

**RICHARDSON CITY COUNCIL
MONDAY, SEPTEMBER 23, 2024
COUNCIL MEETING AT 6:00 PM
RICHARDSON CITY HALL, 2360 CAMPBELL CREEK BLVD., SUITE 525, RICHARDSON, TX 75082**

Closed Executive Session Authorized

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

Videoconference Call Authorized

Pursuant to Texas Government Code Section 551.127, one or more members of the City Council may participate in this meeting by videoconference call. A quorum of the City Council and the presiding officer will be present at the physical location of the meeting.

Meeting Information

- City Council Rules of Order and Procedure: <https://www.cor.net/RulesofOrderandProcedure>
- Public Comment Cards for comments on agenda items, the visitors forum, or public hearings can be found at www.cor.net/PublicCommentForm and submitted online by 5 p.m. on the date of the meeting or in person before the meeting begins to be included in the public record.
- City Council meetings are available for viewing via live-stream online and on-demand at www.cor.net/city.

COUNCIL MEETING – 6:00 PM, MULTIPURPOSE ROOM #CH 157

• **CALL TO ORDER**

1. INVOCATION – DAN BARRIOS

2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – DAN BARRIOS

3. MINUTES OF THE SEPTEMBER 16, 2024 MEETING

4. PUBLIC COMMENTS ON AGENDA ITEMS AND VISITORS FORUM

Speakers must complete a public comment card and submit it to the City Secretary before the meeting begins. Speakers will have a maximum of 5 minutes to speak. The time allocated for all public comments is 30 minutes.

• **PUBLIC COMMENTS ON AGENDA ITEMS**

The public comment portion of the City Council meeting is scheduled at the beginning of the meeting to allow the public to address the City Council regarding an item listed on the agenda that is not a public hearing.

• **VISITORS FORUM**

The visitors forum portion of the meeting is set aside for members of the public to address the City Council on any topic in which the subject matter is within the jurisdiction of the City.

5. PRESENTATION BY THE TEXAS STATE FIRE MARSHAL FOR RECOGNITION OF INSURANCE SERVICES OFFICE (ISO) CLASS 1

6. REVIEW AND DISCUSS THE RICHARDSON CULTURAL ARTS COMMISSION'S FY25 ARTS GRANT FUNDING RECOMMENDATIONS

PUBLIC HEARING ITEMS:

- 7. CONTINUATION OF PUBLIC HEARING, ZONING FILE 24-16, A REQUEST FOR APPROVAL OF A SPECIAL PERMIT FOR A MOTOR VEHICLE BODY SHOP ON A 1.4-ACRE LOT, A SPECIAL PERMIT FOR A MOTOR VEHICLE STORAGE LOT ON A 0.04-ACRE LOT, AND A SPECIAL PERMIT FOR A MOTOR VEHICLE REPAIR SHOP, MINOR ON A 1.2-ACRE LOT, CURRENTLY ZONED MAIN STREET/CENTRAL EXPRESSWAY PD PLANNED DEVELOPMENT (INTERURBAN SUB-DISTRICT) AND LOCATED WITHIN EXISTING BUILDINGS LOCATED EAST OF BISHOP AVE., WEST OF N. INTERURBAN STREET, NORTH OF JACKSON STREET AND SOUTH OF DAVIS STREET.
- 8. PUBLIC HEARING, ZONING FILE 24-19, A REQUEST FOR APPROVAL OF A SPECIAL PERMIT FOR A HYPNOSIS TRAINING CENTER WITHIN AN EXISTING LEASE SPACE LOCATED ON A 5.45-ACRE LOT CURRENTLY ZONED LR-M (2) LOCAL RETAIL WITHIN AN EXISTING 122,893 SQUARE FOOT BUILDING AT 275 W. CAMPBELL ROAD, ON THE SOUTH SIDE OF W. CAMPBELL ROAD, EAST OF GATEWAY BOULEVARD.
- 9. PUBLIC HEARING, ZONING FILE 24-20, A REQUEST FOR APPROVAL OF A SPECIAL PERMIT FOR AN AMUSEMENT ARCADE ON A 4.58-ACRE LOT CURRENTLY ZONED C-M COMMERCIAL WITHIN A 1,927 SQUARE FOOT EXISTING LEASE SPACE LOCATED AT 1362 E. BELT LINE ROAD, SOUTH OF BELT LINE ROAD ON THE WEST SIDE OF PLANO ROAD.

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 RECOMMENDATIONS FROM THE CULTURAL ARTS COMMISSION FOR FINANCIAL ASSISTANCE FROM THE HOTEL/MOTEL TAX FUND FOR THE FOLLOWING ORGANIZATIONS:

DTX DANDIYA	\$1,000
VM MUSIC CO	\$4,000
CLASSICS THEATRE PROJECT	\$5,000
ACCOLADE COMMUNITY THEATRE	\$6,000
LONE STAR WIND ORCHESTRA	\$6,000
TEXINS JAZZ BAND	\$7,000
DALLAS ASIAN AMERICAN YOUTH ORCHESTRA	\$7,500
RICHARDSON COMMUNITY CHORALE	\$7,500
RICHARDSON READS ONE BOOK	\$10,000
RICH-TONE CHORUS	\$10,000
DALLAS CHINESE COMMUNITY CENTER	\$12,000
TUZER BALLET	\$12,000
TEXAS WINDS MUSICAL OUTREACH	\$13,000
OUTLOUD DALLAS	\$14,000
RICHARDSON CIVIC ART SOCIETY	\$14,000
CORE THEATRE	\$16,000
CHAMBERLAIN BALLET	\$18,000
RICHARDSON COMMUNITY BAND	\$18,000
CHAMBER MUSIC INTERNATIONAL	\$35,000
RICHARDSON THEATRE CENTRE	\$35,000

REPERTORY COMPANY THEATRE	\$42,000
RICHARDSON SYMPHONY	\$82,000

- B. CONSIDER ORDINANCE NO. 4514, REGARDING THE REVIEW OF THE CODE OF ETHICS, CHAPTER 2, ARTICLE I OF THE CODE OF ORDINANCES; AMENDING SECTION 2-5(d) AND (e) OF THE CODE OF ORDINANCES TO CORRECT STATE LAW REFERENCE; AMENDING SECTION 2-7(c) OF THE CODE OF ORDINANCES TO AMEND THE TIME PERIOD FOR CITY COUNCIL TO CONSIDER AN ETHICS COMPLAINT, PROVIDING A REPORT TO CITY COUNCIL AND TO AMEND THE PENALTY OF FINE FOR A VIOLATION OF SECTION 2-7 (c) AND (f); AMENDING SECTION 2-7(d) OF THE CODE OF ORDINANCES CLARIFYING THE RIGHTS OF AFFECTED OFFICERS IN THE COMPLAINT REVIEW PROCESS; AMENDING SECTION 2-7(f) OF THE CODE OF ORDINANCES TO AMEND THE PENALTY OF FINE FOR A VIOLATION.

- C. CONSIDER RESOLUTION NO. 24-25, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2024 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

- D. CONSIDER AWARD OF THE FOLLOWING BIDS:
 - 1. BID #53-24 – WE RECOMMEND THE AWARD TO RELIABLE PAVING, INC. FOR 2024 ASPHALT OVERLAY IN THE AMOUNT OF \$3,651,963.75.

 - 2. BID #110-24 – WE REQUEST AUTHORIZATION TO ISSUE COOPERATIVE ANNUAL REQUIREMENTS CONTRACTS FOR CUSTODIAL SUPPLIES AND EQUIPMENT TO POLLOCK PAPER DISTRIBUTORS (\$60,000) AND EAGLE BRUSH AND CHEMICAL (\$65,000) PURSUANT TO THE UNIT PRICES SPECIFIED IN THE LOCAL GOVERNMENT PURCHASING COOPERATIVE (“BUYBOARD”) CONTRACT #747-24.

 - 3. BID #111-24 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO ALTEC FOR THE COOPERATIVE PURCHASE OF ONE (1) AERIAL TRUCK FOR TRANSPORTATION AND MOBILITY THROUGH SOURCEWELL CONTRACT #040924-ALT IN THE TOTAL AMOUNT OF \$159,615.

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.

- **VISITORS FORUM CONTINUED (if needed)**

- **ADJOURN**

I CERTIFY THE ABOVE AGENDA WAS POSTED ON THE BULLETIN BOARD AT THE RICHARDSON CITY HALL ON FRIDAY, SEPTEMBER 20, 2024, 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, OR BY APPOINTMENT AT 2360 CAMPBELL CREEK BLVD., SUITE 550, 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 COUNCIL CHAMBERS 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
SEPTEMBER 16, 2024

- **Call to Order**

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

Bob Dubey	Mayor
Arefin Shamsul	Mayor Pro Tem
Curtis Dorian	Councilmember
Jennifer Justice	Councilmember
Dan Barrios	Councilmember
Joe Corcoran	Councilmember
Ken Hutchenrider	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
Dannette Garcia	Assistant City Manager
Aimee Nemer	City Secretary
Bob Clymire	Budget Officer
Cara Copley	Assistant Budget Officer
Anita Cothran	Finance Director
Todd Gastorf	Assistant Finance Director
Pete Smith	City Attorney

COUNCIL MEETING – 6:00 PM, MULTIPURPOSE ROOM #CH 157

1. INVOCATION – JENNIFER JUSTICE

2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – JENNIFER JUSTICE

3. MINUTES OF THE AUGUST 26, 2024 AND SEPTEMBER 9, 2024 MEETINGS

Council Action

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

4. PUBLIC COMMENTS ON AGENDA ITEMS AND VISITORS FORUM

There were no public comments submitted.

5. PUBLIC HEARING ON THE FY 2024-2025 PROPOSED BUDGET.

Public Hearing

After a briefing from City Manager Don Magner, Mayor Dubey opened the Public Hearing. With no further comments, Councilmember moved to close the Public Hearing, seconded by Councilmember and approved unanimously.

BUDGET ACTION ITEMS:

- 6. CONSIDER ORDINANCE NO. 4509, APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025.**

Motion 1 by Full Council

“I move to approve and adopt a budget with Ordinance No. 4509 for all City services except for scoreboard maintenance, wellness services, immunizations, employee shots and Methodist Richardson Medical Center Foundation event sponsorship/advertising for the year beginning October 1, 2024, and ending September 30, 2025”

Motion 2 by Council w/ Mayor Dubey Abstaining

“I move to approve and adopt a budget for scoreboard maintenance for the year beginning October 1, 2024, and ending September 30, 2025.”

Motion 3 by Council w/ Councilmember Hutchenrider Abstaining

“I move to approve and adopt a budget for wellness services, immunizations, employee shots and Methodist Richardson Medical Center Foundation event sponsorship/advertising for the year beginning October 1, 2024 and ending September 30, 2025.”

- 7. CONSIDER ORDINANCE NO. 4510, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2024 (FISCAL YEAR 2024-2025) AT A RATE OF \$0.54218 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF RICHARDSON AS OF JANUARY 1, 2024.**

Motion – Required Language

“I move that the property tax rate be increased by the adoption of a tax rate of \$0.54218, which is effectively a 5.29 percent increase in the tax rate and adopt Ordinance 4510”

- 8. CONSIDER RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE ADOPTED BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025.**

Motion – Required Language

“I move to ratify the property tax increase reflected in the budget adopted for the fiscal year beginning October 1, 2024 and ending September 30, 2025.”

9. BUDGET CONSENT AGENDA:

- A. CONSIDER ADOPTION OF ORDINANCE NO. 4511, AMENDING THE CODE OF ORDINANCES OF THE CITY OF RICHARDSON, TEXAS, BY AMENDING CHAPTER 23, “WATER, SEWERS AND SEWAGE DISPOSAL”, BY AMENDING SECTION 23-98 TO ESTABLISH RATES TO BE CHARGED FOR WATER SERVICES FURNISHED BY THE CITY; AND BY AMENDING SECTION 23-168 TO ESTABLISH RATES TO BE CHARGED FOR SEWER SERVICES FURNISHED BY THE CITY.

B. CONSIDER THE FOLLOWING RESOLUTIONS:

1. RESOLUTION NO. 24-12, AMENDING THE AMBULANCE SERVICE USER FEES AS PROVIDED BY SECTION 10-1 (b) OF THE CODE OF ORDINANCES.
2. RESOLUTION NO. 24-13, ADOPTING AN AMENDED FEE SCHEDULE FOR BUILDING INSPECTION FEES AND PERMITS.
3. RESOLUTION NO. 24-14, ESTABLISHING VARIOUS FEES AND CHARGES FOR ZONING AND DEVELOPMENT PERMITS AND APPLICATIONS.
4. RESOLUTION NO. 24-15, ADOPTING THE MUNICIPAL DRAINAGE UTILITY SYSTEM SCHEDULE OF CHARGES.
5. RESOLUTION NO. 24-16, ESTABLISHING ATHLETIC TOURNAMENT GATE FEE FOR USE OF CITY PARK AND RECREATION FACILITIES.
6. RESOLUTION NO. 24-17, ESTABLISHING MONTHLY AND ANNUAL MEMBERSHIP FEES FOR HEIGHTS AND HUFFHINES RECREATION CENTERS.
7. RESOLUTION NO. 24-18, ESTABLISHING COURT FEES FOR THE HUFFHINES TENNIS CENTER.
8. RESOLUTION NO. 24-19, ESTABLISHING FEES AND CHARGES FOR THE USAGE OF THE BRECKINRIDGE PARK DISC GOLF COURSE AND RELATED FACILITIES.
9. RESOLUTION NO. 24-20, ESTABLISHING FEES FOR USE OF CITY PARK PAVILIONS FOR RESIDENTS AND NON-RESIDENTS.
10. RESOLUTION NO. 24-21, ESTABLISHING FEES FOR CITY PARK SPECIAL EVENT PERMIT AND FOR USE OF THE BRECKINRIDGE PARK FIRE PIT.
11. RESOLUTION NO. 24-22, ESTABLISHING REVISED FEES AND CHARGES FOR THE REMOVAL OF GARBAGE AND REFUSE WITHIN THE CITY.
12. RESOLUTION NO. 24-23, ESTABLISHING FEES AND CHARGES FOR SHERRILL PARK GOLF COURSE.
13. RESOLUTION NO. 24-24, PROVIDING FOR THE DEFEASANCE AND REDEMPTION OF PORTIONS OF THE OUTSTANDING “CITY OF RICHARDSON, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2012B,” “CITY OF RICHARDSON, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, TAXABLE SERIES 2015B” AND “CITY OF RICHARDSON, TEXAS TAX NOTES, TAXABLE SERIES 2021” AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

Council Action

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

10. CONSENT AGENDA:

A. CONSIDER ADOPTION OF THE FOLLOWING ORDINANCES:

1. ORDINANCE NO. 4512, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP BY GRANTING A CHANGE IN ZONING BY GRANTING A SPECIAL PERMIT FOR A PRIVATE SCHOOL LOCATED AT 1301 ABRAMS ROAD, RICHARDSON, TEXAS, ZONED LR-M(2) LOCAL RETAIL.
2. ORDINANCE NO. 4513, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP BY GRANTING A CHANGE IN ZONING BY GRANTING A SPECIAL DEVELOPMENT PLAN TO MODIFY THE DEVELOPMENT STANDARDS OF THE MAIN STREET/CENTRAL EXPRESSWAY FORM BASED CODE FOR 1.37 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF EAST KAUFMAN STREET AND SOUTH TEXAS STREET ZONED PD PLANNED DEVELOPMENT MAIN STREET / CENTRAL EXPRESSWAY (MAIN STREET SUB-DISTRICT).

B. CONSIDER AWARD OF THE FOLLOWING BIDS:

1. BID #91-24 – WE RECOMMEND THE AWARD TO DDM CONSTRUCTION CORPORATION FOR CUSTER PARKWAY RECONSTRUCTION (CAMPBELL TO SH 190) IN THE AMOUNT OF \$21,812,798.
2. BID #93-24 – WE RECOMMEND THE AWARD TO TEXAS STANDARD CONSTRUCTION, LTD. FOR MCKAMY SPRING PARK WALL REHABILITATION IN THE AMOUNT OF \$205,687.
3. BID #104-24 – WE REQUEST AUTHORIZATION TO ISSUE A COOPERATIVE ANNUAL REQUIREMENTS CONTRACT TO TEXAS FIRST RENTALS FOR EQUIPMENT RENTAL THROUGH THE LOCAL GOVERNMENT PURCHASING COOPERATIVE ("BUYBOARD") CONTRACT #740-24 PURSUANT TO UNIT PRICES.
4. BID #105-24 – WE RECOMMEND THE AWARD TO CLIMATEC FOR THE PURCHASE OF HEATING, VENTILATION, AND AIR CONDITIONING CONTROLS AT FIRE STATION NO. 5 IN THE AMOUNT OF \$59,740.
5. BID #106-24 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO INSIGHT PUBLIC SECTOR, INC. FOR THE COOPERATIVE PURCHASE OF CITYV MASS STORAGE UPGRADE THROUGH OMNIA PARTNERS CONTRACT #23-6692-03 IN THE AMOUNT OF \$92,450.99.

6. BID #107-24 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO RUSH TRUCK CENTER FOR THE COOPERATIVE PURCHASE OF TWO (2) FORD F250 TRUCKS FOR PUBLIC SERVICES STREET MAINTENANCE THROUGH THE LOCAL GOVERNMENT PURCHASING COOPERATIVE (“BUYBOARD”) CONTRACT #724-23 IN THE TOTAL AMOUNT OF \$121,376.
7. BID #108-24 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO CAP FLEET FOR THE COOPERATIVE PURCHASE OF UPFITTING FOURTEEN (14) NEW UNITS FOR THE POLICE DEPARTMENT THROUGH THE LOCAL GOVERNMENT PURCHASING COOPERATIVE (“BUYBOARD”) CONTRACT #698-23 IN THE TOTAL AMOUNT OF \$110,950.
8. BID #109-24 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO UNITED AG AND TURF FOR THE COOPERATIVE PURCHASE OF ONE (1) TRACTOR AND ONE (1) FIELD GROOMING RAKE FOR PARKS MAINTENANCE THROUGH SOURCEWELL CONTRACT #031121-DAC IN THE TOTAL AMOUNT OF \$87,278.49.

Council Action

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

11. REVIEW AND DISCUSS ESTABLISHING A CHARTER REVIEW COMMISSION

Secretary Nemer reviewed the requirements and history of the Charter and the process for establishing a Charter Review Commission.

12. REPORT ON ITEMS OF COMMUNITY INTEREST

Council reported on items of community interest.

EXECUTIVE SESSION

In compliance with Section 551.071 (1) and (2) and Section 551.087 (1) and (2) of the Texas Government Code, Council will convene into a closed session to discuss the following:

- Consultation with City Attorney and Deliberation Regarding Economic Development Negotiations
 - Commercial Developments – S. Floyd Rd./U.S. 75, Lockwood Dr./Custer Rd., N. Greenville Ave./ E. Main St., and Rutford Ave./Synergy Park Blvd. Areas

Council Action

Council convened into Executive Session at 6:50 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 8:03 p.m. There was no action as a result of the Executive Session.

ADJOURNMENT

With no further business, the meeting was adjourned at 8:03 p.m.

MAYOR

ATTEST:

CITY SECRETARY

Item

Presentation by the Texas State Fire Marshal for recognition of Insurance Services Office (ISO) Class 1.

Staff

Curtis Poovey, Fire Chief
Robert Younger, Assistant Fire Chief
Gene Senter, Assistant Fire Chief
Wesley Caskey, Assistant Fire Chief

Summary

The Insurance Services Office (ISO) conducted a review of the City's ISO classification. At the conclusion of the review, the City remained a Class 1.

City Council Strategies

- Continue to explore unique opportunities to attract and retain residents and all stakeholders
- Promote economic development that benefits the whole city
- Value, protect, and create a positive return on city, resident, and other stakeholder investments in the City

Background

The ISO rating measures the quality and effectiveness of fire protection in a community. Insurance companies recognize the measure as a signal of a city's commitment to fire safety across the entire city government.

As part of its evaluation, the ISO collects information on municipal fire-protection efforts in communities throughout the U.S. through the Public Protection Classification Program. The Program helps establish appropriate fire insurance premiums for residential and commercial properties and provides insurance companies with reliable, up-to-date information about a community's fire protection services. The formal assessment process consisted of three major areas:

- Fire Department (staffing, equipment, training, and emergency response capabilities).
- Water supply system (highlighting the water supply a community uses for fire suppression).
- Fire alarm and communications system (which centers on facilities and support for handling and dispatching alarms).

The ISO evaluation of the Fire Department accounts for 50 percent of the rating, while water supply accounts for 40 percent, and the Department's communication system accounts for the final 10 percent.

Item

Review and Discuss the Richardson Cultural Arts Commission's FY25 Arts Grants Funding Recommendations

Staff

Michaela Dollar, Assistant City Manager

Summary

Richardson Cultural Arts Vice-Chair Elizabeth Gonzalez will present the recommendations from the Richardson Cultural Arts Commission of the allocation of arts grants funding provided through the Hotel Motel Tax Fund in the FY25 Budget.

City Council Strategies

- Continue to explore unique opportunities to attract and retain residents and all stakeholders

Background

The Richardson Cultural Arts Commission serves as an advisory board to the City Council involving the promotion of the arts in Richardson. The commission reviewed twenty-four applications from non-profit arts organizations serving Richardson that totaled \$656,000 in requested funding. The FY25 budget includes \$375,000 in the Hotel Occupancy Tax fund dedicated to the annual grant program, and the Commission has recommended allocation of the funds to the qualifying organizations.

Financial Considerations

Funding for the Arts Grants is included in the FY25 Hotel Motel Tax fund.

Proposed Action/Motion

Approval of the recommended allocations on the consent agenda.



DATE: August 12, 2024
TO: Honorable Mayor and City Council
FROM: Sam Chavez, AICP, Director of Development Services *SDC*
SUBJECT: Zoning File 24-16: Special Permit – Clay Cooley VW

REQUEST

Ed Hicks, Jr, representing Clay Cooley Volkswagen is requesting approval of three (3) Special Permits. A Special Permit for a Motor Vehicle Body Shop on a 1.4-acre lot, a Special Permit for a Motor Vehicle Storage Lot on a 0.04-acre lot, and a Special Permit for a Motor Vehicle Repair Shop (Minor) on a 1.2-acre lot all currently zoned Main Street/Central Expressway PD Planned Development (Interurban Sub-District) located within existing buildings between Bishop Avenue and N. Interurban Street, and between Jackson Street and Davis Street.

The subject sites are comprised of the following Development Sites:

Development 1 (0.04 acres): The site comprised of two (2) contiguous lots is located at the southeast corner of Bishop Avenue and Davis Street and is developed as an 18,000 square-foot parking lot with a perimeter security fence and is the subject of the Special Permit request for a Motor Vehicle Storage Lot. The site was previously used as a private surface parking lot and will be utilized for overflow dealership inventory storage of vehicles.

Development 2 (1.4 acres): The site comprised of four (4) contiguous lots is located at the southwest corner of Davis Street and Interurban Street and is developed with an existing 29,868 square foot vehicle reconditioning facility. The building is made up of four (4) separate, adjoining buildings that share interior demising walls. The buildings were previously used for warehousing, office/showroom and a 2,868 square-foot motor vehicle body shop. The building will be utilized for customer file storage, with the exception of the 2,868 square foot, 2 booth, motor vehicle body shop which is the subject of the Special Permit request for a Motor Vehicle Body Shop.

Development 3 (1.2 acres): The site comprised of six (6) contiguous lots is located at the northeast corner of Bishop Avenue and Jackson Street and is developed with two (2) vehicle service shop buildings totaling 19,258 square feet. The northern building is a 13,550 square foot building and the southern building is 5,709 square feet. Both buildings were previously used as a vehicle service shops. The northern building will house approximately 9,800 square feet for the storage of large vehicle body parts for use by the dealership with the remaining 3,750 square feet for the accounting department office use. The smaller, southern, 5,709-square-foot building will be used for vehicle detailing (wash, vacuum, wax, etc.) and window tinting and is the subject of the Special Permit request for a Motor Vehicle Repair Shop (Minor).

The applicant's intent is to maintain the existing site elements and with minimal site modifications to the exterior and interior associated with the proposed re-establishment of the previous uses within the existing buildings, and other necessary upgrades that may be required to meet Building and Fire Codes.

To date, no correspondence in response to the request has been received.

BACKGROUND

In November of 2016, the subject properties were rezoned as part of the Main Street/Central Expressway PD Planned Development District and are located in the Interurban Sub-district thus rendering the existing uses at the time as legal non-conforming. Since all operations, including automotive related services and repairs in these buildings have been discontinued for a period exceeding 180 days, the uses are deemed to have been abandoned. Therefore, approval of a Special Permit is required to reestablish the three (3) requested uses.

PLAN COMMISSION RECOMMENDATION

The City Plan Commission, by a 5-0 vote, recommends approval of the request subject to the attached conditions.

ATTACHMENTS

Special Conditions
CC Public Hearing Notice
City Plan Commission Minutes 2024-07-16
Staff Report
Zoning/Aerial Map

Zoning Concept Plan (Exhibit "B")
Applicant's Statement
Site Photos
CPC Notice of Public Hearing
Notification List

Special Conditions: Zoning File 24-16: Special Permit – Clay Cooley VW

1. Development 1 - A Special Permit shall be granted for a Motor Vehicle Storage Lot which shall be limited to the area shown on the Concept Plan, marked as Exhibit “B” and made a part thereof, subject to the following conditions:
 - a. No other person, company, business, or legal entity may operate a motor vehicle storage lot on the property other than Clay Cooley VW. The Special Permit automatically terminates upon the change in ownership or operator, in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.
 - b. A Building Permit shall be obtained from the city in accordance with Article XXII-A, Section 7.(b.) of the Comprehensive Zoning Ordinance, as amended.
 - c. Access to the Property shall be limited to and from the alley located on the east side of the site.
2. Development 2 - A Special Permit shall be granted for a Motor Vehicle Body Shop which shall be limited to the area shown on the Concept Plan, marked as Exhibit “B” and made a part thereof, subject to the following conditions:
 - a. No other person, company, business, or legal entity may operate a motor vehicle body shop on the property other than Clay Cooley VW. The Special Permit automatically terminates upon the change in ownership or operator, in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.
 - b. A Building Permit shall be obtained from the city in accordance with Article XXII-A, Section 7.(b.) of the Comprehensive Zoning Ordinance, as amended.
3. Development 3 - A Special Permit shall be granted for a Motor Vehicle Repair Shop (Minor) which shall be limited to the area shown on the Concept Plan, marked as Exhibit “B” and made a part thereof, subject to the following conditions:
 - a. No other person, company, business, or legal entity may operate a motor vehicle repair shop (minor) on the property other than Clay Cooley VW. The Special Permit automatically terminates upon the change in ownership or operator, in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.
 - b. A Building Permit shall be obtained from the city in accordance with Article XXII-A, Section 7.(b.) of the Comprehensive Zoning Ordinance, as amended.

APPROVED
CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – JULY 16, 2024

ZF 24-16 Special Permit – Clay Cooley VW: Consider and act on a request for approval of a Special Permit for a Motor Vehicle Body Shop on a 1.4-acre lot, a Special Permit for a Motor Vehicle Storage Lot on a 0.04-acre lot, and a Special Permit for a Motor Vehicle Repair Shop (Minor) on a 1.2-acre lot, currently zoned Main Street/Central Expressway PD Planned Development (Interurban Sub-District) and located within existing buildings located between Bishop Avenue and N. Interurban Street, and between Jackson Street and Davis Street. *Owner: Clay Cooley, 404 Bishop Ave LLC. Staff: Derica Peters.*

Ms. Peters stated the request is related to three (3) developments located in the block bounded by Davis Street, Bishop Avenue, Interurban Street and Jackson Street and is zoned as part of the Main St. Central Expressway form-based code PD in the Interurban Sub-district. The site includes a parking lot, and two buildings which have operated as auto-related uses. In recent years all automotive related services and repairs in these buildings have been vacated. Since the auto related uses ceased for a period exceeding 180 days, the uses are deemed to have been abandoned, therefore a Special Permit is required to reestablish the requested uses.

Ms. Peters advised that the applicant is the Clay Cooley VW Dealership, and their intent is to reestablish the auto-related uses that were previously permitted to operate out of the facilities to support the needs of the dealership and its service department on the south side of Jackson Street.

Ms. Peters said that Development 1 is an 18,000 square-foot paved parking lot surrounded by an 8-foot-tall chain link fence with razor wire on top that the applicant intends to use for overflow storage. They will be limited to access to and from that driveway approach from the rear alley by a sliding gate and is a condition of the Special Permit.

Ms. Peters continued stating that Development 2 is a series of four interconnected buildings that are approximately 29,800 square feet in total. The applicant is requesting a Special Permit for a 2,800 square feet motor vehicle body shop and the remainder of the building will be used for file storage.

Ms. Peters stated at Development 3, they will utilize 9,800 square feet for storage of vehicle body parts, 3,700 square feet for office use and 5,709 square feet where they intend to reestablish uses for motor vehicle repair, minor, so they may offer window tinting services.

Ms. Peters advised they do not plan on making any modifications to the sites; however, they will be updating the paint on the exterior, cleaning up the landscaping and the overgrowth. They do not expect any visitors to the sites as customers will be asked to drop off their cars at the dealership location. No correspondence has been received for this request and Ms. Peters stated she was available for any questions.

Vice Chairman Southard asked about employee parking for Developments 2 and 3.

Ms. Peters stated that Development 3 employees would park in the back and there should be enough parking on-site for employees for Development 2.

Vice Chairman Southard asked if there were any other questions for staff, seeing none the public hearing was opened and the applicant was asked to come forward.

Ed Hicks, Jr., 5009 Spanish Oaks, Frisco, Texas, General Manager at Clay Cooley Volkswagen, provided background information to explain the facilities were purchased from Classic BMW who had owned them for several years. Clay Cooley is building a new facility that will be the largest Volkswagen dealership in the state. The extra property was needed for their expansion to house the accounting department, a body shop and detailing and window tinting for all the dealerships owned by Clay Cooley. There will be over four hundred (400) new and used vehicles stocked there. Their plan is to hire twenty-two (22) employees for the new facility and based on the increased body work and service, they will need to hire an additional twenty-five (25) employees.

Commissioner Roberts asked about the total number of employees.

Mr. Hicks replied that the dealership is currently at sixty-eight (68) employees, and they have expanded the service department to fifty-two (52) stalls, so the goal would be 130 to 135 employees, including the body shop.

Commissioner Poynter asked what their timeline was, if they would be cleaning up the landscape and if there's going to be any changes to the fence on Development 2.

Mr. Hicks said their focus is to get the new dealership open by September 1st and then they will shift over to improve these facilities. He explained he was not aware of a fence in the back; however, they would do what was needed to repair or replace it.

Commissioner Purdy asked if Mr. Hicks could explain the file storage solutions being leveraged in the Development 2.

Mr. Hicks replied that all files of eighteen (18) dealership locations will be in this building.

Vice Chairman Southard asked how many cars can be parked in the lot in Development 1.

Mr. Hicks replied 662.

Vice Chairman Southard asked how many spaces will be on the new dealership lot.

Mr. Hicks said there will be 538 parking spaces with the new facility.

Vice Chairman Southard asked how the new facility was progressing.

Mr. Hicks replied that they were behind due to supply issues and Volkswagen mandates every type of building materials they are to use. They now project opening September 1st.

Vice Chairman Southard asked what the timeline was for utilizing the new properties.

Mr. Hicks stated there were certifications that needed to be filed with Volkswagen, Kia and with Nissan before they could proceed but he expected it to be within 30 to 45 days, however, they were going to go ahead and clean it up before then.

Commissioner Beach asked if they could paint a mural or add color to the dealership to make it more attractive.

Mr. Hicks answered that he made the request in the past which was denied by Volkswagen because of their set standards and Clay Cooley has no control over that decision.

Commissioner Poynter expressed concern with the condition of the perimeter chain link fence on the south end of Development 2.

Mr. Hicks stated they had no use for that fence, and they can remove it.

Seeing no more speakers, Commissioner Beach made a motion to close the public hearing. Commissioner Roberts seconded the motion and motion passed 5-0.

Motion: Commissioner Roberts made a motion to recommend approval of the request as presented. Commissioner Beach seconded. Motion passed 5-0.



TO: City Council
THROUGH: Sam Chavez, AICP, Director of Development Services *SDC*
FROM: Derica Peters, AICP, Senior Planner-Planning *DP*
DATE: August 12, 2024
RE: **Zoning File 24-16: Special Permit – Clay Cooley VW**

REQUEST

A request for approval of a Special Permit for a Motor Vehicle Body Shop on a 1.4-acre lot, a Special Permit for a Motor Vehicle Storage Lot on a 0.04-acre lot, and a Special Permit for a Motor Vehicle Repair Shop (Minor) on a 1.2-acre lot, currently zoned Main Street/Central Expressway PD Planned Development (Interurban Sub-District) and located within existing buildings located between Bishop Avenue and N. Interurban Street, and between Jackson Street and Davis Street.

APPLICANT/ PROPERTY OWNER

Ryan Alcala, Quiddity Engineering/ Clay Cooley, 404 Bishop Ave LLC.

EXISTING DEVELOPMENT

Lot 1: 18,000-square foot paved parking lot
Lot 2: 29,868-square-foot facility on 1.4 acres
Lot 3: 19,258-square foot facility on 1.2 acres

ADJACENT ROADWAYS

N. Interurban Street: Two-Lane Minor Collector; no traffic data available

Bishop Avenue: Local street; no traffic data available

Jackson Street: Local street; no traffic data available

Davis Street: Local street; no traffic data available

SURROUNDING LAND USE AND ZONING

North: Institutional; Local Retail LR-M(2)
South: City of Dallas
East: Retail/Commercial/Office; Local Retail LR-M(2)
West: Institutional; PD Planned Development

FUTURE LAND USE PLAN

Main Street/Central Expressway

The subject property is located in the Interurban Sub-District of the recently approved Main Street/Central Expressway Form Based Code. This vision for this sub-district is to create a vibrant, mixed-use district at the heart of the City which focuses on supporting infill development to create an “address” in the region via a pedestrian-oriented, more walkable environment.

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

Main Street/Central Expressway Form Based Code (Ordinance 4191).

TRAFFIC/INFRASTRUCTURE IMPACTS

The proposed request will not have any significant impacts on the existing utilities in the area.

STAFF COMMENTS

Background

The subject sites are comprised of the following Development Sites:

Development 1: The site is comprised of Lots 9 and 10, Block 5 of the North Richardson Addition and is developed as an 18,000 square-foot parking lot with a perimeter security fence located on the southeast corner of Bishop Avenue and Davis Street and was previously used as a private surface parking lot.

Development 2: The site is comprised of Lots 11A, 15, 16 and 17, Block 5 of the North Richardson Addition and is developed with an existing 29,868 square foot vehicle reconditioning facility located on the southwest corner of Davis Street and Interurban Street. The building is made up of four (4) separate, adjoining buildings that share interior demising walls. The buildings were previously used for warehousing, office/showroom and a 2,868 square-foot motor vehicle body shop.

Development 3: The site is comprised of Lots 1-6, Block 5 of the North Richardson Addition and is developed with two (2) vehicle service shop buildings with a total of 19,258 square feet located at the northeast corner of Bishop Avenue and Jackson Street. The northern building is a 13,550 square foot building and the southern building is 5,709 square feet. Both buildings were previously used as a vehicle service shops.

In November of 2016, the subject properties were rezoned as part of the Main Street/Central Expressway PD Planned Development District and are located in the Interurban Sub-district. Since all operations, including automotive related services and repairs in these buildings have been discontinued for a period exceeding 180 days, the uses are deemed to have been abandoned. Therefore, approval of a Special Permit is required to reestablish the three (3) requested uses.

Request

The applicant's intent is to reestablish the auto-related uses that were previously permitted to operate out of the facilities. The Special Permit shall be limited to the functions of each use as defined in the Comprehensive Zoning Ordinance. The intended uses will support the needs of the Clay Cooley VW Dealership and its service department which is located directly across the street from the proposed Development Sites on the south side of Jackson Street.

There will be no customers arriving at the subject sites for service as customers will be directed to check-in their vehicle at the main Clay Cooley VW dealership service center at 300 N. Central Expressway. The vehicle will then be relocated to the appropriate service center by dealership staff.

Development 1

The proposal includes a request for a Special Permit for a **Motor Vehicle Storage Lot**. The existing parking lot will be cleaned up to accommodate overflow inventory storage for Clay Colley VW. The site is secured with an existing 8-foot chain-link and barbed-wire on top and is accessed from the alley on the east side of the site. The applicant will clean up the vegetation, repair the existing chain link fence as needed, resurface pavement and striping as necessary, and add overhead lights for security. Access will remain from the existing alley. The Comprehensive Zoning Ordinance (CZO) defines a motor vehicle storage lot as:

Motor vehicle storage lot means an approved parking surface used solely for the storage of motor vehicles in transit to a motor vehicle sales and service center or motor vehicle repair shop.

Development 2

The applicant is requesting a special permit for **Motor Vehicle Body Shop** on Development 2. This facility will maintain the existing 2,868 square feet body shop bays (2 booths), with the remaining portion (27,000 square feet) of the building as a customer file storage facility. The plan is to clean up the vegetation, repair or replace existing chain link fence as needed, minor interior building remodeling, and building exterior painting. The CZO defines a motor vehicle body shop as:

Motor vehicle body shop means a business engaged in the repair or straightening of a motor vehicle body or frame, the painting of motor vehicles or the upholstery of motor vehicle interiors.

Development 3

The applicant is requesting a Special Permit for a **Motor Vehicle Repair Shop (Minor)** within the two (2) existing vehicle service shop buildings. The northern building will house approximately 9,800 square feet for the storage of large vehicle body parts with the remaining 3,750 square feet for the accounting department office use. The smaller, southern, 5,709-square-foot building will be used for vehicle detailing (wash, vacuum, wax, etc.) and window tinting. The plan is to clean

up the vegetation, repair or replace the existing chain link fence as needed, minor interior building remodeling, building exterior painting, and addition of dumpster enclosure. Employee parking will be located behind the building. The CZO defines a motor vehicle repair shop, minor as:

Motor vehicle repair shop, minor means a business in which minor repair and service functions are performed on motor vehicles as defined herein, to include tire and battery sales and installation; oil, filter, and lubricant changes; engine tune-ups; motor vehicle parts and accessory sales as defined herein; window tinting and pin-striping; installation of stereo systems or alarm systems; and the performing of state inspections.

The applicant intends to maintain the existing site elements and there will be minimal site modifications to the exterior and interior associated with the proposed re-establishment of the previous uses within the existing buildings, and other necessary upgrades that may be required to meet Building and Fire Code. The modification of site elements may be subject to review through a Special Development Plan; however, the applicant does not plan to make any modifications to the site.

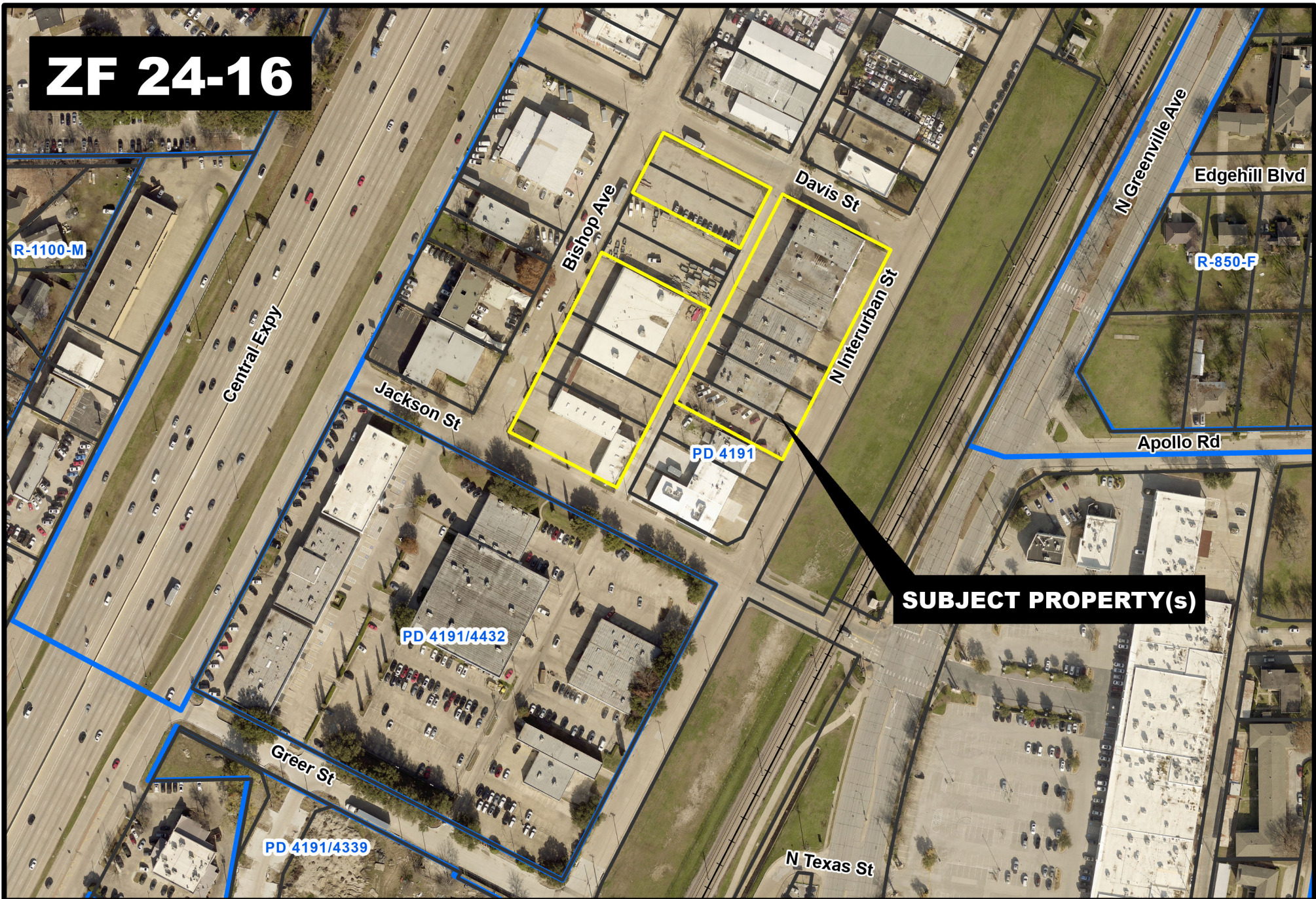
Correspondence: To date, staff has received no correspondence regarding this request.

Motion: On July 16, 2024, the City Plan Commission recommended approval of the applicant's request as presented on a vote of 5-0, subject to the following conditions:

- 1) Development 1 - A Special Permit shall be granted for a Motor Vehicle Storage Lot which shall be limited to the area shown on the Concept Plan, marked as Exhibit "B" and made a part thereof, subject to the following conditions:
 - a. No other person, company, business, or legal entity may operate a motor vehicle storage lot on the property other than Clay Cooley VW. The Special Permit automatically terminates upon the change in ownership or operator, in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.
 - b. A Building Permit shall be obtained from the city in accordance with Article XXII-A, Section 7.(b.) of the Comprehensive Zoning Ordinance, as amended.
 - c. Access to the Property shall be limited to and from the alley located on the east side of the site.
- 2) Development 2 - A Special Permit shall be granted for a Motor Vehicle Body Shop which shall be limited to the area shown on the Concept Plan, marked as Exhibit "B" and made a part thereof, subject to the following conditions:
 - a. No other person, company, business, or legal entity may operate a motor vehicle body shop on the property other than Clay Cooley VW. The Special Permit automatically terminates upon the change in ownership or operator, in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.

- b. A Building Permit shall be obtained from the city in accordance with Article XXII-A, Section 7.(b.) of the Comprehensive Zoning Ordinance, as amended.
- 3) Development 3 - A Special Permit shall be granted for a Motor Vehicle Repair Shop (Minor) which shall be limited to the area shown on the Concept Plan, marked as Exhibit “B” and made a part thereof, subject to the following conditions:
- a. No other person, company, business, or legal entity may operate a motor vehicle repair shop (minor) on the property other than Clay Cooley VW. The Special Permit automatically terminates upon the change in ownership or operator, in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.
 - b. A Building Permit shall be obtained from the city in accordance with Article XXII-A, Section 7.(b.) of the Comprehensive Zoning Ordinance, as amended.

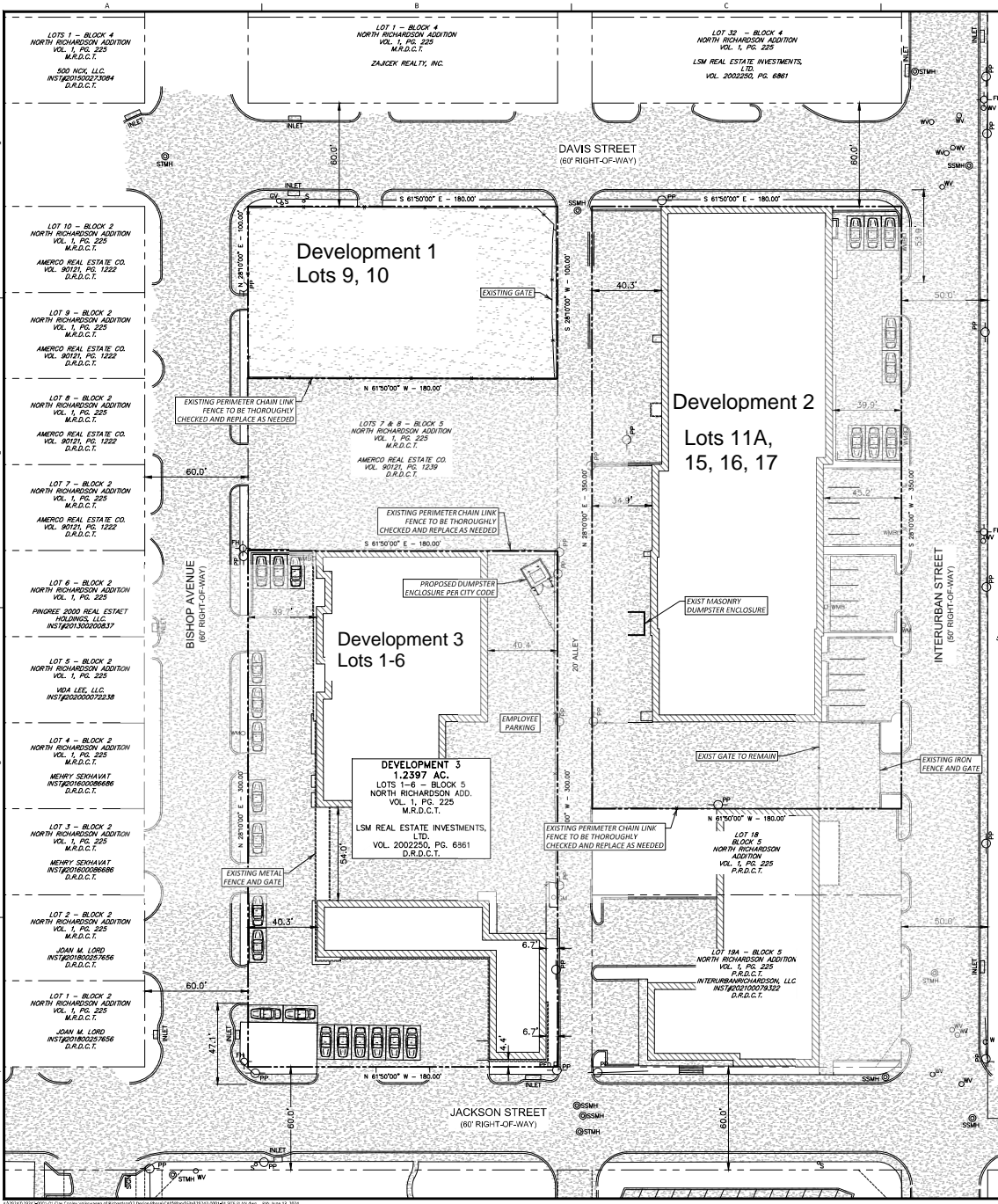
ZF 24-16



ZF 24-16 Notification Map Special Permit Clay Cooley VW

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.



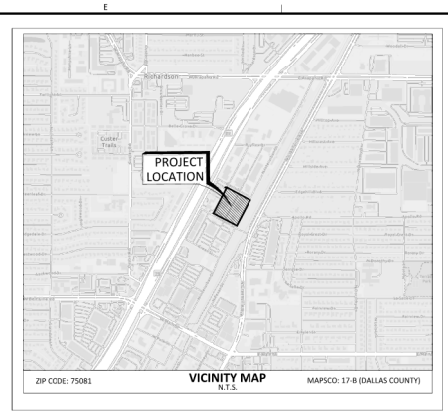


LEGEND

- PROPERTY LINE
- EXIST. CONCRETE
- EXIST. ASPHALT
- EXIST. BUILDING
- EXIST. 20' x 10' UNSTRIPED PARKING SPACE

OWNER
 CLASSIC RICHARDSON VENTURES LLC
 10311 GAYWOOD ROAD,
 DALLAS, TEXAS 75229
 TEL (214) 597-8815
 CONTACT: ED HICKS

APPLICANT
 QUIDDITY ENGINEERING, INC.
 4500 MERCANTILE PLAZA DRIVE
 SUITE 228
 FORT WORTH, TEXAS 76137
 TEL (972) 265-7190
 CONTACT: RYAN ALCALA, PE



CLAY COOLEY VOLKSWAGEN OF RICHARDSON DEVELOPMENT NORTH RICHARDSON ADDITION	
DEVELOPMENT 1 - LOT 9 AND 10 - BLOCK 5 - NORTH RICHARDSON ADDITION	
ZONING: CURRENT USE: PROPOSED USE:	ORDINANCE NO. 4191 VEHICLE STORAGE LOT NEW VEHICLE STORAGE LOT 63 - 15' x 8' PARKING SPACES 41 - 17' x 8' PARKING SPACES
PROPERTY AREA: BUILDING AREA:	0.4132 ACRES (18,000 SF) NONE
PROPOSED SITE WORK:	CLEAN UP VEGETATION REPAIR AND REPLACE CHAIN LINK FENCE AS NECESSARY REFACE ASPHALT PAVEMENT AND ADD STRIPING AS NECESSARY ADD OVERHEAD LIGHTS
DEVELOPMENT 2 - LOT 11A, 15, 16, 17 - BLOCK 5 - NORTH RICHARDSON ADDITION	
ZONING: CURRENT USE: PROPOSED USE:	ORDINANCE NO. 4191 VEHICLE BODY SHOP VEHICLE BODY SHOP AND CUSTOMER FILE STORAGE FACILITY
PROPERTY AREA: BUILDING AREA:	1.4462 ACRES (63,000 SF) 29,868 SF 2,868 SF - VEHICLE BODY SHOP (TWO BOOTHS) 27,000 SF - CUSTOMER FILE STORAGE FACILITY
FLOOR AREA RATIO:	29,868 SF / 63,000 SF = 0.47
PROPOSED SITE WORK:	CLEAN UP VEGETATION REPAIR AND REPLACE CHAIN LINK FENCE AS NECESSARY MINOR BUILDING INTERIOR REMODELING BUILDING EXTERIOR PAINTING
DEVELOPMENT 3 - LOT 1-6 - BLOCK 5 - NORTH RICHARDSON ADDITION	
ZONING: CURRENT USE: PROPOSED USE:	ORDINANCE NO. 4191 VEHICLE SERVICE SHOP VEHICLE BODY PART STORAGE, ACCOUNTING, AND DETAIL SHOP
PROPERTY AREA: BUILDING 1 AREA:	1.2397 ACRES (54,000 SF) 13,550 SF
BUILDING 2 AREA:	9,800 SF - BODY PART STORAGE 3,750 SF - ACCOUNTING DEPARTMENT
FLOOR AREA RATIO:	5,709 SF - DETAILING SHOP 19,259 SF / 54,000 SF = 0.36
PROPOSED SITE WORK:	CLEAN UP VEGETATION REPAIR AND REPLACE CHAIN LINK FENCE AS NECESSARY MINOR BUILDING INTERIOR REMODELING BUILDING EXTERIOR PAINTING
CODE NOT CURRENTLY MEETING - ORDINANCE 4191	
LANDSCAPE	
INTERIOR PARKING LOT LANDSCAPE	
STREET TREES	
FIVE FOOT WIDE LANDSCAPE AREA BETWEEN SIDEWALK AND PARKING LOT	
DRIVEWAY	
1 / 200 LINEAR FEET OF STREET FRONTAGE	
CONTINUOUS DRIVEWAY NOT PERMITTED	
PARKING	
1 / 500 SQUARE FEET ABOVE 5,000 SQUARE FEET	
DEVELOPMENT 2 - 50 REQUIRED SPACES (23 PROVIDED)	
DEVELOPMENT 3 - 29 REQUIRED SPACES (18 PROVIDED)	
BUILDING ARTICULATION*	
BUILDING MATERIALS*	
SEE SECTION II.A.6.e.1.	
BLANK FACADES ARE PROHIBITED FRONTING A STREET (DAVIS AND JACKSON STREET)	
*DOES NOT APPLY AS STRUCTURE IS TO REMAIN UNTOUCHED, RE-PURPOSING EXISTING BUILDING.	
NOTE: ROW DEDICATION TO BE ADDRESSED AS PART OF REPLATTING	

QUIDDITY
 ENGINEERING, INC.
 4500 MERCANTILE PLAZA DRIVE, SUITE 228
 FORT WORTH, TEXAS 76137
 TEL (972) 265-7190
 WWW.QUIDDITYENGINEERING.COM

INTERIM REVIEW
 Not intended for construction,
 bidding or permit purposes.
 Engineer: **RYAN J. ALCALA**
 P.E. Serial No.: 137832
 Date: **JUNE 2024**

EXHIBIT "B"
 LOTS 1-6, 9, 10, 11A, 15-17 - BLOCK 5
 BISHOP AVENUE AND N. INTERURBAN STREET
 RICHARDSON, TEXAS 75081

C-1

June 17, 2024
Development Services Department
City of Richardson
2360 Campbell Creek Boulevard
Richardson, TX 75082

**Clay Cooley Volkswagen of Richardson Expansion
Applicant's Statement**

Development Services Department,

Clay Cooley of Volkswagen in Richardson recently acquired additional properties within the City of Richardson. They are located between Davis Street, Bishop Avenue, Jackson Street, and Interurban Street. Lots 1-6, 9-10, 11A, and 15-17, Block A of North Richardson Addition.

The owner acquired these properties adjacent to their current business with a plan to expand their operations. They are looking to re-purpose the existing facilities for the same or similar uses as the previous owner.

Since the operations of these buildings have been discontinued for over 6 months, Planned Development Ordinance 4191 requires a Special Permit in order to receive a certificate of occupancy. We are requesting three separate Special Permits for Development 1, Development 2, and Development 3.

Development 1 (Lots 9 and 10) is an existing parking lot with a perimeter fence located on the southeast corner of Bishop Avenue and Davis Street. This property will be used as a new vehicle storage lot. Our plan is to clean up the vegetation, repair the existing chain link fence as needed, resurface pavement and striping as necessary, and add overhead lights for security. Access will remain off the existing alley.

Development 2 (Lots 11A and 15-17) is an existing 29,868 square foot vehicle reconditioning facility located on the southwest corner of Davis and Interurban Street. This property will have approximately 2,868 square foot body shop bays with the remaining portion of the building to serve as a customer file storage facility. The plan is to clean up the vegetation, repair or replace existing chain link fence as needed, minor interior building remodeling, and building exterior painting.

Development 3 (Lots 1-6) is two existing vehicle service shop buildings totaling 19,258 square foot located on the northeast corner of Bishop and Jackson Street. The main northern building will house approximately 9,800 square feet of large vehicle body parts storage with the remaining 3,750 square feet for the accounting department office use. The smaller southern building will be for vehicle detailing (wash, vacuum, wax, etc.). The plan is to clean up the vegetation, repair or replace the existing chain link fence as needed, minor interior building remodeling, building exterior painting, and addition of dumpster enclosure. Employee parking will be located behind the building. There should be no customers or sales occurring at this facility.



Clay Cooley Volkswagen of Richardson Expansion
Page 2
06/17/2024

Due to our site constraints and re-purposing of the existing buildings, there are a number of items within the current code (PD 4191) these properties are not meeting. Those items are listed below. We are requesting a variance as part of our Special Permit for those items.

- Landscape
 - Five foot wide landscape between sidewalk and parking lot
 - Interior Parking Lot Landscape
 - Street Trees
 - Street Furnishings
- Driveway
 - 1 / 200 linear feet of street frontage
- Parking
 - 1 / 500 square feet above 5,000 square feet
- Bicycle Parking
- Building Articulation
- Building Materials

Thank you for your consideration in the matter. Should you have any questions or require additional information, please call, 682-269-2211, or email, ralcala@quiddity.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Alcala".

Ryan Alcala, PE

K:\29247\29247-0001-01 Clay Cooley Volkswagen of Richardson\Project Management\Deliverables\2024 0617 Special Permit Submittal

ZF 24-16 Site Photo





Notice of Public Hearing

City Plan Commission

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

SPECIAL PERMIT

File No./Name: ZF 24-16 Clay Cooley VW
Applicant: Ryan Alcala, Quiddity Engineering
Location: (See map on reverse side)
Request: A request for approval of a Special Permit for a Motor Vehicle Body Shop on a 1.4-acre lot, a Special Permit for a Motor Vehicle Storage Lot on a 0.04-acre lot, and a Special Permit for a Motor Vehicle Repair Shop (Minor) on a 1.2-acre lot, currently zoned Main Street/Central Expressway PD Planned Development (Interurban Sub-District) and located within existing buildings located between Bishop Avenue and N. Interurban Street, and between Jackson Street and Davis Street. Owner: Clay Cooley, 404 Bishop Ave LLC. Staff: Derica Peters.

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

TUESDAY, JULY 16, 2024
7:00 p.m.
Richardson City Hall
2360 Campbell Creek Boulevard, Suite 525
Richardson, TX 75082

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 in person will be allocated a maximum of 3 minutes to address the City Plan Commission to express whether they are in favor or oppose 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>.

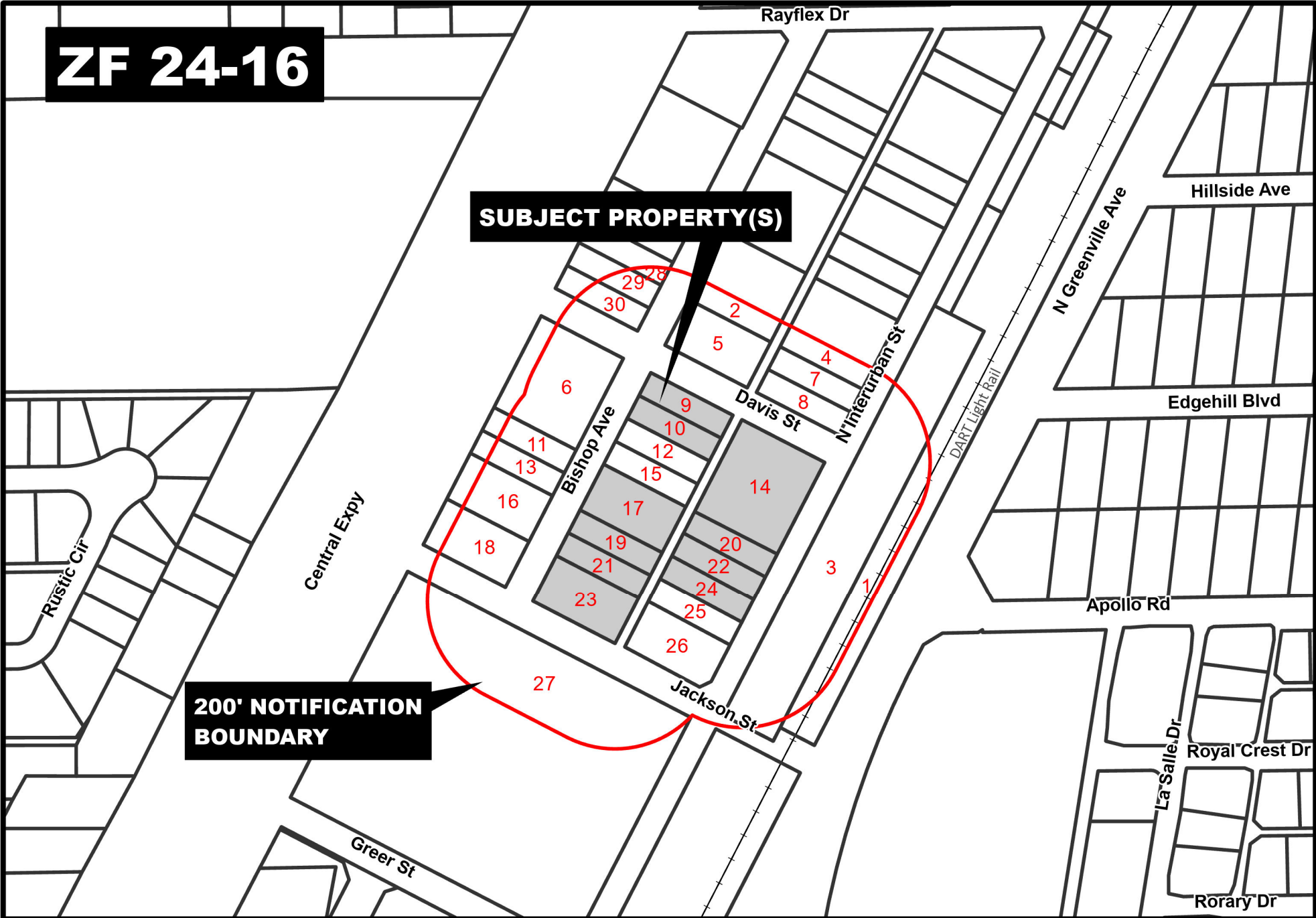
For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Zoning File number ZF 24-16.

Date Posted and Mailed: July 5, 2024

ZF 24-16

SUBJECT PROPERTY(S)

200' NOTIFICATION BOUNDARY



ZF 24-16 Notification Map Clay Cooley VW

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.



- 1 DART
MB 7230
P O BOX 660163
DALLAS, TX 75266
- 2 ZAJICEK REALTY INC
211 CANYON VALLEY DR
RICHARDSON, TX 75080
- 3 404 BISHOP AVE LLC
1251 E AIRPORT FWY
IRVING, TX 75062
- 4 MOUNGER CONRAD &
PRUETT GERRY SUE
PO BOX 765
FARMERSVILLE, TX 75442
- 5 ZAJICEK REALTY INC
211 CANYON VALLEY DR
RICHARDSON, TX 75080
- 6 AMERCO REAL ESTATE CO
PO BOX 29046
PHOENIX, AZ 85038
- 7 DIZZY PROPERTIES INC
503 N INTERURBAN ST
RICHARDSON, TX 75081
- 8 CLASSIC RICHARDSON
VENTURES LLC
10311 GAYWOOD RD
DALLAS, TX 752296608
- 9 CLASSIC RICHARDSON
VENTURES LLC
10311 GAYWOOD RD
DALLAS, TX 752296608
- 10 CLASSIC RICHARDSON
VENTURES LLC
10311 GAYWOOD RD
DALLAS, TX 752296608
- 11 CLASSIC RICHARDSON
VENTURES LLC
10311 GAYWOOD RD
DALLAS, TX 752296608
- 12 AMERCO REAL ESTATE CO
AREL 741055
PO BOX 29046
PHOENIX, AZ 85038
- 13 VIDA LEE LLC
4308 BARNSLEY DR
PLANO, TX 75093
- 14 CLASSIC RICHARDSON
VENTURES LLC
10311 GAYWOOD RD
DALLAS, TX 752296608
- 15 AMERCO REAL ESTATE CO
#741055
PO BOX 29046
PHOENIX, AZ 85038
- 16 SEKHAVAT MEHRY
9879 RED CEDAR DR
FRISCO, TX 75035
- 17 CLASSIC RICHARDSON
VENTURES LLC
10311 GAYWOOD RD
DALLAS, TX 752296608
- 18 LORD JOAN M
6530 CHURCHILL WAY
DALLAS, TX 75230
- 18 CLASSIC RICHARDSON
VENTURES LLC
10311 GAYWOOD RD
DALLAS, TX 752296608
- 19 CLASSIC RICHARDSON
VENTURES LLC
10311 GAYWOOD RD
DALLAS, TX 752296608
- 20 CLASSIC RICHARDSON
VENTURES LLC
10311 GAYWOOD RD
DALLAS, TX 752296608
- 21 CLASSIC RICHARDSON VENTUR
%ERIC S MAAS
10311 GAYWOOD RD
DALLAS, TX 75229
- 22/23 CLASSIC RICHARDSON
VENTURES LLC
10311 GAYWOOD RD
DALLAS, TX 752296608
- 24 MAAS LEE S
PO BOX 515264
DALLAS, TX 75251
- 25 TRUONG HY T &
LEHOA T
405 N INTERURBAN ST
RICHARDSON, TX 75081
- 26 INTERURBANRICHARDSON LLC
5045 REXTON LN
DALLAS, TX 75214
- 27 4747 LBJ FREEWAY LLC
COOLEY CLAY
1251 E AIRPORT FWY
IRVING, TX 75062
- 28 GRA INVESTMENT GROUP LLC
3113 CEDAR RIDGE DR
RICHARDSON, TX 75082
- 29 CLASSIC RICHARDSON
VENTURES LLC
10311 GAYWOOD RD
DALLAS, TX 752296608
- 30 CLASSIC RICHARDSON
VENTURES LLC
10311 GAYWOOD RD
DALLAS, TX 752296608



DATE: September 23, 2024
TO: Honorable Mayor and City Council
FROM: Amber Pollan, AICP, Planner – Strategic Planning *ALP*
SUBJECT: Zoning File 24-19: Special Permit – Banyan Hypnosis Center

REQUEST

Calvin Banyan, Banyan Hypnosis Center for Training & Services, is seeking approval of a Special Permit for a hypnosis training center located within an existing office building located at 275 W. Campbell Road, east of Gateway Boulevard, on the south side of W. Campbell Road.

Hypnosis training centers are an unlisted use in the Comprehensive Zoning Ordinance and may be allowed upon approval of a Special Permit. Banyan Hypnosis Center was issued a Special Permit as an unlisted use in 2019 tied to a specific suite at this same location. The applicant would like to relocate to a new suite in the building and so a new Permit is required.

The Center serves primarily as administrative headquarters for the business. They provide hypnosis therapy services to clients and on-site hypnosis training programs three to four times a year. Training sessions are typically seven days long and go from 9:00 am to 6:30 pm daily. Class size is capped at 8 in-person participants per session and includes additional on-line participants. There are three (3) employees and training participants generally stay in a nearby hotel and walk to the building during their session. The office building and suite meet the parking requirements

The proposed conditions for this Special Permit request include tying an approval to the building and this specific operator but not a specific suite. This would allow for Banyan Hypnosis to relocate within the building in the future without requiring a Special Permit review.

Staff is not aware of any issues or complaints with the Center’s operations at their current location and has not received any correspondence regarding this request.

BACKGROUND

The subject property is 5.45 acres and contains the 122,893 square foot University Plaza office building constructed in 1982. The property is zoned LR-M(2) Local Retail and contains general office and medical office uses.

PLAN COMMISSION RECOMMENDATION

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

ATTACHMENTS

Special Conditions
CC Public Hearing Notice
City Plan Commission Minutes 2024-09-03
Staff Report
Zoning/Aerial Map
Proposed Zoning Concept Plan (Exhibit “B”)

Applicant’s Statement
Ordinance 4291 (Special Permit for existing business)
Site Photos
CPC Notice of Public Hearing
Notification List

Special Conditions: Zoning File 24-19: Special Permit – Banyan Hypnosis Center for Training & Services

1. The use of the Property for a hypnosis training center shall be limited to the building as shown on the concept plan attached as Exhibit “B” and made a part thereof.
2. No other person, company, business, or legal entity other than Banyan Hypnosis Center for Training & Services, Inc. may operate a hypnosis training center on the Property pursuant to this Ordinance.
3. The Special Permit shall expire and terminate, and this Ordinance be of no further effect in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.

Order Confirmation / Invoice

Customer:	CITY OF RICHARDSON	Customer Account:	100010162
Ad Order #:	0001876146	PO Number:	CPN 9422
Sales Rep:	David Ferster	Order Taker:	David Ferster

Net Amount:	\$296.19	Tax Amount:	\$0.00	Total Amount:	\$296.19
Payment Method:	Check/Money Order	Payment Amount:	\$0.00	Amount Due:	\$296.19

Ad Order #: 0001876146

Ad Number: 0001876146-01

Color: **Ad Size:** 2 X 41.00 Li

Ad Content

**City of Richardson
Public Hearing Notice**

The Richardson City Council will conduct a public hearing at 6:00 p.m. on Monday, September 23, 2024, at Richardson City Hall, 2360 Campbell Creek Blvd, Ste. 525 Richardson, TX., to consider the following requests.

ZF 24-19
A request for approval of a Special Permit for a hypnosis training center within an existing lease space located on a 5.45-acre lot currently zoned LR-M(2) Local Retail within an existing 122,893 square foot building at 275 W. Campbell Road, on the south side of W. Campbell Road, east of Gateway Boulevard. Owner: 275 Campbell Partners LTD.

ZF 24-20
A request for approval of a Special Permit for an amusement arcade on a 4.58-acre lot currently zoned C-M Commercial within a 1,927 square foot existing lease space located at 1362 E. Belt Line Road, south of Belt Line Road on the west side of Plano Road. Owner: Dick Ferrell, representing Richland Ferrell LP.

If you wish your opinion to be part of the record but are unable to attend, send a written reply prior to the hearing date to City Council, City of Richardson, P.O. Box 830309, Richardson, Texas 75083.

**The City of Richardson
/s/ Aimee Nemer, City Secretary**

APPROVED
By Aimee Nemer at 3:35 pm, Sep 03, 2024

Run Dates	Product	Placement/Classification - Position
Publish Date: 09/06/2024 Stop Date: 09/06/2024	Dallas Morning News	Legals Bids Notices - LN Legal Notices
Publish Date: 09/06/2024 Stop Date: 09/12/2024	DallasNews.com	Legals Bids Notices - LN Legal Notices

APPROVED
CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – SEPTEMBER 3, 2024

Zoning File 24-19 Special Permit - Banyan Hypnosis: Consider and act upon a request for approval of a Special Permit for a hypnosis training center within an existing lease space located on a 5.45-acre lot currently zoned LR-M(2) Local Retail within an existing 122,893 square foot building at 275 W. Campbell Road, east of Gateway Boulevard, on the south side of W. Campbell Road. *Owner: 275 Campbell Partners LTD. Staff: Amber Pollan.*

Ms. Pollan began by stating that this request is for a training center for Banyan Hypnosis located at 275 W. Campbell Road, on the southside of Campbell Road between Collins Road and Central Expressway. The property is developed with a 122,893 square foot, six-story office building with general office and medical uses and zoned LR-M(2) Local Retail.

Ms. Pollan reported the applicant, Banyan Hypnosis Training Center has operated at this location since they were granted a Special Permit under Ordinance 4291 on February 1, 2019. That Special Permit approval was tied to Suite 245, a 2,425 square foot space in the building. This request is for a new Special Permit to continue operating a hypnosis training center in Suite 205, a 1,494 square foot space and in the same building.

Ms. Pollan stated that the applicant is a Board-Certified Hypnotist with 28 years of experience. The office is used as the company's administrative headquarters which provides hypnosis therapy services to individual clients, mostly via Zoom, and provides on-site hypnosis training programs three to four times a year. There are three (3) full-time employees and class hours are from 9:00 am to 6:30 pm Monday through Friday, which is consistent with use of an office building. The training sessions are seven (7) days long and capped at eight (8) students taking the course on-site with the rest participating on-lin. Most on-site students stay at a nearby hotel and walk or take a car service to the site.

Ms. Pollan advised the site contains 411 parking spaces and required parking for office use for a building larger than 75,000 square-feet is (1) parking space per 300 square-feet, which would require 410 spaces. The intermittent and short-term nature of the trainings is consistent with office use where occasional trainings or events may occur. Additional parking requirements for this use and scale do not seem warranted, however, if the Commission has concerns about the impact, a condition related to a maximum number of sessions a year, or on-site participants may be considered.

Ms. Pollan concluded by the proposed conditions for this Special Permit request will no longer tie the approval to a specific suite or size. This would allow for Banyan Hypnosis to relocate within the building without requiring a Special Permit review. This business has operated at this location for almost five (5) years and staff is not aware of any complaints or issues. Ms. Pollan indicated no correspondence was received regarding this request and she was available for any questions.

Commissioner Beach sited item number three (3) on the motion conditions, which states the special permit shall expire and terminate, and this ordinance be of no further effect in

accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended and asked what it meant.

Ms. Pollan replied that it references the portion of the code that provides an expiration deadline if the use is not established.

Commissioner Beach asked to confirm that it means for as long as the applicant were to stay and run that business, it would never expire.

Ms. Pollan said that is correct.

Chairman Marsh asked if the primary reason for the need for a special permit is because of the training center use, not that it is a hypnosis center.

Ms. Pollan said that is correct.

Chairman Marsh asked if there were any other questions for staff, seeing none the public hearing was opened and the applicant was asked to come forward.

Mr. Calvin Banyan, 245 W. Campbell Road, Richardson stated he has enjoyed working out of the building in Richardson and stated that covid had allowed them to offer their services online and downsize their physical facility.

Chairman Marsh asked if he was aware of any other hypnosis centers in the Dallas area.

Mr. Banyan replied there are a few professional hypnotists, but his is the only licensed school in the state of Texas.

Chairman Marsh asked if he accepted private patients.

Mr. Banyan responded yes.

Chairman Marsh asked if he was able to hypnotize someone online.

Mr. Banyan said yes, because physical touch or manipulation was not necessary.

Seeing no more speakers, Chairman Marsh made a motion to close the public hearing. Commissioner Beach seconded the motion and motion passed 7-0.

Motion: Commissioner Costantino made a motion to recommend approval of the request as presented. Commissioner Beach seconded the motion. Motion passed 7-0.



TO: City Council
FROM: Amber Pollan, AICP, Planner-Strategic Planning *ALP*
DATE: September 23, 2024
RE: **Zoning File 24-19: Banyan Hypnosis Center – Special Permit**

REQUEST

Request for approval of a Special Permit for a hypnosis training center within an existing lease space located on a 5.45-acre lot currently zoned LR-M(2) Local Retail within an existing 122,893 square foot building at 275 W. Campbell Road, east of Gateway Boulevard, on the south side of W. Campbell Road.

APPLICANT/ PROPERTY OWNER

Calvin D. Banyan, Banyan Hypnosis Center for Training & Services, Inc / 275 Campbell Partners LTD.

EXISTING DEVELOPMENT

The property is a 5.45-acre lot and is developed with the six (6)-story University Plaza office. The building is occupied with a mix of office and medical uses with an on-site parking lot.

ADJACENT ROADWAYS

W. Campbell Road: Six-lane divided arterial; 29,200 vehicles per day, on all lanes, eastbound and westbound, west of Collins Blvd. (2023).

SURROUNDING LAND USE AND ZONING

North: Retail/Commercial; C-M Commercial
South: Retail/Commercial; LR-M(2) Local Retail and C-M Commercial
East: Retail/Commercial; LR-M(2) Local Retail and C-M Commercial
West: Retail/Commercial; LR-M(2) Local Retail and LR-M(1) Local Retail

FUTURE LAND USE PLAN

Regional Employment:

Regional Employment districts are generally located along Richardson’s highways north of Arapaho Road, and at the intersection of Spring Valley Road and Central Expressway. Higher

density development is appropriate in these areas, with the primary use being high-rise office. Secondary uses include retail centers and entertainment venues.

Future Land Uses of Surrounding Area:

North: Neighborhood Service
South: Regional Employment
East: Regional Employment
West: Regional Employment

EXISTING ZONING

Local Retail LR-M(2)

TRAFFIC/INFRASTRUCTURE IMPACTS

The proposed request will not have a significant impact on the surrounding roadway system and will not impact existing utilities in the area.

STAFF COMMENTS

Background:

The 5.45-acre site includes an existing 122,893 square foot, six-story office building built originally in 1982. The building contains a 3,214 square foot atrium lobby and 119,679 square foot of gross office space. All existing leased space is currently used for offices only.

Banyan Hypnosis Center was granted a Special Permit under Ordinance 4291 on February 1, 2019. The Center was reviewed and approved as a hypnosis training center which is an unlisted use in the LR-M(2) CZO. The Special Permit tied the approval to Suite 245 in the building. The use was established and has been operating since that time.

Request

The applicant, Calvin Banyan, is requesting a new Special Permit to continue operating a hypnosis training center in a different lease space at the same location. A hypnosis training center is an unlisted use and requires a Special Permit to operate in the LR-M(2) zone. Banyan Hypnosis Center has been operating from Suite 245, a 2,425 sq ft space in the University Plaza office building and is looking to relocate to Suite 205, a 1,494 sq ft space in the same building.

Mr. Banyan has a Bachelor's and Master's Degree in Psychology and is a Board Certified Hypnotist with over 28 years of experience running and operating the Center. The Center relocated to Richardson from Plano in 2019. The office is used as the company's administrative headquarters which provides hypnosis therapy services to individual clients and provides on-site hypnosis training programs three to four times a year. There are three (3) full-time employees. Class hours are 9:00 am to 6:30 pm Monday through Friday. Hours of operation are consistent with use of an office building.

Training sessions are seven (7) days long with typically six (6) students taking the course onsite at the office and the rest participating in the course on-line. In 2023, Banyan conducted two (2) courses and has a total of twelve (12) on-site students and eleven (11) online students between both sessions. They intend to offer three to four courses a year. Most students that come on-site typically stay in a nearby hotel and walk or use a ride share service to get to the site for the week. The impact of student and employee traffic to the site would be negligible.

The property line at this location was recently adjusted. The site contains 411 parking spaces. Required parking for office use for a building larger than 75,000 sq ft is one (1) parking space per 300 square feet which would require 410 spaces. The intermittent and short-term nature of the trainings is consistent with office use where occasional trainings or events may occur. Additional parking requirements for this use and scale do not seem warranted. If the Commission has concerns about the impact, a condition related to a maximum number of sessions a year or on-site participants may be considered.

The Special Permit approved in 2019 was tied to a lease space and square footage in the building. Staff is not proposing to include a lease space or square footage in a recommendation on this current request. The proposed conditions for this Special Permit request include tying an approval to the building and this specific business operator. This would allow for Banyan Hypnosis to relocate within the building without requiring a Special Permit review. This business has operated for almost five years at this location and staff is not aware of any complaints or issues.

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

Motion: On September 3, 2024, the City Plan Commission recommended approval of the applicant's request by a vote of 7-0; subject to the following conditions:

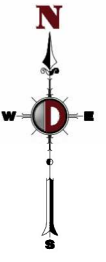
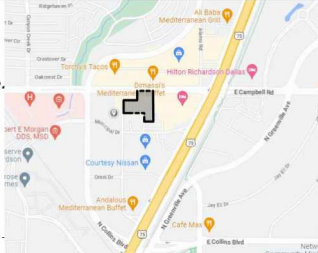
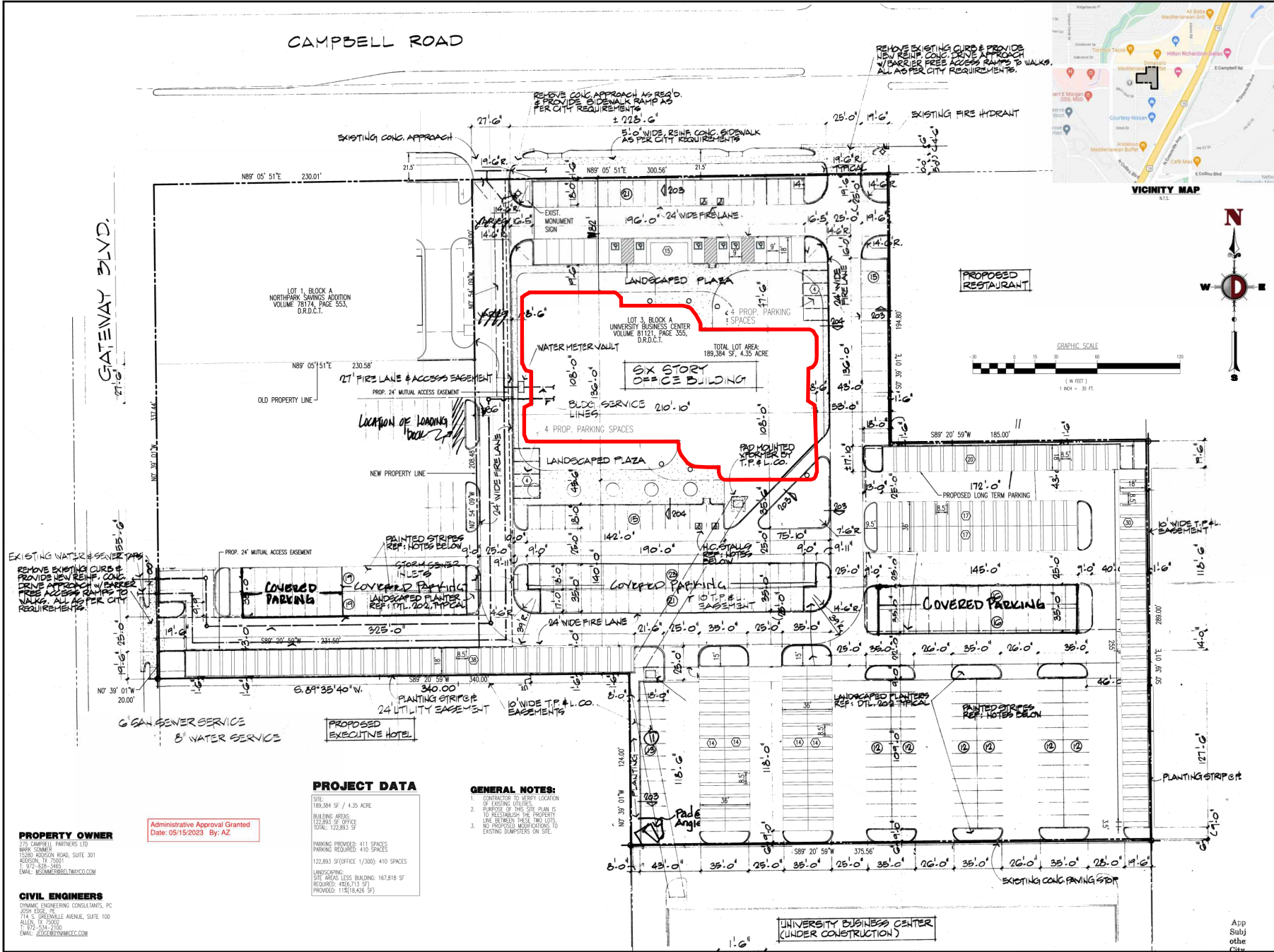
1. The use of the Property for a hypnosis training center shall be limited to the building as shown on the concept plan attached as Exhibit "B" and made a part thereof.
2. No other person, company, business, or legal entity other than Banyan Hypnosis Center for Training & Services, Inc. may operate a hypnosis training center on the Property pursuant to this Ordinance.
3. The Special Permit shall expire and terminate, and this Ordinance be of no further effect in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.



ZF 24-19 Aerial and Zoning Map
Special Permit
Banyan Hypnosis

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.





PROJECT DATA

SITE: 189,384 SF / 4.35 ACRE
 BUILDING AREAS: 122,893 SF OFFICE
 TOTAL: 122,893 SF

PARKING PROVIDED: 411 SPACES
 PARKING REQUIRED: 410 SPACES
 122,893 SF OFFICE / 1,300: 410 SPACES

LANDSCAPING:
 SITE AREAS LESS BUILDING: 167,818 SF
 REQUIRED: 435,713 SF
 PROVIDED: 119,164 SF

GENERAL NOTES:

- CONTRACTOR TO VERIFY LOCATION OF EXISTING UTILITIES.
- PURPOSE OF THIS SITE PLAN IS TO RECONSTRUCT THE PROPERTY LINE BETWEEN THE TWO LOTS. NO PROPOSED MODIFICATIONS TO EXISTING DUMPSTERS ON SITE.

PROPERTY OWNER

275 CAMPBELL PARTNERS LTD.
 MARK SOMMER
 15280 ADDISON ROAD, SUITE 301
 ADDISON, TX 75002
 T: 972-228-1460
 EMAIL: MESSINGER@CAMPBELLTX.COM

CIVIL ENGINEERS

DYNAMIC ENGINEERING CONSULTANTS, PC
 JOSHUA T. EDGE, P.E.
 174 S. GREENVILLE AVENUE, SUITE 100
 ALLEN, TX 75002
 T: 972-534-2700
 EMAIL: JEDGE@DYNAMICCC.COM

Administrative Approval Granted
 Date: 05/15/2023 By: AZ

DYNAMIC ENGINEERING CONSULTANTS, PC

PROJECT DATA

PROJECT: BELTWAY COMMERCIAL
 BLOCK A, LOT 3 ROAD
 RICHARDSON, DALLAS COUNTY, TEXAS

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 www.dynamiccc.com

JOSHUA T. EDGE
 PROFESSIONAL ENGINEER
 TEXAS LICENSE NO. 10864
 CIVIL ENGINEERING
 DYNAMIC LICENSE NO. 2395
 MISSOURI LICENSE NO. PE-20220589

TITLE: SITE PLAN 1

DATE: 05/03/2023
 SHEET NO: 1911-22-01557

SHEET NO: **1** OF 1

Exhibit "B"

**BANYAN HYPNOSIS
CENTER**



Banyan Hypnosis Center for Training & Services, Inc.

275 W. Campbell Road, Suite 245, Richardson, Texas 75080

Tel: (469) 969-2176 or (800) 965-3390

www.HypnosisCenter.com

www.BanyanHypnosisCenter.com

Applicant Summary Statement

The Banyan Hypnosis Center for Training & Services, Inc. is seeking a Special Use Permit in order to receive a Certificate of Occupancy so that we can move our headquarters from 275 W. Campbell Road, Suite 245, Richardson, Texas 75080, to Suite 205 in the same building we are currently in.

This office space will be used as the headquarters for the company which provides hypnosis services to individual clients, creates training materials and will conduct small courses 3 to 4 times a year. Most of the training that our company provides is done through our network of trainers in the USA and other countries. This office space is 1494 sq. ft. and is located in the University Plaza building that is occupied by standard offices. We have three full time employees on staff.

We conduct 3-4 courses a year, and on average we have approximately 6-12 students at a time. Usually up to 6 of these students take the course onsite in our office and the rest take the courses live online with those onsite. Hours are 9:00 am to 6:30 pm. As for parking, typically, 80% of the students who take the course onsite in our office fly in from out of state and other countries and will not be driving, they usually stay at a nearby hotel within walking distance or will use a ride sharing service like Uber for transportation.

In 2019, we held 4 courses throughout the year and taught a total of 40 students.

We have been in business since 1996 and have leased offices in Minnesota, California and now Texas.

Here's some information on Calvin D. Banyan, CEO and Owner of The Banyan Hypnosis Center for Training & Services, Inc.

Calvin Banyan has both a Bachelors and Masters Degrees in Psychology and is a Board Certified Hypnotist. He has 28 years of experience running and operating the center. Calvin Banyan is a recognized authority in the hypnosis profession having received many awards and recognitions. He is a writer for the largest and oldest professional hypnosis organization, the National Guild of Hypnotists, established since 1950. He has been writing a quarterly column for the National Guild of Hypnotist Journal of Hypnotism since 2001. He has spoken and trained hypnotists from several countries, spoken and trained in several other countries as well. He developed a system of hypnosis and hypnotherapy used by hypnosis professionals around the world. Mr. Banyan is able to provide references to his character and business practices upon request.

ORDINANCE NO. 4291

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 BY GRANTING A SPECIAL PERMIT FOR A HYPNOSIS TRAINING CENTER IN AN LR-M(2) LOCAL RETAIL DISTRICT FOR THE PROPERTY LOCATED AT 275 W. CAMPBELL ROAD, CITY OF RICHARDSON, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" HERETO; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS 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 19-01).

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

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

SECTION 1. That the Comprehensive Zoning Ordinance and Zoning Map of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, to grant a change in zoning by granting a special permit for a hypnosis training center in a LR-M(2) Local Retail District for the property located at 275 W. Campbell Road, Richardson, Texas, being more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes (the "Property").

SECTION 2. That the Special Permit for a hypnosis training center is hereby conditionally granted subject to the following special conditions:

1. A Special Permit shall be granted to allow a hypnosis training center which shall be limited to Suite 245, a 2,425 square foot lease space of the building shown on the concept plan attached as Exhibit "B" (the "Concept Plan") and made a part thereof and shall be limited to Calvin Banyan. No other person, company, business or legal entity may operate a hypnosis training center in Suite 245, a 2,425 square foot lease space on the property other than Calvin Banyan. The special permit automatically terminates upon the change in ownership or operator, in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.

2. The Special Permit shall terminate, and this ordinance be of no further effect if a certificate of occupancy is not issued by the City and use of the property for which the Special Permit was approved has not commenced within six (6) months after the date of adoption of this ordinance.

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

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.

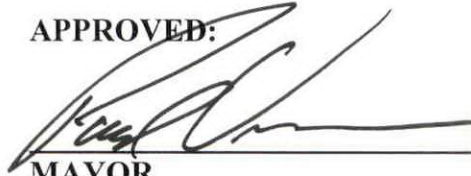
SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to 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 18th day of March 2019.

APPROVED:



MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY
(PGS:3-7-19:TM 106601)

CORRECTLY ENROLLED:



CITY SECRETARY

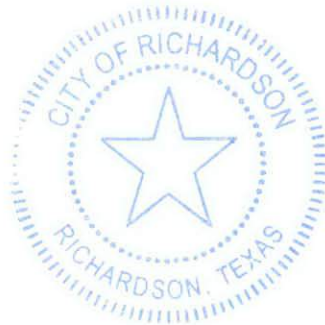
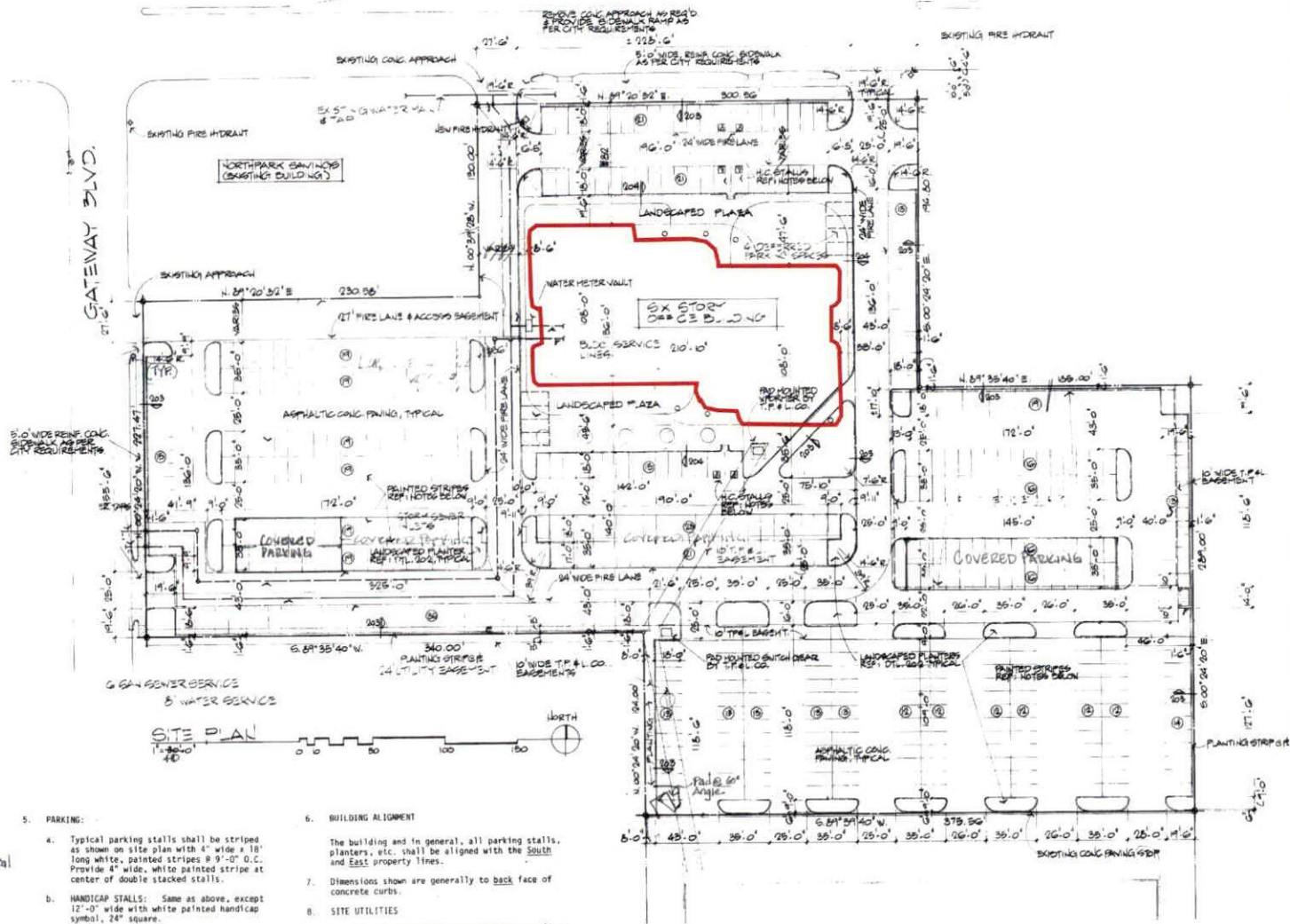


EXHIBIT "A"
LEGAL DESCRIPTION
ZF 19-01

BEING a 5.4-acre tract of land situated in the William Hughes Survey, Abstract No. 573, and being all of Lot 3, Block A, University Business Center, as recorded in Vol. 8112 Page 0362 of the Official Public Records of Dallas County, Texas.

EXHIBIT "B"

CAMPBELL ROAD



1. SITE LOCATION:

Lot 3, Block A, University Business Center bounded by Campbell Road, Gateway Blvd. and Municipal Drive, just west of North Central Expressway (U.S. Hwy 75) in the City of Richardson, Texas.

2. Survey information taken from plat prepared by Cook Consultants, Inc., rev. dated 3/31/81.

3. LAND AREA:
237,422.177 square feet or 5.450 acres.

4. BUILDING AREAS:
Total Gross Floor Area.....122,893 SF
Atrium Area.....3,214 SF
Gross Area less Atrium.....119,679 SF

5. PARKING:

a. Typical parking stalls shall be striped as shown on site plan with 4" wide x 18" long white, painted stripes @ 9'-0" O.C. Provide 4" wide, white painted stripe at center of double stacked stalls.

b. HANDICAP STALLS: Same as above, except 12'-0" wide with white painted handicap symbol, 24" square.

c. FIRE LANE MARKING: Both sides of lanes shown on site plan, shall be marked with continuous red painted stripes, 6" wide, and marked with words: FIRE LANE - NO PARKING, in white painted letters at 50'-0" O.C. INTERVALS

d. PARKING REQUIREMENTS:
Required Spaces.....
Office Use: 1 space per 300 sf = 120,468/300 = 402
Training Facility: 1 space per 100 sf = 2,425/100 = 25 = 427
Total Spaces Provided..... (524)

6. BUILDING ALIGNMENT

The building and in general, all parking stalls, planters, etc. shall be aligned with the South and East property lines.

7. Dimensions shown are generally to back face of concrete curbs.

8. SITE UTILITIES

a. New and existing underground water, sanitary sewer, storm sewer and gas service lines shall be as shown on plans prepared by Cook Consultants, Inc.
b. Building water and sanitary sewer lines, as well as, underground power and telephone service lines shall be as shown in the "PME" section of the Contract Documents.
c. Contractor shall verify location of all existing underground services.

9. LANDSCAPING & LAMN SPRINKLER:

Shall be as per plans prepared by Myrick, Newman, Dahlberg & Partners, Inc.

Zoning Exhibit
Exhibit "B"

University Plaza Office Building
Campbell Road at Gateway Boulevard
in Richardson, Texas
for Lakeview Properties, Inc.

SITE PHOTOS – ZF 24-19



1 – North Elevation

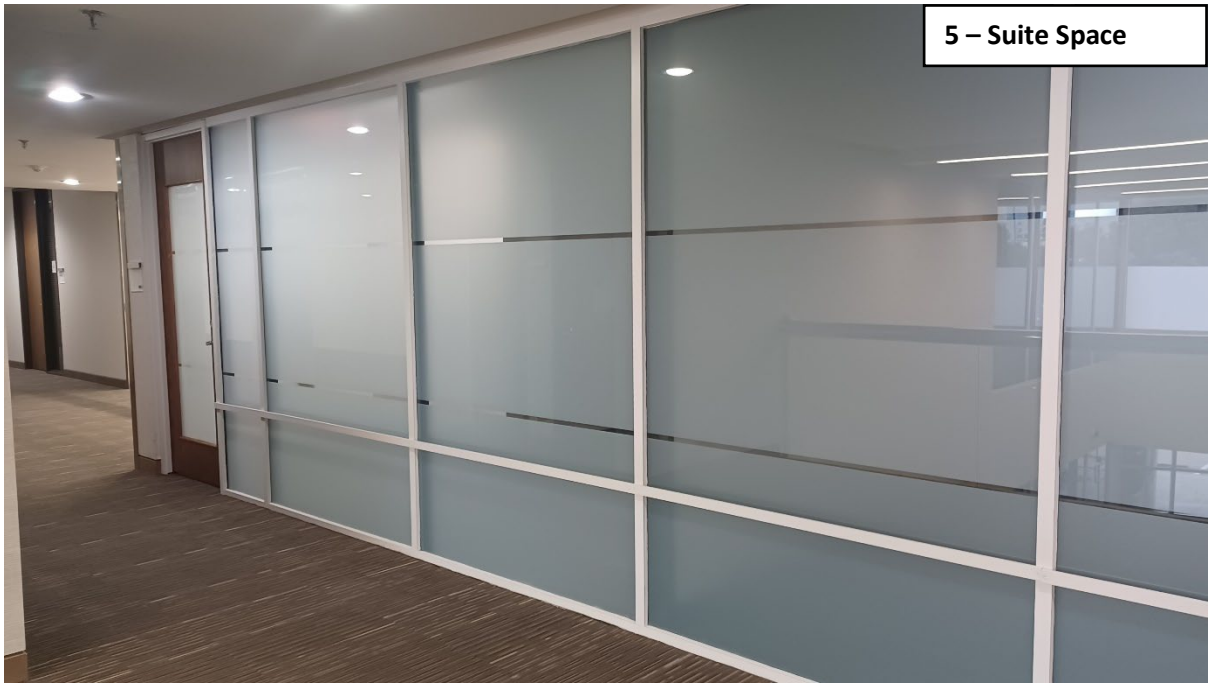


2 – East Elevation

SITE PHOTOS – ZF 24-19



SITE PHOTOS – ZF 24-19





Notice of Public Hearing

City Plan Commission

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

SPECIAL PERMIT

File No.: ZF 24-19 Banyan Hypnosis
Applicant: Calvin D. Banyan, Banyan Hypnosis Center for Training & Services, Inc.
Location: (See map on reverse side)
Request: A request for approval of a Special Permit for a hypnosis training center within an existing lease space located on a 5.45-acre lot currently zoned LR-M(2) Local Retail within an existing 122,893 square foot building at 275 W. Campbell Road, east of Gateway Boulevard, on the south side of W. Campbell Road. Owner: 275 Campbell Partners LTD. Staff: Amber Pollan.

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

TUESDAY, SEPTEMBER 3, 2024
7:00 p.m.
Richardson City Hall
2360 Campbell Creek Boulevard, Suite 525
Richardson, TX 75082

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 in person will be allocated a maximum of 3 minutes to address the City Plan Commission to express whether they are in favor or oppose 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>.

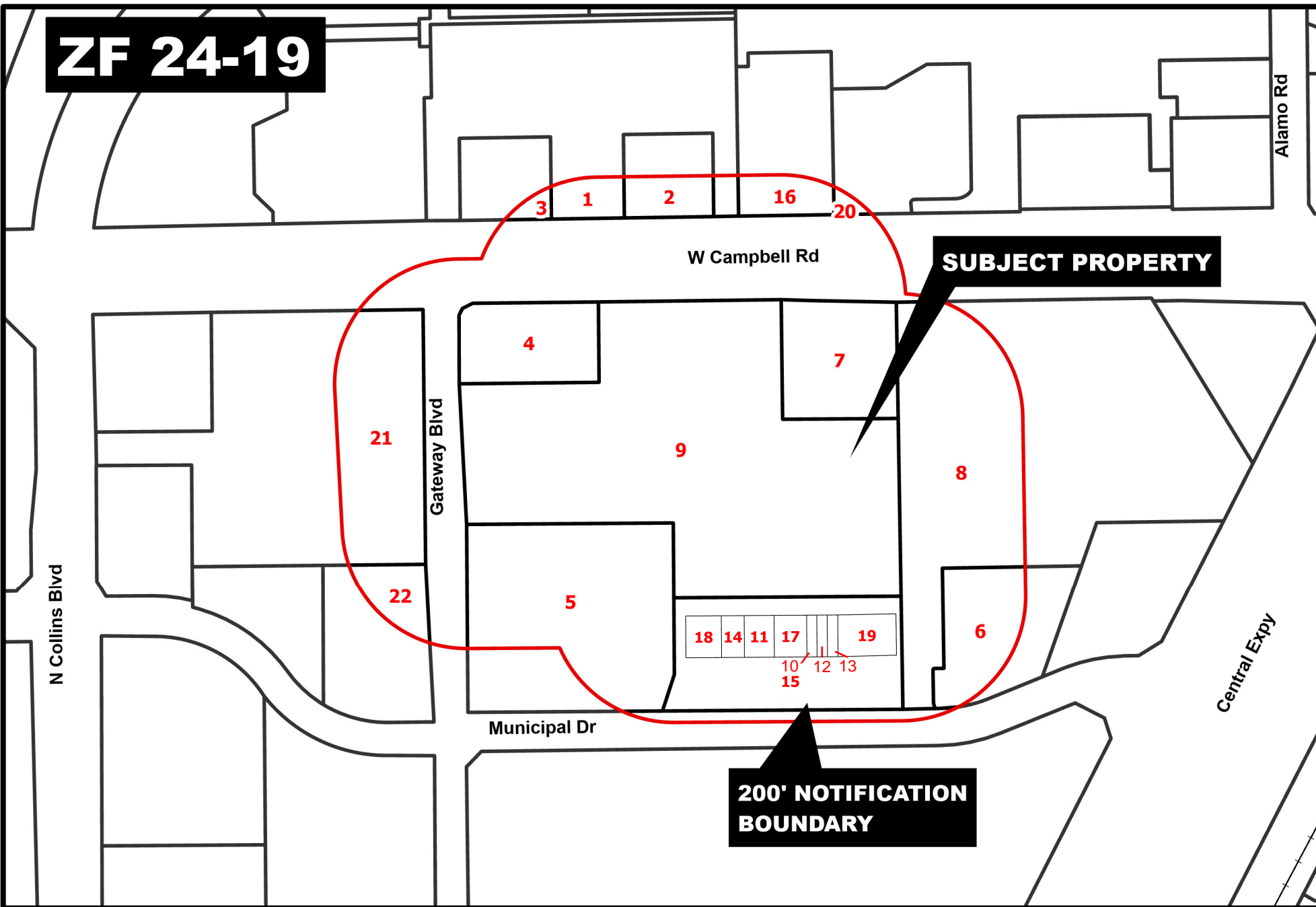
The City Plan Commission may recommend approval of the request as presented, recommend approval with additional conditions, or recommend denial. Final approval of this application requires action by the City Council.

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 24-19.

Date Posted and Mailed: August 23, 2024

ZF 24-19



ZF 24-19 Notification Map Special Permit Banyan Hypnosis

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.



- | | | | | | |
|-----------|------------------------------------------------------------------------------------------|-----------|---------------------------------------------------------------------------------------------|-----------|-----------------------------------------------------------------------------------------------------------|
| 1 | NW CANYON CREEK LP
7047 CURRIN DR
DALLAS, TX 75230 | 2 | FSH GLORY ENTERPRISE LLC
825 SIMMONS CT
SOUTHLAKE, TX 76092 | 3 | 242 CAMPBELL LLC
1020 E LEVEE ST UNIT 100
DALLAS, TX 75207 |
| 4 | SOUTH VALLEY DRIVE LLC
PO BOX 1205 | 5 | HRS HOSPITALITY LLC
250 MUNICIPAL DR
RICHARDSON, TX 750803539 | 6 | KLTAN LLC
5122 HEARTHCREST
GARLAND, TX 75044 |
| 7 | BURGER KING COMPANY LLC
5707 BLUE LAGOON DR
MIAMI, FL 33126 | 8 | ENVISION HOSPITALITY DALLAS
PKWY LLC
1981 N CENTRAL EXPY
RICHARDSON, TX 75080 | 9 | 275 CAMPBELL PTNRS LTD
STE 301
15280 ADDISON RD STE 301
ADDISON, TX 75001 |
| 10 | FANCY MERCHANDISE LLC
SUITE 120
222 MUNICIPAL DR SUITE 120
RICHARDSON, TX 75080 | 11 | CME GLOBAL INVESTMENT LLC
222 MUNICIPAL DR STE 150
RICHARDSON, TX 75080 | 12 | INTERNATIONAL PRIME PLUS LL
222 MUNICIPAL DR STE 120
RICHARDSON, TX 75080 |
| 13 | CHEN MIN
4513 ROSECLIFF DR
PLANO, TX 75074 | 14 | BC SUPPLIES INC
222 MUNICIPAL DR STE 168
RICHARDSON, TX 75080 | 15 | MUNICIPAL OFFICE OWNERS
ASSOC LLC
222 MUNICIPAL DR STE 150
RICHARDSON, TX 75080 |
| 16 | 180 W CAMPBELL ROAD LLC
3696 N FEDERAL HWY STE 203
FT LAUDERDALE, FL 33308 | 17 | INTERNATIONAL PRIME PLUS LLC
222 MUNICIPAL DR STE 120
RICHARDSON, TX 75080 | 18 | HEBAH RAYYAN LLC
222 MUNICIPAL DR. STE 180
RICHARDSON, TX 75080 |
| 19 | LUK ARTHUR
222 MUNICIPAL DR STE 100
RICHARDSON, TX 750824248 | 20 | MCDONALDS REAL ESTATE CO
ATT US LEGAL DEPARTMENT
110 N CARPENTER
CHICAGO, IL 60607 | 21 | CANYON CREEK NATIONAL BK
% PROPERTY TAX ADMINISTRATO
ONE WILLIAMS CENTER 11TH FL
TULSA, OK 74172 |
| 22 | BLUE NEUTRON LLC
300 MUNICIPAL DR
RICHARDSON, TX 75080 | | | | |

**275 CAMPBELL PTNRS LTD
15280 ADDISON RD STE 301
ADDISON, TX 75001**

**BANYON HYPNOSIS CENTER FOR
TRAINING & SERVICES, INC
C/O CALVIN D. BANYAN
275 W. CAMPBELL RD, STE 245
RICHARSDON, TX 75080**

ZF 24-19



DATE: September 23, 2024
TO: Honorable Mayor and City Council
FROM: Derica Peters, AICP, Senior Planner, Development Services ~~DP~~
SUBJECT: Zoning File 24-20: Special Permit – Clawzania Arcade

REQUEST

Huy Doan, Clawzania, is requesting approval of Special Permit for an amusement arcade in an existing 2,000-square-foot suite space. The applicant is in the process of opening two (2) other Clawzania locations in North Texas, and he is also the owner and operator of KBBQ Chicken, a restaurant and karaoke bar located in the same shopping center.

Amusement arcades are allowed in any LR-M(2) Local Retail and C-M Commercial district upon approval of a Special Permit. Clawzania will feature various claw-machine games that award prizes like stuffed animals and toys. The City currently has two (2) operating amusement arcades, Free Play Arcade, and the Fox & Hound - Bar & Grill.

The proposed hours of operation will be between the hours of 12:00 p.m. to 9:00 p.m. on Monday through Thursday, and between the hours of 12:00 p.m. to 11:00 p.m. on Friday, Saturday, and Sunday. The applicant does not intend to provide alcoholic beverages for purchase to customers.

The arcade shall provide the same ratio of parking as a retail establishment at a ratio of one (1) space per 333 square feet of total floor area, therefore six (6) spaces are required. 288 parking spaces are required in total for the retail center, and the site provides 296 parking spaces.

To date, no correspondence in response to the request has been received.

BACKGROUND

The subject property was developed in 1979 with a 49,944-square-foot retail building that is currently occupied with a mix of restaurant, retail, and commercial tenants.

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
City Plan Commission Minutes 2024-09-03
Staff Report
Zoning/Aerial Map

Zoning Concept Plan (Exhibit “B”)
Applicant’s Statement
Site Photos
CPC Notice of Public Hearing
Notification List

Special Conditions ZF 24-20: Special Permit - Clawzania

1. A Special Permit shall be granted for an amusement arcade which shall be limited to the area shown on the Concept Plan, marked as Exhibit “B” and made a part thereof, subject to the following conditions:
 - a. No other person, company, business, or legal entity may operate an amusement arcade on the property other than Huy Doan. The Special Permit automatically terminates upon the change in ownership or operator, in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.
 - b. A Building Permit shall be obtained from the city in accordance with Article XXII-A, Section 7.(b.) of the Comprehensive Zoning Ordinance, as amended.
 - c. The use of the property for an amusement arcade shall require parking at a ratio of one (1) parking space per 333 square feet.
 - d. Hours of operation shall be limited to 12:00 p.m. to 9:00 p.m. on Monday through Thursday, and between the hours of 12:00 p.m. to 11:00 p.m. on Friday, Saturday, and Sunday.
 - e. The use of “8-liners” or similar gaming devices shall be prohibited.

APPROVED
CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – SEPTEMBER 3, 2024

Zoning File 24-20 Special Permit - Clawzania Arcade: Consider and act upon a request for approval of a Special Permit for an amusement arcade on a 4.58-acre lot currently zoned C-M Commercial within an existing lease space in a 49,944 square-foot building located at 1310 E. Belt Line Road, south of Belt Line Road, on the west side of Plano Road. *Owner: Richland Ferrell LP. Staff: Derica Peters.*

Ms. Peters began by stating that Zoning File 24-20 is a request for a Special Permit for an amusement arcade at 1310 E. Beltline Road. The applicant is requesting to occupy an approximately 2,000 square foot suite space with an amusement arcade featuring claw-machine games that award toys and prizes for a young customer base. Amusement arcades are allowed in Local Retail LR-M(2) and C-M Commercial district upon approval of a Special Permit.

Ms. Peters stated proposed hours of operation will be between the hours of 12:00 p.m. to 9:00 p.m. on Monday through Thursday, and between the hours of 12:00 p.m. to 11:00 p.m. on Friday, Saturday, and Sunday. The applicant does not intend to provide alcoholic beverages for purchase to customers. The site provides 296 parking spaces, and the amusement arcade will require parking at the same ratio as a retail use which is a total of six (6) spaces, one (1) parking space per 333 square feet of total floor area.

Ms. Peters indicated the conditions of the special permit are included in the staff report along with the prohibition on 8-liners, which is a digital slot machine. No correspondence has been received in response to the request and she is available for any questions.

Chairman Marsh asked if there were any other questions for staff, seeing none the public hearing was opened and the applicant was asked to come forward.

Mr. Danny Doan, 3432 Danbury, Plano, Texas owner and operator of Clawzania, stated that the arcade consists of claw machines that allow people to win small toys that can be traded in to receive a larger toy at the toy redemption counter.

Mr. Doan indicated that he had other businesses and had plans to open three (3) other Clawzania Arcade locations in Texas.

Chairman Marsh asked if there was a Clawzania location in Houston, and if the user base was mainly small children and young adults.

Mr. Doan replied that the arcade in Houston was called Clawmania, which is different from his business. He stated that Clawzania was for families of all ages.

Commissioner Beach asked if the business was a franchise.

Mr. Doan answered no.

Commissioner Costantino asked how many people would be employed.

Mr. Doan replied they would have two (2) employees during the week and four (4) employees on weekends.

Vice Chairman Southard asked if they would be providing refreshments.

Mr. Doan stated they would not be serving refreshments but may put in vending machines.

Vice Chairman Southard asked what the amount of time, on average, a person would spend in the arcade.

Mr. Doan stated it would be an average of ten (10) minutes.

Vice Chairman Southard replied that this would mean a lot of turnover in customers.

Mr. Doan responded with yes.

Chairman Marsh asked if there would be restrooms.

Mr. Doan replied there are two (2).

Seeing no more speakers, Chairman Marsh made a motion to close the public hearing. Vice Chairman Southard seconded the motion and motion passed 7-0.

Motion: Chairman Marsh made a motion to recommend approval of the request as presented. Commissioner Costantino seconded the motion. Motion passed 7-0.



TO: City Council
FROM: Derica Peters, AICP, Senior Planner-Planning *DP*
THROUGH: Amber Pollan, AICP, Planner – Strategic Planning *ALP*
DATE: September 23, 2024
RE: **Zoning File 24-20: Special Permit – Clawzania Arcade**

REQUEST

A request for approval of a Special Permit for an amusement arcade on a 4.58-acre lot currently zoned C-M Commercial within an existing lease space in a 49,944 square-foot building located at 1310 E. Belt Line Road, south of Belt Line Road, on the west side of Plano Road.

APPLICANT/ PROPERTY OWNER

Huy Doan, Clawzania/ Dick Ferrell, Richland Ferrell LP

EXISTING DEVELOPMENT

A 49,944 square foot multi-tenant retail building on a 4.58-acre lot.

ADJACENT ROADWAYS

E. Belt Line Road: Six-Lane divided major collector; 31,900 vehicles per day on all lanes, eastbound and westbound, west of St. Johns (2023).

S. Plano Road: Six-Lane divided major collector; 34,200 vehicles per day on all lanes, northbound and southbound, south of Belt Line (2023).

SURROUNDING LAND USE AND ZONING

North: Retail/Commercial; (C-M) Commercial
South: Retail/Commercial; LR-M(2) Local Retail
East: Retail/Commercial; PD Planned Development
West: Retail/Commercial; LR-M(2) Local Retail

FUTURE LAND USE PLAN

Community Commercial

Community Commercial includes retail centers with multiple anchors, mid-rise office, entertainment and hospitality uses. The trade area for these districts extends beyond the immediate neighborhood, sometimes to the City as a whole or even beyond Richardson's boundaries.

Future Land Uses of Surrounding Area:

North: Community Commercial

South: Community Commercial

East: Community Commercial

West: Community Commercial

EXISTING ZONING

Commercial (C-M)

TRAFFIC/INFRASTRUCTURE IMPACTS

The proposed request will not have any significant impacts on the existing utilities in the area.

STAFF COMMENTS

Background

The subject property was developed in 1979 with a 49,944-square-foot retail building that is currently occupied with a mix of restaurant, retail, and commercial tenants.

Request:

The applicant is requesting to occupy an approximately 2,000 square-foot suite space, as shown the attached zoning exhibit (Exhibit "B"), with an amusement arcade featuring claw-machine games that award toys and prizes for a young customer base. Amusement arcades are allowed in any LR-M(2) Local Retail and C-M Commercial district upon approval of a Special Permit.

An amusement arcade is defined as: a building or part of a building in which more than ten (10%) percent of the floor area or in which five (5) or more amusement devices, pinball machines, video games, electronic games, shuffleboard, pool tables, or other similar player-operated amusement devices are present and maintained as the primary use.

An amusement device is defined as: any kind of machine or video redemption machine or device operated by or with paper currency, a coin, metal slug, token, card or check that dispenses, or is used or is capable of being used to dispense or afford, amusement, skill, or pleasure or is operated for any purpose, other than for dispensing only merchandise, music, or service.

The City currently has two (2) operating amusement arcades: Free Play, a 5,000-square foot arcade approved in 2015, and in 2001 the Fox and the Hound Bar & Grill received approval for a 5,000-square foot arcade area.

The hours of operation will be between the hours of 12:00 p.m. to 9:00 p.m. on Monday through Thursday, and between the hours of 12:00 a.m. to 11:00 p.m. on Friday, Saturday, and Sunday. The applicant does not intend to provide alcoholic beverages for purchase to customers.

The arcade shall provide six (6) parking spaces, at a ratio of one (1) space per 333 square feet of total floor area, and site is required to provide 314 parking spaces based on the current tenants. However, in 2007 the site received a variance for an eight (8) percent reduction in required parking, therefore 288 parking spaces are required in total, and the site provides 296 parking spaces.

Correspondence: To date, staff has received no correspondence regarding this request.

Motion: On September 3, 2024, the City Plan Commission recommended approval of the applicant's request by a vote of 7-0; subject to the following conditions:

- 1) A Special Permit shall be granted for an amusement arcade which shall be limited to the area shown on the Concept Plan, marked as Exhibit "B" and made a part thereof, subject to the following conditions:
 - a. No other person, company, business, or legal entity may operate an amusement arcade on the property other than Huy Doan. The Special Permit automatically terminates upon the change in ownership or operator, in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.
 - b. A Building Permit shall be obtained from the city in accordance with Article XXII-A, Section 7.(b.) of the Comprehensive Zoning Ordinance, as amended.
 - c. The use of the property for an amusement arcade shall require parking at a ratio of one (1) parking space per 333 square feet.
 - d. Hours of operation shall be limited to 12:00 p.m. to 9:00 p.m. on Monday through Thursday, and between the hours of 12:00 p.m. to 11:00 p.m. on Friday, Saturday, and Sunday.
 - e. The use of "8-liners" or similar gaming devices shall be prohibited.

ZF 24-20

SUBJECT PROPERTY(S)



**ZF 24-20 Aerial & Zoning Map
Special Permit
Clawzania Arcade**

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SITE PLAN SUMMARY

ZONING: C-M COMMERCIAL UNDER ORDINANCE 202-A

VARIANCES: (07/09/2007) RECEIVED A VARIANCE FOR 8% IN THE NUMBER OF REQUIRED OFF-STREET-PARKING

Var. 07/08

SETBACKS:

FRONT 40'

SIDE NONE

REAR NONE

LOT AREA: 199,813 S.F. (4.57 ACRES)

BUILDING AREAS: DCAD Data: 49,944 S.F.

BUILDING HEIGHT:

MAX. ALLOWED 8-STORIES, 30 FT.

EXIST. & PROP. ONE STORY, 11 FT.

PARKING:

RATIO 30 SPACES 41,200 S.F. OF BUILDING IN EXCESS OF 10,000 S.F. (RETAIL) 1 SPACE/100 S.F. (RESTAURANT) 8% REDUCTION IN THE REQUIRED PARKING COUNT PER VAR 0708

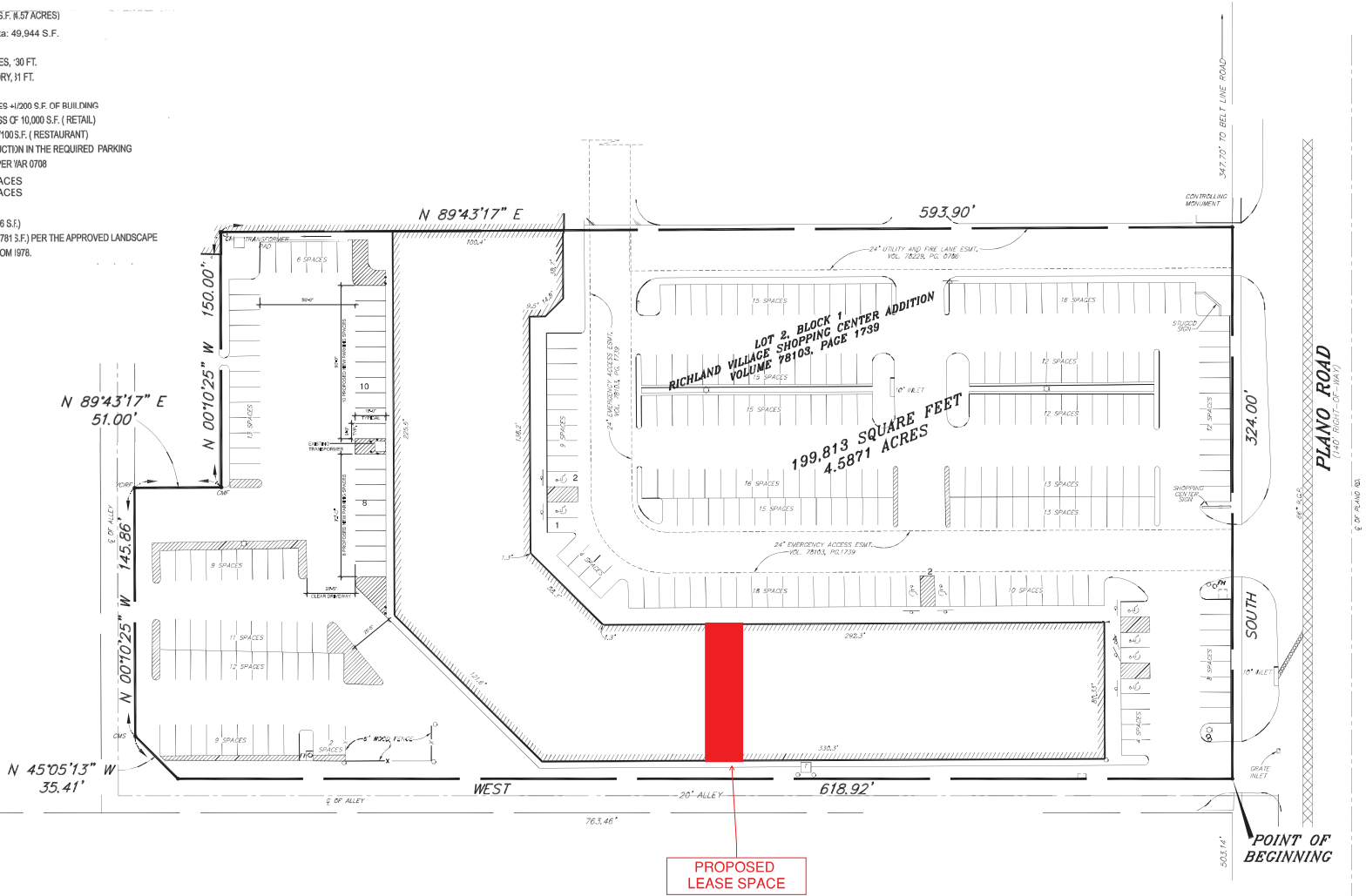
REQUIRED 288 SPACES

PROVIDED 296 SPACES

LANDSCAPING:

REQUIRED 7% (13,986 S.F.)

PROVIDED 4.89% (9,781 S.F.) PER THE APPROVED LANDSCAPE PLAN FROM 1978.



PHONE: 214-581-2486
 FAX: 214-581-2485

ISSUED
 11-19-21

NOT FOR CONSTRUCTION

THIS DRAWING MAY NOT BE USED FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION

KONSTANTINOS SOTIROPOULOS
 TEXAS REGISTRATION NO. 12570

Richland Village Shopping Center
 Beltline Rd and Plano Rd
 Richardson, Texas 75081

Proposed Parking Site Plan

Project No. 105.02.01

SHEET
SP

Administrative Approval Granted
 Date: 12/13/2022 By: Derica Peters

Exhibit "B"



ClawZania is a family oriented place. We sell imported toys from Asia and we also have claw machines. Our age group varies from 5 to 45. We are bringing great excitement that you can only find in major metroplexes like Los Angeles, Vegas, New York, Houston, and all over Asia. We will bring the very first one to Richardson. You will come in and win a bunch of small toys and trade it in for a larger toy. Instead of getting tickets, you already earn small plushies. The community is excited and so are family that we are coming to Richardson.

Hour of Operation

We will be closing by 11pm on the weekend.

I also own BB.Q Chicken in the same Plaza. Last christmas we gave away \$10k worth of toys to the needy family, fox 4 and 102.9 was out here promoting and showing the event.

ZF 24-20 Site Photo

1 – Southwest Elevation





Notice of Public Hearing

City Plan Commission

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

SPECIAL PERMIT

File No.: ZF 24-20 Clawzania Arcade
Applicant: Huy Doan
Location: (See map on reverse side)
Request: A request for approval of a Special Permit for an amusement arcade on a 4.58-acre lot currently zoned C-M Commercial within an existing lease space in a 49,944 square-foot building located at 1310 E. Belt Line Road, south of Belt Line Road, on the west side of Plano Road. Owner: Richland Ferrell LP. Staff: Derica Peters.

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

TUESDAY, SEPTEMBER 3, 2024
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Richardson, TX 75082

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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 24-20.

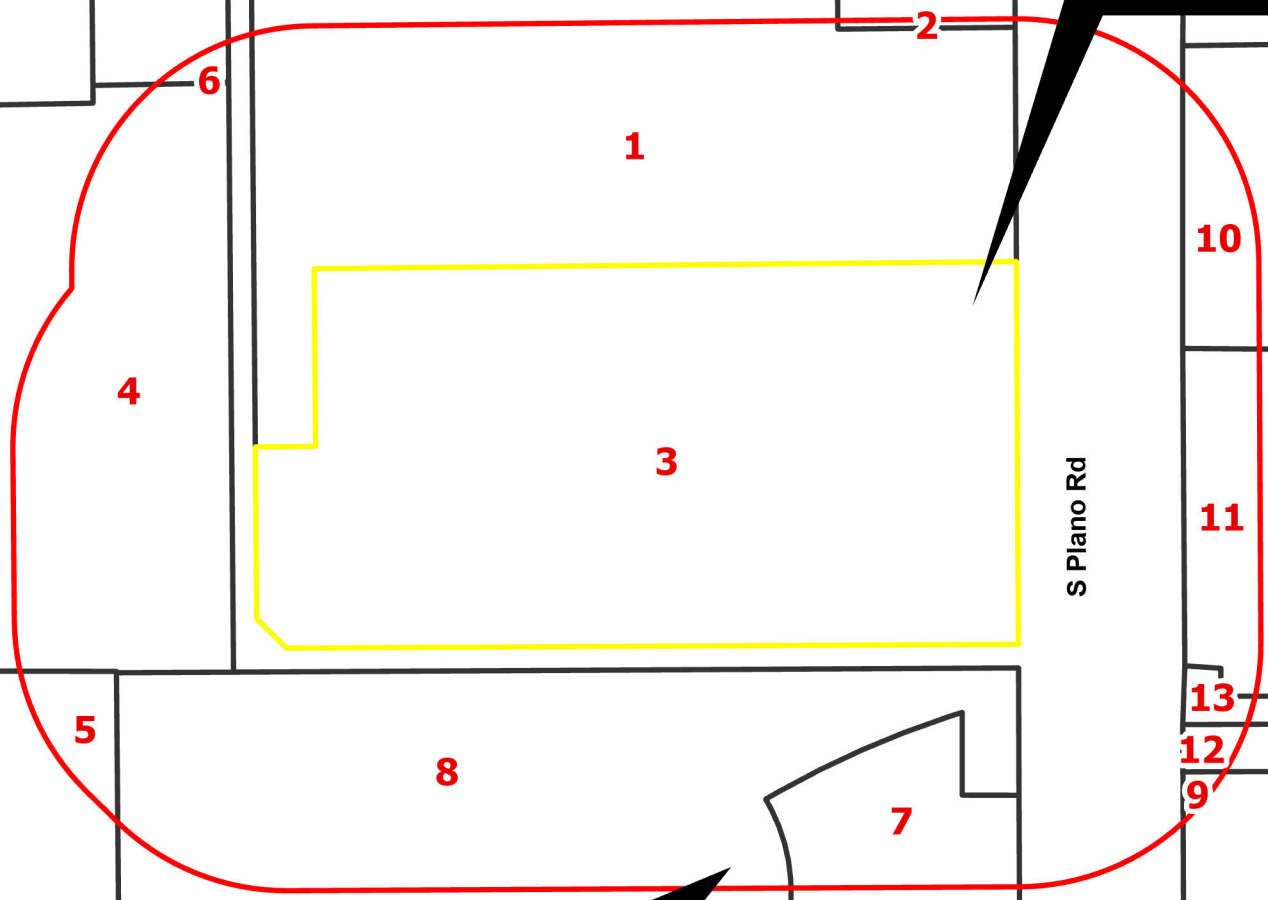
Date Posted and Mailed: August 23, 2024

ZF 24-20

E Main St

E Belt Line Rd

SUBJECT PROPERTY



200' NOTIFICATION BOUNDARY

**ZF 24-20 Notification Map
Special Permit
Clawzania Arcade**

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1 DUANE TEXAS PROPERTIES LLC
4001 N JOSEY LN STE 200
CARROLLTON, TX 75007

2 MUNSON REALTY CO THE
305 W WOODARD ST
DENISON, TX 75020

3 RICHLAND FERRELL LP
7557 RAMBLER RD STE 1407
DALLAS, TX 75231

4 SP & DAUGHTERS CINEMA LLC
6850 TPC DR STE 108
MCKINNEY, TX 75070

5 RICHARDSON CITY OF
411 W ARAPAHO RD
RICHARDSON, TX 75081

6 GMC PURSUIT JV LLC
7557 RAMBLER RD STE 970
DALLAS, TX 75231

7 RICHARDSON LYNX LLC
ATTN: DAN WATSON
5950 BERKSHIRE LN STE#200
DALLAS, TX 75225

8 SCUBEN PLANO LLC
1830 ROUTE 130
BURLINGTON, NJ 8016

9 JWR LIVING TRUST
RAEDEKE MICHAEL JOHN TRUSTE
6379 W 83RD ST
LOS ANGELES, CA 90045

10 V MOORE ENTERPRISES LC
ATTN MATTHEW G NAFTIS
8445 FREEPORT PKWY STE 175
IRVING, TX 75063

11 FEIZY PROPERTIES LTD
13800 DIPLOMAT DR
DALLAS, TX 75234

12 AGREE LIMITED PARTNERSHIP
TTN: MS DANIELLE SPEHAR
32301 WOODWARD AVE
ROYAL OAK, MI 48073

13 VM HOLDING COMPANY LLC
3325 W WALNUT ST
STE 500
GARLAND, TX 75042

HUY DOAN
1604 PORTS O CALL
PLANO, TX 70575

RICHARD E. FERRELL
11700 PRESTON RD, STE
660
BOX 551
DALLAS, TX 75230Z

ZF 24-20

ORDINANCE NO. 4514

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, REGARDING THE REVIEW OF THE CODE OF ETHICS, CHAPTER 2, ARTICLE I OF THE CODE OF ORDINANCES; AMENDING SECTION 2-5(d) AND (e) OF THE CODE OF ORDINANCES TO CORRECT STATE LAW REFERENCE; AMENDING SECTION 2-7(c) OF THE CODE OF ORDINANCES TO AMEND THE TIME PERIOD FOR CITY COUNCIL TO CONSIDER AN ETHICS COMPLAINT, PROVIDING A REPORT TO CITY COUNCIL AND TO AMEND THE PENALTY OF FINE FOR A VIOLATION OF SECTION 2-7 (c) AND (f); AMENDING SECTION 2-7(d) OF THE CODE OF ORDINANCES CLARIFYING THE RIGHTS OF AN AFFECTED OFFICERS IN THE COMPLAINT REVIEW PROCESS; AMENDING SECTION 2-7(f) OF THE CODE OF ORDINANCES AMEND THE PENALTY OF FINE FOR A VIOLATION; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richardson Code of Ordinances Section 2-10 provides that the City Council of the City of Richardson shall review Code of Ethics codified at Chapter 2, Article I of the City of Richardson Code of Ordinances once every two years following the adoption of said article on September 27, 2010; and

WHEREAS, the City Council of the City of Richardson has conducted such review on the 26th of August 2024; and

WHEREAS, following the review the City Council of the City of Richardson, Texas, desires to amend Chapter 2, Article I, of the Code of Ordinances as set forth herein;

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 2, “Administration,” Article I, “Code of Ethics,” Section 2-5, “Additional standards,” subsections (d) and (e) to read as follows:

“Sec. 2-5. – Additional standards.

...

- (d) No member of the city council shall fail or refuse to file a personal financial statement as required by V.T.C.A. Local Government Code ch. 145, as amended.
- (e) No member of the city council shall fail or refuse to file a conflicts disclosure statement as required by V.T.C.A. Local Government Code ch. 176, as amended.”

SECTION 2. That the Code of Ordinances of the City of Richardson, Texas, be and the same is hereby amended by amending Chapter 2, “Administration,” Article I, “Code of Ethics,” Section 2-5, “Complaints against officers,” sections (c), (d), and (f) to read as follows:

“Sec. 2-7. –Complaints against officers.

...

- (c) If it is determined by the city attorney that the facts as alleged could constitute a violation of this code of ethics, then the city attorney shall, within 15 business days after receipt of the complaint, notify the mayor and city council members of the existence and nature of the complaint. The city council shall cause a meeting to convene, whether regular or special, no sooner than 15 business days and no later than 30 calendar days after being so notified by the city attorney to further consider said complaint in executive session with mayor or any three members of the city council (excluding the mayor) causing such a meeting to be convened. In any event, the city attorney shall immediately proceed to fully investigate the alleged improprieties. For purposes of this investigation, the city attorney shall have all of the powers of investigation as are given to the city council by reason of the City Charter and shall report back to the city council as soon as possible but in no event more than 30 business days from the date of notification of the city council unless an extension is granted by the city council. Said report shall be comprehensive and explain in detail all facts, findings and conclusions in support of the city attorney's opinion as to whether a violation of this code of ethics occurred. The city attorney has the same power to subpoena witnesses and the production of documents, books, records and other evidence as are given the city council under the City Charter when acting pursuant to this subsection. It shall be unlawful and an offense for any person to fail to obey a subpoena or to produce books, papers or other evidence as ordered under the provisions of this section and shall constitute a misdemeanor and shall be punishable by fine not to exceed \$500.00

- (d) The city council shall consider the complaint and the city attorney's report at an executive session of the city council. The affected officer may request that the complaint be considered in a public meeting. At such meeting, the city attorney shall present a written report to the city council describing in detail the nature of the complaint and the city attorney's findings and conclusions as to a possible violation of this code of ethics. The affected officer shall have the right to a full and complete hearing before the city council with the opportunity and right to attend the hearing, make a statement, call and cross-examine witnesses and present evidence on such person's behalf, and represent themselves or be represented by legal counsel, at such affected officer's own expense. The non-implicated city council members in attendance shall conduct a hearing and review the complaint. The city council may reject the complaint or take action authorized under section 2-8, Violations.

...

- (f) The city council may appoint outside legal counsel or may direct the city attorney to appoint outside legal counsel, or the city attorney in the city attorney's discretion, may appoint outside legal counsel, to perform the duties and responsibilities of the city attorney under subsections (b), (c) and (d) of this section. The outside legal counsel shall have the same power to subpoena witnesses and the production of documents, books, records and other evidence as the city attorney under section (c) when acting pursuant to this subsection. It shall be unlawful and an offense for any person to failure to obey a subpoena or to produce books, papers or other evidence as ordered under the provisions of this section and shall constitute a misdemeanor and shall be punishable by fine not to exceed \$500.00.

...”

SECTION 3. 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 4. 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 Code of Ordinances as a whole.

SECTION 5. That this Ordinance shall take effect immediately from and after its passage, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 23rd day of September 2024.

APPROVED:

MAYOR

CORRECTLY ENROLLED:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY



DATE: September 10, 2024
TO: Don Magner, City Manager
THROUGH: Kent Pfeil, Chief Financial Officer
FROM: Todd Gastorf, Assistant Director of Finance
SUBJECT: 2024 Rate Increase Requests from Oncor and Atmos

Background:

Oncor and Atmos each recently filed requests to increase their system-wide rates. Detailed below is information regarding each company's rate request and the processes currently underway to evaluate the requests.

As you recall, the City is an active member of the Oncor Cities Steering Committee ("OCSC") and the Atmos Cities Steering Committee ("ACSC"), which are coalitions of more than 160 similarly situated cities served by Oncor and Atmos, respectively, that have joined together to efficiently and cost effectively review and respond to utility issues affecting their rates. When a rate increase is submitted by either Oncor or Atmos, the City works with the appropriate steering committee to review whether the increase is justified, advocate on behalf of ratepayers, and attempt to negotiate a fair, equitable rate increase.

Oncor Rate Review Background:

Electric utilities have the authority to seek interim rate adjustments, known as Distribution Cost Recovery Factor ("DCRF"), twice per year to account for changes in distribution invested capital. The Public Utility Commission ("PUC") has 60 days to enter a final order in DCRF cases. OCSC attorneys have advised City staff to take no action with regard to DCRF filings due to the expedited timeline and the fact that the filings would be deemed to be denied by the City and automatically appealed to the PUC if no action is taken.

2024 Oncor DCRF Filings:

On March 1, 2024, Oncor filed its first DCRF request of 2024 to increase distribution revenues by approximately \$81.3 million. On March 5, 2024, OCSC filed a motion with the PUC to dismiss the DCRF application since this was the third DCRF request in less than nine months, although the first request of calendar year 2024. The motion to dismiss was unsuccessful and the PUC approved the increase requested by Oncor in May 2024. The impact to an average residential customer is estimated to be an increase of \$3.50/month.

On August 16, 2024, Oncor filed its second DCRF request of 2024 to increase distribution revenues by approximately \$90.3 million.

Oncor DCRF Action/Recommendation:

City staff and OCSC attorneys recommend the City Council takes no action with regard to the DCRF request filed in August 2024. OCSC attorneys and its consultants will advocate on behalf of the city in the PUC proceedings and make recommendations to the PUC regarding reasonable rates. Final determination regarding the DCRF request will be made by the PUC.

Atmos Rate Review Background:

Atmos has a statutory right to an annual increase associated with recovery of capital investment made in the preceding 12 months pursuant to a mechanism known as the Gas Reliability Infrastructure Program (“GRIP”). In 2007, the ACSC and Atmos Mid-Tex agreed to implement an annual Rate Review Mechanism (“RRM”) as a substitute for GRIP. Since cities are not entitled to challenge any portion of a GRIP filing as unreasonable, the RRM process is more beneficial to the City and ratepayers.

2024 Atmos RRM:

On April 1, 2024, Atmos requested a system-wide increase of its rates of \$196.8 million in revenue for the Mid-Tex Division, which includes Richardson. The requested increase is to recover costs of investments primarily made in its infrastructure during the period January 1 through December 31, 2023. During this time period, Atmos spent over \$1.2 billion in capital investments in the Mid-Tex Division to enhance the safety and reliability of the system.

In accordance with the RRM process, the rate increase request was forwarded to the ACSC for review and analysis. ACSC consultants reviewed the filing, conducting discovery, and determined a lower increase to system-wide revenue was justified. Negotiations between Atmos and the ACSC resulted in a settlement of \$164.7 million in revenue, which is a reduction of \$32.1 million (16.31%) from the initial request. The impact of the negotiated rate increase to average residential and commercial customers is shown below:

Class	Average Consumption	Current Bill	Proposed Bill	% Increase
Residential	42.8 Ccf	\$ 80.76	\$ 86.28	6.84%
Commercial	363.6 Ccf	\$ 389.20	\$ 402.59	3.44%

Atmos RRM Action/Recommendation:

City staff and ACSC attorneys believe the negotiated rates are fair, reasonable, and recommend approving the settlement. The authorizing Resolution (**Attached**) will be placed on the September 23, 2024 City Council agenda for consideration with the new rates effective October 1, 2024.

RESOLUTION NO. 24-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2024 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

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

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

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

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about April 1, 2024, Atmos Mid-Tex filed its 2024 RRM rate request with ACSC Cities based on a test year ending December 31, 2023; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2024 RRM filing through its Executive Committee, assisted by ACSC’s attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC’s counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$164.7 million on a system-wide basis with an Effective Date of October 1, 2024; and

WHEREAS, ACSC agrees that Atmos’ plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the attached tariffs (Attachment 1) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2); and

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

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

SECTION 1. That the findings set forth in this Resolution are hereby approved and incorporated herein.

SECTION 2. That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$164.7 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex’s 2024 RRM filing, is in the public interest, and is consistent with the City’s authority under Section 103.001 of the Texas Utilities Code.

SECTION 3. That despite finding Atmos Mid-Tex’s plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

SECTION 4. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment 1, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$164.7 million on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

SECTION 5. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex’s next RRM filing shall be as set forth on Attachment 2, attached hereto and incorporated herein.

SECTION 6. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company’s 2024 RRM filing.

SECTION 7. That all provisions of the resolutions of the City of Richardson, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

SECTION 8. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 9. That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

SECTION 10. That consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2024.

SECTION 11. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

DULY RESOLVED AND ADOPTED by the City Council of the City of Richardson, Texas, on this the 23rd day of September 2024.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2024	

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 22.95 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 23.00 per month
Commodity Charge – All <u>Ccf</u>	\$0.58974 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2024.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2024	

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 81.75 per month
Rider CEE Surcharge	\$ 0.00 per month ¹
Total Customer Charge	\$ 81.75 per month
Commodity Charge – All Ccf	\$ 0.19033 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Presumption of Plant Protection Level

For service under this Rate Schedule, plant protection volumes are presumed to be 10% of normal, regular, historical usage as reasonably calculated by the Company in its sole discretion. If a customer believes it needs to be modeled at an alternative plant protection volume, it should contact the company at mdtx-div-plantprotection@atmosenergy.com.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2024.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2024	

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 200 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 200 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below.

Charge	Amount
Customer Charge per Meter	\$ 1,587.75 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.6553 per MMBtu
Next 3,500 MMBtu	\$ 0.4799 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.1029 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2024	

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

Presumption of Plant Protection Level

For service under this Rate Schedule, plant protection volumes are presumed to be 10% of normal, regular, historical usage as reasonably calculated by the Company in its sole discretion. If a customer believes it needs to be modeled at an alternative plant protection volume, it should contact the company at mdtx-div-plantprotection@atmosenergy.com.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2024	

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below.

Charge	Amount
Customer Charge per Meter	\$ 1,587.75 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.6553 per MMBtu
Next 3,500 MMBtu	\$ 0.4799 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.1029 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2024	

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2024	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

- Where
- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
 - $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
 - R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
 - HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
 - NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
 - ADD = billing cycle actual heating degree days.
 - BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2024	

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	9.52	0.1526	88.98	0.7485
Austin	8.87	0.1343	213.30	0.9142
Dallas	12.38	0.2024	185.59	1.0974
Waco	8.71	0.1219	130.62	0.7190
Wichita Falls	10.20	0.1394	117.78	0.6435

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mbx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNA factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

ATMOS ENERGY CORP., MID-TEX DIVISION
MID-TEX RATE REVIEW MECHANISM
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2023

Line No.	Description (a)	Shared Services		Mid-Tex Direct			Adjustment Total (g)
		Pension Account Plan (b)	Post-Employment Benefit Plan (c)	Pension Account Plan (d)	Post-Employment Benefit Plan (e)	Supplemental Executive Benefit Plan (f)	
1	Proposed Benefits Benchmark - Fiscal Year 2024 Willis Towers Watson Report as adjusted	\$ 1,402,365	\$ (1,146,665)	\$ 2,186,549	\$ (4,070,086)	\$ 278,107	
2	Allocation Factor	45.93%	45.93%	82.00%	82.00%	100.00%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 644,172	\$ (526,717)	\$ 1,792,929	\$ (3,337,394)	\$ 278,107	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4)	\$ 644,172	\$ (526,717)	\$ 1,792,929	\$ (3,337,394)	\$ 278,107	\$ (1,148,903)
6							
7	O&M Expense Factor (WP_F-2.3, Ln 2)	81.70%	81.70%	38.85%	38.85%	11.24%	
8							
9	Summary of Costs to Approve:						
10	Total Pension Account Plan	\$ 526,315		\$ 696,536			\$ 1,222,851
11	Total Post-Employment Benefit Plan		\$ (430,349)		\$ (1,296,547)		(1,726,896)
12	Total Supplemental Executive Benefit Plan					\$ 31,256	31,256
13	Total (Ln 10 + Ln 11 + Ln 12)	\$ 526,315	\$ (430,349)	\$ 696,536	\$ (1,296,547)	\$ 31,256	\$ (472,789)



RICHARDSON[®]
T E X A S

MEMO

DATE: September 16, 2024
TO: Anita Cothran – Director of Finance
FROM: Ally Dobbins – Purchasing Manager *AD TCG*
SUBJECT: Award of Bid #53-24 for 2024 Asphalt Overlay to Reliable Paving, Inc. in the amount of \$3,651,963.75

Proposed Date of Award: September 23, 2024

I concur with the recommendation of Nick Kohel – Director of Engineering and Capital Projects, and request permission to award a contract to the lowest responsible bidder, Reliable Paving, Inc. for the above referenced project in the amount of \$3,651,963.75 as outlined in the attached memo.

Funding is from the Street Rehabilitation Fund.

The bid was advertised in *The Dallas Morning News* on April 22 & 29, and May 6, 2024 and posted on Periscope. A total of 47,580 electronic solicitations were distributed and thirty-five (35) vendors viewed the bid. A pre-bid conference was held online via Cisco Webex on May 7, 2024, and three (3) bids were received.

Concur:

Anita Cothran
Anita Cothran


ATTACHMENTS



RICHARDSON

TEXAS

MEMO

TO: Ally Dobbins, Purchasing Manager
THROUGH: Charles Goff, Assistant City Manager 
FROM: Nick Kohel, P.E., Director of Engineering and Capital Projects
SUBJECT: Permission to Award Construction Contract for:
2024 Asphalt Overlay
Bid No. 53-24

COUNCIL DATE: September 23, 2024

DATE: September 5, 2024

ACTION REQUESTED:

Council to consider contract award to Reliable Paving, Inc. for the construction of 2024 Asphalt Overlay project, in the amount of \$3,651,963.75.

BACKGROUND INFORMATION:

2024 Asphalt Overlay project calls for the removal of asphalt pavement, followed by removal and replacement of deteriorated concrete pavement, and the placement of 2-inch thick asphalt overlay along Coit Road from Dumont Drive to Roundrock Road and along Beltline Road from Waterview Drive to Weathered Drive

On 05/21/2024, the Engineering and Capital Projects Department opened bids for the 2024 Asphalt Overlay project. The attached bid tabulation certifies the lowest responsive bid was submitted by Reliable Paving, Inc. in the amount of \$3,651,963.75. City staff recommends awarding contract to Reliable Paving, Inc. in the amount of \$3,651,963.75.

FUNDING:

Funding is from Fund 353 – Street Rehabilitation Fund.

SCHEDULE:

Construction is expected to start in Fall 2024 and be complete by Spring 2025.

Attachments: Bid Tabulation
Project Map



2024 Asphalt Overlay BID No. 53-24
 Engineers Estimate - \$4,235,000.00

Base Bid - Beltline Road				Reliable Paving, Inc.		Texas Materials Group, Inc.		FNH Construction, LLC	
Item	Description	Unit	Est. Qty.	Unit Price	Total	Unit Price	Total	Unit Price	Total
100	Remove up to 3-inch of asphalt overlay with milling equipment	SY	20,300	\$4.20	\$ 85,260.00	\$ 4.05	\$ 82,215.00	\$ 15.00	\$ 304,500.00
102	Remove 4-inch reinforced concrete sidewalk	SF	2,000	\$4.50	\$ 9,000.00	\$ 3.50	\$ 7,000.00	\$ 3.00	\$ 6,000.00
106	Remove concrete street or driveway paving, all thicknesses	SY	3,700	\$48.00	\$ 177,600.00	\$ 25.50	\$ 94,350.00	\$ 20.00	\$ 74,000.00
110	Remove 6-inch curb with 18-inch wide gutter	LF	100	\$17.00	\$ 1,700.00	\$ 29.00	\$ 2,900.00	\$ 20.00	\$ 2,000.00
114	Remove existing median rip-rap pavement	SY	15	\$53.00	\$ 795.00	\$ 73.70	\$ 1,105.50	\$ 50.00	\$ 750.00
200	Crushed rock subgrade	TON	148	\$239.00	\$ 35,372.00	\$ 80.15	\$ 11,862.20	\$ 60.00	\$ 8,880.00
202	Block sodding	SY	800	\$8.65	\$ 6,920.00	\$ 8.80	\$ 7,040.00	\$ 15.00	\$ 12,000.00
204	4-inch top soil	SY	800	\$7.50	\$ 6,000.00	\$ 10.50	\$ 8,400.00	\$ 10.00	\$ 8,000.00
302	4-inch thick reinforced concrete sidewalk	SF	2,000	\$12.75	\$ 25,500.00	\$ 9.55	\$ 19,100.00	\$ 7.00	\$ 14,000.00
308	9-inch Class C rc street or driveway	SY	3,500	\$81.00	\$ 283,500.00	\$ 124.50	\$ 435,750.00	\$ 108.00	\$ 378,000.00
310	9-inch high early strength rc street or driveway	SY	188	\$135.00	\$ 25,380.00	\$ 181.50	\$ 34,122.00	\$ 125.00	\$ 23,500.00
312	Class C rc monolithic median nose	EA	2	\$1,700.00	\$ 3,400.00	\$ 2,835.00	\$ 5,670.00	\$ 8,500.00	\$ 17,000.00
314	6-inch thick Class A rc median riprap pavement	SY	30	\$120.00	\$ 3,600.00	\$ 108.00	\$ 3,240.00	\$ 200.00	\$ 6,000.00
316	6-inch concrete curb with 18-inch wide gutter with Class C rc	LF	100	\$58.00	\$ 5,800.00	\$ 86.50	\$ 8,650.00	\$ 85.00	\$ 8,500.00
318	6-inch monolithic curb on street, alley, sidewalk, or channel paving section	LF	100	\$58.00	\$ 5,800.00	\$ 7.50	\$ 750.00	\$ 20.00	\$ 2,000.00
320	Class A rc barrier free ramp	EA	14	\$3,100.00	\$ 43,400.00	\$ 3,065.00	\$ 42,910.00	\$ 3,250.00	\$ 45,500.00
324	Construc up to 3-inch thick, Type D asphalt steet overlay	SY	20,300	\$20.75	\$ 421,225.00	\$ 27.35	\$ 555,205.00	\$ 22.00	\$ 446,600.00
326	Reflective Pavement Marking TY I 24-inch solid white STOP line	LF	150	\$9.00	\$ 1,350.00	\$ 13.50	\$ 2,025.00	\$ 25.00	\$ 3,750.00
328	Reflective Pavement Marking 24-inch solid white CROSSWALK (2'X6')	EA	56	\$55.00	\$ 3,080.00	\$ 80.00	\$ 4,480.00	\$ 500.00	\$ 28,000.00
330	Non reflective white marker 4-inch round	EA	361	\$5.90	\$ 2,129.90	\$ 7.00	\$ 2,527.00	\$ 6.00	\$ 2,166.00
332	Reflective pavement marker Type II CR 4-inch square red/white	EA	143	\$5.90	\$ 843.70	\$ 8.50	\$ 1,215.50	\$ 6.00	\$ 858.00
334	Adjust existing sewer manhole to grade	EA	12	\$1,100.00	\$ 13,200.00	\$ 1,650.00	\$ 19,800.00	\$ 3,000.00	\$ 36,000.00
400	Mobilization, bonds, and insurance	LS	1	\$60,000.00	\$ 60,000.00	\$ 60,800.00	\$ 60,800.00	\$ 180,000.00	\$ 180,000.00
402	SWPPP, Implementation and maintenance	LS	1	\$11,000.00	\$ 11,000.00	\$ 6,035.00	\$ 6,035.00	\$ 35,000.00	\$ 35,000.00
404	Project sign	EA	1	\$860.00	\$ 860.00	\$ 535.00	\$ 535.00	\$ 1,500.00	\$ 1,500.00
406	Replace existing house address on new curb	EA	9	\$115.00	\$ 1,035.00	\$ 250.00	\$ 2,250.00	\$ 285.00	\$ 2,565.00
410	Traffic control for arterials	LS	1	\$55,000.00	\$ 55,000.00	\$ 22,450.00	\$ 22,450.00	\$ 65,000.00	\$ 65,000.00
412	Contingency	LS	1	\$100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
TOTAL BASE BID-BELTLINE RD					\$ 1,388,750.60		\$ 1,542,387.20		\$ 1,812,069.00
CONTRACTOR'S SUBMITTED BASE BID BELTLINE RD TOTAL					\$ 1,388,750.60		\$ 1,542,387.20		\$ 1,812,069.00

Notes and List Errors



2024 Asphalt Overlay BID No. 53-24
 Engineers Estimate - \$4,235,000.00

Base Bid - Coit Road				Reliable Paving, Inc.		Texas Materials Group, Inc.		FNH Construction, LLC	
Item	Description	Unit	Est. Qty.	Unit Price	Total	Unit Price	Total	Unit Price	Total
C-100	Remove up to 3-inch of asphalt overlay with milling equipment	SY	33,273	\$4.30	\$ 143,073.90	\$ 4.05	\$ 134,755.65	\$ 15.00	\$ 499,095.00
C-102	Remove 4-inch reinforced concrete sidewalk	SF	3,300	\$4.25	\$ 14,025.00	\$ 3.50	\$ 11,550.00	\$ 3.00	\$ 9,900.00
C-106	Remove concrete street or driveway paving, all thicknesses	SY	6,650	\$45.75	\$ 304,237.50	\$ 25.50	\$ 169,575.00	\$ 20.00	\$ 133,000.00
C-110	Remove 6-inch curb with 18-inch wide gutter	LF	200	\$17.00	\$ 3,400.00	\$ 29.00	\$ 5,800.00	\$ 20.00	\$ 4,000.00
C-114	Remove existing median rip-rap pavement	SY	25	\$60.00	\$ 1,500.00	\$ 73.70	\$ 1,842.50	\$ 50.00	\$ 1,250.00
C-200	Crushed rock subgrade	TON	240	\$230.00	\$ 55,200.00	\$ 80.15	\$ 19,236.00	\$ 60.00	\$ 14,400.00
C-202	Block sodding	SY	1,200	\$8.65	\$ 10,380.00	\$ 8.80	\$ 10,560.00	\$ 15.00	\$ 18,000.00
C-204	4-inch top soil	SY	1,200	\$7.25	\$ 8,700.00	\$ 10.50	\$ 12,600.00	\$ 10.00	\$ 12,000.00
C-302	4-inch thick reinforced concrete sidewalk	SF	3,300	\$12.00	\$ 39,600.00	\$ 9.55	\$ 31,515.00	\$ 7.00	\$ 23,100.00
C-308	9-inch Class C rc street or driveway	SY	6,650	\$77.50	\$ 515,375.00	\$ 124.50	\$ 827,925.00	\$ 108.00	\$ 718,200.00
C-310	9-inch high early strength rc street or driveway	SY	300	\$144.00	\$ 43,200.00	\$ 181.50	\$ 54,450.00	\$ 125.00	\$ 37,500.00
C-312	Class C rc monolithic median nose	EA	3	\$1,100.00	\$ 3,300.00	\$ 2,835.00	\$ 8,505.00	\$ 8,500.00	\$ 25,500.00
C-314	6-inch thick Class A rc median riprap pavement	SY	45	\$140.00	\$ 6,300.00	\$ 108.00	\$ 4,860.00	\$ 200.00	\$ 9,000.00
C-316	6-inch concrete curb with 18-inch wide gutter with Class C rc	LF	160	\$60.00	\$ 9,600.00	\$ 86.50	\$ 13,840.00	\$ 85.00	\$ 13,600.00
C-318	6-inch monolithic curb on street, alley, sidewalk, or channel paving section	LF	170	\$54.00	\$ 9,180.00	\$ 7.50	\$ 1,275.00	\$ 20.00	\$ 3,400.00
C-320	Class A rc barrier free ramp	EA	14	\$3,100.00	\$ 43,400.00	\$ 3,065.00	\$ 42,910.00	\$ 3,250.00	\$ 45,500.00
C-324	Construc up to 3-inch thick, Type D asphalt steet overlay	SY	33,273	\$20.25	\$ 673,778.25	\$ 27.35	\$ 910,016.55	\$ 22.00	\$ 732,006.00
C-326	Reflective Pavement Marking TY I 24-inch solid white STOP line	LF	460	\$9.00	\$ 4,140.00	\$ 13.50	\$ 6,210.00	\$ 25.00	\$ 11,500.00
C-328	Reflective Pavement Marking 24-inch solid white CROSSWALK (2'X6')	EA	146	\$55.00	\$ 8,030.00	\$ 80.00	\$ 11,680.00	\$ 500.00	\$ 73,000.00
C-330	Non reflective white marker 4-inch round	EA	886	\$5.90	\$ 5,227.40	\$ 7.00	\$ 6,202.00	\$ 6.00	\$ 5,316.00
C-332	Reflective pavement marker Type II CR 4-inch square red/white	EA	454	\$5.90	\$ 2,678.60	\$ 8.50	\$ 3,859.00	\$ 6.00	\$ 2,724.00
C-334	4" X 18" White Line CAT TRAX Surface Marking, MMA; Section II	LF	425	\$9.50	\$ 4,037.50	\$ 6.00	\$ 2,550.00	\$ 3,000.00	\$ 1,275,000.00
C-336	Left or Right ARROW, MMA; Section II	EA	4	\$400.00	\$ 1,600.00	\$ 375.00	\$ 1,500.00	\$ 500.00	\$ 2,000.00
C-338	Adjust existing sewer manhole to grade	EA	4	\$1,100.00	\$ 4,400.00	\$ 1,650.00	\$ 6,600.00	\$ 2,500.00	\$ 10,000.00
C-400	Mobilization, bonds, and insurance	LS	1	\$87,000.00	\$ 87,000.00	\$ 60,800.00	\$ 60,800.00	\$ 275,000.00	\$ 275,000.00
C-402	SWPPP, Implementation and maintenance	LS	1	\$17,000.00	\$ 17,000.00	\$ 6,035.00	\$ 6,035.00	\$ 35,000.00	\$ 35,000.00
C-404	Project sign	EA	1	\$850.00	\$ 850.00	\$ 535.00	\$ 535.00	\$ 1,500.00	\$ 1,500.00
C-410	Traffic control for arterials	LS	1	\$69,000.00	\$ 69,000.00	\$ 22,450.00	\$ 22,450.00	\$ 65,000.00	\$ 65,000.00
C-412	Contingency	LS	1	\$175,000.00	\$ 175,000.00	\$ 175,000.00	\$ 175,000.00	\$ 175,000.00	\$ 175,000.00
TOTAL BASE BID-Coit RD					\$ 2,263,213.15		\$ 2,564,636.70		\$ 4,230,491.00
CONTRACTOR'S SUBMITTED BASE BID COIT RD TOTAL					\$ 2,263,213.15		\$ 2,564,636.70		\$ 2,967,491.00

TOTAL BASE BID - BELTLINE + COIT	\$ 3,651,963.75		\$ 4,107,023.90		\$ 6,042,560.00
CONTRACTOR'S SUBMITTED TOTAL BASE BID - BELTLINE + COIT	\$ 3,651,963.75		\$ 4,107,023.90		\$ 4,779,560.00

RECOMMENDATION TO AWARD BASE BID IN THE AMOUNT OF \$3,651,963.75 TO RELIABLE PAVING, INC.

Approved By:

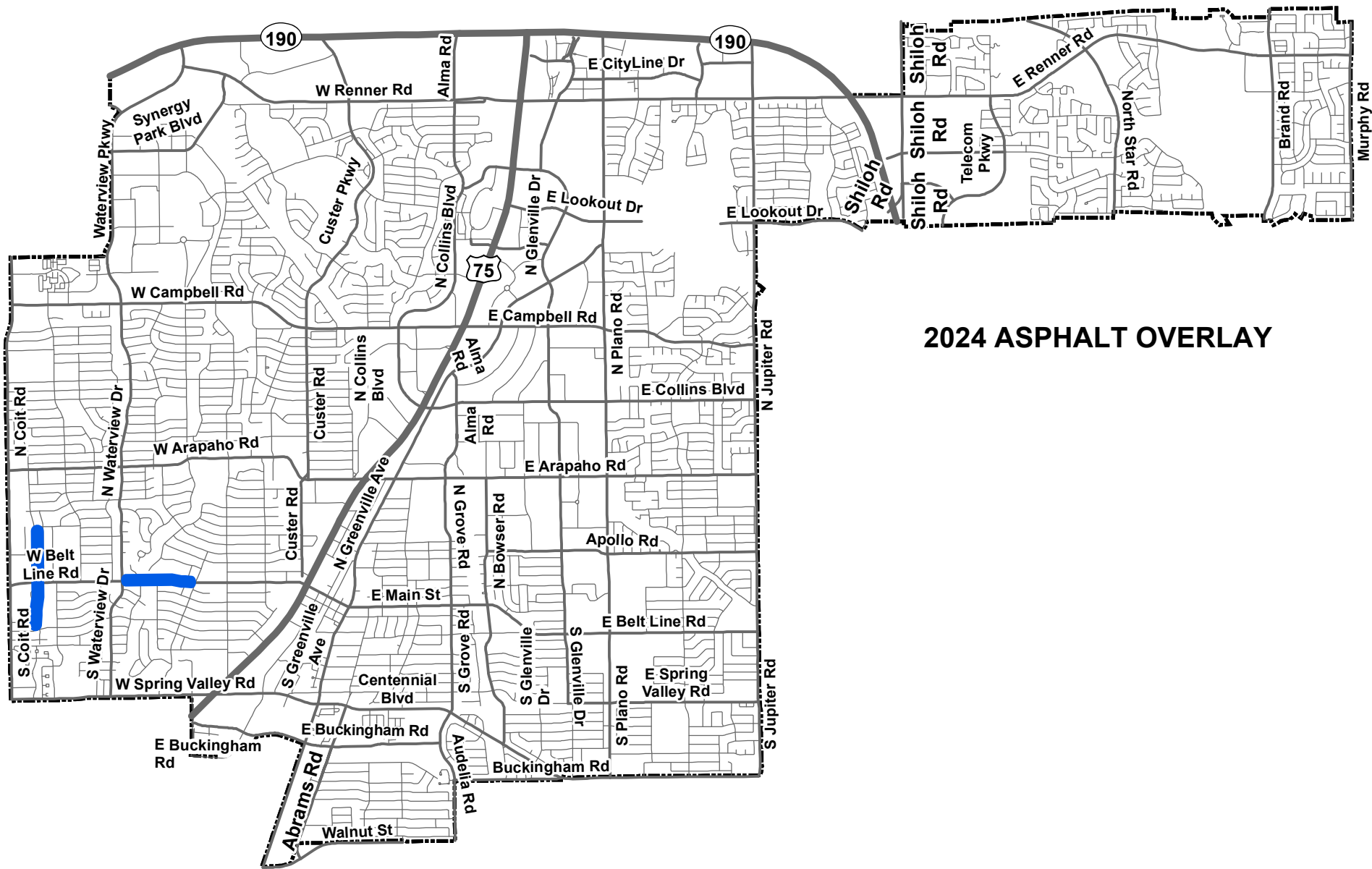
Notes and List Errors
 FNH Construction's bid item C-334 is incorrect in their

Hamilton Dallagasperina

First Last, P.E. Project Manager

5/22/2024

Date



2024 ASPHALT OVERLAY

APRIL 2024





RICHARDSON[®]
T E X A S

MEMO

DATE: September 16, 2024
TO: Anita Cothran – Director of Finance
FROM: Ally Dobbins – Purchasing Manager *AD TCG*
SUBJECT: Award of Bid #110-24 for Cooperative Annual Requirements Contracts for Custodial Supplies and Equipment to Pollock Paper Distributors (\$60,000) and Eagle Brush and Chemical (\$65,000) pursuant to the unit prices specified in The Local Government Purchasing Cooperative (“BuyBoard”) Contract #747-24

Proposed Date of Award: September 23, 2024

I concur with the recommendation of Wayne Corum – Director of Facilities and Fleet Services and request permission to issue annual requirements contracts for custodial supplies and equipment to Pollock Paper Distributors and Eagle Brush and Chemical pursuant to BuyBoard Contract #747-24.

The contracts are effective from October 1, 2024 through September 30, 2027. The award of these contracts allows the city to purchase custodial supplies and equipment as the requirements and needs of the city arise on an annual basis and during any subsequent renewal period(s). Since the city is not obligated to pay for a minimum or maximum amount of goods, payment will be rendered pursuant to the unit prices specified in the contracts.

The above referenced supplies and equipment have been competitively bid through BuyBoard Contract #747-24. The City of Richardson is a member of BuyBoard 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 from the Central Services Fund with supplies charged to respective departments when issued.

Concur:

Anita Cothran
Anita Cothran

ATTACHMENTS

TO: Ally Dobbins, Purchasing Manager

THROUGH: Kent Pfeil, Chief Financial Officer *KP*

FROM: Wayne Corum, ^{WC} Director of Facilities and Fleet Services

SUBJECT: Award of Bid #747-24 for Custodial Supplies and Equipment through Buyboard contract #747-24

DATE: September 11, 2024

ACTION REQUESTED:

Council to consider award of Buyboard Contract No. 747-24 for the Custodial Supplies and Equipment Contract to Eagle Brush & Chemical Inc. and Pollock Paper Distributors in the amount of \$125,000.

BACKGROUND INFORMATION:

The City Warehouse acquires and stocks custodial supplies and equipment for all city facilities. These supplies are used by the Facilities & Fleet Department – Custodial section, Fire Station staff, and Eisemann Center custodial staff to supply custodial products in all city facilities. Eagle Brush and Pollock Paper Distributors are currently utilized for this service, and we are satisfied with their products and customer service. We recommend awarding \$65,000 annually for Eagle Brush and \$60,000 annually for Pollock Paper Distributors in this contract based upon historical usage data and the projected forecast for these products.

The supplies are stocked in the City's Warehouse and will be charged to account numbers provided by each respective department when issued.

FUNDING:

Funding is from Internal Service Fund account number 6120-00-00-000-000-143000.



RICHARDSON®
T E X A S

MEMO

DATE: September 16, 2024
TO: Anita Cothran – Director of Finance
FROM: Ally Dobbins – Purchasing Manager *AD TOG*
SUBJECT: Award of Bid #111-24 for the Cooperative Purchase of One (1) Aerial Truck for Transportation and Mobility to Altec in the total amount of \$159,615 through Sourcewell Contract #040924-ALT
Proposed Date of Award: September 23, 2024

I concur with the recommendation of Wayne Corum – Director of Facilities and Fleet Services with concurrence from Mark Nelson – Director of Transportation and Mobility and request permission to issue a purchase order for one (1) aerial truck for Transportation and Mobility to Altec, in the total amount of \$159,615, as provided in the attached quote.

The above referenced equipment has been competitively bid through Sourcewell Contract #040924-ALT. The City of Richardson is a member of Sourcewell 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 Equipment Replacement Fund.

Concur:

Anita Cothran
Anita Cothran

ATTACHMENTS



RICHARDSON
TEXAS

MEMO

TO: Ally Dobbins, Purchasing Manager

THROUGH: Kent Pfeil, Chief Financial Officer *KP*
Mark Nelson, Transportation Director

FROM: ^{WC} Wayne Corum, Director of Facilities and Fleet Services

SUBJECT: Capital Replacement Vehicle for Transportation and Mobility, Via
Sourcewell Contract 040924-ALT

DATE: 09/12/2024

ACTION REQUESTED:

Council to consider award of Sourcewell Contract 040924-ALT for the purchase of a Traffic Department Aerial Truck to Altec in the amount of \$159,615.00.

BACKGROUND INFORMATION:

The existing Sourcewell Contract 040924-ALT for Aerial Trucks will be utilized to purchase a Altec AT40-G Aerial Truck through the Altec subsidiary company of Global that manages the stock units being built. The new AT40-G Aerial Truck will be used for the Traffic Department Operations. Funding has been approved and established in the capital replacement fund.

TT2402	Aerial Truck	<u>\$159,615.00</u>
		\$159,615.00

FUNDING:

Funding is from 2450 Capital Replacement Fund
Account number 2450-10-11-710-000-707421

CC: *Kelly Brown, Assistant Director Fleet*
Cody Wildoner, Traffic Operations Superintendent



Quote Number: 911202403
 Opportunity Number:
 Sourcewell Contract #: 040924-ALT
 Date: 9/11/2024

Quoted for: City of Richardson
 Quoted by: Dylan Hooper
 Phone: / Email: (469) 615-4321 / dylan.hooper@altec.com

REFERENCE MODEL	Sourcewell Price	Commercial List Price	Discount %
AT40-G 4x2	\$147,560	\$152,124	3%
(A.) Sourcewell Options On Contract			
1			
2			
3			

SOURCEWELL OPTIONS TOTAL: \$147,560 \$152,124 3%

(A.) **OPEN MARKET ITEMS** (Customer Requested)

1	UNIT		
2	UNIT & HYDRAULIC ACC		
3	BODY		
4	BODY & CHASSIS ACC		
5	ELECTRICAL		
6	FINISHING		
7	CHASSIS	Chassis and unit body to be 2024 model year	\$9,255
8	OTHER		
9			
OPEN MARKET OPTIONS TOTAL:			\$9,255

SUB-TOTAL FOR UNIT/BODY/CHASSIS: \$156,815
Delivery to Customer: \$2,800
TOTAL FOR UNIT/BODY/CHASSIS: \$159,615

(C.) **ADDITIONAL ITEMS** (items are not included in total above)

1			
2			
3			
4			

Pricing valid for 45 days and may be subject to availability at time of order

NOTES

** Denotes FET fees were paid when unit was new. Global is not FET exempt.
 All items listed subject to availability, quote provided at time of request detailing options
 Delivery is \$3.50/ mile
 Alternate year models may be available in addition to the ones shown here, they will be discounted / priced
 Chassis model can be any standard chassis (Ford, Dodge, International, Freightliner, Peterbilt, etc.)
PAINT COLOR: White to match chassis, unless otherwise specified
TO ORDER: To order, please contact the Account Manager listed above.
CHASSIS: Per Altec Commercial Standard
DELIVERY: No later than _____ days ARO, FOB Customer Location
TERMS: Net 10 days
BEST VALUE: Altec boasts the following "Best Value" features: Altec ISO Grip Controls for Extra Protection, Only Lifetime Warranty on Structural Components in Industry, Largest Service Network in Industry, Altec SENTRY Web/CD Based Training, Dedicated/Direct Gov't Sales Manager, In-Service Training with Every Order.

***This quote does not include City, County, State or Federal taxes.**