup air.** Makeup air openings shall be provided within 6 feet (1829 mm) of the floor level. Operation of makeup air openings shall be automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m<sup>2</sup> per 0.4719 m<sup>3</sup>/s) of smoke exhaust.”

Section [F] 912.2 of the International Building Code, 2021 Edition, is amended to read as follows:

“**[F] 912.2 Location.** With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus unless approved. The location of fire department connections shall be approved by the fire code official.”

Section [F] 912.2.2 of the International Building Code, 2021 Edition, is amended to read as follows:

“**[F] 912.2.2 Existing buildings.** On existing buildings, wherever the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters “FDC” not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

On existing buildings, the fire department connection may be wall-mounted.”

Section [F] 912.2 of the International Building Code, 2021 Edition, is amended to add Subsection [F] 912.2.3 to read as follows:

“**[F] 912.2.3 Hydrant distance.** An approved fire hydrant shall be located between 35 and 135 feet of the fire department connection, measured along an approved route [as the fire hose is laid] along an unobstructed path.”

Section [F] 912 of the International Building Code, 2021 Edition, is amended to add Subsection [F] 912.7 to read as follows:

“**[F] 912.7 Missing caps.** The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed or inspected by approved camera when foreign material is present or when caps are missing, and hydrostatically tested for all FDC’s on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems; If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC’s as required by the fire code official.”

Section [F] 913.2.1 of the International Building Code, 2021 Edition, is amended to read as follows:

“**[F] 913.2.1 Protection of fire pump rooms.** [remainder of text unchanged].”

The fire pump room shall have an exterior fire department access door not less than 3 ft. in width and 6 ft.-8 in. in height, regardless of any interior doors that are provided. Access keys shall be placed in an approved key box at the exterior access door, as required by the International Fire Code, Section 506.”

**Exceptions:** {remainder of text unchanged}.”

Section [F] 913 of the International Building Code, 2021 Edition, is amended to add Subsection [F] 913.6 to read as follows:

**“[F] 913.6 Minimum suction pressure.** Where fire pumps are employed, the minimum suction pressure shall not be less than 20 psi at 150% of rated pump capacity.”

Section 1009.1 of the International Building Code, 2021 Edition, is amended to add Exception 3 to read as follows:

**“1009.1 Accessible means of egress.** {remainder of section unchanged}.

**Exceptions:**

1. through 2. {remainder of text unchanged}.
3. Buildings regulated under State Law and built in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009.”

Section 1009.8 of the International Building Code, 2021 Edition, is amended to add Exception 7 to read as follows:

**“1009.8 Two-way communication.** {remainder of section unchanged}.

**Exceptions:**

1. through 6. {remainder of text unchanged}.
7. Buildings regulated under State Law and built in accordance with State registered plans, including variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009 and Chapter 11.”

Section 1009.8.1 of the International Building Code, 2021 Edition, is amended to read as follows:

**“1009.8.1 System requirements.** Two-way communication systems shall provide two-way communication between each required location and an approved constantly attended central control point or other approved location. A connection shall occur within 60 seconds of activation. The address and location shall be automatically identified. The two-way communication system shall include both audible and visible signals.”

Section 1020.2 of the International Building Code, 2021 Edition, is amended to add Exception 6 to read as follows:

**“Exceptions:**

1. through 5. {remainder of text unchanged}.

6. In unsprinklered group B occupancies, corridor walls and ceilings need not be of fire-resistant construction within a single tenant space when the space is equipped with approved automatic smoke-detection within the corridor. The actuation of any detector must activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors must be connected to an approved automatic fire alarm system where such system is provided.”

Section 1030.1.1.1 of the International Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section 1101.1 of the International Building Code, 2021 Edition, is amended to add an Exception to read as follows:

“**1101.1 Scope.** {remainder of text unchanged}.

**Exception:** Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.”

Table 1505.1 of the International Building Code, 2021 Edition, is amended by deleting footnotes b and c.

Section [BF] 1505.7 of the International Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section 1809.5.1 of the International Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section 1907.1 of the International Building Code, 2021 Edition, is amended by amending the first sentence to read as follows:

“**1907.1 General.** The thickness of concrete floor slabs supported directly on the ground shall not be less than 4 inches unless designed by a registered professional engineer. {remainder of text unchanged}.”

Section [F] 2702 of the International Building Code, 2021 Edition, is amended to add Subsection [F] 2702.5 to read as follows:

“**[F] 2702.5 Designated critical operations areas (DCOA).** In areas within a facility or site requiring continuous operation for the purpose of public safety, emergency management, national security or business continuity, the power systems shall comply with NFPA 70, Article 708.”

Section [P] 2901.1 of the International Building Code, 2021 Edition, is amended by adding a final sentence to read as follows:

“**[P] 2901.1 Scope.** {remainder of text unchanged}. The provisions of this Chapter are meant to work in coordination with the provisions of Chapter 4 of the International Plumbing Code. Should

any conflicts arise between the two chapters, the Building Official shall determine which provision applies.”

Section [P] 2902.1 of the International Building Code, 2021 Edition, is amended by adding a second paragraph to read as follows:

“**[P] 2902.1 Minimum plumbing fixtures.** {remainder of text unchanged}.

In other than E Occupancies, the minimum number of fixtures in [P] Table 2902.1 may be lowered, if requested in writing, by the applicant stating reasons for a reduced number and approved by the Building Official.”

Section 3002.1 of the International Building Code, 2021 Edition, is amended by adding Exceptions 1 and 2 to read as follows:

“**3002.1 Hoistway enclosure protection.** {remainder of text unchanged}.

**Exceptions:**

1. Elevators completely located within atriums shall not require hoistway enclosure protection.
2. Elevators in open or enclosed parking garages that serve only the parking garage, shall not require hoistway enclosure protection.”

Section 3005.4 of the International Building Code, 2021 Edition, is amended to read as follows:

“**3005.4 Machine rooms, control rooms, machinery spaces and control spaces.** Elevator machine rooms, control rooms, control spaces and machinery spaces shall be enclosed with fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 711, or both.

**Exceptions:**

1. Elevator machine rooms, control rooms, machinery spaces and control spaces completely located within atriums shall not require enclosure protection.
2. Elevator machine rooms, control rooms, machinery spaces and control spaces in open or enclosed parking garages that serve only the parking garage, shall not require enclosure protection.”

Section 3005.5 of the International Building Code, 2021 Edition, is amended to read as follows:

“**3005.5 Shunt trip.** Shunt trips shall not be installed in elevator machine rooms, machinery spaces and hoistways unless approved by the fire code official.”

Section 3007.3 of the International Building Code, 2021 Edition, is amended to read as follows:

**“3007.3 Water protection.** Water from the operation of an automatic sprinkler system outside any lobby shall be prevented from infiltrating into the hoistway enclosure in accordance with an approved method.”

Section 3008.3 of the International Building Code, 2021 Edition, is amended to read as follows:

**“3008.3 Water Protection.** Water from the operation of an automatic sprinkler system outside any lobby shall be prevented from infiltrating into the hoistway enclosure in accordance with an approved method.”

Section 3106 of the International Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section 3107 of the International Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section 3109 of the International Building Code, 2021 Edition, is hereby deleted and is of no force and effect.”“

**SECTION 2.** That the Code of Ordinances of the City of Richardson, Texas, be, and the same is hereby amended by amending Chapter 6, Article II, Sections 6-30 and 6-31, in part, to read as follows:

**“Sec. 6-30. - Adopted.**

There is hereby adopted by the City of Richardson, Texas, the International Residential Code for One- and Two-Family Dwellings, 2021 Edition and amendments, a copy of which is on file in the City Secretary’s Office and made a part of this Article for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.”

**“Sec. 6-31. - Amendments.**

The following sections of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition and amendments, are hereby amended to read as follows:

Section R101.1 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended to read as follows:

**“R101.1 Title.** These regulations shall be known as the One- and TwoFamily Dwelling Building Code of Richardson, Texas, hereinafter referred to as “this code.”

Section R102.4 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended to read as follows:

**“R102.4 Referenced codes and standards.** The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.”

Section R102.7 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended to read as follows:

**“R102.7 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as in specifically covered in this code, the City of Richardson Code of Ordinances, Chapter 6, Article VIII Property Maintenance, or the International Fire Code, or as deemed necessary by the building official for the general safety and welfare of the occupants and the public.”

Section R104.10.1 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is hereby deleted and is of no force and effect.

Section R105.1 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended to read as follows:

**“R105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure; or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system; the installation of which is regulated by this code, or to install concrete pavement, or to cause any such work to be done, shall first make application to the building official for a permit, shall comply with applicable state and local rules and regulations concerning licensing and registration, and obtain the required permit.”

Section R105.2 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended by amending Building, items 1 and 10, and deleting Building, items 2 through 5, to read as follows:

**“Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 40 square feet (3.71 m<sup>2</sup>).
10. Decks not more than 30 inches above grade.”

Section R105.3.1.1 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is hereby deleted and is of no force and effect.

Section R105.5 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended to read as follows:

**“R105.5 Expiration.** Every permit issued shall become invalid unless the work authorized by such permit is commenced within 90 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced. For work commenced under a building permit for fire repair and reconstruction, natural disaster repair and reconstruction, including catastrophic weather event; repair and reconstruction may include a remodel, a renovation, an addition and any type of new construction which involves the potential for a building being left open to the elements, the exterior building envelope shall be completed within 90 days of the start of construction. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 60 days each. The extension shall be requested in writing and justifiable cause demonstrated.”

Section R105.5 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended by adding Subsection R105.5.1 to read as follows:

**“R105.5.1 New permits required.** A new permit must be obtained for any construction which is not completed in the allowable time period or extended as provided above. A new fee shall be required in connection with issuance of a new permit. The new fee shall be one-half the amount required for the original permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work. A new permit must be obtained for any construction which has been suspended or abandoned for a period of more than 60 days. The permittee shall make a new application, resubmit plans for review, and pay a new full permit fee to resume work.”

Section R106.1.4 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is hereby deleted and is of no force and effect.

Section R109.4 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended by adding Subsections R109.4.1 and R109.4.2 to read as follows:

**“R109.4.1 Reinspection.** Where any work or installation does not pass any initial inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for reinspection.”

**“R109.4.2 Subsequent reinspection.** Where any work or installation does not pass a reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code officer for a subsequent reinspection. A fee shall be paid to the Building Inspection Department prior to each subsequent reinspection.”

Section R110 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is hereby deleted and is of no force and effect.

Section R112.1 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended to read as follows:

**“R112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of adjustment. The board of adjustment shall be appointed and shall hold office in accordance with City of Richardson Code of Ordinances, Appendix A – Comprehensive Zoning Ordinance of 1956, Article XXV. – Board of Adjustment. {all remaining sections deleted}.”

Section R301; Table R301.2(1) of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended by deleting the Manual J Design Criteria and footnote n to read as follows:

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>e</sup>	ICE BARRIER UNDERLAYMENT <sup>h</sup>	FLOOD HAZARDS <sup>g</sup>	AIR FREEZING INDEX <sup>i</sup>	MEAN ANNUAL TEMP <sup>j</sup>
	SPEED <sup>d</sup> (MPH)	Topographic Effects <sup>k</sup>	Special Wind Region <sup>l</sup>	Windborne Debris Zone <sup>n</sup>		Weathering a	Frost Line Depth <sup>b</sup>	Termite <sup>c</sup>					
5lb/ft					A								
	115 (3 sec-gust) / 76 fastest mile	No	No	No		Moderate	6"	Very Heavy	22 <sup>o</sup> F	No	Local Code	150	64.9 <sup>o</sup> F

Section R302.1 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition is amended by adding Exception 6.

**“R302.1 Exterior walls.** {remainder of text unchanged}.

**Exceptions:**

1. through 5. {remainder of text unchanged}
6. Open, unenclosed structures when approved within adopted ordinances.”

Section R302.2.6 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition is amended by deleting Exception 6 and is of no force and effect.

Section R302.5.1 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended to read as follows:

**“R302.5.1 Opening protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 13/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 13/8 inches (35 mm) thick, or 20-minute fire-rated doors.”

Section R303.3 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended to revise the Exception to read as follows:

**“Exception:** {remainder of text unchanged} Spaces containing only a water closet or water closet and a lavatory may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.”

Section R309.2 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is hereby amended by deleting the Exception and is of no force and effect.

Section R313 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is hereby deleted and is of no force or effect.

Section R322 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is hereby deleted and is of no force and effect.

Section R327.1 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended to read as follows:

**“R327.1 General.** The design and construction of pools and spas shall comply with the International Swimming Pool and Spa Code as amended and adopted. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.”

Section R327.1 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended to add Subsection R327.1.1 to read as follows:

**“R327.1.1 Adjacency to structural foundations.** Depth of the swimming pool and spa shall maintain a ratio of 1:1 measured from the nearest building foundation or footing of a retaining wall.

**Exception:** An engineered design by a Texas-registered engineer shall be submitted for approval.”

Section R401.2 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended to read as follows:

**“R401.2 Requirements.** {remainder of text unchanged}. Every foundation and/or footing, or any size addition to an existing post-tension foundation, regulated by this code shall be designed and sealed by a Texas-registered engineer.”

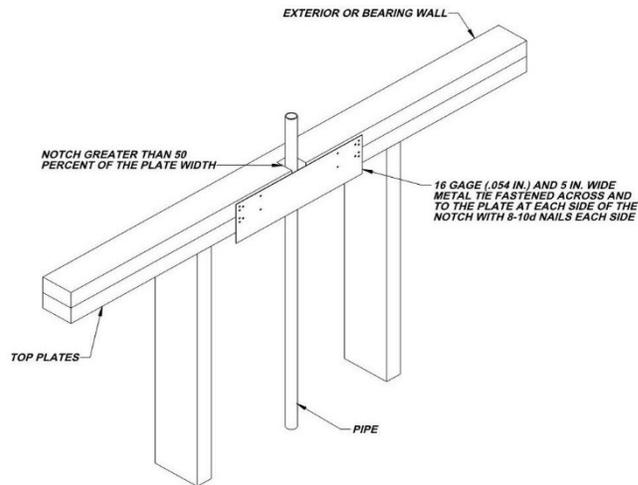
Section R403.1 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended by adding an Exception to read as follows:

**“Exception:** Support of one story detached accessory structures on pressure preservatively treated wood shall be permitted, provided the floor area does not exceed 150 square feet (13.9 m<sup>2</sup>) and the structure is properly anchored to accommodate all loads according to Section R301.”

Section R602.6.1 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended by replacing figure R602.6.1 and by amending the text to read as follows:

**“R602.6.1 Drilling and notching of top plate.** When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (16 Ga) and 5 inches (127 mm) wide shall be fastened across and to the plate at each side of the opening with not less than eight 10d (0.148 inch diameter) having a minimum length of 1 ½ inches (38 mm) at each side or equivalent. Fasteners will be offset to prevent splitting of the top plate material. The metal tie must extend a minimum of 6 inches past the opening. See figure R602.6.1 {remainder of text unchanged}.”

Figure 602.6.1



Section R703.8.4.1 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended by adding Subsection R703.8.4.1.2 to read as follows:

**“R703.8.4.1.2 Veneer ties for wall studs.** In stud framed exterior walls, all ties shall be anchored to studs as follows:

1. When studs are 16 in (407 mm) o.c., stud ties shall be spaced no further apart than 24 in (737 mm) vertically starting approximately 12 in (381 mm) from the foundation; or
2. When studs are 24 in (610 mm) o.c., stud ties shall be spaced no further apart than 16 in (483 mm) vertically starting approximately 8 in (254 mm) from the foundation.”

Section R902.1 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended to read as follows:

“**R902.1 Roofing covering materials.** Roofs shall be covered with materials as set forth in Sections R904 and R905. Class A, B, or C roofing shall be installed. Class A, B and C roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108. {remainder of text unchanged}.”

Section R904 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended by adding Subsection R904.5 to read as follows:

“**R904.5 Fire classification.** The minimum roof coverings installed on buildings shall be Class C. Unclassified wood shingles or shakes shall be permitted for repairs on existing unclassified wood shingle or shake roof coverings, if not more than 25 percent of the roof covering is replaced in any 12-month period.”

Chapter 11 – Energy Efficiency of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is hereby deleted and replaced with the following:

“**N1101.1 Scope.** This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.”

“**N1101.2 Compliance.** Compliance shall be demonstrated by meeting the requirements of the residential provisions of 2021 International Energy Conservation Code and referenced standards as amended and adopted. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.”

Section G2415.2 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended to add a second paragraph to read as follows:

“**G2415.2 CSST.** {remainder of text unchanged}.

Both ends of each end of medium pressure gas piping shall identify its operating gas pressure with an approved tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag: “WARNING: ½ to 5 psi gas pressure – DO NOT REMOVE.”

Section G2417.4 of the International Residential Code for One- and Two-Family Dwellings, 2021 Edition, is amended to read as follows:

**“G2417.4 Test pressure measurement.** Test pressure shall be measured with a monometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made.”“

**SECTION 3.** That Chapter 6, Article II of the Code of Ordinances of the City of Richardson, Texas, be, and the same is hereby amended in part by amending Sections 6-33 and 6-34 to read as follows:

**“Sec. 6-33. - Adopted.**

There is hereby adopted by the City of Richardson, Texas, the International Energy Conservation Code, 2021 Edition and amendments, a copy of which is on file in the City Secretary’s Office and made a part of this article for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.”

**“Sec. 6-34. - Amendments.**

The following sections of the International Energy Conservation Code, 2021 Edition and amendments, are hereby amended to read as follows:

Section C101.1 of the International Energy Conservation Code, 2021 Edition, is amended to read as follows:

**“C101.1 Title.** These provisions shall be known as the Richardson Energy Conservation Code, and shall be cited as such and will be referred to herein as “this code.”

Section R101.1 of the International Energy Conservation Code, 2021 Edition, is amended to read as follows:

**“R101.1 Title.** These provisions shall be known as the Richardson Energy Conservation Code, and shall be cited as such and will be referred to herein as “this code.”

Section C102.1 of the International Energy Conservation Code, 2021 Edition, is amended by adding Subsection C102.1.2 to read as follows:

**“C102.1.2 Alternative compliance.** A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.”

Section R102.1 of the International Energy Conservation Code, 2021 Edition, is amended by adding Subsection R102.1.2 to read as follows:

**“R102.1.2 Alternative compliance.** A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance. Regardless of the program or the path to compliance, each 1- and 2-family dwelling shall be tested for air and duct leakage as prescribed in Section R402.4.1.2 and R403.3.3 respectively.”

Section C105.3 of the International Energy Conservation Code, 2021 Edition, is amended to add Subsection C105.3.1 read as follows:

**“C105.3.1 Subsequent reinspection.** Where any work or installation does not pass a reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code officer for a subsequent reinspection. A fee shall be paid to the Building Inspection Department prior to each subsequent reinspection.”

Section C105.6 of the International Energy Conservation Code, 2021 Edition, is amended to add Subsection C105.6.1 read as follows:

**“C105.6.1 Subsequent reinspection and testing.** Where any work, installation or testing does not pass a reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code officer for a subsequent reinspection and testing. A fee shall be paid to the Building Inspection Department prior to each subsequent reinspection and testing.”

Section R105.3 of the International Energy Conservation Code, 2021 Edition, is amended to add Subsection R105.3.1 read as follows:

**“R105.3.1 Subsequent reinspection.** Where any work or installation does not pass a reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code officer for a subsequent reinspection. A fee shall be paid to the Building Inspection Department prior to each subsequent reinspection.”

Section R105.6 of the International Energy Conservation Code, 2021 Edition, is amended to add Subsection R105.6.1 read as follows:

**“R105.6.1 Subsequent reinspection and testing.** Where any work, installation or testing does not pass a reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code officer for a subsequent reinspection and testing. A fee shall be paid to the Building Inspection Department prior to each subsequent reinspection and testing.”

Section C110.1 of the International Energy Conservation Code, 2021 Edition, is amended to read as follows:

**“C110.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of adjustment. The board of adjustment shall be appointed and shall hold office in accordance with City of Richardson Code of Ordinances, Appendix A – Comprehensive Zoning Ordinance of 1956, Article XXV. – Board of Adjustment. {all remaining sections deleted}.”

Section R110.1 of the International Energy Conservation Code, 2021 Edition, is amended to read as follows:

**“R110.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of adjustment. The board of adjustment shall be appointed and shall hold office in accordance with City of Richardson Code of Ordinances, Appendix A – Comprehensive Zoning Ordinance of 1956, Article XXV. – Board of Adjustment. {all remaining sections deleted}.”

Section C202 of the International Energy Conservation Code, 2021 Edition, is amended by adding the following definition:

**“PROJECTION FACTOR.** The ratio of the horizontal depth of the overhang, eave or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave or permanently attached shading device.”

Section R202 of the International Energy Conservation Code, 2021 Edition, is amended by adding the following definition:

**“PROJECTION FACTOR.** The ratio of the horizontal depth of the overhang, eave or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave or permanently attached shading device.”

Section R202 of the International Energy Conservation Code, 2021 Edition, is amended by adding the following definition:

**“DYNAMIC GLAZING.** Any fenestration product that has the fully reversible ability to change its performance properties, including U-factor, solar heat gain coefficient (SHGC), or visible transmittance (VT).”

Table C402.1.3 of the International Energy Conservation Code, 2021 Edition, is amended to read as follows:

**Table C402.1.3 Insulation/Climate Zone 2 & 3**

Climate Zone	Fenestration U-Factor <sup>b,i</sup>	Ceiling R-Value	Wood Frame Wall R-Value	Slab R-Value & Depth
2	0.40	42	13 or 0 + 10ci	0
3	0.32	42	19 or 13+3ci, 0+15ci	0

Table C402.1.4 of the International Energy Conservation Code, 2021 Edition, is amended to read as follows:

**Table C402.1.4 Maximum Opaque Assembly/Climate Zone 2 & 3**

Climate Zone	Fenestration U-Factor <sup>f</sup>	Ceiling U-Factor
2	0.40	0.29
3	0.32	0.29

Section C402.5.2, item 2 of the International Energy Conservation Code, 2021 Edition, is amended to read as follows:

**“Section C402.5.2 Dwelling and sleeping unit enclosure testing.** {remainder of text unchanged}.

1. {remainder of text unchanged}.
2. For buildings with eight or more testing units, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit enclosure area. For each tested unit that exceeds the maximum air leakage rate, an additional three units shall be tested, including a mixture of testing unit types and locations.”

Section R402.4.1 of the International Energy Conservation Code, 2021 Edition, is amended to add Subsection R402.4.1.4 to read as follows:

**“R402.4.1.4 Sampling options for R2 multifamily dwelling units.** For buildings with eight or more testing units that must be tested as required by R402.4.1.2 or R402.4.1.3, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit enclosure area. For

each tested unit that exceeds the maximum air leakage rate, an additional three units shall be tested, including a mixture of testing unit types and locations. Where buildings have fewer than eight testing units, each testing unit shall be tested.”

Section 403.3 of the International Energy Conservation Code, 2021 Edition, is amended to add Subsection R403.3.8 to read as follows:

**“R403.3.8 Sampling options for R2 multifamily dwelling units.** For buildings with eight or more testing units that must be tested as required by R403.3.5, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit floor area. For each tested unit that exceeds the maximum duct leakage rate, an additional three units shall be tested, including a mixture of testing unit types and locations. Where buildings have fewer than eight testing units, each testing unit shall be tested.”

Section R403.6 of the International Energy Conservation Code, 2021 Edition, is amended to add Subsection R403.6.4 to read as follows:

**“R403.6.4 Sampling options for R2 multifamily dwelling units.** For buildings with eight or more testing units that must be tested as required by R403.6.3, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit floor area. For each tested unit that does not meet the minimum ventilation rate, an additional three units shall be tested, including a mixture of testing unit types and locations. Where buildings have fewer than eight testing units, each testing unit shall be tested.”

Section R405.2, item 3 of the International Energy Conservation Code, 2021 Edition, is amended to read as follows:

**“R405.2 Performance-based compliance.** {remainder of text unchanged}

1. {remainder of text unchanged}.
2. {remainder of text unchanged}.
3. An annual energy cost that is less than or equal to the annual energy cost of the 2021 standard reference design or 8% less than the annual energy cost of the 2018 standard reference design. Energy prices shall be taken from a source approved by the code official, such as the Department of Energy, Energy Information Administration's State Energy Data System Prices and Expenditures reports. Code officials shall be permitted to require time-of-use pricing in energy cost calculations.

**Exception:** The energy use based on source energy expressed in Btu or Btu per square foot of conditioned floor area shall be permitted to be substituted for the energy cost. The source energy multiplier for electricity shall be 3.16. The source energy multiplier for fuels other than electricity shall be 1.1.”

Section R401.2.5 of the International Energy Conservation Code, 2021 Edition, is hereby deleted and is of no force or effect.

Section R402.4.6 of the International Energy Conservation Code, 2021 Edition, is amended to read as follows:

**“R402.4.6 Electrical and communication outlet boxes (air-sealed boxes).** Electrical and communication outlet boxes installed in the building thermal envelope shall be sealed to limit air leakage between conditioned and unconditioned spaces.”

Section R404.2 of the International Energy Conservation Code, 2021 Edition, is hereby deleted and is of no force or effect.

Section R408 of the International Energy Conservation Code, 2021 Edition, is hereby deleted and is of no force or effect.

Table R406.4 of the International Energy Conservation Code, 2021 Edition, is amended to read as follows:

**TABLE R406.4 <sup>1</sup>**

**MAXIMUM ENERGY RATING INDEX**

<b>CLIMATE ZONE</b>	<b>ENERGY RATING INDEX</b>
2	63
3	63

<sup>1</sup> This table is effective until August 31, 2022.

**TABLE R406.4 <sup>2</sup>**

**MAXIMUM ENERGY RATING INDEX**

<b>CLIMATE ZONE</b>	<b>ENERGY RATING INDEX</b>
2	59
3	59

<sup>2</sup> This table is effective from September 1, 2022 to August 31, 2025.

**TABLE R406.4 <sup>3</sup>**

**MAXIMUM ENERGY RATING INDEX**

<b>CLIMATE ZONE</b>	<b>ENERGY RATING INDEX</b>
2	57
3	57

<sup>3</sup> This table is effective from September 1, 2025 to August 31, 2028.

**TABLE R406.4 <sup>4</sup>**

**MAXIMUM ENERGY RATING INDEX**

<b>CLIMATE ZONE</b>	<b>ENERGY RATING INDEX</b>
2	55
3	55

<sup>4</sup> This table is effective on or after September 1, 2028.”“

**SECTION 4.** That the Code of Ordinances of the City of Richardson, Texas, be, and the same is hereby amended by amending Chapter 6, Article V, Sections 6-237 and 6-238 in part to read as follows:

**“Sec. 6-237. - Adopted.**

There is hereby adopted by the City of Richardson, Texas, the International Fuel Gas Code, 2021 Edition, together with Appendix A, and amendments, a copy of which is on file in the City Secretary’s Office and made a part of this Article for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.”

**“Sec. 6-238. - Amendments.**

The following sections of the International Fuel Gas Code, 2021 Edition, are hereby amended to read as follows:

Section [A] 102.5 of the International Fuel Gas Code, 2021 Edition, is amended by adding Subsection [A] 102.5.1 to read as follows:

“**[A] 102.5.1 Change in tenancy or ownership.** It shall be unlawful to make a change in tenancy or ownership of any existing building or lease space without first making application for and obtaining approval for a certificate of occupancy.”

Section [A] 102.8 of the International Fuel Gas Code, 2021 Edition, is amended to read as follows:

“**[A] 102.8 Referenced codes and standards.** The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Subsections [A] 102.8.1 and [A] 102.8.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.”

Section [A] 112.2.3 of the International Fuel Gas Code, 2021 Edition, is amended by adding Subsection [A] 112.2.3.1 to read as follows:

“**[A] 112.2.3.1 Subsequent reinspection and testing.** Where any work or installation does not pass a retest or reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for a subsequent reinspection. A fee shall be paid to the Building Inspection Department prior to each subsequent reinspection.”

Section [A] 113.1 of the International Fuel Gas Code, 2021 Edition, is amended to read as follows:

“**[A] 113.1 Application for appeal.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of adjustment. The board of adjustment shall be appointed and shall hold office in accordance with City of Richardson Code of Ordinances, Appendix A – Comprehensive Zoning Ordinance of 1956, Article XXV. – Board of Adjustment. {all remaining sections deleted}.”

Section [A] 114 of the International Fuel Gas Code, 2021 Edition, is deleted and is of no force and effect.

Section 404.2 of the International Fuel Gas Code, 2021 Edition, is amended to add a second paragraph to read as follows:

“**404.2 CSST.** {remainder of text unchanged}.

Both ends of each end of medium pressure gas piping shall identify its operating gas pressure with an approved tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag: “WARNING: ½ to 5 psi gas pressure – DO NOT REMOVE.””

Section 406.4 of the International Fuel Gas Code, 2021 Edition, is amended to read as follows:

**“406.4 Test pressure measurement.** Test pressure shall be measured with a monometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made.”“

**SECTION 5.** That the Code of Ordinances of the City of Richardson, Texas, be, and the same is hereby amended by amending Chapter 6, Article VI, Sections 6-262 and 6-263 in part to read as follows:

**“Sec. 6-262. - Adopted.**

There is hereby adopted by the City of Richardson, Texas, the International Mechanical Code, 2021 Edition, a copy of which is on file in the City Secretary’s Office and made a part of this Article for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.”

**“Sec. 6-263. - Amendments.**

The following sections of the International Mechanical Code, 2021 Edition, are hereby amended to read as follows:

Section [A] 102.5 of the International Mechanical Code, 2021 Edition, is amended by adding Subsection [A] 102.5.1 to read as follows:

**“[A] 102.5.1 Change in tenancy or ownership.** It shall be unlawful to make a change in tenancy or ownership of any existing building or lease space without first making application for and obtaining approval for a certificate of occupancy.”

Section [A] 102.8 of the International Mechanical Code, 2021 Edition, is amended to read as follows:

**“[A] 102.8 Referenced codes and standards.** The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections [A] 102.8.1 and [A] 102.8.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.”

Section [A] 112.3 of the International Mechanical Code, 2021 Edition, is amended by adding Subsection [A] 112.3.4 to read as follows:

**“[A] 112.3.4 Subsequent reinspection and testing.** Where any work or installation does not pass a retest or reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for a subsequent reinspection. A fee shall be paid to the Building Inspection Department prior to each subsequent reinspection.”

Section [A] 113.1 of the International Mechanical Code, 2021 Edition, is amended to read as follows:

**“[A] 113.1 Application for appeal.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of adjustment. The board of adjustment shall be appointed and shall hold office in accordance with City of Richardson Code of Ordinances, Appendix A – Comprehensive Zoning Ordinance of 1956, Article XXV. – Board of Adjustment. {all remaining sections deleted}.”

“Section [A]114 of the International Mechanical Code, 2021 Edition, is hereby deleted and is of no force and effect.”

**SECTION 6.** That the Code of Ordinances of the City of Richardson, Texas, be, and the same is hereby amended by amending Chapter 6, Article VII, Sections 6-287 and 6-288 in part to read as follows:

**“Sec. 6-287. - Adopted.**

There is hereby adopted by the City of Richardson, Texas, the International Plumbing Code, 2021 Edition, together with Appendices C and E and amendments, a copy of which is on file in the City Secretary’s Office and made a part of this Article for all purposes, the same as if copied in full herein, with the exception of such sections thereof, as are hereinafter deleted, modified or amended.”

**“Sec. 6-288. - Amendments.**

The following sections of the International Plumbing Code, 2021 Edition, together with Appendices C and E, and amendments, are hereby amended to read as follows:

Section [A] 102.5 of the International Plumbing Code, 2021 Edition, is amended by adding Subsection [A] 102.5.1 to read as follows:

**“[A] 102.5.1 Change in tenancy or ownership.** It shall be unlawful to make a change in tenancy or ownership of any existing building or lease space without first making application for and obtaining approval for a certificate of occupancy.”

Section [A] 102.8 of the International Plumbing Code, 2021 Edition, is amended to read as follows:

**“[A] 102.8 Referenced codes and standards.** The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections [A] 102.8.1 and [A] 102.8.2. Whenever amendments have been adopted to the referenced codes and standards, each

reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.”

Section [A] 112.4 of the International Plumbing Code, 2021 Edition, is amended by adding Subsection [A] 112.4.4 to read as follows:

“**[A] 112.4.4 Subsequent reinspection and testing.** Where any work or installation does not pass a retest or reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for a subsequent reinspection. A fee shall be paid to the Building Inspection Department prior to each subsequent reinspection.”

Section [A]113 of the International Plumbing Code, 2021 Edition, is amended to read as follows:

“**[A]113.1 Application for appeal.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of adjustment. The board of adjustment shall be appointed and shall hold office in accordance with the City of Richardson Code of Ordinances, Appendix A – Comprehensive Zoning Ordinance of 1956, Article XXV. – Board of Adjustment. {all remaining sections deleted}.”

Section [A] 114 of the International Plumbing Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section 305.4.1 of the International Plumbing Code, 2021 Edition, is amended to read as follows:

“**305.4.1 Sewer depth.** Building sewers shall be a minimum of 12 inches (305 mm) below grade.”

Section 312.10 of the International Plumbing Code, 2021 Edition, is amended by deleting Subsections 312.10.1 and 312.10.2 and amending 312.10 to read as follows:

“**312.10 Inspection and testing of backflow prevention assemblies.** Inspection and testing shall comply with the requirements set forth by the Texas Commission on Environmental Quality.”

Section 502 of the International Plumbing Code, 2021 Edition, is amended by adding Subsection 502.6 to read as follows:

“**502.6 Water heaters above ground or floor.** When the attic, roof, mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, access shall be provided by a stairway or permanent ladder fastened to the building.”

Section 608.17.5 of the International Plumbing Code, 2021 Edition, is amended to read as follows:

“**608.17.5 Connections to lawn irrigation systems.** The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-

type vacuum breaker, a double-check assembly or a reduced pressure principal backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principal backflow preventer.”

Section 713 of the International Plumbing Code, 2021 Edition, is amended to read as follows:

**“SECTION 713  
ENGINEERED DRAINAGE DESIGN”**

Section 713.1 of the International Plumbing Code, 2021 Edition, is amended to read as follows:

**“713.1 Design of drainage system.** The sizing requirements for plumbing drainage systems shall be determined by approved design methods.”

Section 903.1.1 of the International Plumbing Code, 2021 Edition, is amended to read as follows:

**“903.1.1 Roof extension unprotected.** Open vent pipes that extend through a roof shall terminate not less than 6 inches (152 mm) above the roof (remainder of text unchanged).”

Section 1106.1 of the International Plumbing Code, 2021 Edition, is amended to read as follows:

**“1106.1 General.** The size of the vertical conductors and leaders, building storm drains, building storm sewers, and any horizontal branches of such drains or sewers shall be based on the 100-year hourly rainfall rate of 5 inches.”

Section 1202.1 of the International Plumbing Code, 2021 Edition, is amended by deleting exceptions 1 and 2.”“

**SECTION 7.** That the Code of Ordinances of the City of Richardson, Texas, be and the same is hereby amended by amending Chapter 6, Article II-A, Sections 6-45 and 6-46, to read as follows:

**“ARTICLE II-A. – INTERNATIONAL EXISTING BUILDING CODE, 2021 EDITION**

**Sec. 6-45. - Adopted.**

There is hereby adopted by the City of Richardson, Texas, the International Existing Building Code, 2021 Edition and amendments, a copy of which is on file in the City Secretary’s

Office and made a part of this article for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.

#### **Sec. 6-46. - Amendments.**

The following sections of the International Existing Building Code, 2021 Edition and amendments, are hereby amended to read as follows:

Section [A] 102.4 of the International Existing Building Code, 2021 Edition, is amended to read as follows:

**“[A] 102.4 Referenced codes and standards.** The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Subsections [A] 102.4.1 and [A] 102.4.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.”

Sections [A] 104.2.1, [A] 104.2.2 and [A] 104.2.2.1 of the International Existing Building Code, 2021 Edition, are hereby deleted and are of no force and effect.

Section [A] 104.10.1 of the International Existing Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section [A] 105.2 of the International Existing Building Code, 2021 Edition, is amended by deleting Building, items 1,4 and 6.

Section [A] 109.5 of the International Existing Building Code, 2021 Edition, is amended to add Subsection [A] 109.5.1 and [A] 109.5.2 to read as follows:

**“[A] 109.5.1 Reinspection.** Where any work or installation does not pass any initial inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for reinspection.”

**“[A] 109.5.2 Subsequent reinspection and testing.** Where any work or installation does not pass a retest or reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for a subsequent reinspection. A fee shall be paid to the Building Inspection Department prior to each subsequent reinspection.”

Section [A] 110.1 of the International Existing Building Code, 2021 Edition, is amended by adding Subsection [A] 110.1.1 to read as follows:

**“[A] 110.1.1 Change in tenancy or ownership.** It shall be unlawful to make a change in tenancy or ownership of any existing building or lease space without first making application for and obtaining approval for a certificate of occupancy.”

Section [A] 112 of the International Existing Building Code, 2021 Edition, is amended to read as follows:

“**[A] 112.1 Application for appeal.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of adjustment. The board of adjustment shall be appointed and shall hold office in accordance with City of Richardson Code of Ordinances, Appendix A – Comprehensive Zoning Ordinance of 1956, Article XXV. – Board of Adjustment. {all remaining sections deleted}.”

Section 202 of the International Existing Building Code, 2021 Edition, is amended by revising the following definitions to read as follows:

“**[A] EXISTING BUILDING** - A building, structure, or space, with an approved final inspection issued under a code edition which is at least 2 published code editions preceding the currently adopted building code; or a change of occupancy.”

“**[A] EXISTING STRUCTURE** - A building, structure, or space, with an approved final inspection issued under a code edition which is at least 2 published code editions preceding the currently adopted building code; or a change of occupancy.”

Section 306.1 of the International Existing Building Code, 2021 Edition, is amended to add Exceptions 1 and 2 to read as follows:

“**306.1 Scope.** {remainder of text unchanged}.”

**Exceptions:**

1. Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this section.
2. If the cost of the project is less than \$50K, it must comply with ICC A117.1, or it shall be reviewed and inspected to the Texas Accessibility Standards by a Registered Accessibility Specialist.”

Section 306.5.1 of the International Existing Building Code, 2021 Edition, is amended to read as follows:

“**306.5.1 Complete change of occupancy.** Where an entire building undergoes a change of occupancy, it shall comply with Section 305.4.1 and shall have all of the following accessible features:

1. Not fewer than one accessible building entrance.
2. Not fewer than one accessible route from an accessible building entrance to primary function areas.

3. Signage complying with Section 1111 of the International Building Code.
4. Accessible parking, where parking is being provided.
5. Not fewer than one accessible passenger loading zone, where loading zones are provided.
6. Not fewer than one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.
7. At least one accessible family or assisted use toilet room shall be provided in accordance with Chapter 11 of the International Building Code.
8. Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, Items 1 through 6 shall conform to the requirements to the maximum extent technically feasible.

**Exception:** The accessible features listed in Items 1 through 6 are not required for an accessible route to Type B units.”

Section 401.3 of the International Existing Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section 405.2.6 of the International Existing Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section 406.1 of the International Existing Building Code, 2021 Edition, is amended to read as follows:

**“406.1 Material.** Existing electrical wiring and equipment undergoing repair shall be allowed to be repaired or replaced with like material, in accordance with the requirements of NFPA 70.”

Section 502.3 of the International Existing Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section 503.2 of the International Existing Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section [BE] 504.1.3 of the International Existing Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section 506.1 of the International Existing Building Code, 2021 Edition, is amended by adding Subsection 506.1.1.2 to read as follows:

**“506.1.1.2 Change in tenancy or ownership.** It shall be unlawful to make a change in tenancy or ownership of an existing building or lease space without first making application for and obtaining approval for a certificate of occupancy.”

Section 507.3 of the International Existing Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section 701.3 of the International Existing Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section 702.4 of the International Existing Building Code, 2021 Edition, is amended to add Exception 2 to read as follows:

**“702.4 Window opening control devices on replacement windows.** {remainder of text unchanged.

**Exceptions:**

1. {remainder of text unchanged}.
2. Operable windows with openings that are provided with window fall protections that comply with ASTM F2090.”

Section 702.7 of the International Existing Building Code, 2021 Edition, is amended to read as follows:

**“702.7 Materials and methods.** All new work shall comply with the materials and methods requirements as amended and adopted in the International Building Code, International Energy Conservation Code, International Mechanical Code, National Electrical Code, and International Plumbing Code, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.”

Section 802.5.1 of the International Existing Building Code, 2021 Edition, is amended to read as follows:

**“802.5.1 Minimum requirement.** Every portion of open-sided walking surfaces, including mezzanines, equipment platforms, aisles, stairs, ramps and landings that are not provided with guards, or those in which the existing guards are judged to be in danger of collapsing, shall be provided with guards.”

Section 803.3 of the International Existing Building Code, 2021 Edition, is amended to read as follows:

**“803.3 Standpipes.** Refer to Section 1103.6 of the International Fire Code for retroactive standpipe requirements. {remainder of section deleted}.”

Section 804.2; Exception 1 of the International Existing Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section 804.4.1.2 of the International Existing Building Code, 2021 Edition, is amended to read as follows:

**“804.4.1.2 Fire escapes required.** For other than Group I-2, where more than one exit is required an existing constructed fire escape complying with Section 804.4.1.2.1 shall be accepted as providing one of the required means of egress.”

Section 804.4.1.2.1 of the International Existing Building Code, 2021 Edition, Exceptions 2 and 5 are amended to read as follows, and Exception 3 is hereby deleted and is of no force and effect:

**“804.4.1.2.1 Fire escape access and details.**

1. {remainder of text unchanged}.
2. Access to a fire escape shall be through a door {remainder of section unchanged}.
3. [Deleted]
4. {remainder of text unchanged}.
5. In all building of Group E occupancy up to and including the 12th grade, building of Group I occupancy, boarding houses, and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.”

Section 804.6.2 of the International Existing Building Code, 2021 Edition is amended by to read as follows:

**“804.6.2 Transoms.** In all buildings of Group B, E, I-1, I-2, R-1 and R-2 occupancies {remainder of text unchanged}.”

Section 1001.2 of the International Existing Building Code, 2021 Edition is amended by adding Subsection 1001.2.3 to read as follows:

**“1001.2.3 Change in tenancy or ownership.** It shall be unlawful to make a change in tenancy or ownership of an existing building or lease space without first making application for and obtaining approval for a certificate of occupancy.”

Section 1103.3 of the International Existing Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section 1201.4 of the International Existing Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section 1301.3.2 of the International Existing Building Code, 2021 Edition, is amended to read as follows:

**“1301.3.2 Compliance with other codes.** Buildings that are evaluated in accordance with this section shall comply with the International Fire Code and the provisions of the City of Richardson Code of Ordinances, Chapter 6, Article VIII, Property Maintenance, shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life

and fire safety, hazards; responsibilities of owners, operators and occupant; and occupancy of existing premises and structures. All references to the International Property Maintenance Code shall hereafter read the City of Richardson Code of Ordinances, Chapter 6, Article VIII, Property Maintenance Code.”

Section 1301.3.3 of the International Existing Building Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section 1401.2 of the International Existing Building Code, 2021 Edition, is amended to read as follows:

**“1401.2 Conformance.** The building shall be safe for human occupancy as determined by the International Fire Code and the City of Richardson Code of Ordinances, Chapter 6, Article VIII, Property Maintenance Code.

Any repair, alteration or change of occupancy undertaken within the moved structure shall comply with the requirements of this code applicable to the work being performed. Any field-fabricated elements shall comply with the requirements of the International Building Code or the International Residential Code as applicable.”

Section [BS] 1402.6 of the International Existing Building Code, 2021 Edition, is hereby deleted and is of no force and effect.”“

**SECTION 8.** That the Code of Ordinances of the City of Richardson, Texas, be and the same is hereby amended by amending Chapter 6 in part to add Article II-B, Sections 6-47 and 6-48, to read as follows:

**“ARTICLE II-B. – INTERNATIONAL SWIMMING POOL AND SPA CODE, 2021 EDITION**

**Sec. 6-46. - Adopted.**

There is hereby adopted by the City of Richardson, Texas, the International Swimming Pool and Spa Code, 2021 Edition and amendments, a copy of which is on file in the City Secretary’s Office and made a part of this article for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended.

**Sec. 6-47. - Amendments.**

The following sections of the International Swimming Pool and Spa Code, 2021 Edition and amendments, are hereby amended to read as follows:

Section [A]101.1 of the International Swimming Pool and Spa Code, 2021 Edition, is amended to read as follows:

“[A] **101.1 Title.** These regulations shall be known as the Richardson Swimming Pool and Spa Code, and shall be cited as such and will be referred to herein as “this code”.

Section [A] 102.9 of the International Swimming Pool and Spa Code, 2021 Edition, is amended to read as follows:

“[A] **102.9 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law, to include but not limited to:

1. Texas Department of State Health Services (TDSHS); Standards for Public Pools and Spas; §285.181 through §285.208.

**Exception:** Private pools serving one- and two-family dwellings or townhouses.

2. Texas Department of Licensing and Regulation (TDLR); 2012 Texas Accessibility Standards (TAS), TAS provide the scoping and technical requirements for accessibility for Swimming Pool, wading pools and spas and shall comply with 2012 TAS, Section 242.

**Exceptions:**

1. Private pools serving one- and two-family dwellings or townhouses.
2. Elements regulated under Texas Department of Licensing and Regulation (TDLR) and built in accordance with TDLR approved plans, including any variances or waivers granted by the TDLR, shall be deemed to be in compliance with the requirements of this Chapter.”

Section “[A]103.1 of the International Swimming Pool and Spa Code, 2021 Edition, is amended to read as follows:

“[A] **103.1 Creation of enforcement agency.** The City of Richardson Building Inspection Department is hereby created and the official in charge thereof shall be known as the building official in accordance this code, local and state law. The City of Richardson Health Department is hereby created and the official in charge thereof shall be known as the director of health or designated representative for operation and maintenance of any public swimming pool in accordance with this code, local and state law.”

Section [A] 106.16 of the International Swimming Pool and Spa Code, 2021 Edition, is amended to add Subsection [A] 106.16.1 read as follows:

“[A] **106.16.1 Subsequent reinspection and testing.** Where any work or installation does not pass a retest or reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for a subsequent reinspection. A fee shall be paid to the official department thereof for each subsequent reinspection.”

Section [A] 113.4 of the International Swimming Pool and Spa Code, 2021 Edition, is hereby deleted and is of no force and effect.

Section [A] 107.5 of the International Swimming Pool and Spa Code, 2021 Edition, is amended as follows:

Section [A] 111.1 of the International Swimming Pool and Spa Code, 2021 Edition, is amended as follows:

**“[A] 111.1 Application for appeal.** In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of adjustment. The board of adjustment shall be appointed and shall hold office in accordance with City of Richardson Code of Ordinances, Appendix A – Comprehensive Zoning Ordinance of 1956, Article XXV. – Board of Adjustment. {all remaining sections deleted}.”

Section 202 of the International Swimming Pool and Spa Code, 2021 Edition, is amended by adding or amending the following definitions to read as follows:

**“DIRECTOR OF HEALTH OR DESIGNATED REPRESENTATIVE** regulates the operation of public pools. Routine inspections on pools and spas open to the public are conducted to document compliance with the standards set forth in State law.”

Section 303.1.3 of the International Swimming Pool and Spa Code, 2021 Edition, is deleted and of no force or effect.

Section 304 of the International Swimming Pool and Spa Code, 2021 Edition, is deleted and of no force or effect.

Section 305.1 of the International Swimming Pool and Spa Code, 2021 Edition, is amended as follows:

**“305.1 General.** The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. {remainder of text deleted.}”

Section 305.1.1 of the International Existing Building Code, 2021 Edition is deleted and is of no force and effect.

Section 305.2 of the International Swimming Pool and Spa Code, 2021 Edition, is amended as follows:

**“305.2 Outdoor swimming pools and spas.** Outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with this code as amended or adopted, the City of Richardson Code of Ordinances, Chapter 6, Article IV - Fences, Section 6-212 and in accordance with the Texas Administrative Code, Texas Health and Safety Code 757 for public pools.”

Sections 305.2.1 through 305.2.6 of the International Swimming Pool and Spa Code, 2021 Edition, are deleted and of no force or effect.

Section 305.3.1 of the International Swimming Pool and Spa Code, 2021 Edition, is amended as follows:

**“305.3.1 Utility or service gates.** Gates not intended for pedestrian use, such as utility or service gates, shall remain locked and utilize a self-closing, latching device.”

Section 305.4 of the International Swimming Pool and Spa Code, 2021 Edition, is amended by deleting item 5.

**“305.4 Structure wall as a barrier.** Where a wall of a one or two family dwelling or townhouse or its accessory structure serves as a part of the pool barrier and where doors provide direct access to the pool or spa through that wall, one of the following shall be required:

1. {existing text unchanged}.
2. {existing text unchanged}.
3. {existing text unchanged}.
4. {existing text unchanged}.
5. {deleted}.”

Section 305.6 of the International Swimming Pool and Spa Code, 2021 Edition, is amended to read as follows:

**“305.6 Natural barriers used in a one- and two-family dwelling or townhouse.** In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water’s edge a minimum of eighteen (18) inches, a barrier is not required between the natural body of water shoreline and the pool or spa.”

Sections 307.1.4 of the International Swimming Pool and Spa Code, 2021 Edition, is amended to add an exception as follows:

**“307.1.4 Accessibility.** {remainder of text unchanged}.

**Exception:** Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.”

Section 307.2.2 of the International Swimming Pool and Spa Code, 2021 Edition, is amended to add Subsection 307.2.2.2 to read as follows:

**“307.2.2.2 Adjacency to structural foundations.** Depth of the swimming pool and spa shall maintain a ratio of 1:1 measured from the nearest building foundation or footing of a retaining wall.

**Exception:** An engineered design by a Texas-registered engineer shall be submitted for approval.”

Section 310.1 of the International Swimming Pool and Spa Code, 2021 Edition, is amended to read as follows:

**“310.1 General.** Suction entrapment avoidance for pools and spas shall be provided in accordance with APSP 7 or for public swimming pools in accordance with State of Texas Rules for Public Swimming Pools and Spas, Title 25 TAC Chapter 265 Subchapter L, Rule §265.190.”

Section 402.12 of the International Swimming Pool and Spa Code, 2021 Edition, is amended to read as follows:

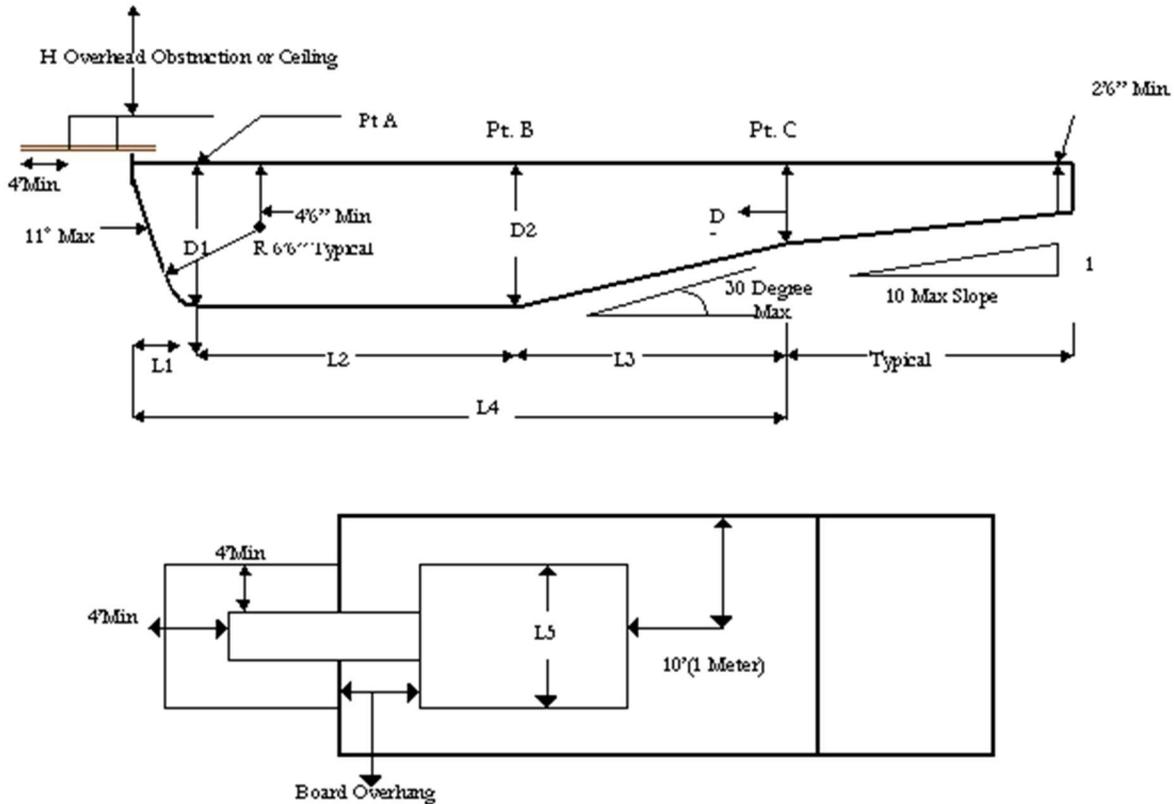
**“402.12 Water envelopes.** The minimum diving water envelopes shall be in accordance with Texas Department of State Health Services, Administrative Code Title 25, Chapter 265, Section 186 (e) and Figure: 25 TAC 256.186 (e) (6).”

Section 402.12 of the International Swimming Pool and Spa Code, 2021 Edition, is amended to add Figure: 25 TAC §265.186 (e) (6) to read as follows:

**Figure: 25 TAC §265.186 (e) (6)**

Maximum Diving Board Height Over Water	¾ Meter	1 Meter	3 Meters
Max. Diving Board Length	12 ft.	16 ft.	16 ft.
Minimum Diving Board Overhang	2 ft. 6 in.	5 ft.	5 ft.
D1 Minimum	8 ft. 6 in.	11 ft. 2 in.	12 ft. 2 in.
D2 Minimum	9 ft.	10 ft. 10 in.	11 ft. 10 in.
D3 Minimum	4 ft.	6 ft.	6 ft.
L1 Minimum	4 ft.	5 ft.	5 ft.
L2 Minimum	12 ft.	16 ft. 5 in.	19 ft. 9 in.
L3 Minimum	14 ft. 10 in.	13 ft. 2 in.	13 ft. 11 in.
L4 Minimum	30 ft. 10 in.	34 ft. 7 in.	38 ft. 8 in.
L5 Minimum	8 ft.	10 ft.	13 ft.
H Minimum	16 ft.	16 ft.	16 ft.

From Plumbet to Pool Wall at Side	9 ft.	10 ft.	11 ft. 6 in.
From Plumbet to Adjacent Plumbet	10 ft.	10 ft.	10 ft.



Sections 411.2.1 & 411.2.2 of the International Swimming Pool and Spa Code, 2021 Edition, are amended to read as follows:

**“411.2.1 Tread dimensions and area.** Treads shall have a minimum unobstructed horizontal depth (i.e., horizontal run) of 12 inches and a minimum width of 20 inches.”

**“411.2.2 Risers.** Risers for steps shall have a maximum uniform height of 10 inches, with the bottom riser height allowed to taper to zero.”

Sections 411.5.1 & 411.5.2 of the International Swimming Pool and Spa Code, 2021 Edition, are amended to read as follows:

**“411.5.1 Swimouts.** Swimouts, located in either the deep or shallow area of a pool, shall comply with all of the following:

1. {existing text unchanged}.
2. {existing text unchanged}.

3. {existing text unchanged}.
4. The leading edge shall be visibly set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.”

“**411.5.2 Underwater seats and benches.** Underwater seats and benches, whether used alone or in conjunction with pool stairs, shall comply with all of the following:

1. {existing text unchanged}.
2. {existing text unchanged}.
3. {existing text unchanged}.
4. {existing text unchanged}.
5. The leading edge shall be visually set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.
6. {existing text unchanged}.
7. {existing text unchanged}.”

Section 610.5.1 of the International Swimming Pool and Spa Code, 2021 Edition, is amended to read as follows:

“**610.5.1 Uniform height of 10 inches.** Except for the bottom riser, risers at the centerline shall have a maximum uniform height of 10 inches (254 mm). The bottom riser height shall be permitted to vary from the other risers.”

Section 804.1 of the International Swimming Pool and Spa Code, 2021 Edition, is amended to read as follows:

“**804.1 General.** The minimum diving water envelopes shall be in accordance with Table 804.1 and Figure 804.1, or the manufacturer’s specifications, whichever is greater. Negative construction tolerances shall not be applied to the dimensions of the minimum diving water envelopes given in Table 804.1.”“

**SECTION 9.** That all provisions of the Code of Ordinances of the City of Richardson, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and

all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 10.** That an offense committed before the effective date of this Ordinance is governed by the prior law and provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 11.** That should any word, phrase, section, or portion of this Ordinance or of the Code of Ordinances, as amended hereby, be held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 12.** 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 Code of Ordinances 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 13.** That this Ordinance shall become effective from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Richardson, Texas, on the 24th day of April 2023.

APPROVED:

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MAYOR

APPROVED AS TO FORM:

CORRECTLY ENROLLED:

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CITY ATTORNEY  
(PGS:4-13-23:TM 134020)

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CITY SECRETARY



**RICHARDSON**  
TEXAS

**MEMO**

**DATE:** April 17, 2023  
**TO:** Keith Dagen – Director of Finance  
**FROM:** Lisa TerMorshuizen – Purchasing Supervisor   
**SUBJECT:** Award of Bid #11-23 for Floyd Branch Utility Hole Replacement to DFW Services in the amount of \$1,085,035

**Proposed Date of Award: April 24, 2023**

I concur with the recommendation of Jim Dulac – Director of Engineering and Capital Projects, and request permission to award a contract to the lowest responsible bidder, DFW Services, for the above referenced project in the amount of \$1,085,035, as outlined in the attached memo.

Funding is from FY 2023 Water and Sewer Certificates of Obligations.

The bid was advertised in *The Dallas Morning News* on March 2, 9 & 16, 2023 and posted on Periscope. A total of 6731 electronic solicitations were distributed and twenty-five (25) vendors viewed the bid. A pre-bid conference was held online via Cisco Webex on March 16, 2023, and three (3) bids were received.

Concur:

  
Keith Dagen

ATTACHMENTS



**RICHARDSON**  
TEXAS

**MEMO**

TO: Lisa TerMorshuizen, Purchasing Supervisor  
THROUGH: Charles Goff, Assistant City Manager   
FROM: Jim Dulac, P.E., Director of Engineering and Capital Projects   
SUBJECT: Permission to Award Construction Contract to DFW Services for Bid No. 11-23.  
DATE: April 4, 2023

***ACTION REQUESTED:***

Council to consider contract award to DFW Services for the construction of Floyd Branch Basin Manhole Replacement, in the amount of \$1,085,035.

Base Bid: \$1,085,035

***BACKGROUND INFORMATION:***

The Floyd Branch Manhole Replacement project calls for replacement of 25 manholes. The City of Richardson has an ongoing Capacity Management Operations and Maintenance (CMOM) Self-audit to proactively review the current sewer system and determine where infrastructure improvements are needed. The Floyd Branch Basin Manhole Replacement project is part of the CMOM effort, and it consists of completely replacing 25 manholes in the Floyd Branch Basin based on assessments and studies performed in this basin. The sanitary sewer manholes will be replaced with new pre-cast concrete manholes. Replacing the structures also will reduce the inflow and infiltration in the system as well as extend the life of the system.

On 3/30/2023, the Engineering and Capital Projects Department opened bids for the Floyd Branch Manhole Replacement project. The attached bid tabulation certifies the lowest responsive bid was submitted by DFW Services in the amount of \$1,085,035. City staff recommends awarding contract to DFW Services in the amount of \$1,085,035. DFW Services has successfully completed the Cottonwood Manhole Replacement project for the City of Richardson, as well as other similar projects for other municipalities.

***FUNDING:***

Funding is from FY23 Water and Sewer Certificates of Obligations designated for the CMOM program.

***SCHEDULE:***

Construction is expected to start in May 2023, and be complete by Winter 2024.

Attachments: Bid Tabulation  
Project Map

FLOYD BRANCH BASIN MANHOLE REPLACEMENTS  
 BID NO. 11-23  
 Bids opened 3/30/23



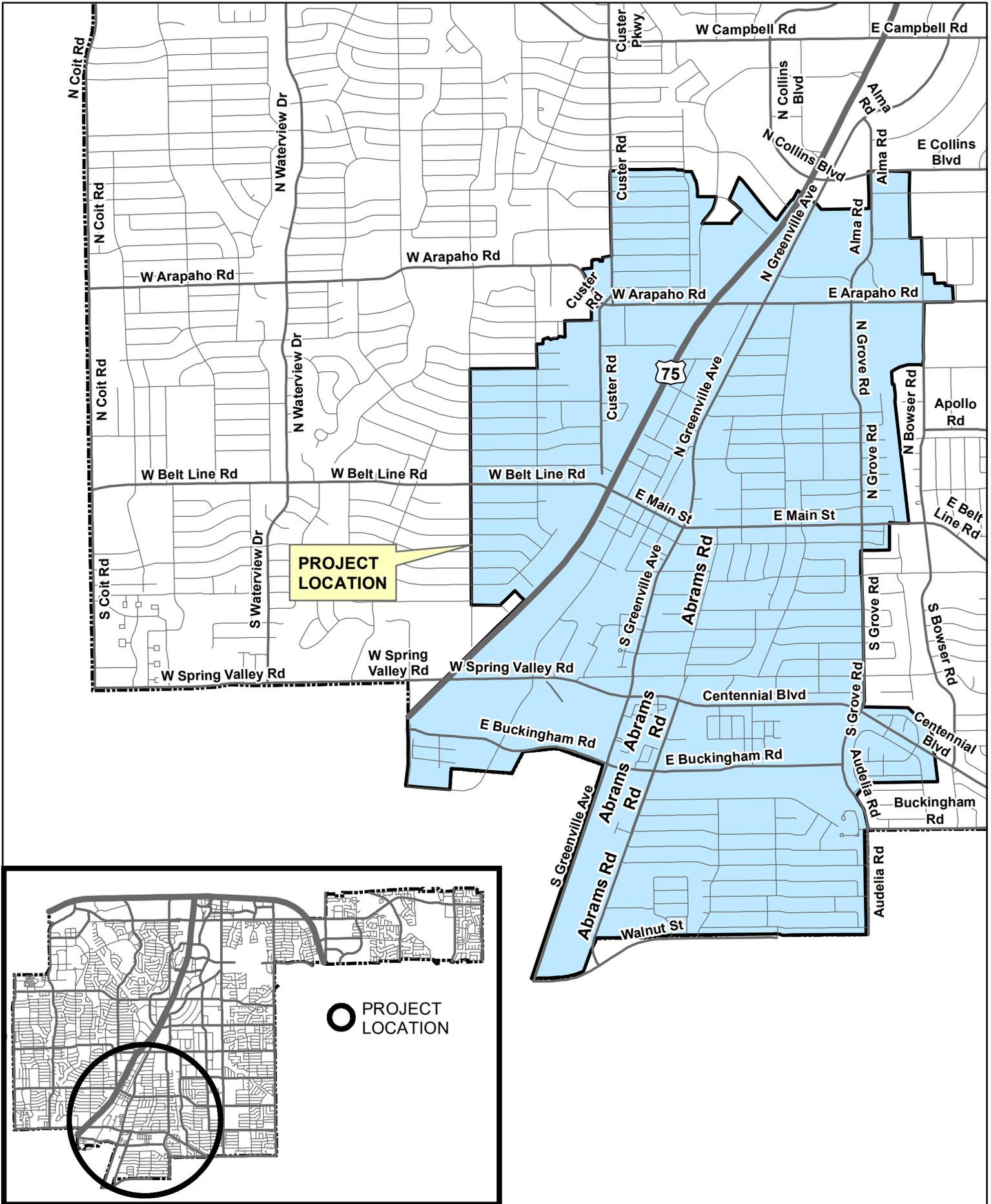
Item	Description	Quantity	Units	DFW Services		Flow-Line Construction, Inc.		Canary Construction	
				Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
A1	Complete Replacement of MH1299 per Contract Documents	1	LS	\$ 19,000.00	\$ 19,000.00	\$ 41,000.00	\$ 41,000.00	\$ 38,000.00	\$ 38,000.00
A2	Complete Replacement of MH1335 per Contract Documents	1	LS	\$ 51,500.00	\$ 51,500.00	\$ 56,000.00	\$ 56,000.00	\$ 43,000.00	\$ 43,000.00
A3	Complete Replacement of MH1338 per Contract Documents	1	LS	\$ 94,500.00	\$ 94,500.00	\$ 60,000.00	\$ 60,000.00	\$ 43,000.00	\$ 43,000.00
A4	Complete Replacement of MH1364 per Contract Documents	1	LS	\$ 26,500.00	\$ 26,500.00	\$ 44,000.00	\$ 44,000.00	\$ 59,000.00	\$ 59,000.00
A5	Complete Replacement of MH1378 per Contract Documents	1	LS	\$ 41,500.00	\$ 41,500.00	\$ 45,000.00	\$ 45,000.00	\$ 53,000.00	\$ 53,000.00
A6	Complete Replacement of MH1419 per Contract Documents	1	LS	\$ 26,000.00	\$ 26,000.00	\$ 41,000.00	\$ 41,000.00	\$ 42,000.00	\$ 42,000.00
A7	Complete Replacement of MH1439 per Contract Documents	1	LS	\$ 32,500.00	\$ 32,500.00	\$ 42,000.00	\$ 42,000.00	\$ 35,000.00	\$ 35,000.00
A8	Complete Replacement of MH1463 per Contract Documents	1	LS	\$ 33,750.00	\$ 33,750.00	\$ 45,000.00	\$ 45,000.00	\$ 38,000.00	\$ 38,000.00
A9	Complete Replacement of MH1479 per Contract Documents	1	LS	\$ 50,000.00	\$ 50,000.00	\$ 53,000.00	\$ 53,000.00	\$ 35,000.00	\$ 35,000.00
A10	Complete Replacement of MH1495 per Contract Documents	1	LS	\$ 46,000.00	\$ 46,000.00	\$ 56,000.00	\$ 56,000.00	\$ 40,000.00	\$ 40,000.00
A11	Complete Replacement of MH1593 per Contract Documents	1	LS	\$ 23,500.00	\$ 23,500.00	\$ 41,000.00	\$ 41,000.00	\$ 38,000.00	\$ 38,000.00
A12	Complete Replacement of MH1601 per Contract Documents	1	LS	\$ 45,500.00	\$ 45,500.00	\$ 51,000.00	\$ 51,000.00	\$ 48,000.00	\$ 48,000.00
A13	Complete Replacement of MH1638 per Contract Documents	1	LS	\$ 39,250.00	\$ 39,250.00	\$ 41,000.00	\$ 41,000.00	\$ 36,000.00	\$ 36,000.00
A14	Complete Replacement of MH1695 per Contract Documents	1	LS	\$ 39,000.00	\$ 39,000.00	\$ 55,000.00	\$ 55,000.00	\$ 45,000.00	\$ 45,000.00
A15	Complete Replacement of MH1722 per Contract Documents	1	LS	\$ 26,450.00	\$ 26,450.00	\$ 41,000.00	\$ 41,000.00	\$ 44,000.00	\$ 44,000.00
A16	Complete Replacement of MH1725 per Contract Documents	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 41,000.00	\$ 41,000.00	\$ 37,000.00	\$ 37,000.00
A17	Complete Replacement of MH1805 per Contract Documents	1	LS	\$ 26,000.00	\$ 26,000.00	\$ 41,000.00	\$ 41,000.00	\$ 38,000.00	\$ 38,000.00
A18	Complete Replacement of MH2194 per Contract Documents	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 41,000.00	\$ 41,000.00	\$ 38,000.00	\$ 38,000.00
A19	Complete Replacement of MH2203 per Contract Documents	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 41,000.00	\$ 41,000.00	\$ 39,000.00	\$ 39,000.00
A20	Complete Replacement of SSMH010771 per Contract Documents	1	LS	\$ 31,000.00	\$ 31,000.00	\$ 41,000.00	\$ 41,000.00	\$ 36,000.00	\$ 36,000.00
A21	Complete Replacement of MH2361 per Contract Documents	1	LS	\$ 22,000.00	\$ 22,000.00	\$ 41,000.00	\$ 41,000.00	\$ 36,000.00	\$ 36,000.00
A22	Complete Replacement of MH2365 per Contract Documents	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 41,000.00	\$ 41,000.00	\$ 37,000.00	\$ 37,000.00
A23	Complete Replacement of MH2367 per Contract Documents	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 41,000.00	\$ 41,000.00	\$ 38,000.00	\$ 38,000.00
A24	Complete Replacement of MH23684 per Contract Documents	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 41,000.00	\$ 41,000.00	\$ 38,000.00	\$ 38,000.00
A25	Complete Replacement of MH2495 per Contract Documents	1	LS	\$ 48,000.00	\$ 48,000.00	\$ 46,000.00	\$ 46,000.00	\$ 49,000.00	\$ 49,000.00
A26	PVC Gravity Sewer Pipe Replacement (4-inch)	30	LF	\$ 44.00	\$ 1,320.00	\$ 100.00	\$ 3,000.00	\$ 200.00	\$ 6,000.00
A27	PVC Gravity Sewer Pipe Replacement (6-inch)	80	LF	\$ 54.00	\$ 4,320.00	\$ 110.00	\$ 8,800.00	\$ 250.00	\$ 20,000.00
A28	PVC Gravity Sewer Pipe Replacement (8-inch)	390	LF	\$ 72.00	\$ 28,080.00	\$ 120.00	\$ 46,800.00	\$ 400.00	\$ 156,000.00
A29	PVC Gravity Sewer Pipe Replacement (10-inch)	70	LF	\$ 110.00	\$ 7,700.00	\$ 130.00	\$ 9,100.00	\$ 500.00	\$ 35,000.00
A30	PVC Gravity Sewer Pipe Replacement (12-inch)	30	LF	\$ 180.00	\$ 5,400.00	\$ 140.00	\$ 4,200.00	\$ 580.00	\$ 17,400.00
A31	PVC Gravity Sewer Pipe Replacement (15-inch)	20	LF	\$ 200.00	\$ 4,000.00	\$ 150.00	\$ 3,000.00	\$ 690.00	\$ 13,800.00
B1	Restoration of landscaped (grassed) areas with block sod per contract documents	140	SY	\$ 16.00	\$ 2,240.00	\$ 20.00	\$ 2,800.00	\$ 20.00	\$ 2,800.00
B2	Restoration of asphalt paved areas per contract documents	20	SY	\$ 400.00	\$ 8,000.00	\$ 230.00	\$ 4,600.00	\$ 400.00	\$ 8,000.00
B3	Restoration of 6-inch Reinforced Concrete Paved Areas per Contract Documents	100	SY	\$ 300.00	\$ 30,000.00	\$ 500.00	\$ 50,000.00	\$ 300.00	\$ 30,000.00
B4	Restoration of 8-inch Reinforced Concrete Paved Areas per Contract Documents	170	SY	\$ 325.00	\$ 55,250.00	\$ 520.00	\$ 88,400.00	\$ 350.00	\$ 59,500.00
B5	Restoration of Reinforced Concrete Curb per Contract Documents	340	LF	\$ 65.00	\$ 22,100.00	\$ 40.00	\$ 13,600.00	\$ 200.00	\$ 68,000.00
B6	Restoration of Existing Chain Link Fence	50	LF	\$ 60.00	\$ 3,000.00	\$ 50.00	\$ 2,500.00	\$ 50.00	\$ 2,500.00
B7	Restoration of Existing Wood Decorative/Privacy Fence	75	LF	\$ 125.00	\$ 9,375.00	\$ 60.00	\$ 4,500.00	\$ 75.00	\$ 5,625.00
B8	Restoration of Existing Metal Decorative Fence	25	LF	\$ 200.00	\$ 5,000.00	\$ 70.00	\$ 1,750.00	\$ 250.00	\$ 6,250.00
B9	Restoration of 6-inch Reinforced Concrete Sidewalks per Contract Documents	50	SY	\$ 250.00	\$ 12,500.00	\$ 400.00	\$ 20,000.00	\$ 240.00	\$ 12,000.00
C-1	Construction Contingency (\$70,000)	1	LS	\$ 44,800.00	\$ 44,800.00	\$ 44,800.00	\$ 44,800.00	\$ 44,800.00	\$ 44,800.00
<b>TOTAL BASE BID:</b>					<b>\$ 1,085,035.00</b>		<b>\$ 1,434,850.00</b>		<b>\$ 1,510,675.00</b>
<b>Contractor's Submitted Bid Totals:</b>					<b>\$ 1,077,535.00</b>		<b>SAME</b>		<b>SAME</b>

  
 Jim Dulac, P.E., Director of Engineering

April 14, 2023

Gustave Michaud, Project Engineer

# FLOYD BRANCH MANHOLE REPLACEMENTS



**PROJECT LOCATION**

○ PROJECT LOCATION



Document Path: C:\Users\buncent\OneDrive - COR\Robert\Locator Maps\2023\Floyd Branch Manholes 04 APR 23.mxd



**RICHARDSON**  
TEXAS

MEMO

**DATE:** April 17, 2023  
**TO:** Keith Dagen – Director of Finance  
**FROM:** Lisa TerMorshuizen – Purchasing Supervisor   
**SUBJECT:** Award of Bid #38-23 for Apollo Road Property Phase I Improvements project to A&C Construction in the amount of \$1,413,800 which includes Alternate 1 and authorization to execute a change order to decrease the contract amount by \$291,316

**Proposed Date of Award: April 24, 2023**

I concur with the recommendation of Lori Smeby – Director of Parks and Recreation, and request permission to award a contract to the lowest responsible bidder, A&C Construction, for the above referenced construction in the amount of \$1,413,800 which includes Alternate 1, as outlined in the attached memo.

The bid was advertised in *The Dallas Morning News* on January 30, February 6 & 13, 2023 and posted on Periscope. A total of 9,235 electronic solicitations were distributed and thirty-five (35) vendors viewed the bid. A pre-bid conference was held on February 13, 2023 and three (3) bids were received.

Funding is provided from 2021 Bond Program.

I further request permission to decrease the above referenced bid award and contract by \$291,316 to a total contract amount of \$1,122,484, as outlined in the attached memo. The original bid amount exceeded the project budget, and City staff worked with the contractor to reduce the project scope.

Texas Local Government Code Section 252.048 allows for change orders to contracts if changes in plans or specifications are necessary after the performance of the contract is begun or to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished. Any change order that involves a decrease or increase of over \$50,000 must be approved by the governing body of the municipality.

Concur:

  
Keith Dagen

ATTACHMENTS



**RICHARDSON**  
TEXAS

MEMO

TO: Lisa TerMorshuizen, Purchasing Supervisor  
THROUGH: Michaela Dollar, City Manager's Office *MD*  
FROM: Lori Smeby, Director of Parks and Recreation *LS*  
SUBJECT: Permission to Award Bid No. 38-23 to A&C Construction, Inc. for the Apollo Road Property Phase I Improvements project and authorization to execute a Change Order to decrease the amount.

DATE: April 17, 2023

**ACTION REQUESTED:**

Council to consider the Award of Bid No. 38-23 to A&C Construction, Inc. for the Apollo Road Property Phase I Improvements project in the amount of \$1,413,800 and authorization to execute a Change Order to decrease the amount.

**ACCOUNT SUMMARY:**

Base Bid	\$ 1,394,300.00
Add Alternate-1	\$ 19,500.00
<u>Total Amount Bid</u>	<u>\$ 1,413,800.00</u>
<u>Change Order 1</u>	<u>\$ (291,316.00)</u>
Total Contract Value	\$ 1,122,484.00

**BACKGROUND INFORMATION:**

On February 23, 2023, bids were opened for the referenced project. The attached bid tabulation certifies the lowest base bid with Add Alternate-1 to include parking lot light poles, wiring & controls was submitted by A&C Construction, Inc. in the amount of \$1,413,800. City staff has reviewed the references and financials information provided and recommends awarding the project to A&C Construction, Inc.

The project is for the construction of phase one development for the Apollo Road property. The scope includes site grading, site utilities, Apollo Road entry drive and parking lot, parking lot lighting, landscape improvements and a multi-use athletic field area including irrigation, sod, and hydro-mulching.

Bids received for the project exceeded the project budget, so City staff and the contractor worked to reduce the project scope resulting in a \$291,316 reduction in project cost. The reduction in cost was achieved by removing lime treatment in the parking lot, reducing the thickness of topsoil and concrete, eliminating sod using only hydromulch, and adding an owner's contingency. Staff recommends the award of the base bid, Add Alternate-1, and the approval of the Change Order to reduce the contract by \$291,316.

Texas Local Government Code Section 252.048 allows for change orders to contracts if changes in plans or specifications are necessary after the performance of the contract is begun or 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 and any change order that involves a decrease or increase of over \$50,000 must be approved by the governing body of the municipality.

***FUNDING:***

Funding is from 2021 Bond Program, Project PK2203.

***SCHEDULE:***

This project is expected to begin construction in May 2023 and be completed by Nov 2023.

Attachments: 01 - Bid Tabulation 38-23 Totals  
02 - VE Compare Bid 38-23

cc: Paul Nassauer, Superintendent of Park Planning



**Apollo Road Property - Phase I Improvements BID No. 38-23**  
**Engineers Estimate - \$850,000.00**

Item	Description	Unit	Est. Qty.	A&C Construction, Inc.		Ratliff Hardscape, Ltd.		APR Group, Inc.	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Project Mobilization & Demobilization including overhead, bonds, insurance, etc.	LS	1.00	\$58,127.00	\$ 58,127.00	\$ 32,418.00	\$ 32,418.00	\$ 102,364.23	\$ 102,364.23
2	Construction Staging including installation, maintenance and removal of all	LS	1.00	\$8,500.00	\$ 8,500.00	\$ 9,000.00	\$ 9,000.00	\$ 57,754.06	\$ 57,754.06
3	Project Sign including installation, maintenance and removal of project sign in	EA	1.00	\$1,100.00	\$ 1,100.00	\$ 960.00	\$ 960.00	\$ 1,681.27	\$ 1,681.27
4	SWPPP / Erosion Control & Maintenance, Including; preparation of SWPPP and	LS	1.00	\$9,350.00	\$ 9,350.00	\$ 18,000.00	\$ 18,000.00	\$ 19,755.99	\$ 19,755.99
5	Demolition / Site Preparation for the project site consisting of the removal and	LS	1.00	\$7,810.00	\$ 7,810.00	\$ 15,240.00	\$ 15,240.00	\$ 5,743.20	\$ 5,743.20
6	Earthwork for the project site consisting of the removal, excavation and legal	LS	1.00	\$258,500.00	\$ 258,500.00	\$ 365,700.00	\$ 365,700.00	\$ 460,621.95	\$ 460,621.95
7	Traffic Control Plan for the project, including preparation/submittal of Traffic	LS	1.00	\$5,263.00	\$ 5,263.00	\$ 9,600.00	\$ 9,600.00	\$ 4,763.59	\$ 4,763.59
8	Topsoil to include all fine grading, backfilling, etc. to perform site work	LS	1.00	\$187,000.00	\$ 187,000.00	\$ 9,000.00	\$ 9,000.00	\$ 303,446.03	\$ 303,446.03
9	Vehicular Pavement consisting of all work, labor, materials and equipment	SF	26500.00	\$9.90	\$ 262,350.00	\$ 11.50	\$ 304,750.00	\$ 11.74	\$ 311,034.14
10	Concrete Pavement consisting of all work, labor, materials and equipment	SF	1750.00	\$13.20	\$ 23,100.00	\$ 9.50	\$ 16,625.00	\$ 20.07	\$ 35,114.91
11	Concrete Curb and Gutter consisting of all work, labor, materials and equipment	LF	1500.00	\$10.45	\$ 15,675.00	\$ 16.00	\$ 24,000.00	\$ 22.42	\$ 33,625.31
12	Concrete Wheelstops consisting of all work, labor, materials and equipment	EA	2.00	\$132.50	\$ 265.00	\$ 315.00	\$ 630.00	\$ 322.81	\$ 645.61
13	Pavement Striping consisting of all work, labor, materials and equipment	LF	1000.00	\$1.93	\$ 1,925.00	\$ 1.50	\$ 1,500.00	\$ 1.68	\$ 1,681.27
14	ADA Parking Signs consisting of all work, labor, materials and equipment	EA	3.00	\$250.00	\$ 750.00	\$ 282.00	\$ 846.00	\$ 141.23	\$ 423.68
15	Electrical Service consisting of all work, labor, materials and equipment necessary	LS	1.00	\$19,800.00	\$ 19,800.00	\$ 14,940.00	\$ 14,940.00	\$ 70,388.99	\$ 70,388.99
16	Water Meters and Service consisting of all work, labor, backfilling, materials and	LS	1.00	\$21,450.00	\$ 21,450.00	\$ 34,540.00	\$ 34,540.00	\$ 48,016.95	\$ 48,016.95
17	Turfgrass SOD (Celebration Bermuda Grass) consisting of all work, labor, materials	SF	292895.00	\$0.89	\$ 260,970.00	\$ 1.00	\$ 292,895.00	\$ 2.10	\$ 616,464.06
18	Turfgrass SOD (Bermuda Grass) consisting of all work, labor, materials and	SF	10716.00	\$0.66	\$ 7,075.00	\$ 0.75	\$ 8,037.00	\$ 1.46	\$ 15,691.81
19	Hydromulch (Bermuda Grass) consisting of all work, labor, materials and	SF	498863.00	\$0.13	\$ 65,850.00	\$ 0.11	\$ 54,874.93	\$ 0.26	\$ 128,897.03
20	Large Tree, Container (65 Gal. Bur Oak) consisting of all work, labor, materials and	EA	5.00	\$792.00	\$ 3,960.00	\$ 656.00	\$ 3,280.00	\$ 2,241.69	\$ 11,208.44
21	Large Tree, Container (65 Gal. Cedar Elm) consisting of all work, labor, materials	EA	5.00	\$908.00	\$ 4,540.00	\$ 684.00	\$ 3,420.00	\$ 2,241.69	\$ 11,208.44
22	Large Tree, Container (65 Gal. Mexican Sycamore) consisting of all work, labor,	EA	5.00	\$561.00	\$ 2,805.00	\$ 684.00	\$ 3,420.00	\$ 2,241.69	\$ 11,208.44
23	Large Tree, Container (65 Gal. Shumard Oak) consisting of all work, labor,	EA	4.00	\$610.00	\$ 2,440.00	\$ 584.00	\$ 2,336.00	\$ 1,232.93	\$ 4,931.71
24	Shrubs, Container (3 Gal. Lindheimer's Muhly) consisting of all work, labor,	EA	94.00	\$22.02	\$ 2,070.00	\$ 22.00	\$ 2,068.00	\$ 52.47	\$ 4,931.71
25	Irrigation System consisting of all work, labor, materials and equipment necessary	LS	1.00	\$161,700.00	\$ 161,700.00	\$ 218,586.00	\$ 218,586.00	\$ 130,017.88	\$ 130,017.88
26	Record Drawings - Contractor will provide a surveyed AutoCAD file and pdf	LS	1.00	\$275.00	\$ 275.00	\$ 9,000.00	\$ 9,000.00	\$ 5,380.05	\$ 5,380.05
27	Project Cleaning at end of project, the entire jobsite is to be cleaned of any and all	LS	1.00	\$1,650.00	\$ 1,650.00	\$ 6,000.00	\$ 6,000.00	\$ 2,802.11	\$ 2,802.11
28	Owner's Contingency Allowance	LS	1.00	\$0.00	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL BASE BID:</b>					<b>\$ 1,394,300.00</b>		<b>\$ 1,461,665.93</b>		<b>\$ 2,399,802.86</b>

**BID ALTERNATE #1**

AA #1	Parking Lot Light Poles, Wiring & Controls consisting of all work,	LS	1.00	\$19,500.00	\$ 19,500.00	\$ 42,504.00	\$ 42,504.00	\$ 72,883.00	\$ 72,883.00
<b>TOTAL ALTERNATE #1</b>					<b>\$ 19,500.00</b>		<b>\$ 42,504.00</b>		<b>\$ 72,883.00</b>

<b>TOTAL BASE + ALTERNATE</b>					<b>\$ 1,413,800.00</b>		<b>\$ 1,504,169.93</b>		<b>\$ 2,472,685.86</b>
<b>CONTRACTOR'S SUBMITTED BID TOTALS</b>					<b>\$ 1,413,800.00</b>		<b>\$ 1,504,169.93</b>		<b>\$ 2,472,685.86</b>

**Apollo Road Property - Phase I Improvements BID No. 38-23**

Engineers Estimate - \$850,000.00

**A & C Construction, Inc.**

Item	Description	Unit	BID Opening			Value Engineered			Explanation of Changes
			Est. Qty.	Unit Price	Total	Est. Qty.	Unit Price	Total	
1	Project Mobilization & Demobilization including overhead, bonds, insurance, etc.	LS	1	\$ 58,127.00	\$ 58,127.00	1	\$ 55,000.38	\$ 55,000.38	
2	Construction Staging including installation, maintenance and removal of all	LS	1	\$ 8,500.00	\$ 8,500.00	1	\$ 8,500.00	\$ 8,500.00	
3	Project Sign including installation, maintenance and removal of project sign in	EA	1	\$ 1,100.00	\$ 1,100.00	1	\$ 1,100.00	\$ 1,100.00	
4	SWPPP / Erosion Control & Maintenance, Including; preparation of SWPPP and	LS	1	\$ 9,350.00	\$ 9,350.00	1	\$ 9,350.00	\$ 9,350.00	
5	Demolition / Site Preparation for the project site consisting of the removal and	LS	1	\$ 7,810.00	\$ 7,810.00	1	\$ 7,810.00	\$ 7,810.00	
6	Earthwork for the project site consisting of the removal, excavation and legal	LS	1	\$258,500.00	\$ 258,500.00	1	\$226,500.00	\$ 226,500.00	Removed lime treatment at parking lot
7	Traffic Control Plan for the project, including preparation/submittal of Traffic	LS	1	\$ 5,263.00	\$ 5,263.00	1	\$ 5,263.00	\$ 5,263.00	
8	Topsoil to include all fine grading, backfilling, etc. to perform site work	LS	1	\$187,000.00	\$ 187,000.00	1	\$117,000.00	\$ 117,000.00	Dropped thickness to 2' throughout & rliminated back field topsoil
9	Vehicular Pavement consisting of all work, labor, materials and equipment	SF	26500	\$ 9.90	\$ 262,350.00	26500	\$ 9.52	\$ 252,280.00	Dropped thickness from 8' to 7" at parkig lot.
10	Concrete Pavement consisting of all work, labor, materials and equipment	SF	1750	\$ 13.20	\$ 23,100.00	1750	\$ 13.20	\$ 23,100.00	
11	Concrete Curb and Gutter consisting of all work, labor, materials and equipment	LF	1500	\$ 10.45	\$ 15,675.00	1500	\$ 10.45	\$ 15,675.00	
12	Concrete Wheelstops consisting of all work, labor, materials and equipment	EA	2	\$ 132.50	\$ 265.00	2	\$ 132.50	\$ 265.00	
13	Pavement Striping consisting of all work, labor, materials and equipment	LF	1000	\$ 1.93	\$ 1,925.00	1000	\$ 1.93	\$ 1,930.00	
14	ADA Parking Signs consisting of all work, labor, materials and equipment	EA	3	\$ 250.00	\$ 750.00	3	\$ 250.00	\$ 750.00	
15	Electrical Service consisting of all work, labor, materials and equipment necessary	LS	1	\$ 19,800.00	\$ 19,800.00	1	\$ 19,800.00	\$ 19,800.00	
16	Water Meters and Service consisting of all work, labor, backfilling, materials and	LS	1	\$ 21,450.00	\$ 21,450.00	1	\$ 21,450.00	\$ 21,450.00	
17	Turfgrass SOD (Celebration Bermuda Grass) consisting of all work, labor, materials	SF	292895	\$ 0.89	\$ 260,970.00	0	\$ 0.13	\$ -	Eliminated all sod from project
18	Turfgrass SOD (Bermuda Grass) consisting of all work, labor, materials and	SF	10716	\$ 0.66	\$ 7,075.00	0	\$ 0.13	\$ -	Eliminated all sod from project
19	Hydromulch (Bermuda Grass) consisting of all work, labor, materials and	SF	498863	\$ 0.13	\$ 65,850.00	802474	\$ 0.13	\$ 104,321.62	Changed all areas that were sod, to be hydromulch instead.
20	Large Tree, Container (65 Gal. Bur Oak) consisting of all work, labor, materials and	EA	5	\$ 792.00	\$ 3,960.00	5	\$ 792.00	\$ 3,960.00	
21	Large Tree, Container (65 Gal. Cedar Elm) consisting of all work, labor, materials	EA	5	\$ 908.00	\$ 4,540.00	5	\$ 908.00	\$ 4,540.00	
22	Large Tree, Container (65 Gal. Mexican Sycamore) consisting of all work, labor,	EA	5	\$ 561.00	\$ 2,805.00	5	\$ 561.00	\$ 2,805.00	
23	Large Tree, Container (65 Gal. Shumard Oak) consisting of all work, labor,	EA	4	\$ 610.00	\$ 2,440.00	4	\$ 610.00	\$ 2,440.00	
24	Shrubs, Container (3 Gal. Lindheimer's Muhly) consisting of all work, labor,	EA	94	\$ 22.02	\$ 2,070.00	94	\$ 22.00	\$ 2,068.00	
25	Irrigation System consisting of all work, labor, materials and equipment necessary	LS	1	\$161,700.00	\$ 161,700.00	1	\$161,700.00	\$ 161,700.00	
26	Record Drawings - Contractor will provide a surveyed AutoCAD file and pdf	LS	1	\$ 275.00	\$ 275.00	1	\$ 275.00	\$ 275.00	
27	Project Cleaning at end of project, the entire jobsite is to be cleaned of any and all	LS	1	\$ 1,650.00	\$ 1,650.00	1	\$ 1,650.00	\$ 1,650.00	
28	Owner's Contingency Allowance	LS	1	\$ -	\$ -	1	\$ 53,451.00	\$ 53,451.00	Contingency Fund added at the request of the City

TOTAL BASE BID:

**\$ 1,394,300.00**

**\$ 1,102,984.00**

**BID ALTERNATE #1**

AA #1	Parking Lot Light Poles, Wiring & Controls consisting of all work,	LS	1.00	\$19,500.00	\$ 19,500.00	1.00	\$19,500.00	\$ 19,500.00	
<b>TOTAL ALTERNATE #1</b>					<b>\$ 19,500.00</b>			<b>\$ 19,500.00</b>	

TOTAL BASE + ALTERNATE

**\$ 1,413,800.00**

**\$ 1,122,484.00**



**RICHARDSON**  

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**TEXAS**

**MEMO**

**DATE:** April 17, 2023  
**TO:** Keith Dagen – Director of Finance  
**FROM:** Lisa TerMorshuizen – Purchasing Supervisor   
**SUBJECT:** Award of Bid #41-23 for 2022 Capacity, Management, Operation & Maintenance Sanitary Sewer Improvements to Horseshoe Construction, Inc. in the amount of \$691,647.50

**Proposed Date of Award: April 24, 2023**

I concur with the recommendation of Jim Dulac – Director of Engineering and Capital Projects, and request permission to award a contract to the lowest responsible bidder, Horseshoe Construction, Inc., for the above referenced project in the amount of \$691,647.50, as outlined in the attached memo.

Funding is from Water and Sewer C.O.'s and CMOM Operational Funds.

The bid was advertised in *The Dallas Morning News* on March 6, 13 & 20, 2023 and posted on Periscope. A total of 9,825 electronic solicitations were distributed and thirty (30) vendors viewed the bid. A pre-bid conference was held online via Cisco Webex on March 20, 2023, and two (2) bids were received.

Concur:

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Keith Dagen

ATTACHMENTS



**RICHARDSON**  
T E X A S

# MEMO

TO: Lisa TerMorshuizen, Purchasing Supervisor

THROUGH: Charles Goff, Assistant City Manager 

FROM: Jim Dulac, P.E., Director of Engineering and Capital Projects 

SUBJECT: Permission to Award Construction Contract to Horseshoe Construction, Inc. for Bid No. 41-23

DATE: April 6, 2023

***ACTION REQUESTED:***

Council to consider contract award to Horseshoe Construction, Inc. for the construction of 2022 Capacity, Management, Operation & Maintenance Sanitary Sewer Improvements, in the amount of \$691,647.50.

***BACKGROUND INFORMATION:***

2022 Capacity, Management, Operation & Maintenance Sanitary Sewer Improvements calls for sanitary sewer repairs at three locations. Construction at Canyon Creek Country Club consists of 1,650 LF of 10" sanitary sewer replacement. Construction at the intersection of Plano Road and Campbell Rd consists of 340 LF of 8" sanitary sewer replacement. Construction at the 12" Floyd Branch collector main consists of a new sanitary sewer manhole. Existing sanitary sewer mains and manholes are in poor condition and have a history of breaks and clogs.

On 3/29/2023, the Engineering and Capital Projects Department opened bids for 2022 Capacity, Management, Operation & Maintenance Sanitary Sewer Improvements. The attached bid tabulation certifies the lowest responsive bid was submitted by Horseshoe Construction, Inc. in the amount of \$691,647.50. City staff recommends awarding contract to Horseshoe Construction, Inc. in the amount of \$691,647.50.

***FUNDING:***

Funding is from FY23 CMOM Operational Funds and Water / Sewer C.O. Funds

***SCHEDULE:***

Construction is expected to start in Spring 2023, and be complete by Summer 2023

Attachments: Bid Tabulation  
Project Map

2022 Capacity, Management, Operation Maintenance Sanitary Sewer Improvements

Bid No. 41-23

Bids opened 03/29/2023



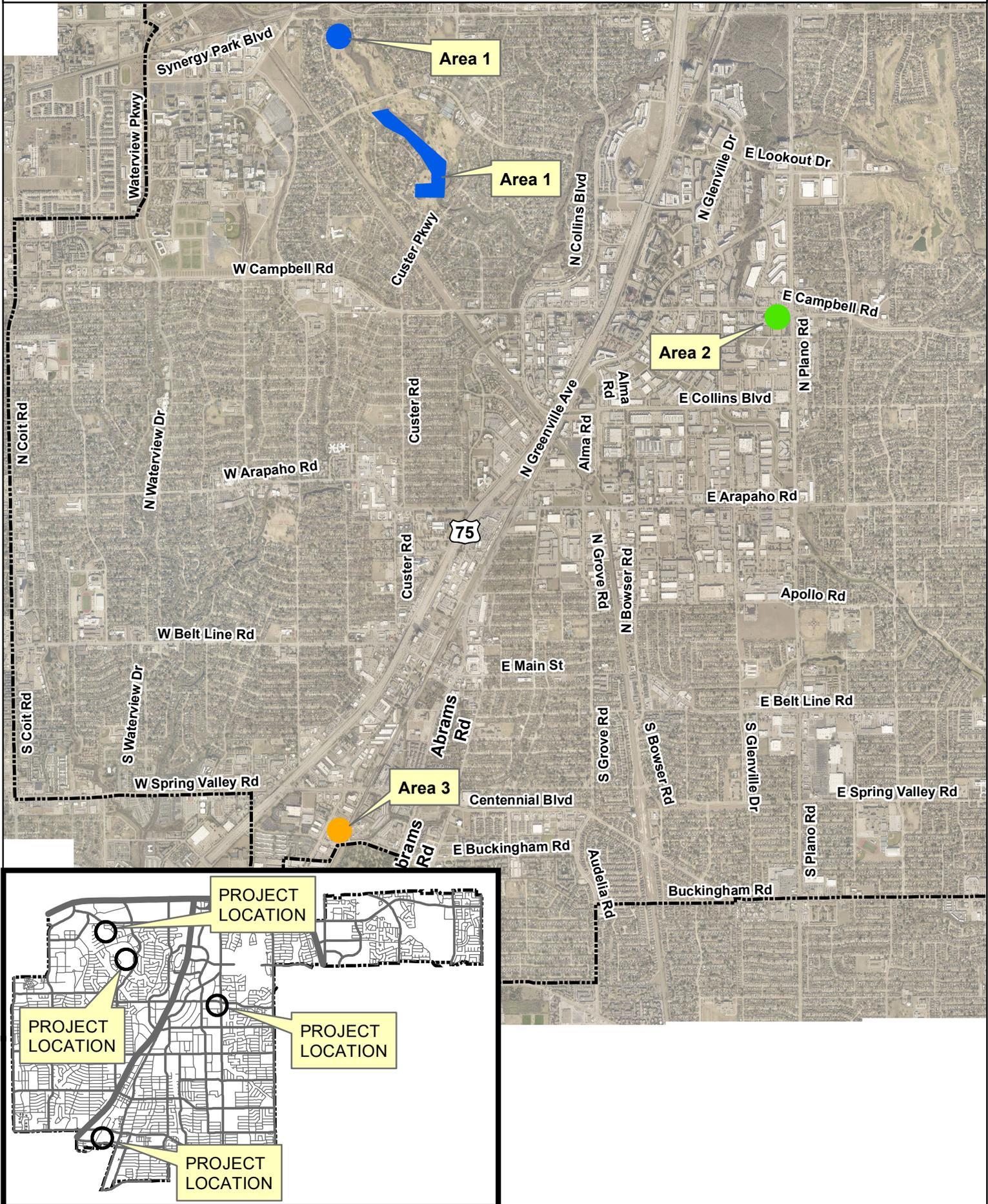
Item	Description	Quantity	Units	Horseshoe Construction, Inc.		Texas Pride Utilities, LLC		Averages	
				Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
1	Bonds, Mobilization, and Insurance (Areas 1, 2, & 3)	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 168,000.00	\$ 168,000.00	\$ 99,000.00	\$ 99,000.00
2	Preparation and Implementation of SWPPP (Areas 1, 2, & 3)	1	LS	\$ 15,000.00	\$ 15,000.00	\$ 8,000.00	\$ 8,000.00	\$ 11,500.00	\$ 11,500.00
3	Remove Existing SS Manhole and Construct Std 4' Dia SS Manhole	2	EA	\$ 10,000.00	\$ 20,000.00	\$ 9,000.00	\$ 18,000.00	\$ 9,500.00	\$ 19,000.00
4	Remove Existing SS Manhole and Construct Std 5' Dia SS Manhole	1	EA	\$ 21,000.00	\$ 21,000.00	\$ 26,000.00	\$ 26,000.00	\$ 23,500.00	\$ 23,500.00
5	Rehabilitate Existing SS Manhole with Spectrashield Lining System	5	EA	\$ 6,000.00	\$ 30,000.00	\$ 8,200.00	\$ 41,000.00	\$ 7,100.00	\$ 35,500.00
6	Remove Existing SS Manhole	1	EA	\$ 1,250.00	\$ 1,250.00	\$ 3,000.00	\$ 3,000.00	\$ 2,125.00	\$ 2,125.00
7	Remove Existing Pipe and Replace with 8" SDR 35 PVC SS Pipe	333	LF	\$ 230.00	\$ 76,590.00	\$ 240.00	\$ 79,920.00	\$ 235.00	\$ 78,255.00
8	Remove Existing Pipe and Replace with 12" SDR 35 PVC SS Pipe	70	LF	\$ 600.00	\$ 42,000.00	\$ 250.00	\$ 17,500.00	\$ 425.00	\$ 29,750.00
9	Replace Existing Pipe with 10" SS Pipe by Pipe Bursting	962	LF	\$ 120.00	\$ 115,440.00	\$ 150.00	\$ 144,300.00	\$ 135.00	\$ 129,870.00
10	Replace Existing Pipe with 12" SS Pipe by Pipe Bursting	674	LF	\$ 150.00	\$ 101,100.00	\$ 170.00	\$ 114,580.00	\$ 160.00	\$ 107,840.00
11	Installation of 8" SDR 35 PVC SS Pipe	110	LF	\$ 300.00	\$ 33,000.00	\$ 210.00	\$ 23,100.00	\$ 255.00	\$ 28,050.00
12	Construct New Std 4' Dia SS Manhole	2	EA	\$ 10,000.00	\$ 20,000.00	\$ 9,600.00	\$ 19,200.00	\$ 9,800.00	\$ 19,600.00
13	Construct New Std 5' Dia SS Manhole	2	EA	\$ 21,000.00	\$ 42,000.00	\$ 28,000.00	\$ 56,000.00	\$ 24,500.00	\$ 49,000.00
14	Temporary Cofferd Dam (Area 1)	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 12,000.00	\$ 12,000.00	\$ 11,000.00	\$ 11,000.00
15	Sawcut, Remove, and Replace 4" Concrete Sidewalk	5	SY	\$ 140.00	\$ 700.00	\$ 100.00	\$ 500.00	\$ 120.00	\$ 600.00
16	Sawcut, Remove, and Replace 6" Concrete Paving	99	SY	\$ 200.00	\$ 19,800.00	\$ 110.00	\$ 10,890.00	\$ 155.00	\$ 15,345.00
17	Sawcut, Remove, and Replace 8" Concrete Paving	15	SY	\$ 200.00	\$ 3,000.00	\$ 120.00	\$ 1,800.00	\$ 160.00	\$ 2,400.00
18	Sawcut, Remove, and Replace 6" Concrete Curb	70	LF	\$ 50.00	\$ 3,500.00	\$ 80.00	\$ 5,600.00	\$ 65.00	\$ 4,550.00
19	Remove Existing Tree	1	EA	\$ 500.00	\$ 500.00	\$ 4,000.00	\$ 4,000.00	\$ 2,250.00	\$ 2,250.00
20	Crushed Stone for Temporary Paving (Area 2)	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 6,000.00	\$ 6,000.00	\$ 3,500.00	\$ 3,500.00
21	Rock Cushion for Unstable Subgrade (Area 2)	1	LS	\$ 1,500.00	\$ 1,500.00	\$ 6,000.00	\$ 6,000.00	\$ 3,750.00	\$ 3,750.00
22	Temporary Bypass Pumping (Areas 1, 2, & 3)	1	LS	\$ 2,000.00	\$ 2,000.00	\$ 18,000.00	\$ 18,000.00	\$ 10,000.00	\$ 10,000.00
23	Trench Safety (Areas 1, 2, & 3)	543	LF	\$ 5.00	\$ 2,715.00	\$ 20.00	\$ 10,860.00	\$ 12.50	\$ 6,787.50
24	CCTV Existing Sewer Main Preconstruction (Area 1 Pipe Bursting)	1,636	LF	\$ 5.00	\$ 8,180.00	\$ 12.00	\$ 19,632.00	\$ 8.50	\$ 13,906.00
25	CCTV Post Inspection (Areas 1 & 2)	2,149	LF	\$ 2.50	\$ 5,372.50	\$ 8.00	\$ 17,192.00	\$ 5.25	\$ 11,282.25
26	Traffic Control (Areas 2 & 3)	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 2,400.00	\$ 2,400.00	\$ 3,700.00	\$ 3,700.00
27	Area 1 Restoration (Landscaping and Irrigation)	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 5,000.00	\$ 5,000.00	\$ 12,500.00	\$ 12,500.00
28	Area 2 Restoration (Landscaping and Irrigation)	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
29	Installation of Extra 6" Concrete Pavement (at Direction of Engineer Only)	30	SY	\$ 100.00	\$ 3,000.00	\$ 110.00	\$ 3,300.00	\$ 105.00	\$ 3,150.00
30	Replacement of 4" Sanitary Sewer Service (at Direction of Engineer Only)	60	LF	\$ 50.00	\$ 3,000.00	\$ 100.00	\$ 6,000.00	\$ 75.00	\$ 4,500.00
31	Construction contingency	1	LS	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00
<b>Total Base Bid:</b>					<b>\$ 691,647.50</b>		<b>\$ 902,774.00</b>		<b>\$ 797,210.75</b>
<b>Contractor's Submitted Bid Totals:</b>					<b>SAME</b>		<b>SAME</b>		

  
 Jim Dulac, P.E., Director of Engineering

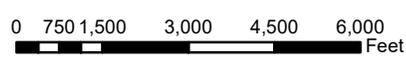
April 14, 2023

  
 Kyle Wyzard, P.E., Project Engineer

2022 Capacity, Management, Operation, and Maintenance Sanitary Sewer Improvements  
 Bid No. 41-23



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RICHARDSON  
 TEXAS



**RICHARDSON**  

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**TEXAS**

**MEMO**

**DATE:** April 17, 2023  
**TO:** Keith Dagen – Director of Finance  
**FROM:** Lisa TerMorshuizen – Purchasing Supervisor   
**SUBJECT:** Award of Bid #72-23 for the Cooperative Purchase for Asbestos Abatement and Demolition of Two Buildings at Breckinridge Park to Intercon Environmental, Inc. in the amount of \$61,563.22 through The Interlocal Purchasing System (“TIPS”) Contract # RCSP 211001

**Proposed Date of Award: April 24, 2023**

I concur with the recommendation of Lori Smeby – Director of Parks and Recreation, and request permission to issue a contract for the purchase for Asbestos Abatement and Demolition of Two Buildings at Breckinridge Park to Intercon Environmental, Inc. in the amount of \$61,563.22, as provided in the attached quote.

The above referenced contracting services have been competitively bid through TIPS Contract # RCSP 211001. The City of Richardson participates in the TIPS program through its existing interlocal agreement for cooperative purchasing pursuant to Texas Government Code Section 791.025 and Texas Local Government Code Section 271.102.

Funding is provided from the General Special Projects Fund.

Concur:

  
\_\_\_\_\_  
Keith Dagen

ATTACHMENTS



**RICHARDSON, TX®**  
**PARKS & RECREATION**

**MEMORANDUM**

**TO:** Ally Dobbins, Purchasing Manager

**FROM:** Lori Smeby, Director of Parks and Recreation *LS*

**DATE:** April 10, 2023

**RE:** Award of Contract to Demolish Buildings at Breckinridge Park

The Parks and Recreation Department recommends the award of a contract to Intercon Environmental, Inc to perform the asbestos abatement and demolition of two buildings at Breckinridge Park in the amount of \$61,563.22, through TIPS Vendor Agreement #RCSP 211001

Buildings to be demolished are the former electrical switch building in the maintenance shop area, and the house located at 3405 Park Vista Road.

Funding for this project has been allocated to the following account:

3130-87-04-720-000-553499 Project # 313514

LS/sdr

**Cc:** Shohn Rodgers, Assistant Director of Parks and Recreation  
Yvonne Falgout, Assistant Director of Parks and Recreation  
Jeff Jackson, Parks Superintendent  
Chris Acuff, Assistant Parks Superintendent  
Angie Nations, Parks Business Specialist  
Lisa TerMorshuizen, Purchasing Supervisor



210 South Walnut Creek Drive • Mansfield, Texas 76063 • Phone: (817) 477-9995 • Fax: (817) 477-9996

**Asbestos Abatement   Lead Remediation   Mold Remediation   Interior Demolition   Structural Demolition   Site Clearing**

March 17, 2023

Mr. Chris Acuff  
Assistant Parks Superintendent  
Richardson Parks and Recreation Department  
City of Richardson  
1260 Columbia Drive  
Richardson, Texas 75083  
Telephone (972) 744-4469

Sent via email  
[chris.acuff@cor.gov](mailto:chris.acuff@cor.gov)  
Proposal # 220084 – Revised 03.17.2023

**Re: Asbestos Abatement and Demolition of the Former Breckinridge Park Electrical Building located at 3555 Park Vista Road and the Former Single-Family Residence located at 3405 Park Vista Road Richardson, Texas 75083**

Mr. Acuff,

Intercon Environmental, Inc. respectfully submits our proposal for the removal and disposal of asbestos-containing materials at the above referenced location, as identified and quantified in the Asbestos Surveys from Enercon, LLC dated March 8, 2023, and demolition of the structures following asbestos abatement.

This proposal utilizes the following pricing:

**TIPS (The Interlocal Purchasing System)  
Intercon Environmental, Inc. Vendor Agreement # RCSP 211001  
Job Order Contracting**

This vendor agreement pricing is based on the RS Means Unit Price Book and a discount coefficient.

**All purchase orders for services under this pricing must be placed through the TIPS system and reference our vendor agreement number listed above at [tipspo@tips-usa.com](mailto:tipspo@tips-usa.com).**

**INCLUDE THIS PROPOSAL AND THE ATTACHED WORKSHEET ALONG WITH YOUR PURCHASE ORDER**



**Scope of Work– 3555 Park Vista Former Electrical Building:**

**Asbestos Abatement – Removal and Disposal:**

Establish regulated area.  
 ~150 square feet of asbestos-containing interior CMU block texture.  
 ~250 square feet of asbestos-containing interior fiber board.  
 ~200 square feet of asbestos-containing drywall / joint compound/wall/ceiling texture.  
 ~200 square feet of asbestos-containing floor tile and mastic.  
 ~2,200 square feet of asbestos-containing exterior CMU block texture.  
**Our price:..... \$20,253.43**  
 Estimated duration - Six (6) Working Days.

**Demolition):**

Verify all utilities serving the structure have been physically disconnected by others prior to demolition.  
 Obtain a demolition permit from the City of Richardson.  
 Removal and disposal of the structure (foundation to remain).  
**Our price:..... \$8,161.02**  
 Estimated duration - One (1) Working Day.

**Payment & Performance Bonds:**

Provide payment and performance bonds for the project.  
**Our price:..... \$526.49**

**Our Total Project Price – 3555 Park Vista Former Electrical Building: ..... \$28,940.94**  
 Total estimated project duration - Seven (7) Working Days.

**Scope of Work– 3405 Park Vista Former Single-Family Residence:**

**Asbestos Abatement – Removal and Disposal:**

Establish regulated area.  
 ~1,500 square feet of asbestos-containing drywall / joint compound /ceiling texture.  
 ~3,300 square feet of asbestos-containing drywall / joint compound/wall texture.  
**Our price:..... \$16,885.97**  
 Estimated duration - Five (5) Working Days.

**Demolition:**

Verify all utilities serving the structure have been physically disconnected by others prior to demolition.  
 Obtain a demolition permit from the City of Richardson.  
 Removal and disposal of the structure and associated foundation.  
 Removal and disposal of perimeter chain link fencing, interior property walks, patio, and drive.  
 Site grading of the area disturbed during demolition with existing on-site soils to achieve positive drainage and prevent ponding of water.  
 Installation of erosion control (silt fence) as necessary.  
**Our price:..... \$15,130.99**  
 Estimated duration - Two (2) Working Days.



Payment & Performance Bonds:

Provide payment and performance bonds for the project.

**Our price:**..... **\$605.32**

**Our Total Project Price – 3405 Park Vista Former Single-Family Residence:** ..... **\$32,622.28**

Total estimated project duration - Seven (7) Working Days.

**Our Overall Project Total Price:**.....**\$61,563.22**

This price includes all labor, equipment, materials, and disposal necessary to complete this work in accordance with all local, state, and federal regulations.

**The following insurance coverages are provided:**

General and Pollution Liability	\$1,000,000 - \$2,000,000
Workers Compensation and Employers’ Liability	\$1,000,000
Automotive Liability includes Hired and Unowned	\$1,000,000
Umbrella Liability	\$5,000,000

Additional insurance is available at additional cost.

(See attached Certificate of Insurance)

**Owner’s Responsibilities:**

The Texas Department of State Health Services notification fees (billed directly to the City of Richardson by the State).

The Asbestos Consulting Firm and Air Monitoring fees.

Obtain physical disconnection of all utilities serving the structures at the property line prior to demolition.

Thank you for your consideration. If you have any questions, please feel free to give me a call.

Respectfully:

**Keith Flowers**  
**Project Manager**  
 Intercon Environmental, Inc.  
 (817) 507-9406 Cell  
 (817) 477-9995 Office

Any documents related to this proposal, including, but not limited to, awards, notice-to-proceeds, work orders, purchase orders, contracts, and/or any time sensitive notices should be sent to:

[Purchasing@intercon-environmental.com](mailto:Purchasing@intercon-environmental.com)



**RICHARDSON**  
TEXAS

**MEMO**

**DATE:** April 17, 2023  
**TO:** Keith Dagen – Director of Finance  
**FROM:** Lisa TerMorshuizen – Purchasing Supervisor   
**SUBJECT:** Award of Bid #73-23 for the Cooperative Purchase for Construction for the City Hall and Library Temporary Relocation Tenant Improvement Project to CORE Construction (CORE) in the amount of \$1,715,000 through The Interlocal Purchasing System (“TIPS”) Contract # 200201

**Proposed Date of Award: April 24, 2023**

I concur with the recommendation of Jim Dulac – Director of Engineering and Capital Projects, and request permission to issue a contract for the purchase for construction for the City Hall and Library Temporary Relocation Tenant Improvement Project to CORE Construction in the amount of \$1,715,000, as provided in the attached quote.

The above referenced contracting services have been competitively bid through TIPS Contract #200201. The City of Richardson participates in the TIPS program through its existing interlocal agreement for cooperative purchasing pursuant to Texas Government Code Section 791.025 and Texas Local Government Code Section 271.102.

Funding is provided from insurance proceeds and 2021 Bond funds and Certificates of Obligation.

Concur:

  
\_\_\_\_\_  
Keith Dagen

ATTACHMENTS



# MEMO

TO: Ally Dobbins, Purchasing Manager  
THROUGH: Charles Goff, Assistant City Manager   
FROM: Jim Dulac, Director of Engineering & Capital Projects  
SUBJECT: Permission to Award Contract for Construction to CORE Construction (CORE) for City Hall and Library Temporary Relocation Tenant Improvement Project.  
DATE: April 14, 2023

## **ACTION REQUESTED:**

Council to consider contract award to CORE Construction (CORE) for construction work for the City Hall and Library Temporary Relocation Tenant Improvement Project through The Interlocal Purchasing System (TIPS) Contract 200201 in the not to exceed amount of \$1,715,000.

## **BACKGROUND INFORMATION:**

The City Hall fire on August 22, 2022, rendered the building unoccupiable and required City staff to relocate to four different City facilities. City Staff's temporary work conditions at these four locations are not sustainable for the estimated three-to-four-year duration of a City Hall renovation or reconstruction project. Additionally, uniting all departments again in one building is necessary to restore efficient operations.

The 2021 Bond Program Library Renovation Project included temporarily relocating library operations to minimize construction impacts on Library operations and allow for a single-phase construction project. 2360 Campbell Creek Blvd. was identified as a location capable of supporting both temporary City Hall and Library operations. This past December Council authorized the City Manager to sign a 3.5-year lease with an option to extend as needed. Design of required tenant improvements to modify the lease space to suit City Hall and Library operational needs has been completed in collaboration with City Hall departments and Library Leadership.

This award is limited to the remodel scope of work. City Council awarded the contract for selective demolition to CORE Construction March 27, 2023. CORE Construction has completed numerous facility projects for Richardson including most recently the construction of Fire Station No. 3.

The City recommends awarding CORE Construction the remodel contract under Job Order Contract Services for the Temporary City Hall and Library Relocation project for the Construction package in the not to exceed amount of \$1,715,000. The not to exceed contract amount includes

Contingencies and Allowances in the amount of \$525,000 for scopes currently not defined in the design documents and unforeseen conditions and minor revisions that may be required throughout the course of any typical remodel project. Unused contingency and allowance amounts will be returned to the owner.

***FUNDING:***

Funding for the temporary City Hall portion will be from insurance proceeds, while funding for the temporary library portion will be from 2021 Bond funds and Certificates of Obligation.

***SCHEDULE:***

Remodel for the Temporary City Hall and Library Relocation Project is anticipated to begin in **May 2023** and is anticipated to be completed in multiple phases by **August 2023**.



6320 Research Rd.  
Frisco, TX 75033

T 972.668.9340  
F 972.668.9351

# Budget

**Date:** April 13th, 2023  
**Owner:** City of Richardson  
**Project:** 23-04-029 - CoRichardson - City Hall & Library Remodel  
**Location:** Richardson Texas  
**Procurement:** TIPS 200201

CORE Construction is pleased to provide you with this budget. Enclosed you will find the basis of estimate clarifications and schedule of values which includes the requested scope of work, general conditions, sales tax, bonds, insurances, and fee.

City Hall	\$714,000
<u>Library</u>	<u>\$476,000</u>
Budget Sub-Total	\$1,190,000
<u>Allowances/Contingencies</u>	<u>\$525,000</u>
<b>Budget Total</b>	<b>\$1,715,000</b>

We look forward to a successful and enjoyable project together. Thank you for this opportunity, please do not hesitate to contact me directly with any questions or comments.

Respectfully submitted,

*James Norwine*

James Norwine  
CORE Construction Services of Texas, Inc.

The Basis of Estimate is a written explanation clarifying the scope, assumptions and exclusions used in establishing this proposal. All costs are developed through site walk conducted, and the scope clarifications below and upon the most recent plans and/or specifications issued to CORE, dated March 7<sup>th</sup> 2023 (50% design set), and the scope clarifications below.

## Assumptions, Clarifications, & Exclusions

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### Schedule

- Anticipated Start: May 2023
- Long Lead Items: Storefront and Bullet resistant panels – 14 weeks
- Projected Duration: 10 weeks

### Contingency & Allowances

- A. Owner Allowance is intended to be used to cover costs associated for a system or scope of work for which sufficient detail is not available to determine a definitive cost when a Design Contingency is not included, for Owner or Architect wish list or extra items that were not included in the original proposal. A reasonable estimate is included as a placeholder for these items.
- B. Allowance No. 1 – Contingency: Include an Owner's contingency of \$250,000.00
- C. Allowance No. 2 – Site Improvements: Include a \$120,000.00 cash allowance for site improvements needed to be compliant with current ADA standards.
- D. Allowance No. 3 – Signage:
  - Include a \$30,000.00 cash allowance for interior signage.
  - Include a \$50,000.00 cash allowance for exterior signage.
- E. Allowance No. 4 – Lighting: Include a \$50,000.00 cash allowance for replacement light fixtures as specified in Section 26 51 00 – Lighting.
- F. Allowance No. 5 – Acoustical Wall Coverings: Include a \$15,000.00 cash allowance for acoustical treatments as specified in Section 09 85 00 – Acoustical Wall Coverings.
- G. Allowance No. 6 – Window Treatments: Include a \$10,000.00 cash allowance to repair and/or replace existing window treatments

### Assumptions

- This is a cost budget while final pricing is established.
- Unless otherwise included in scope below, CORE has not included any costs for permits, including but not limited to: building permit, systems permit, or dust control.
- General Conditions and/or General Requirements are considered cost of the work.
- Proposal valid for 30 days, unless otherwise directed by CORE Construction.
- Work to be done during normal business hours M-F, 7am-3pm. Will coordinate with existing tenant on any noisy work and will be done after hours as required.



- Will provide dumpsters, and daily cleanup of job site.
- Will provide a final clean of the space once complete.

## Specific Assumptions

### Finishes

- New Carpet tile in council chamber, and other new offices.
- Salvaged carpet to be used throughout to patch damaged areas.
- Paint touchup throughout. Accent walls to be repaint with new color.
- Markerboard walls to remain untouched.
- Adding of ADA millwork onto existing counters
- Millwork at the teller counters and associated teller windows.

### Drywall and ceilings

- New ceiling grid and ceiling tiles in the new offices.
- Use salvaged ceiling tiles to fill in around new walls and replace damaged.
- New metal stud framed walls with two-sided sheet rock to go 6" above ceiling.
- Use existing grid and ceiling tiles where possible.
- Reuse existing doors, frames, and hardware to be reinstalled in new office locations.

### MEP's

- Reuse existing fire alarm and fire sprinkler were allowed by code.
- Adjustment of head for new layout and occupancy.
- Adjustment of fire alarm devices and adding of new devices as needed per code.
- Reuse existing lights were possible.
- New outlets and data pathways in new offices to tie into the nearest junction box. (running new home runs back to the main panel not included)
- Adjustment of HVAC to move existing supplies and returns for the new wall layouts.
- Adding new supplies to each new office to be tied into the existing trunk lines
- Cleaning of the unit and changing of filters.

## Specific Exclusions

- No new data cabling or devices are included. \*will provide pathways\*
- No new security cabling or devices are included. \*will provide pathways\*
- Replacing any HVAC units, RTU's, compressors, VAV's, dampers, louvers, or other equipment is not included.
- No Plumbing is included. Existing to remain.
- No Exterior work is included.
- Hazardous Material Abatement
- Costs associated with Material Testing and/or Special Inspections
- Costs associated with General Building Inspections
- FF & E – Furniture, Fixtures, and Equipment (by Owner)
- Structural modifications (i.e. - Steel, Concrete & Masonry removal or replacement)