



City Council Regular Meeting
Monday, October 8, 2018
6:05 PM

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 265-2082 or FAX (979) 265-7345 for further information.

AGENDA

BE IT KNOWN that the **CITY COUNCIL** of the City of Richwood will meet in **City Council Regular Meeting** on **Monday, October 8, 2018** at **6:05 PM** at 1800 N. Brazosport Blvd., Richwood, TX 77531 at the Richwood City Hall in the Council Chambers with the following agenda:

- I. CALL TO ORDER
- II. INVOCATION
- III. PLEDGES OF ALLEGIANCE
 - Pledge of Allegiance & Texas Pledge
- IV. ROLL CALL OF COUNCIL MEMBERS
- V. PUBLIC COMMENTS
 - All public comments will be subject to the following rules: all speakers will be permitted to speak no longer than 3 minutes; all speakers will only be permitted to speak once; speakers cannot defer their 3 minutes to another speaker; the first five individuals who sign up for the public comment section will be permitted to speak
- VI. CONSENT AGENDA
 - A. Approval of Minutes of Previous Meetings
 - 1. September 10, 2018 4
 - B. Payment of Bills 23
- VII. DISCUSSION AND ACTION ITEMS
 - A. Discuss interlocal agreement with the City of Clute for personnel resources 32
 - B. Appoint applicants to serve on Charter Review Commission 33
 - C. Discuss and consider implementation of market pay adjustments based on compensation study approved in Fiscal Year 2018-2019 Budget 68
 - D. Discuss and consider changes to Section 20-4 of the Code of Ordinances regarding Transportation User Fees 70
 - E. Discuss potential changes to zoning regulations within the City and consider setting a workshop session 71
 - F. Approve items removed from Consent Agenda
- VIII. EXECUTIVE SESSION in accordance with Subchapter D of the Open Meetings Act, Texas Government code Section 551.001, et. Seq., to review and consider the following:
 - A. Under authority of Section 551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or a charge against an officer or employee: Michael Coon, City Manager 100
- IX. RECONVENE FROM EXECUTIVE SESSION and take action on the

following:

- A. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or a charge against an officer or employee: Michael Coon, City Manager

X. REPORTS

Reports that require no action.

XI. CITY MANAGER'S REPORT

XII. FUTURE AGENDA ITEMS

XIII. COMMITTEE REPORTS

XIV. COUNCIL MEMBER COMMENTS & REPORTS

XV. MAYOR'S REPORT

XVI. ADJOURNMENT

The City Council may go into Executive Session on any item listed on the Agenda in accordance with Section 551.071 of the Government Code (attorney-client privilege).

I, Giani B. Cantu, do hereby certify that I did, on 10/03/2018 at _____ p.m., post this notice of meeting on the bulletin board at 1800 N. Brazosport Blvd., Richwood, TX, in compliance with the Texas Open Meetings Law.

Giani Cantu, City Secretary
City of Richwood

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Minutes of City Council Regular Meeting

The City Council City of Richwood

A City Council Regular Meeting of the City Council of City of Richwood was held Monday, September 10, 2018, beginning at 6:00 PM in the Richwood City Hall, 1800 N. Brazosport Blvd. Richwood, Texas.

CALL TO ORDER

Mayor Guthrie called the meeting to order at 6:01 p.m.

INVOCATION

Michael Coon led the invocation.

PLEDGES OF ALLEGIANCE

Pledge of Allegiance & Texas Pledge

Mayor Guthrie led the pledges.

ROLL CALL OF COUNCIL MEMBERS

Mark Guthrie, Mayor

Mike Johnson, Council member

Frank Blanks, Council member

Sarah Reed, Council member – ABSENT

Mark Brown II, Council member

Katy Johnson, Council member

Others present: Michael Coon, City Manager; Giani Cantu, City Secretary; Clif Custer, Public Works Director; Kenny Williams, Building Official

PUBLIC COMMENTS

All public comments will be subject to the following rules: all speakers will be permitted to speak no longer than 3 minutes; all speakers will only be permitted to speak once; speakers cannot defer their 3 minutes to another speaker; the first five individuals who sign up for the public comment section will be permitted to speak

No public comments were given.

RECOGNITIONS

City of Richwood and Richwood Police Department awarded recognition of Stand up for Texas Public Schools by the Texas Association of School Boards

Mayor Guthrie presented the award to Chief Mayor of the Richwood Police Department.

PROCLAMATIONS

Proclamation declaring September 17-23, 2018 as Constitution Week

Mayor Guthrie proclaimed September 17-23 as Constitution Week.

PRESENTATIONS

Presentation of FY 18-19 Strategic Plan

Presenter: Ron Cox

Ron Cox presented the Strategic Plan as set by City Council.

Michael Coon presented the action implementation plans that staff that worked on to help prepare the proposed budget.

1.0 Financial Stability				
Objectives (Priority order)	Action Steps	Budget	Timeline	Notes
Objective 1.1: Create a “true” budget following appropriate accounting principles	Establish a procedure and process for public participation in the budgeting process	-0-	Ongoing	Goal to incorporate more opportunities for public input FY 2020 budget
	Develop budget based on strategic planning process; establish priorities	-0-	Ongoing	Council conducted strategic retreat on June 2, 2018
	Staff to develop priorities and justify requests and expenditures	-0-	Ongoing	Some priorities still may be adjusted based off final FY 2019 Adopted Budget
	Ensure budget proposals are in line with Council priorities and follow appropriate accounting procedures	-0-	Ongoing	FY 2019 proposed budget built around Council priorities
	Hold public hearings	-0-	Ongoing	Hearings are complete for FY 2019 Budget
	Adopt balanced budget	-0-	Ongoing	FY 2019 Budget scenarios are all balanced

1.0 Financial Stability

Objectives (Priority order)	Action Steps	Budget	Timeline	Notes
Objective 1.2: Develop a long term financial plan • Maintain adequate financial reserves • Make each fund self-supporting • Improve the City's bond rating • Establish and fully fund an Equipment Replacement Fund	Work with Charter Review Committee to review contingency restrictions	-0-	FY 19	Current cap is 3 percent of budget.
	Continue reimbursement for direct and indirect costs transfers to each fund and adjust policies as needed	-0-	Ongoing	Included in FY 18 Budget
	Adjust rates to ensure each fund is self-supporting	-0-	Ongoing	
	Hire a full-time Finance Director	\$97,212	FY 19	Job has been posted
	Implement regular financial reporting with updates on strategic plan	-0-	FY 19	2 Updates for FY 19 with increase to 3 in FY 20
	Prepare five year financial forecasts	-0-	FY 19	Submit at May 2019 Council Meeting
	Develop funding plan for ERF	TBD	FY 19	Present with FY 20 Budget
	Incorporate CIP into Strategic Planning and Budget Processes	TBD	FY 19	Present with FY 20 Budget

2.0 Economic Development

Objectives (Priority order)	Action Steps	Budget	Timeline	Notes
Objective 2.1: Create a marketing plan for the City • Include vision & create a brand and a moto for marketing purposes	Work with Economic Development Alliance for Brazoria County to create start creating a plan	-0-	FY 19	
Objective 2.2: Update the Comprehensive Master Plan and Land Use Plan	Contract with universities and/or other consultants for assistance with planning services	TBD	FY 20	Submit application to Texas A&M next Spring to begin work Summer 2019
Objective 2.3: Maintain up to date development codes • Update the zoning ordinance and land use plan • Review subdivision ordinance • Review floodplain management processes	Consult with planning experts to update development codes	-0-	FY 19	
	Review and revise codes	-0-	Ongoing	
	Work to adopt local drainage criteria and processes.	TBD	FY 20	
	Work with FEMA on update of flood maps and flood plain administration	-0-	FY 19	

2.0 Economic Development

Objectives (Priority order)	Action Steps	Budget	Timeline	Notes
Objective 2.4: Make effective use of city property	Review and analyze use of vacant city property	-0-	Ongoing	
Objective 2.5: Develop a comprehensive economic development strategy and funding model	Develop and maintain an ED policy that establishes standards for ED incentives.	-0-	FY20	Anticipated to start after completion of Impact Fee Study

3.0 Infrastructure Investments

Objectives (Priority order)	Action Steps	Budget	Original Timeline	Update
Objective 3.1: Sustain a reliable water supply as the city grows we need to prepare for the future water usage	Conduct a water/sewer master plan to determine future storage and distribution needs for the entire City.	\$25,000	FY 19	Part of study being conducted by Freese & Nichols
Objective 3.2: Maintain and extend water, wastewater and stormwater improvements	Develop a CIP prioritized list of improvements needed for replacement aging infrastructure and expansion into unserved areas.	\$25,000	FY 19	Part of study being conducted by Freese & Nichols
	Establish budget for CIP	TBD	FY 19	Will incorporate in FY 20 Budget
	Consider a policy for growth to provide funding for the extension of infrastructure	\$25,000	FY 19	Part of study being conducted by Freese & Nichols

3.0 Infrastructure Investments

Objectives (Priority order)	Action Steps	Budget	Timeline	Notes
Objective 3.3: Support investments in City facilities	Establish policy for determining maintenance, capital, bonding thresholds on facility repairs and improvements.	-0-	FY 19	
	Assess conditions and needs for all city facilities.	-0-	FY 19	
	Prioritize assessments	-0-	FY 19	
	Fund improvements needed	\$114,324	FY 19	\$40,000 in General Fund & \$74,324 in Utility Fund. Planning will be ongoing to create a more detailed funding plan.

3.0 Infrastructure Investments

Objectives (Priority order)	Action Steps	Budget	Timeline	Notes
Objective 3.4: Examine best practices in delivery of city services. - Optimize cost saving opportunities with the use of community partners. - Explore ways for Richwood to be self-sufficient in provision of city services - Review existing contracts with contract providers to ensure they are up to date and meet long term needs of the citizens.	Reach out to neighboring cities and county to determine what services can be shared	-0-	Ongoing	EMS contract was rebid. Discussions ongoing
	Review and revise MOU, and Interlocal Agreements	-0-	Ongoing	Some agreements have been updated, will continue review process into FY 19
	Review capacity studies to determine appetite for becoming self-sufficient	-0-	FY 19	Ongoing, renegotiation of WWTP contract with Clute will look at creating a future path to being self-sufficient
	Determine impact of new development on new and existing infrastructure	-0-	FY 19	Will be addressed through impact fee study
	Review and negotiate with water provider	-0-	FY 20	Preliminary work has begun on planning for future water usage. Impact fee study will provide more details.

4.0 Community Development

Objectives (Priority order)	Action Steps	Budget	Timeline	Notes
Objective 4.1: Create a Parks Master Plan	Develop scope of services	-0-	TBD	
	Fund and hire consultant to complete plan	\$50,000		
Objective 4.2: Develop a community center providing a quality place for people to gather	Examine feasibility and funding options	TBD	Ongoing	Bond Task Force did not recommend the project

4.0 Community Development

Objectives (Priority order)	Action Steps	Budget	Timeline	Notes
Objective 4.3: Maintain a high level of aesthetic standards - Continuous code enforcement efforts - Update code policies	Provide communication and information to public on code standards and requirements	-0-	Ongoing	Current communications are focused on heavy trash collection
	Utilize KRB to determine which codes should be updated for beautification, park improvements, and park properties	-0-	Ongoing	
	Hire code enforcement/animal control officer	TBD	TBD	Examining various options with staffing and contract labor
Objective 4.4: Explore opportunities to work with neighboring communities on an interlocal basis for provision of recreation services.	Reach out to neighboring cities and county to determine what services can be shared	-0-	Ongoing	
	Review and revise MOU, and Interlocal Agreements	-0-	Ongoing	

5.0 City Operations

Objectives (Priority order)	Action Steps	Budget	Timeline	Notes
Objective 5.1: Public Safety – Focus on prevention (at best) reduction (at least) of city-wide social harms (crime, fear of crime, crashes, & disorder) Focus on prevention of social harms through police/public cooperation	Fire – Develop a contract for service with VFD	-0-	FY 19	
	EMS – Continually monitor contract performance	-0-	Ongoing	
	Police – Increase clearance rate by adding an investigator position	\$78,782	FY 19	Funded through CCPD
	Police – Engage in Community Policing	-0-	Ongoing	
Objective 5.2: Public Works – Provide for and maintain the city's infrastructure to meet the needs of the community.	Invest in two additional public works positions to help effectively maintain existing infrastructure.	\$108,615	FY 19	
	Purchase one additional truck for new employees	\$40,000	FY 19	

5.0 City Operations

Objectives (Priority order)	Action Steps	Budget	Timeline	Notes
Objective 5.3: Communications. Communicate information to the public in a transparent manner using all available methods Provide public information outreach programs.	Update and improve the city's website	-0-	Ongoing	
	Create and regularly update slide show for website, lobby, other media on city activities and events	-0-	FY 19	
	Install TV in foyer of City Hall for information display	\$1,500	FY 19	
	Distribute highlights of Council Meetings to residences and businesses	-0-	Ongoing	

5.0 City Operations

Objectives (Priority order)	Action Steps	Budget	Timeline	Notes
Objective 5.4: Technology – Utilize technology to enhance operations and delivery of services.	Implement new Municipal Court software	-0-	FY 20	Pelorus will develop new software at no cost to City
	Purchase imaging equipment	\$2,500	FY 19	Goal to purchase imaging software in the future
	Implement new Code Enforcement & Permitting software	-0-	TBD	Pelorus will develop new software at no cost to City
Objective 5.5: Employees – Invest in employee development opportunities, compensation and retention.	Implement performance-based pay increases	TBD	FY 19	Incorporate into FY 20 Budget
	Establish employee recognition program	\$500	FY 19	
Objective 5.6: Develop a program to encourage, recruit and reward volunteers for service to the City.	Develop an MVP (Municipal Volunteer Program)	\$2,000	FY 19	
	Establish a process for recognizing all volunteers on a quarterly basis	TBD	FY 19	
	Establish a process for recognizing a MVP of the Year	\$500	FY 19	

CONSENT AGENDA

Approval of Minutes of Previous Meetings

August 13, 2018

August 27, 2018

Payment of Bills

Approve Interlocal with Brazoria County for annual road and bridge maintenance

Approve contract with Kennemer, Masters & Lunsford for the Fiscal Year 17-18 year end financial audit

Approve contract with the Brazoria County Clerk for Election Services to be held on November 6, 2018

Approve 2018 Holiday Schedule

On motion by Mark Brown II second by Mike Johnson with all present members voting “aye” all items on consent agenda were approved.

DISCUSSION AND ACTION ITEMS

Discuss and consider approving interlocal agreement concerning certain insurance coverages with Harding Condley Drawert Tinch (HCDT) Insurance Agency

Michael Coon stated the City has been with TML for years. The recommendation will be to remain with TML for property coverages. However, other agencies had reached out regarding workers compensation and liability coverages and offer better rates and coverages.

Jeremy Diller, HCDT Insurance, stated the company has been around for about 100 years in the San Antonio area. The company has experience with risk pool and risk management. The summary provided shows increased coverage limits with Traveler's and additional umbrella policy to ensure the City is well protected.

Mark Brown II what would the cost difference be with TML for the same limits in Traveler's proposal.

Michael Coon stated we did not get one. TML has a longer response time.

Mark Brown II asked if the high coverage limits are necessary.

Mr. Diller stated he works with many cities and the City of Richwood is the only one with such low limits currently. Especially local government, \$500,000 limits are very low.

Mark Guthrie asked if this will affect the pricing with TML for property coverage.

Mr. Coon stated no.

Mark Guthrie asked if we looked at the risk with not having the higher limits. It's a lot better to have extra coverage now than risk lots of out of pocket.

Michael Coon stated the proposed policy provides higher coverage with lower premiums.

Mr. Diller stated he didn't want to quote the lower limits because he wouldn't recommend it for a municipality.

Frank Blanks moved to approve the contract with HCDT. Katy Johnson seconded.

Frank Blanks asked Mr. Coon if he felt like the proposal is enough coverage.

Michael Coon stated he believes it should be enough.

Mark Brown II stated he likes the fact that we are saving a couple of thousand of dollars and getting higher coverage.

Frank Blanks asked what is the likely hood of price increase the next year.

Michael Coon stated that he has spoken with other cities and that has not happened for them.

With all present members voting aye approval of the interlocal agreement with HCDT was granted.

Discuss and consider a resolution amending the Fiscal Year 2017-2018 Budget
Michael Coon presented the following amendments:

This resolution would amend the FY 2017-2018 Budget to (1) account for increased police overtime and (2) to account for the grants the City has received throughout the year.

AMENDMENTS TO ADOPTED BUDGET

Multiple Funds

General Fund

Revenue	
N/A	
NET INCREASE (DECREASE)	\$0
Expenditures	
Increase Police Overtime Budget	\$10,000
NET INCREASE (DECREASE)	\$10,000
GENERAL FUND REVISED REVENUES	\$3,224,924
GENERAL FUND REVISED EXPENSES	\$3,189,873

Grant Fund

Revenue	
HGAC Suspect ID Technology	\$9,689
DOW Community Cares Grant	\$7,944
Governor's Office Rifle Resistant Body Armor	\$5,669
NRA Foundation Grant for Handguns	\$5,018
FEMA 4332 Hurricane Harvey Recovery	\$8,739
NET INCREASE (DECREASE)	\$37,059
Expenditures	
HGAC Suspect ID Technology	\$9,689
DOW Community Cares Grant	\$7,944
Governor's Office Rifle Resistant Body Armor	\$5,669
NRA Foundation Grant for Handguns	\$5,018
FEMA 4332 Hurricane Harvey Recovery	\$8,739
NET INCREASE (DECREASE)	\$37,059
GRANT FUND REVISED REVENUES	\$37,059
GRANT FUND REVISED EXPENSES	\$37,059

Mike Johnson asked what is the net budget change?

Michael Coon reported that the grant budgets are a wash. The net increase to general expenditures is \$10,000 but still remains under projected revenues.

Mark Brown II asked if the Police Department overtime was only \$45,000.00

Michael Coon stated yes. However, CCPD is covering \$35,000.00 of the costs.

Mike Johnson asked why amend budget and not just show the overage.

Michael Coon stated that the city cannot go over the approved budget expenditures and the overtime puts the General Fund close to budget limits.

Frank Blanks moved to approve the amendments to the budget. Katy Johnson seconded.

Mark Brown II asked if this was the only department that is getting us close to the limit or are there others.

Michael Coon stated the Fire Department is close. Parks is over. However, there are other savings in other departments so not all overages need to be appropriated.

With all present members voting “aye” the resolution amending the Fiscal Year 2017-2018 Budget was passed and adopted.

Discuss and consider a resolution adopting the Fiscal Year 2018-2019 Budget

Michael Coon stated the only change since the public hearing was to Option A which removes the over 65 tax exemption and appropriates the dollars to equipment replacement.

Mark Brown II stated he had been pretty open with his concerns on the compensation plan and he believes that the compensation plan is not in line with Council plan and vision. While he appreciates the staff, this budget proposes additional positions and pay raises. This makes it tough for him to approve.

Mike Johnson stated at the strategic plan session it was discussed at length. He felt like Council’s consensus at that time was in favor and thought it was good plan. He asked if it was mistaken.

Mark Brown stated he’s not sure if he’s mistaken. He is just struggling with bringing in a new position and providing raises.

Mike Johnson stated he doesn’t see it that way. He sees it as giving the resources so that each employee can do their respective duties more efficiently.

Mark Guthrie stated he understands what they are saying. He doesn’t want to go and say give everyone across the board but does want it available.

Mike Johnson stated that prompts a good question. If approved does it just get implemented?

Mark Brown II stated he is not sure on the reliability of the study and doesn’t agree with the comparison cities.

Michael Coon reported that it is a good study. The comparison cities selected were best fit for comparison.

Mark Brown II stated he would prefer any increases to be based on performance review. His suggestion would be to give them resources and see if the employees can perform.

Michael Coon stated for clarification the compensation study does not have all employees getting a raise.

Mark Brown II stated he is not saying it does. He just feels like providing the resources is the best thing and would like to hold off on compensation. He is struggling with the double down.

Mark Guthrie stated the study is what it is. The group that prepared it had a better understanding than TML who takes numbers across the board. He is confident that we now have policies in place to hold employees accountable.

Katy Johnson asked if there was anything built into the budget for bonuses or incentives.

Michael Coon stated that at the moment the only incentive is the longevity pay.

Katy Johnson asked if there is an option to convert pay to more performance-based bonus and no pay increase.

Mike Johnson stated that had already been talked about for those employees that are over the market.

Michael Coon stated that is correct. The compensation study is not proposing performance increases.

Frank Blanks stated so this is getting every position in line with market value.

Michael Coon stated yes.

Katy Johnson asked Mr. Coon, how many employees are affected with option C vs option D.

Mr. Coon stated only one employee in option C and all employees in Option D.

Katy Johnson asked who is the one employee?

Mr. Coon stated it was him. He would cut his own increase in pay, if it meant that the other employees could receive their market level increases based on the compensation study.

Mike Johnson moved to adopt Budget option B. Frank Blanks seconded.

Mark Brown II asked Mr. Johnson if there was a reason that he preferred B over the other options.

Mike Johnson stated yes. He believes the compensation study was done for a reason and feels it should be implemented the way Council had previously discussed.

Katy Johnson stated she doesn't believe there is any disagreement with the compensation study. It's just the way the resources were allocated and prioritized.

Frank Blanks stated that Budget option B would mean an effective three (3) percent tax decrease.

With Katy Johnson and Mark Brown II voting "nay" and Mike Johnson and Frank Blanks voting "aye". The tie vote required the Mayor's vote. Mayor Guthrie voted "aye", the FY 18-19 budget resolution was passed and adopted.

Discuss and consider an ordinance adopting a tax rate not exceeding the effective tax rate of 0.691118 for the City of Richwood

Frank Blanks moved to adopt the tax rate of 0.670204. Mike Johnson seconded.

Mark Brown II stated that it wouldn't make much sense to approve the budget and not fund it.

Frank Blanks stated it is also not a tax increase.

Katy Johnson stated but some people will pay more.

Frank Blanks stated that is the same every year. Some pay more and some pay less. That is how the appraisal system is set up.

With Katy Johnson and Mark Brown II voting "nay" and Mike Johnson and Frank Blanks voting "aye". The tie vote required the Mayor's vote. Mayor Guthrie voted "aye", the ordinance adopting a tax rate of 0.670204 for FY 18-19 was passed and adopted.

Discuss and consider an ordinance amending Chapter 21 Utilities Section 21-117 regarding collection services by the city; Section 21-125 regarding disposal of trash generally; Section 21-26 establishment of rates and charges; and amending Appendix C- Fee Schedule to add fees for water, sewer and solid waste collection

On motion by Mark Brown II second by Katy Johnson with all present members "aye" the ordinance amending Chapter 21 Utilities Section 21-117 regarding collection services by the city; Section 21-125 regarding disposal of trash generally; Section 21-26 establishment of rates and charges; and amending Appendix C- Fee Schedule to add fees for water, sewer and solid waste collection was passed and adopted.

Discuss and consider a resolution converting the Utility Fund deficit into a long-term loan payable to the General Fund

It is projected that the Utility Fund will owe at least \$582,359.80 to the General Fund at the end of FY 2017-2018. At the City Council's request, staff has prepared a repayment plan that would allow the General Fund to collect interest every year on the outstanding debt. The proposed repayment schedule would allow the Utility Fund time to work up to the maximum payment of \$55,250. It would take 15 years to pay off the debt under the proposed plan.

Projected FY 17-18

End Balance

Interest Rate

582,359.80

1.90%

Year	Principal	Interest	Payment	Year End Balance
FY 2019	9,185.16	11,064.84	20,250.00	573,174.64
FY 2020	14,359.68	10,890.32	25,250.00	558,814.96
FY 2021	19,632.52	10,617.48	30,250.00	539,182.44
FY 2022	25,005.53	10,244.47	35,250.00	514,176.91
FY 2023	30,480.64	9,769.36	40,250.00	483,696.27
FY 2024	36,059.77	9,190.23	45,250.00	447,636.50
FY 2025	41,744.91	8,505.09	50,250.00	405,891.59
FY 2026	47,538.06	7,711.94	55,250.00	358,353.53
FY 2027	48,441.28	6,808.72	55,250.00	309,912.25
FY 2028	49,361.67	5,888.33	55,250.00	260,550.58
FY 2029	50,299.54	4,950.46	55,250.00	210,251.04
FY 2030	51,255.23	3,994.77	55,250.00	158,995.81
FY 2031	52,229.08	3,020.92	55,250.00	106,766.73
FY 2032	53,221.43	2,028.57	55,250.00	53,545.30
FY 2033	53,545.30	1,017.36	54,562.66	-
TOTAL	582,359.80	105,702.86	688,062.66	

Mark Brown asked how long has the Utility Fund been indebted to the General Fund?

Michael Coon stated a long time. However, it really grew when the apartment complex deals were done. It has always shown on the audit as liability on Utility Fund and this will just move it over to long term dept payable.

Mark Brown asked if inflation was accounted for.

Michael Coon advised that is what the interest is for. This is also contingent on approval by future City Council's to continue the plan.

Mark Guthrie asked what is the purpose of the interest?

Michael Coon stated the intent is to cover interest cost the General Fund would be accruing in an investment account.

Frank Blanks asked how it affects utility rates. He wants to ensure we are able to pass along the fee increases of BWA as soon as they happen.

Michael Coon stated that's why it is being phased in at increase of \$5,000 per year.

On motion by Mark Brown II, second by Katy Johnson with all present members voting "aye" the resolution converting the Utility Fund deficit into a long-term loan payable to the General Fund was passed and adopted.

Discuss an ordinance amending Chapter 10 Miscellaneous Provisions and Offenses of the code of ordinances to amend Section 10-4 Noise Control to restructure and set all new regulations to noise control

Michael Coon stated the attorney sent back a few grammatical changes but no changes to requirements. He also sat at Mr. Patton's residence and got an ambient noise reading.

Mark Guthrie stated the study is for reference only.

Michael Coon stated that is correct. The study was to be able to compare ambient noise currently in the area to proposed ordinance requirements.

Mark Brown II asked if the ambient noise is just day to day cars and other noise. It does not take in account the noise generated by the gun range.

Michael Coon stated that is correct.

Katy Johnson asked if there are any concerns being able to enforce this because of the time it takes to set up.

Michael Coon stated unfortunately any nuisance complaint takes time to verify and enforce; however, it does provide clear guidelines to follow.

Mark Guthrie stated he knows that this came by due to the gun range but does it apply to others equally. There are certain businesses that make loud noises.

Michael Coon while the ordinance was created with the gun range in mind, it is written to apply across the board for all business and residents.

Mark Brown II asked what is the decibel limit from 10 pm to 7 am?

Michael Coon stated it is proposed to be 5 decibels less than the daytime decibel limit.

Mark Brown asked what is the 30-minute wait time? He asked if he called a complaint for loud music is the officer going to monitor for 30 minutes before anything is done.

Mr. Coon stated he believes that the PD would likely go out and ask the individual to turned down the music. Then, if it continues, they will monitor to assess the noise level.

Further discussion was held on the noise ordinance limits.

Mark Brown asked Chief Mayer his opinion on the enforceability of the ordinance the way it is written.

Chief Mayer stated most of the time it will work. It is likely as soon as the PD goes out and asks to turn it down most residents will comply.

Mark Brown asked the Chief, so he doesn't think it will be an issue to have to wait the 30 minutes before they enforce.

Chief Mayer stated he sees the issue but believes that would be a very extreme case.

On motion by Mark Brown II second by Katy Johnson with all present members voting "aye" the ordinance amending Chapter 10 Miscellaneous Provisions and Offenses of the code of ordinances to amend Section 10-4 Noise Control to restructure and set all new regulations to noise control was approved and adopted.

Mark Brown thanked Mr. Coon for working on it. He believes it is fair and just wanted to be sure it will not hinder our PD.

Discuss and consider a resolution designating a representative and alternate to serve on the HGAC Board of Directors

On motion by Mike Johnson second by Katy Johnson with all members voting "aye" a resolution appointing Mark Brown II as representative and Frank Blanks as alternate was passed and adopted.

Discuss interlocal agreement with the City of Clute for personnel resources

Michael Coon stated the City of Clute reached out to the City to see if we would be interested in an interlocal agreement for shared personnel resources. Each respective city's duties will take priority. However, in the event one City should find themselves short of personnel in public works, inspections, code enforcement, etc..., then they could request assistance from the other city, if help is available. The requesting city will be responsible to reimburse the responding city costs of salary and benefits for the employee. We believe this to be a valuable resource and great interlocal cooperation between the two cities.

Mark Brown stated he has an issue with this. We are already stating that we are short staffed to the point that the newly approved budget asks for 2 new employees. Now we are asking to give some of our already short staff to them.

Clif Custer stated he understands. However, the benefits of the agreement are undeniable, and the release of any personnel would be discretionary.

Mark Brown II asked are we hurting the city by giving up our already short-handed staff.

Clif Custer stated it would be up to me to make decision. If there are no resources than we won't send the personnel.

Katy Johnson asked how overtime is covered if Richwood works them 40 hours and then Clute works them 4 hours.

Michael Coon the City of Clute will cover expenses of salary and benefits at the overtime rate.

Katy Johnson asked what happens if someone gets hurt at the other city.

Mayor Guthrie recessed at 7:48 p.m.

Mayor Guthrie called meeting to order at 8:02 p.m.

Michael Coon stated there is a hold harmless and liability clause.

Frank Blanks stated he believes this can be a win-win situation for both cities.

Mr. Custer stated he believes it can be good.

Mark Brown stated he agrees, he just wants to be sure we are not hurting the city.

Mark Guthrie asked if there are any other interlocal agreements with Clute.

Michael Coon stated there is one that specifically addresses inspections, in addition to the standard police and fire agreements.

Mark Guthrie asked if this was something we need to address to see if any interlocal that supersede or void any previous agreements.

Mark Brown asked if there are any in place with any other cities like Lake Jackson.

Michael Coon stated we can look at it. This was just proposed by the City of Clute.

Discuss and consider appointing the following applicants to serve on various boards and commissions

Kimberly Mayer - Keep Richwood Beautiful

Blix Messick - Keep Richwood Beautiful

Lauren LaCount - Crime Control and Prevention District

On motion by Mark Brown II second by Frank Blanks with all present members voting “aye” the members appointed.

Mark Brown II thanked the volunteers.

Discussion of appointing applicants to serve on Charter Review Commission and appoint a council liaison

On motion Mark Brown II second by Katy Johnson with all present members voting “aye” Frank Blanks was appointed as council liaison to the Charter Review Commission

Discuss and consider vote for the TML Multistate Intergovernmental Employee Benefits Pool Board of Trustees - TML Region 14 candidate
Frank Blanks stated he'd prefer to keep it local.

Mark Brown asked what does this position do for us?

Michael Coon stated the representative pushes for changes within TML for health insurance. The City has been talking about potentially looking at other options due to rising costs.

On motion Mark Brown II second by Mike Johnson with all present members voting "aye" the City voted for Jose Sanchez as TML Multistate Intergovernmental Employee Benefits Pool Board of Trustees - TML Region 14 candidate.

Final review and action of the Magnolia Drainage Reserve plat of 1.420 acres, 1-Reserve Subdivision of the Glenwood Bayou Subdivision located near Magnolia and Wisteria Streets
On motion by Mike Johnson second by Frank Blanks with all present members voting aye final approval of Magnolia Drainage Reserve plat of 1.420 acres 1-Reserve Subdivision of the Glenwood Bayou Subdivision located near Magnolia and Wisteria Streets was granted.

Discuss and consider an ordinance vacating, abandoning, and closing street right of way being the undeveloped, unimproved portion of Magnolia Street as recorded in Volume 719 Page 195 of the map records of Brazoria County, Texas

Mark Brown II moved to approve the ordinance. Katy Johnson seconded.

Mike Johnson asked who maintains detention.

Mr. Coon stated the development will be required to maintain and there is an earnest agreement in place to cover if they do not hold up the maintenance.

With all present members voting "aye" ordinance vacating, abandoning, and closing street right of way being the undeveloped, unimproved portion of Magnolia Street as recorded in Volume 719 Page 195 of the map records of Brazoria County, Texas was approved and adopted.

Mayor Guthrie reopened public comments.

Lucas Balderas, 117 June Ct, stated he has a building that he would like to add within his yard.

Erika Balderas, stated they are wanting to move the existing storage. Ordinance currently states it has be 10 feet away and they are wanting to put it 2 feet away from the property line.

Approve items removed from Consent Agenda
No items were removed from Consent Agenda.

REPORTS

Reports that require no action.

CITY MANAGER'S REPORT

Wednesday staff will be at customer service training.

FUTURE AGENDA ITEMS

Potential discussion for agreement with Swegelok for pumps.

Changes to zoning ordinance for setbacks – workshop session

Discussion of raises based on merit

COMMITTEE REPORTS

Ms. Cantu reported that KRB set the date and time for Trunk or Treat on October 26 from 5:30 to 7:30p. The employees would like to participate and invited Council to participate as well.

COUNCIL MEMBER COMMENTS & REPORTS

Mark Brown II thanked the police department for their extra presence in neighborhoods.

MAYOR'S REPORT

The Mayor did not report.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:34 p.m.

City of Richwood
Check Register
1 - Checking - General - 09/01/2018 to 09/30/2018

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
COLDWELL BANKER	13153	Refund: 1193000	08/31/2018	09/04/2018	28.38	Refund: 11930004 - COLDWELL BANKER	30301230 - Utility Receivables
BEYER, GUADLUPE	38347	AUGUST18	08/31/2018	09/04/2018	100.00	PAVILION DEPOSIT REFUND	10292133 - Facility Rental Deposits
INTERNAL REVENUE SERVICE	38348	PR083118-4045	08/30/2018	09/04/2018	3,905.81	Federal Income Tax	10292131 - Federal W/H Payble
INTERNAL REVENUE SERVICE	38348	PR083118-4045	08/31/2018	09/04/2018	83.51	Federal Income Tax	10292131 - Federal W/H Payble
INTERNAL REVENUE SERVICE	38348	PR083118-4045	08/30/2018	09/04/2018	1,382.94	Medicare Tax	10292144 - Social Security Payable
INTERNAL REVENUE SERVICE	38348	PR083118-4045	08/31/2018	09/04/2018	45.34	Medicare Tax	10292144 - Social Security Payable
INTERNAL REVENUE SERVICE	38348	PR083118-4045	08/30/2018	09/04/2018	37.20	Social Security Tax	10292144 - Social Security Payable
					\$5,454.80		
KOPYCINSKI, TRACY	38349	august18	08/31/2018	09/04/2018	100.00	comm bldg deposit refund	10292133 - Facility Rental Deposits
MATULA & MATULA CONSTRUC	38350	2011-1812	08/31/2018	09/04/2018	8,121.90	REPLACE 40 LINEAR FEET OF SIDEWALK	25405382 - Sidewalks M&R
MURIEL, DAMARIS	38351	AUGUST18	08/31/2018	09/04/2018	100.00	PAVILION DEPOSIT REFUND	10292133 - Facility Rental Deposits
OFFICE DEPOT	38352	170631872001	08/31/2018	09/04/2018	26.99	self inking stamp	10065210 - Office Supplies
OFFICE OF ATTORNEY GENERA	38353	PR083118-5136	08/30/2018	09/04/2018	343.50	Child Support	10292138 - Child Support Payable
ONTIVEROS, ROSALINDA	38354	AUGUST	08/31/2018	09/04/2018	100.00	PAVILION DEPOSIT REFUND	10292133 - Facility Rental Deposits
P C CARE	38355	81956	08/31/2018	09/04/2018	1,576.49	it services	10015550 - Information Technology
P C CARE	38355	82105	08/31/2018	09/04/2018	214.50	it services	10065550 - Information Technology
					\$1,790.99		
PERRY, RACHELLE	38356	AUGUST18	08/31/2018	09/04/2018	100.00	PAVILION DEPOSIT REFUND	10292133 - Facility Rental Deposits
RODRIGUEZ, MARITZA	38357	AUGUST18	08/31/2018	09/04/2018	100.00	COMM. BLDG DEPOSIT REFUND	10292133 - Facility Rental Deposits
STAHL, KARIAHN	38358	AUGUST18	08/31/2018	09/04/2018	100.00	COMM. BLDG DEPOSIT REFUND	10292133 - Facility Rental Deposits
BEST INSURANCE SERVICE	38359	september18	09/07/2018	09/07/2018	99.00	notary for k munley	10055240 - Expendable Operating S
BROWN, COURTNEY	38360	Refund: 2224000	09/04/2018	09/07/2018	41.68	Refund: 22240002 - BROWN, COURTNEY	30301230 - Utility Receivables
C & S JANITORIAL SERVICES, IN	38361	29392	09/07/2018	09/07/2018	275.00	custodial services city hall	10015102 - Contract Labor
CANTU, GIANI	38362	september18	09/07/2018	09/07/2018	40.55	travel pay	10015130 - Training & Travel
CITY OR RICHWOOD PETTY	38363	september18	09/07/2018	09/07/2018	10.00	car wash	10055340 - Vehicle M&R
CITY OR RICHWOOD PETTY	38363	september18	09/07/2018	09/07/2018	6.17	cat food - animal shelter	10055558 - Animal Control
CITY OR RICHWOOD PETTY	38363	september18	09/07/2018	09/07/2018	21.88	cat food - animal shelter	10055558 - Animal Control
CITY OR RICHWOOD PETTY	38363	september18	09/07/2018	09/07/2018	7.00	jail blankets	10055542 - Jail Expense
CITY OR RICHWOOD PETTY	38363	september18	09/07/2018	09/07/2018	24.70	postage	10015240 - Expendable Operating S
CITY OR RICHWOOD PETTY	38363	september18	09/07/2018	09/07/2018	15.00	tire repair	10015240 - Expendable Operating S
CITY OR RICHWOOD PETTY	38363	september18	09/07/2018	09/07/2018	15.00	tire repair	10105340 - Vehicle M&R
					\$99.75		
COMBINED INSURANCE CO. OF	38364	510236	09/07/2018	09/07/2018	74.48	group# 979265208	10292136 - Insurance Payable
CORDOBA LAW FIRM. P.L.L.C.	38365	45352	09/07/2018	09/07/2018	600.00	ACCT# 358-16175M	10015570 - Attorney's Fees
CORDOBA LAW FIRM. P.L.L.C.	38365	45225	09/07/2018	09/07/2018	1,120.00	acct# 358-16182m	10065570 - Attorney's Fees
					\$1,720.00		
CUSTER, CLIFTON	38366	september18	09/07/2018	09/07/2018	80.12	mileage for 08/10 - 8/31	10025230 - Gas, Oil, & Lubricants
DE LAGE LANDEN FINANCIAL S	38367	60431182	09/07/2018	09/07/2018	167.76	accct# 870199	10055935 - Equipment - Time Paym

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Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
DE LAGE LANDEN FINANCIAL S	38367	60432963	09/07/2018	09/07/2018	63.98	accct# 870199	10015935 - Equipment - Time Paym
					\$231.74		
FIRST NATIONAL BANK OF LAKE	38368	september18	09/07/2018	09/07/2018	2,212.90	note# 966374	10025935 - Equipment - Time Paym
J S Sales	38369	1491	09/07/2018	09/07/2018	725.00	Hot Shield Wildland Face Mask	10075190 - Uniforms
J S Sales	38369	1491	09/07/2018	09/07/2018	39.45	Shipping	10075190 - Uniforms
J S Sales	38369	1491	09/07/2018	09/07/2018	32.95	TecGen Tan Wildland Jacket - Yarrington	10075190 - Uniforms
					\$797.40		
SPRINT	38370	677639496-013	09/07/2018	09/07/2018	21.43	acct# 677639496	10015420 - Telephone
The James Madison Group, Inc.	38371	2018-111	09/07/2018	09/07/2018	2,417.60	Employee Customer Service Training	10015130 - Training & Travel
WASTE CONNECTIONS OF TX, L	38372	1735081	09/07/2018	09/07/2018	608.40	service center rolloff dump fees	10025245 - Dump Charges
ACEVEDO, ESPERANZA	38373	september18	09/14/2018	09/14/2018	100.00	comm bldg. deposit refund	10292133 - Facility Rental Deposits
ALVAREZ, ENRIQUE	38375	september18	09/14/2018	09/14/2018	100.00	pavilion deposit refund	10292133 - Facility Rental Deposits
CENTERPOINT ENERGY	38376	september18	09/14/2018	09/14/2018	22.33	acct# 8112241-8	10075430 - Natural Gas
CENTERPOINT ENERGY	38376	september18--	09/14/2018	09/14/2018	21.92	acct# 100010690-5	10015430 - Natural Gas
CENTERPOINT ENERGY	38376	september18-	09/14/2018	09/14/2018	19.98	acct# 4785754-5	10025430 - Natural Gas
					\$64.23		
CITY OF DANBURY	38377	september18	09/14/2018	09/14/2018	20.00	bcca dinner	10015130 - Training & Travel
COMCAST	38378	69368437	09/14/2018	09/14/2018	83.20	acct# 904897982	10015420 - Telephone
COMCAST	38378	69368437	09/14/2018	09/14/2018	208.04	acct# 904897982	10055420 - Telephone
					\$291.24		
COMCAST	38379	september18	09/14/2018	09/14/2018	90.34	acct # 8777 70 180 0178847	10075420 - Telephone
CORDOBA LAW FIRM. P.L.L.C.	38380	45275	09/14/2018	09/14/2018	545.00	acct# 358-26630m	10015570 - Attorney's Fees
FACTS, THE	38381	16596-0818	09/14/2018	09/14/2018	335.20	acct # 8777 70 180 0178847	10015685 - Publishing & Advertising
INTERNAL REVENUE SERVICE	38382	PR091518-4045	09/13/2018	09/14/2018	4,169.49	Federal Income Tax	10292131 - Federal W/H Payble
INTERNAL REVENUE SERVICE	38382	PR091518-4045	09/13/2018	09/14/2018	1,435.92	Medicare Tax	10292144 - Social Security Payable
INTERNAL REVENUE SERVICE	38382	PR091518-4045	09/13/2018	09/14/2018	37.20	Social Security Tax	10292144 - Social Security Payable
					\$5,642.61		
MESSICK, JEANETTE	38383	september18	09/14/2018	09/14/2018	25.89	basketball nets for Larry Johnson Park	10044257 - Parks and Recreation
OFFICE OF ATTORNEY GENERA	38384	PR091518-5136	09/13/2018	09/14/2018	343.50	Child Support	10292138 - Child Support Payable
P C CARE	38385	81863	09/14/2018	09/14/2018	336.00	service request 336363	10015550 - Information Technology
P C CARE	38385	81862	09/14/2018	09/14/2018	55.00	sr # 333253	10015550 - Information Technology
					\$391.00		
Ron Cox Consulting	38386	946	09/14/2018	09/14/2018	5,455.75	consulting	10015695 - Special Services - Misce
AFLAC INSURANCE	38387	219974	09/14/2018	09/14/2018	14.03	acct # ad422	10292136 - Insurance Payable
AFLAC INSURANCE	38387	PR083118-3703	08/30/2018	09/14/2018	14.03	AFLAC Non-Taxable	10292136 - Insurance Payable
					\$28.06		
GULF COAST FORD	38388	100368	09/17/2018	09/17/2018	33,801.69	f250 rc diesel	13525920 - Motor Vehicles

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Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
AIRGAS USA, LLC	38389	9955989529	09/21/2018	09/21/2018	61.03	acct # 2253108	10025240 - Expendable Operating S
BBG CONSULTING, INC.	38390	1525	09/21/2018	09/21/2018	1,375.00	review of zoning ordinance	10015572 - Economic Development
BUSINESS CARD	38391	0514048821512	09/19/2018	09/21/2018	25.00		10055230 - Gas, Oil, & Lubricants
BUSINESS CARD	38391	0543684821510	09/19/2018	09/21/2018	100.00		10015210 - Office Supplies
BUSINESS CARD	38391	0543684821660	09/20/2018	09/21/2018	199.99		10085310 - Building & Grounds M&
BUSINESS CARD	38391	0543684822100	09/20/2018	09/21/2018	34.99		10025310 - Building & Grounds M&
BUSINESS CARD	38391	0543684823550	09/19/2018	09/21/2018	100.00		10015240 - Expendable Operating S
BUSINESS CARD	38391	05436848241100	09/19/2018	09/21/2018	59.97		10055365 - Other Equipment M&R
BUSINESS CARD	38391	0543684824200	09/20/2018	09/21/2018	93.72		50545915 - Capital Expenditures
BUSINESS CARD	38391	0543684824850	09/21/2018	09/21/2018	100.00		10015240 - Expendable Operating S
BUSINESS CARD	38391	1527021822300	09/19/2018	09/21/2018	71.29		10055685 - Publishing & Advertising
BUSINESS CARD	38391	2524780824000	09/20/2018	09/21/2018	23.52		50545915 - Capital Expenditures
BUSINESS CARD	38391	2553606822610	09/19/2018	09/21/2018	8.25		10055340 - Vehicle M&R
BUSINESS CARD	38391	2553606822610	09/19/2018	09/21/2018	2.00		10055340 - Vehicle M&R
BUSINESS CARD	38391	3518013822105	09/19/2018	09/21/2018	336.74		10015130 - Training & Travel
BUSINESS CARD	38391	5530959821683	09/21/2018	09/21/2018	107.59		10025365 - Other Equipment M&R
BUSINESS CARD	38391	5530959822183	09/20/2018	09/21/2018	102.02		10025365 - Other Equipment M&R
BUSINESS CARD	38391	5530959822983	09/20/2018	09/21/2018	16.97		10085365 - Other Equipment M&R
BUSINESS CARD	38391	5531020822808	09/19/2018	09/21/2018	289.66		10095220 - Tools
BUSINESS CARD	38391	5531020824108	09/19/2018	09/21/2018	44.95		10015210 - Office Supplies
BUSINESS CARD	38391	5531020824788	09/19/2018	09/21/2018	100.43		10015240 - Expendable Operating S
BUSINESS CARD	38391	5542950822089	09/19/2018	09/21/2018	800.00		10015130 - Training & Travel
BUSINESS CARD	38391	5542950823363	09/19/2018	09/21/2018	30.00		10015130 - Training & Travel
BUSINESS CARD	38391	5542950823389	09/19/2018	09/21/2018	222.75		10015130 - Training & Travel
BUSINESS CARD	38391	5543286823200	09/19/2018	09/21/2018	34.99		10015240 - Expendable Operating S
BUSINESS CARD	38391	5543286823220	09/20/2018	09/21/2018	14.06		10025660 - Dues & Subscriptions
BUSINESS CARD	38391	5543286823420	09/20/2018	09/21/2018	247.65		10085215 - Custodial Supplies
BUSINESS CARD	38391	5543286823720	09/19/2018	09/21/2018	534.65		10095220 - Tools
BUSINESS CARD	38391	5543286823920	09/20/2018	09/21/2018	25.98		50545930 - Equipment
BUSINESS CARD	38391	5544641822208	09/20/2018	09/21/2018	16.72		10055310 - Building & Grounds M&
BUSINESS CARD	38391	5548077823320	09/19/2018	09/21/2018	135.18		10015130 - Training & Travel
BUSINESS CARD	38391	5549967821579	09/20/2018	09/21/2018	37.16		10085310 - Building & Grounds M&
BUSINESS CARD	38391	5549967821979	09/20/2018	09/21/2018	61.05		10025376 - Signs M&R
BUSINESS CARD	38391	5549967822179	09/20/2018	09/21/2018	16.97		10025310 - Building & Grounds M&
BUSINESS CARD	38391	5549967822279	09/20/2018	09/21/2018	20.57		10085310 - Building & Grounds M&
BUSINESS CARD	38391	5549967822679	09/20/2018	09/21/2018	39.90		10025240 - Expendable Operating S
BUSINESS CARD	38391	5549967822679	09/20/2018	09/21/2018	4.72		10025240 - Expendable Operating S
BUSINESS CARD	38391	5549967822779	09/20/2018	09/21/2018	8.04		10035385 - Drainage M&R
BUSINESS CARD	38391	5549967822779	09/20/2018	09/21/2018	7.99		10035380 - Streets M&R
BUSINESS CARD	38391	5549967823979	09/20/2018	09/21/2018	31.48		50545930 - Equipment
BUSINESS CARD	38391	5549967824179	09/20/2018	09/21/2018	13.12		10085310 - Building & Grounds M&
BUSINESS CARD	38391	5549967824279	09/20/2018	09/21/2018	1.29		10025220 - Tools
BUSINESS CARD	38391	5549967824779	09/21/2018	09/21/2018	8.16		10085310 - Building & Grounds M&
BUSINESS CARD	38391	5550036822309	09/20/2018	09/21/2018	90.00		10025365 - Other Equipment M&R
BUSINESS CARD	38391	5550036824120	09/20/2018	09/21/2018	16.60		50545915 - Capital Expenditures
BUSINESS CARD	38391	5550036824220	09/20/2018	09/21/2018	91.53		50545915 - Capital Expenditures
BUSINESS CARD	38391	5550036824809	09/21/2018	09/21/2018	40.00		10025365 - Other Equipment M&R

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Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
BUSINESS CARD	38391	5550036824820	09/21/2018	09/21/2018	32.14		50545915 - Capital Expenditures
BUSINESS CARD	38391	7513425824590	09/21/2018	09/21/2018	107.89		10025340 - Vehicle M&R
BUSINESS CARD	38391	7514051823390	09/21/2018	09/21/2018	57.97		10035380 - Streets M&R
BUSINESS CARD	38391	75191168229900	09/20/2018	09/21/2018	180.58		10085365 - Other Equipment M&R
BUSINESS CARD	38391	8534551822990	09/20/2018	09/21/2018	39.04		10025215 - Custodial Supplies
BUSINESS CARD	38391	0543684824200	09/20/2018	09/21/2018	-3.06	credit	50545915 - Capital Expenditures
					\$4,782.21		
CANTU, GIANI	38392	september18-	09/19/2018	09/21/2018	31.03	travel for training	10015130 - Training & Travel
COMCAST	38393	september18-	09/20/2018	09/21/2018	63.89	acct# 8777 70 113 020 2267	10015420 - Telephone
COMCAST	38393	september18-	09/20/2018	09/21/2018	63.89	acct# 8777 70 113 020 2267	10045294 - Expenditures - Court Te
COMCAST	38393	september18-	09/20/2018	09/21/2018	237.36	acct# 8777 70 113 020 2267	10055420 - Telephone
					\$365.14		
CONCORDE CHEMICAL & SUPP	38394	13508	09/21/2018	09/21/2018	2,370.00	water meter boxes	10025270 - Chemicals
CUSTER, CLIFTON	38395	september18--	09/19/2018	09/21/2018	31.89	travel	10025230 - Gas, Oil, & Lubricants
DELOZIER, LORREN	38396	SEPTEMBER18	09/19/2018	09/21/2018	100.00	REFUND OF DEPOSIT AND RENTAL FEE O	10292133 - Facility Rental Deposits
DELOZIER, LORREN	38396	SEPTEMBER18	09/19/2018	09/21/2018	113.00	REFUND OF DEPOSIT AND RENTAL FEE O	10294118 - Municipal Building Renta
					\$213.00		
FLORES, GRISELDA	38397	Refund: 4011400	09/14/2018	09/21/2018	50.00	Refund: 40114002 - FLORES, GRISELDA	30301230 - Utility Receivables
J S Sales	38398	1494	09/19/2018	09/21/2018	23.94	Shipping	10075190 - Uniforms
J S Sales	38398	1494	09/19/2018	09/21/2018	560.00	Texan Glove Firefighting	10075190 - Uniforms
					\$583.94		
KILLUM PEST CONTROL	38399	170636	09/21/2018	09/21/2018	415.00	pest control	10085310 - Building & Grounds M&
LAW ENFORCEMENT SYSTEMS,	38400	203793	09/19/2018	09/21/2018	99.00	case management file	10055542 - Jail Expense
MES	38401	in1257425	09/21/2018	09/21/2018	473.00	Backfram Assembly	10075340 - Vehicle M&R
MES	38401	in1257425	09/21/2018	09/21/2018	218.25	Battery PCB Assy Sensor	10075340 - Vehicle M&R
MES	38401	in1257425	09/21/2018	09/21/2018	3.05	Cbrn Back Frame Label	10075340 - Vehicle M&R
MES	38401	in1257425	09/21/2018	09/21/2018	255.00	Electronics Repair	10075340 - Vehicle M&R
MES	38401	in1257425	09/21/2018	09/21/2018	42.50	Harness Repair	10075340 - Vehicle M&R
MES	38401	in1257425	09/21/2018	09/21/2018	42.50	harness repair	10075340 - Vehicle M&R
MES	38401	in1257425	09/21/2018	09/21/2018	10.44	Industrial Battery AA	10075340 - Vehicle M&R
MES	38401	in1257425	09/21/2018	09/21/2018	8.70	Label Niosh	10075340 - Vehicle M&R
MES	38401	in1257425	09/21/2018	09/21/2018	3.05	NFPA Label	10075340 - Vehicle M&R
MES	38401	in1257425	09/21/2018	09/21/2018	71.75	removable waist strap	10075340 - Vehicle M&R
MES	38401	in1257425	09/21/2018	09/21/2018	132.00	SCBA Flow Test	10075340 - Vehicle M&R
MES	38401	in1257425	09/21/2018	09/21/2018	6.90	strap , gauge retaining	10075340 - Vehicle M&R
					\$1,267.14		
MILLER UNIFORMS & EMBLEMS	38402	119305	09/19/2018	09/21/2018	13.30	gold polished black letters clutch back	10055190 - Uniforms
P C CARE	38403	82038	09/20/2018	09/21/2018	2,369.73	it services	10055550 - Information Technology
PERDUE, BRANDON, FIELDER,	38404	ivc00042080	09/19/2018	09/21/2018	994.35	attorney fees for fine collection	10292140 - Municipal Court Costs
RABUN, CANDICE	38405	SEPTEMBER18	09/19/2018	09/21/2018	62.50	REFUND FOR PAVILION DEPOSIT AND RE	10294118 - Municipal Building Renta
RABUN, CANDICE	38405	SEPTEMBER18	09/19/2018	09/21/2018	100.00	REFUND FOR PAVILION DEPOSIT AND RE	10292133 - Facility Rental Deposits
					\$162.50		

City of Richwood
Check Register
1 - Checking - General - 09/01/2018 to 09/30/2018

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
SANDERS, LUCIA	38406	SEPTEMBER18	09/19/2018	09/21/2018	88.00	REFUND OF PAVILION DEPOSIT AND RENT	10294118 - Municipal Building Renta
SANDERS, LUCIA	38406	SEPTEMBER18	09/19/2018	09/21/2018	100.00	REFUND OF PAVILION DEPOSIT AND RENT	10292133 - Facility Rental Deposits
					\$188.00		
SKELTON, JARRETT	38407	september18	09/19/2018	09/21/2018	51.22	refund for purchase of wiper blades	10055340 - Vehicle M&R
TML - IEBP	38408	7071809a	09/19/2018	09/21/2018	746.32	insurance	10095115 - Hospitalization
TML - IEBP	38408	7071809a	09/19/2018	09/21/2018	746.74	insurance	10105115 - Hospitalization
TML - IEBP	38408	7071809a	09/19/2018	09/21/2018	1,492.29	insurance	10025115 - Hospitalization
TML - IEBP	38408	7071809a	09/19/2018	09/21/2018	1,494.96	insurance	10065115 - Hospitalization
TML - IEBP	38408	7071809a	09/19/2018	09/21/2018	2,260.43	insurance	10015115 - Hospitalization
TML - IEBP	38408	7071809a	09/19/2018	09/21/2018	3,312.08	insurance	10292136 - Insurance Payable
TML - IEBP	38408	7071809a	09/19/2018	09/21/2018	5,272.03	insurance	10055115 - Hospitalization
					\$15,324.85		
TXU ENERGY	38409	055302145202	09/19/2018	09/21/2018	129.87	electricity	10075410 - Electricity
TXU ENERGY	38409	055302145202	09/19/2018	09/21/2018	150.34	electricity	10085410 - Electricity
TXU ENERGY	38409	055302145202	09/19/2018	09/21/2018	939.40	electricity	10015410 - Electricity
TXU ENERGY	38409	055302145202	09/19/2018	09/21/2018	2,893.97	electricity	10025410 - Electricity
					\$4,113.58		
TYNER, LAURA	38410	september18	09/19/2018	09/21/2018	31.61	travel pay to cs training in alvin	10015130 - Training & Travel
Y. TELLO FLOORCARE	38411	319357	09/21/2018	09/21/2018	80.00	comm. bldg floor maint	10085310 - Building & Grounds M&
YAKLIN BRAZOSPORT	38412	333292	09/19/2018	09/21/2018	52.00	VEHCILE MAINT	10055340 - Vehicle M&R
YAKLIN BRAZOSPORT	38412	333470	09/19/2018	09/21/2018	2,486.04	vehicle	10055340 - Vehicle M&R
					\$2,538.04		
TX WORKFORCE COMMISSION	ACH	99-880539-2-093	09/30/2018	09/30/2018	398.24	Unemployment Quarterly Report Jul-Sep 2018	10292136 - Insurance Payable
XPRESS BILL PAY	ACH	35436	09/01/2018	09/01/2018	312.70	MONTHLY SUPPORT MAINTENANCE HOST	10015240 - Expendable Operating S
					\$710.94		
AUL AMERICAN UNITED LIFE IN	ACH.3714.090	august18-	08/31/2018	09/04/2018	10.00	insurance	10095115 - Hospitalization
AUL AMERICAN UNITED LIFE IN	ACH.3714.090	august18-	08/31/2018	09/04/2018	10.00	insurance	10105115 - Hospitalization
AUL AMERICAN UNITED LIFE IN	ACH.3714.090	august18-	08/31/2018	09/04/2018	20.00	insurance	10025115 - Hospitalization
AUL AMERICAN UNITED LIFE IN	ACH.3714.090	august18-	08/31/2018	09/04/2018	20.00	insurance	10065115 - Hospitalization
AUL AMERICAN UNITED LIFE IN	ACH.3714.090	august18-	08/31/2018	09/04/2018	30.00	insurance	10015115 - Hospitalization
AUL AMERICAN UNITED LIFE IN	ACH.3714.090	august18-	08/31/2018	09/04/2018	100.00	insurance	10055115 - Hospitalization
					\$190.00		
GULF COAST PAPER	ACH.3784.090	1545667	08/31/2018	09/04/2018	12.14	urinal block	10085215 - Custodial Supplies
MALONE, DON	ACH.3803.090	AUGUST18---	08/31/2018	09/04/2018	600.00	inspection week ending 08/25/2018	10105102 - Contract Labor
MALONE, DON	ACH.3803.090	september18	09/07/2018	09/07/2018	350.00	inspection for week ending 09/01/2018	10105102 - Contract Labor
MALONE, DON	ACH.3803.090	september18-	09/07/2018	09/07/2018	250.00	inspections week ending 07/28/2018	10105102 - Contract Labor
					\$600.00		
MALONE, DON	ACH.3803.091	september18--	09/14/2018	09/14/2018	200.00	inspections week ending 09/08/2018	10105102 - Contract Labor
MALONE, DON	ACH.3803.092	september18---	09/19/2018	09/21/2018	50.00	inspections week ending 09-15-2018	10105102 - Contract Labor
SMITH MUNICIPAL SUPPLIES	ACH.3843.091	00-17436	09/14/2018	09/14/2018	227.00	paint and glass beads for school crossings	10025376 - Signs M&R

City of Richwood
Check Register
1 - Checking - General - 09/01/2018 to 09/30/2018

<u>Payee Name</u>	<u>Reference Number</u>	<u>Invoice Number</u>	<u>Invoice Ledger Date</u>	<u>Payment Date</u>	<u>Amount</u>	<u>Description</u>	<u>Ledger Account</u>
SMITH MUNICIPAL SUPPLIES	ACH.3843.092	00-17527	09/21/2018	09/21/2018	407.25	signs	10025376 - Signs M&R
TEXAS MUNICIPAL RETIREMEN	ACH.3855.090	PR073118-3855	07/31/2018	09/06/2018	1,343.77	TMRS	10292132 - Retirement Payable
TEXAS MUNICIPAL RETIREMEN	ACH.3855.090	july18--	09/06/2018	09/06/2018	-1,343.77	to offset payroll invoice for july tmrs	10292132 - Retirement Payable
					\$0.00		
TEXAS MUNICIPAL RETIREMEN	ACH.3855.091	PR081518-3855	08/15/2018	09/12/2018	7,542.39	TMRS	10292132 - Retirement Payable
TEXAS MUNICIPAL RETIREMEN	ACH.3855.091	PR083118-3855	08/30/2018	09/12/2018	7,405.03	TMRS	10292132 - Retirement Payable
TEXAS MUNICIPAL RETIREMEN	ACH.3855.091	PR083118-3855	08/31/2018	09/12/2018	745.39	TMRS	10292132 - Retirement Payable
					\$15,692.81		
VERNOR MATERIAL & EQUIPME	ACH.3869.090	inv0147740	09/07/2018	09/07/2018	2,076.93	limestone base for redfish trail	10035380 - Streets M&R
KEY, JASON	ACH.4180.090	cor155	09/07/2018	09/07/2018	289.00	monthly hosted exchange mailbox	10015240 - Expendable Operating S
BCOS OFFICE TECHNOLOGIES	ACH.4485.092	ar239790	09/20/2018	09/21/2018	97.68	copier	10055240 - Expendable Operating S
ICMA-RC PLAN #307447	ACH.5050.090	PR081518-5050	08/15/2018	09/04/2018	309.70	Def 457	10292132 - Retirement Payable
ICMA-RC PLAN #307447	ACH.5050.090	PR083118-5050	08/30/2018	09/04/2018	318.66	Def 457	10292132 - Retirement Payable
ICMA-RC PLAN #307447	ACH.5050.090	august18	08/31/2018	09/04/2018	700.00	retirement	10015105 - Retirement
					\$1,328.36		
ICMA-RC PLAN #706183	ACH.5054.090	PR081518-5054	08/15/2018	09/04/2018	50.00	Roth IRA	10292132 - Retirement Payable
ICMA-RC PLAN #706183	ACH.5054.090	PR083118-5054	08/30/2018	09/04/2018	50.00	Roth IRA	10292132 - Retirement Payable
					\$100.00		
ACCOUNTemps	ACH.5163.090	51635892	08/31/2018	09/04/2018	854.25	Temp Employee	10015102 - Contract Labor
ACCOUNTemps	ACH.5163.090	51671549	09/07/2018	09/07/2018	981.75	Temp Employee	10015102 - Contract Labor
ACCOUNTemps	ACH.5163.091	51734449	09/14/2018	09/14/2018	618.38	Hours for Temp Employee to fill in for Vacant Uti	10015102 - Contract Labor
ACCOUNTemps	ACH.5163.092	51768262	09/19/2018	09/21/2018	1,058.25	Hours for Temp Employee to fill in for Vacant Uti	10015102 - Contract Labor
NETPROTEC LLC	ACH.5179.092	1022	09/19/2018	09/21/2018	295.00	1 User @ \$295.00/Month for 4 Months	10045294 - Expenditures - Court Te
					\$136,322.42		

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City of Richwood
Check Register
2 - Checking - Water & Sewer - 09/01/2018 to 09/30/2018

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
AQUA METRIC SALES, CO.	13156	inv0070773	09/07/2018	09/07/2018	6,750.00	Fee to intergrate logic with pelorus	30215550 - Information Technology
AT&T	13157	september18	09/07/2018	09/07/2018	811.99	acct# 409 116-6137 345 6	30215420 - Telephone
CUSTER, CLIFTON	13158	september18-	09/07/2018	09/07/2018	80.11	mileage for 08/10 - 8/31	30215230 - Gas, Oil, & Lubricants
DE LAGE LANDEN FINANCIAL S	13158	60432963-	09/07/2018	09/07/2018	331.17	accct# 870199	30215935 - Equipment - Time Paym
					\$411.28		
PENNEY'S ELECTRIC	13160	18956	09/07/2018	09/07/2018	195.00	man hours for ls#10 pump #2 and ls#3 pump	30215392 - Sewer Lines M&R
SPRINT	13161	677639496-013-	09/07/2018	09/07/2018	21.43	acct# 677639496	30215420 - Telephone
WASTE CONNECTIONS OF TX, L	13162	1735082	09/07/2018	09/07/2018	21,453.99	acct# 5131-7714762-001	30215994 - Solide Waste Charges
CLUTE POSTMASTER	13163	september18	09/11/2018	09/11/2018	162.40	postage for late notices	30215210 - Office Supplies
BRAZORIA COUNTY WATER LAB	13164	20182830	09/14/2018	09/14/2018	90.00	water sample test	30215390 - Water Lines M&R
BRAZOSPORT WATER AUTHORI	13165	07-0451	09/14/2018	09/14/2018	22,219.25	Water Consumption	30215995 - Brazosport Water Autho
COMCAST	13166	69368437-	09/14/2018	09/14/2018	41.60	904897982	30215420 - Telephone
BUSINESS CARD	13167	0514048821872	09/20/2018	09/21/2018	29.32		30215130 - Training & Travel
BUSINESS CARD	13167	0541019821674	09/20/2018	09/21/2018	112.56		30215390 - Water Lines M&R
BUSINESS CARD	13167	0541019821909	09/21/2018	09/21/2018	7.62		30215130 - Training & Travel
BUSINESS CARD	13167	0543684823300	09/20/2018	09/21/2018	58.54		30215340 - Vehicle M&R
BUSINESS CARD	13167	2526508822300	09/20/2018	09/21/2018	3.00		30215340 - Vehicle M&R
BUSINESS CARD	13167	2526508822300	09/20/2018	09/21/2018	8.25		30215340 - Vehicle M&R
BUSINESS CARD	13167	5530876822154	09/20/2018	09/21/2018	49.02		30215130 - Training & Travel
BUSINESS CARD	13167	5530959821683	09/20/2018	09/21/2018	-107.59		30215365 - Other Equipment M&R
BUSINESS CARD	13167	5530959823683	09/20/2018	09/21/2018	109.74		30215340 - Vehicle M&R
BUSINESS CARD	13167	5531020822170	09/20/2018	09/21/2018	503.70		30215130 - Training & Travel
BUSINESS CARD	13167	5544641823708	09/20/2018	09/21/2018	79.80		30215390 - Water Lines M&R
BUSINESS CARD	13167	5544641823708	09/21/2018	09/21/2018	6.96		30215390 - Water Lines M&R
BUSINESS CARD	13167	5548077824840	09/21/2018	09/21/2018	89.73		30215240 - Expendable Operating S
BUSINESS CARD	13167	5548872821840	09/20/2018	09/21/2018	11.16		30215130 - Training & Travel
BUSINESS CARD	13167	5549967822679	09/20/2018	09/21/2018	39.90		30215240 - Expendable Operating S
BUSINESS CARD	13167	5549967823679	09/20/2018	09/21/2018	2.39		30215390 - Water Lines M&R
BUSINESS CARD	13167	5549967823679	09/20/2018	09/21/2018	4.69		30215390 - Water Lines M&R
BUSINESS CARD	13167	5549967823979	09/20/2018	09/21/2018	13.57		30215270 - Chemicals
BUSINESS CARD	13167	8535353822498	09/20/2018	09/21/2018	25.50		30215340 - Vehicle M&R
BUSINESS CARD	13167	8545667821990	09/20/2018	09/21/2018	15.99		30215130 - Training & Travel
BUSINESS CARD	13167	8545667822090	09/20/2018	09/21/2018	15.99		30215130 - Training & Travel
BUSINESS CARD	13167	8545667822190	09/20/2018	09/21/2018	15.99		30215130 - Training & Travel
BUSINESS CARD	13167	5530959821683	09/20/2018	09/21/2018	154.68	auto parts	30215365 - Other Equipment M&R
BUSINESS CARD	13167	5531020823320	09/20/2018	09/21/2018	-19.85	tax charged credit	30215220 - Tools
					\$1,230.66		
CORE & MAIN	13168	j424575	09/21/2018	09/21/2018	1,006.40		30215390 - Water Lines M&R
CUSTER, CLIFTON	13169	september18---	09/19/2018	09/21/2018	31.88	travel	30215230 - Gas, Oil, & Lubricants
DXI INDUSTRIES, INC.	13170	de05006592-18	09/21/2018	09/21/2018	40.00	chlorine	30215270 - Chemicals
DXI INDUSTRIES, INC.	13170	de05007114-18	09/21/2018	09/21/2018	10.00	chlorine	30215270 - Chemicals
DXI INDUSTRIES, INC.	13170	de05007115-18	09/21/2018	09/21/2018	30.00	chlorine	30215270 - Chemicals

City of Richwood
Check Register
2 - Checking - Water & Sewer - 09/01/2018 to 09/30/2018

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
DXI INDUSTRIES, INC.	13170	de05007116-18	09/21/2018	09/21/2018	30.00	chlorine	30215270 - Chemicals
DXI INDUSTRIES, INC.	13170	de05007155-18	09/21/2018	09/21/2018	10.00	chlorine	30215270 - Chemicals
					\$120.00		
TML - IEBP	13171	7071809a-	09/19/2018	09/21/2018	954.36	insurance	30302136 - Insurance Payable
TML - IEBP	13171	7071809a-	09/19/2018	09/21/2018	2,993.06	insurance	30215115 - Hospitalization
					\$3,947.42		
TXU ENERGY	13172	055302145202-	09/19/2018	09/21/2018	3,267.47	electricity	30215410 - Electricity
CLUTE POSTMASTER	13173	092618	09/26/2018	09/26/2018	374.15	postage for utility bills	30215240 - Expendable Operating S
TEXAS COMPTROLLER OF PUB	ACH	083018ST	09/20/2018	09/20/2018	1,912.76	August Sales Tax report filing	30302235 - Sales Tax Payable
TEXAS COMPTROLLER OF PUB	ACH	083018ST	09/20/2018	09/20/2018	145.64	August Sales Tax report filing - late fee penalty	30215240 - Expendable Operating S
TX COMPTROLLER OF PUBLIC	ACH	093018ST	09/30/2018	09/30/2018	1,829.97	Sales Tax Payable 093018	30302235 - Sales Tax Payable
					\$3,888.37		
AUL AMERICAN UNITED LIFE IN	ACH.3714.090	august18	08/31/2018	09/04/2018	40.00	insurance	30215115 - Hospitalization
					\$66,063.29		

City of Richwood
Check Register
3 - Checking - Beautification - 09/01/2018 to 09/30/2018

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
REYES, ADAN	1424	028058	07/20/2018	09/06/2018	275.00	lawn maint	20615102 - Contract Labor
					<u>\$275.00</u>		

MEMORANDUM

To: The Honorable Mark Guthrie, Mayor and Members of the Richwood City Council

From: Giani Cantu, City Secretary

Date: September 7, 2018

Subject: Approve interlocal with City of Clute for personnel resources

The City of Clute reached out to the City to see if we would be interested in an interlocal agreement for shared personnel resources. Each respective city's duties will take priority. However, in the event one City should find themselves short of personnel in public works, inspections, code enforcement, etc..., then they could request assistance from the other city, if help is available. The requesting city will be responsible to reimburse the responding city costs of salary and benefits for the employee.

We believe this to be a valuable resource and great interlocal cooperation between the two cities.

MEMORANDUM

To: The Honorable Mark Guthrie, Mayor and Members of the Richwood City Council

From: Giani Cantu, City Secretary

Date: October 3, 2018

Subject: Charter Review Commission

The Charter Review Commission is to be appointed in October of even years. It shall be comprised of five (5) residents.

Current interested residents are:

Lauren LaCount

Warren Allen

Additional applications have been sent out to other residents, but not returned.

Frank Blanks was appointed to serve as Council liaison.

Charter Review Board - Odd Years		
Members: 5	Council Liaison:	Frank Blanks
The city council shall appoint, at its regular city meeting in October of each even numbered year, a Charter review commission of five (5) citizens of the City of Richwood		

DATE		CHARTER REVIEW COMMISSION MEETING SCHEDULE	TIME
LOCATIONS:	Commission meetings will be held in the executive conference room at City Hall unless otherwise indicated on the agenda.		
	The final report will be presented during a regularly scheduled Council meeting in January 2018.		
October – November Cycle			
October 11 th	Introduction Appoint Officers of board Article 1 Form of Government and Boundaries Article 2 Powers of the City Article 3 The City Council		TBD
October 18 th	Article 4. - Administrative Services Article 5. - Nominations and Elections Article 6. - Recall of Officers		TBD
November 1 st	Article 7. - Legislation by the People, Initiative and Referendum Article 8. - Municipal Planning and Zoning		TBD
November 15 th	Article 9. - Municipal Finance Article 10. - Franchise and Public Utilities Article 11. - General Provisions		TBD
December – January Cycle			
December 6 th	Draft report and recommendations		TBD
December 13 th	Finalize report and recommendations		TBD
January 14 th	Presentation of recommendations to City Council		6:00 PM

*Times have yet to be determined. Dates are subject to change dependent on availability of members. Order of items to be considered may also be subject to change.

Charter Review Commission.

The City Council shall appoint at its first regular meeting in October of each even numbered year, a Charter Review Commission of five citizens of the City.

- (a) *Duties of the Commission.* It shall be the duty of such Charter Review Commission to:
1. Inquire into the operations of the City government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held and the Commission shall have the power to compel the attendance of any officer or employee of the City and to require the submission of any of the City records which it may deem necessary to the conduct of such hearing;
 2. Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the City government;
 3. Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions;
 4. Report its finding and present its proposed amendments if any, to the City Council.
- (b) *Action by the City Council.* The City Council shall receive and have published in a newspaper of general circulation in the City any report presented by the Charter Review Commission, shall consider any recommendations made, and if any amendment or amendments be presented as a part of such report may order such amendment or amendments to be submitted to the voters of the City in the manner provided by the applicable statute of the State of Texas.
- (c) *Term of office.* The term of office of such Charter Review Commission shall be six months and, if during such term no report is presented to the City Council, then all records of the proceedings of such Commission shall be filed with the person performing the duties of City Secretary and shall become a public record.

CHARTER

ARTICLE I. - FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01. - Form of government.

Section 1.02. - Boundaries.

Section 1.03. - Annexation for all purposes.

Section 1.04. - Contradiction of boundaries.

ARTICLE 2. - POWERS OF THE CITY

Section 2.01. - General.

Section 2.02. - General powers adopted.

Section 2.03. - Eminent domain.

ARTICLE 3. - THE CITY COUNCIL

Section 3.01. - Number, selection and term.

Section 3.02. - Qualifications.

Section 3.03. - Council to be judge of election qualification.

Section 3.04. - Compensation.

Section 3.05. - Mayor pro-tem.

Section 3.06. - Vacancies.

Section 3.07. - Powers of the City Council.

Section 3.08. - Meetings of the City Council.

Section 3.09. - Rules of procedure.

Section 3.10. - Procedure for passing of ordinances.

Section 3.11. - Official bonds for City employees.

Section 3.12. - Investigation by the City Council.

Section 3.13. - Audit and examination of City books and accounts.

ARTICLE 4. - ADMINISTRATIVE SERVICES

Section 4.01. - City Manager.

Section 4.02. - Department of police.

Section 4.03. - City Secretary.

Section 4.04. - City Treasurer.

Section 4.05. - Municipal Court.

Section 4.06. - City Attorney.

Section 4.07. - Department of Health and Sanitation.

Section 4.08. - Fire Department.

Section 4.09. - Other departments.

ARTICLE 5. - NOMINATIONS AND ELECTIONS

Section 5.01. - Elections.

Section 5.02. - Regulation of elections.

Section 5.03. - Filing for office.

Section 5.04. - The official ballot.

Section 5.05. - Election by plurality.

Section 5.06. - Laws governing City elections.

Section 5.07. - Conducting and canvassing elections.

Section 5.08. - Cancellation of elections.

ARTICLE 6. - RECALL OF OFFICERS

Section 6.01. - Scope of recall.

Section 6.02. - Petitions for recall.

Section 6.03. - Form of recall petition.

Section 6.04. - Various papers constituting petition.

Section 6.05. - Presentation of petition to City Council.

Section 6.06. - Public hearing to be held.

Section 6.07. - Election to be called.

Section 6.08. - Ballots in recall election.

Section 6.09. - Result of recall election.

Section 6.10. - Recall, restrictions thereon.

Section 6.11. - Failure of City Council to call election.

ARTICLE 7. - LEGISLATION BY THE PEOPLE, INITIATIVE AND REFERENDUM

Section 7.01. - General power.

Section 7.02. - Initiative.

Section 7.03. - Referendum.

Section 7.04. - Voluntary submission of legislation by the City Council.

Section 7.05. - Form of ballots.

Section 7.06. - Publication of proposed and referred ordinances.

Section 7.07. - Adoption of ordinances.

Section 7.08. - Inconsistent ordinances.

Section 7.09. - Ordinances passed by popular vote, repeal or amendment.

Section 7.10. - Further regulation by City Council.

Section 7.11. - Franchise ordinances.

ARTICLE 8. - MUNICIPAL PLANNING AND ZONING

Section 8.01. - Platting of property.

Section 8.02. - Development of property.

Section 8.03. - Planning Commission.

Section 8.04. - Zoning Board of Adjustment.

ARTICLE 9. - MUNICIPAL FINANCE

Section 9.01. - Fiscal year.

Section 9.01. - Preparation and submission of budget.

Section 9.03. - Anticipated revenues compared with other years in budget.

Section 9.04. - Proposed budget and expenditures compared with other years.

Section 9.05. - Budget a public record.

Section 9.06. - Notice of public hearing on budget.

Section 9.07. - Public hearing on budget.

Section 9.08. - Proceedings on budget after public hearing.

Section 9.09. - Vote required for adoption.

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CHARTER

PREAMBLE

We, the citizens of Richwood, under the Constitution and laws of the State of Texas, do hereby adopt this Home Rule Charter in order to provide for the future progress of our City and to secure the benefits of local self-government, insure such rights and duties to the people, to reserve to the people the powers of initiative, referendum and recall, and to encourage citizen participation in our government for the proper and efficient progress of our City.

ARTICLE I. - FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01. - Form of government.

The municipal form of government provided by this Charter shall be known as the "council-city manager form of government". Pursuant to its provisions and subject only to the limitations imposed by the state Constitution, the statutes of the state and by this Charter, all powers of the City shall be vested in an elected council, hereinafter referred to as the "City Council or the City Council of the City of Richwood," which enact local legislation, adopt budgets, determine policies and appoint the City Manager, who in turn shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner not prescribed, then in such manner as may be prescribed by ordinance, the state Constitution or the statutes of this state.

(Ord. of 5-11-13)

Section 1.02. - Boundaries.

Boundaries for the City of Richwood are compiled in the field notes of the original incorporation lines dated November 9, 1957 in the Order of Incorporation, and shall include all property annexed since then.

(Ord. of 5-11-13)

Section 1.03. - Annexation for all purposes.

The City Council shall have the power by ordinance to fix the boundary lines of the City of Richwood, and to provide for the alteration and extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, with or without the consent of the territory and inhabitants, subject to procedural rules as may be prescribed by law. Upon the passage of any ordinance annexing property to the City, the boundary limits of the City shall thereafter be fixed in such ordinance; and when any additional territory has been so annexed, same shall be a part of the City of Richwood, and the property situated therein shall be entitled to all the rights and privileges of all the citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the City.

(Ord. of 5-11-13)

Section 1.04. - Contradiction of boundaries.

Whenever there exists within the corporate limits of the City any territory not suitable or necessary for City purposes, the City Council may, upon a petition signed by a majority of the qualified voters residing in such territory, if the same be inhabited, or without any such petition if the same be uninhabited, by ordinance duly passed, discontinue said territory as a part of the City. Said petition and ordinance shall accurately specify the metes and bounds of the territory sought to be eliminated from the City and shall

contain a plat designating such territory so that the same can be definitely ascertained. When said ordinance has been duly passed the same shall be entered upon the minutes and records of said City. From and after the entry of such ordinance said territory shall cease to be a part of said City, but said territory shall still be liable for its pro rata share of any debts incurred while said territory was a part of the City to pay the indebtedness incurred while said territory was a part of the City. The City shall continue to levy, assess and collect taxes on the territory to pay the indebtedness incurred while said territory was a part of the City.

(Ord. of 5-11-13)

ARTICLE 2. - POWERS OF THE CITY

Section 2.01. - General.

The City of Richwood may use a corporate seal, may sue and be sued, may contract and be contracted with, may implead and be impleaded in all courts in all matters whatsoever, may cooperate with the government of the State of Texas or any agency thereof, the Federal Government or any agency thereof, or any political subdivision of the State of Texas, and shall have all the powers granted to cities by the Constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The City may own or acquire property within or without its boundaries for any municipal purpose in fee simple or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage, control and police any property now owned by it or which it may hereafter acquire, and shall have the right to lease or let its property whether inside or outside the City limits, subject to the limitation hereinafter set out, and may construct, own, lease, operate, and regulate public utilities, may assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation, may borrow money on the faith and credit of the City by issuance and sale of bonds, certificates of obligation, warrants or notes of the City, may appropriate the money of the City for all lawful purposes, may regulate and control the use, for whatever purpose, of the streets and other public places, may make and enforce all police, health, sanitation and other regulations, and may pass such ordinances as may be expedient for the protection and maintenance of good government, peace and welfare of the City, for the performance of the functions thereof, for the order and security of its residents, and may provide suitable penalties for the violations of any ordinance enacted by the City of Richwood, and, except as prohibited by the Constitution and laws of this State or restricted by this Charter, the City may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

(Ord. of 5-11-13)

Section 2.02. - General powers adopted.

The enumeration of the particular powers in this Charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the City shall have and may exercise all power of local self-government and all other powers which, under the Constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate. The City of Richwood shall have and may exercise all the powers enumerated in the Local Government Code.

(Ord. of 5-11-13)

Section 2.03. - Eminent domain.

The City shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the

Constitution and laws of the State of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of this state. The power of eminent domain hereby conferred shall include the right of the City to take fee title to condemned land and such power and authority shall also include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

(Ord. of 5-11-13)

ARTICLE 3. - THE CITY COUNCIL

Section 3.01. - Number, selection and term.

The legislative and governing body of the City shall consist of a Mayor and five councilmen and shall be known as the "City Council of the City of Richwood."

- (1) The Mayor shall be elected from the City at large. The election of members of the City Council shall be by position from the City at large, designating council positions as position one through position five, inclusive, authorizing qualified voters to vote on a candidate for each council position and providing for interim determination of council positions by lot.
- (2) The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The Mayor shall be entitled to vote only in the event it becomes necessary to break a tie vote.
- (3) In each odd numbered year two councilmen and a Mayor shall be elected, and in each even numbered year three councilmen shall be elected.
- (4) The Mayor and each councilman shall hold office for a period of two years and until his/her successor is elected and qualified. All elections shall be held in the manner provided in article 5 of this Charter.
- (5) All members of the City Council shall be subject to removal from office under the terms and conditions of the recall provisions of this Charter.

(Ord. of 5-11-13)

Section 3.02. - Qualifications.

Each member of the City Council shall be a resident citizen of the City of Richwood, shall be a qualified voter of the State of Texas, shall be at least twenty-one (21) years of age, shall have been such resident citizen of the City of Richwood for a period of not less than six (6) months immediately preceding his/her election, and shall not be indebted to the City of Richwood, provided, however, that any person with the above qualifications except as to residence, who shall have been a resident for a period of not less than six months immediately preceding his/her election, of any of the territory not formerly within the corporate limits of said City, but which is annexed under the provisions of section 1.03 of this Charter, shall be eligible for said office. If the Mayor or any councilman fails to maintain the foregoing qualifications or shall be absent from three consecutive regularly scheduled meetings without valid excuse, the City Council must, at its next regular meeting, declare a vacancy as set forth in section 3.06 of this Charter.

(Ord. of 5-11-13)

Section 3.03. - Council to be judge of election qualification.

The City Council shall be the judge of the election and qualification of its own members and other elected officials of the City and of the ground for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on written demand to the Mayor, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing.

(Ord. of 5-11-13)

Section 3.04. - Compensation.

The City Council shall fix the compensation, if any, to be received by its members for attendance at its meetings with any changes in compensation subject to voter approval by a simple majority at the next regular election.

(Ord. of 5-11-13)

Section 3.05. - Mayor pro-tem.

The City Council, at its first meeting after each annual City election, or as soon as thereafter practicable, shall elect one of its members Mayor pro-tem, and he/she shall perform all the duties of the mayor in the absence or disability of the Mayor. In the event that the office of the Mayor pro-tem becomes vacant for any reason, the City Council shall elect a new Mayor pro-tem to fill the unexpired term.

(Ord. of 5-11-13)

Section 3.06. - Vacancies.

When a vacancy occurs in the City Council, the remaining members of the council, shall, within ten days (except within 60 days of a regular City election or during a run-off election period), appoint a qualified person to fill the unexpired term. However, the City Council shall not appoint more than one councilman in any twelve months period, and in case a vacancy has been filled by the City Council within twelve months prior to the subsequent vacancy, or if more than one vacancy occurs at the same time or before a prior vacancy has been filled, the City Council shall call a special election within ten days from the date the last vacancy occurred, to be held within fifty days thereafter, for the purpose of electing the successor or successors to the office or offices vacated.

(Ord. of 5-11-13)

Section 3.07. - Powers of the City Council.

1. Establish, consolidate, or abolish administrative departments;
2. Adopt the budget of the City;
3. Authorize the issuance of bonds by a bond ordinance;
4. Inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;
5. Remove from any office or position of employment in the City government, any officer or employee or member of any board or commission, unless that person is a department head, reports to a department head or is employed in one of the departments under the direction of the City Manager. The power of removal shall be a concurrent power with other individuals as authorized by this Charter and other written and duly authorized City policies;

6. Provide for such additional boards and commissions, not otherwise provided for in this Charter, as may be deemed necessary, and to appoint, or remove the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by law;
7. Adopt and modify the zoning plan and the building codes of the City;
8. Adopt and modify the official map of the City;
9. Regulate, license and fix the charges and fares made by any person, firm or corporation owning, operating, or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the City;
10. Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein and provide for the erection of fireproof buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard and prescribe the manner of their removal and destruction within said limits;
11. Fix the salaries and compensation of the City officers and employees;
12. Provide for a sanitary sewer and water system and require property owners to connect their premises with sewer system and provide for penalties for failure to make sanitary sewer connections;
13. Provide for sanitary garbage disposal, and set fees and charges thereof, and provide penalties for failure to pay such fees and charges;
14. Exercise exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the City and provide for the improvement of same as provided by Texas law, as now or hereafter amended;
15. Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City of Richwood;
16. And such other and further powers as have been or may from time to time hereafter be delegated to home rule cities by the legislature of the State of Texas, including the powers incident to the exercise thereof;
17. All powers of this Charter are vested in the City Council. The council shall conduct all business in public meetings. No member of the council shall have any power to act or make appointments without the specific authorization of the council in a meeting.

(Ord. of 5-11-13)

Section 3.08. - Meetings of the City Council.

The City Council shall hold at least one regular meeting each month, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the City and its citizens. All meetings of the City Council shall be public and shall be held at the City hall, except that the City Council may designate another place for such meetings after publishing due notice thereof in one issue of a newspaper in general circulation in the City of Richwood. The Mayor or any member of council may call special meetings of the City Council at any time, but said special meetings shall require a quorum of the total City Council in order to proceed.

(Ord. of 5-11-13)

Section 3.09. - Rules of procedure.

The City Council shall follow Roberts Rules of Order or otherwise determine its own rules of procedure and may compel the attendance of its members. A majority of the qualified members of the City Council shall constitute a quorum for the transaction of business. Approval of a measure shall require the affirmative vote of a majority of the members who are present and qualified to vote on the measure, but not less than three votes, unless otherwise authorized by this Charter. Minutes of the proceedings of all meetings of the City Council shall be kept, to which any citizen may have access to at all reasonable times and which shall constitute one of the archives of the City. The vote upon the passage of all ordinances and resolutions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer and the person performing the duties of the City Secretary.

(Ord. of 5-11-13)

Section 3.10. - Procedure for passing of ordinances.

Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein, provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten days from the date of its passage, subject to the provisions of article 7 of this Charter. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine, or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance to be published in the official newspaper of the City of Richwood at least once within ten days after the passage of said ordinance. He/she shall note on every ordinance the caption of which is hereby required to be published and on the record thereof, the fact that same has been published as required by the Charter and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance, provided that the provisions of this section shall not apply to the correction, amendment, revisions and codification of the ordinances of the City for publication in book, pamphlet or electronic form. Except as otherwise provided by article 7 of this Charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the City Council. Every ordinance shall be authenticated by the signature of the Mayor and City Secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the City Council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of City Council meetings. The City Council shall have the power to cause ordinances of the City to be corrected, amended, revised, codified and printed in code form as often as the City Council deems advisable, and such printed code, when adopted by the City Council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

(Ord. of 5-11-13)

Section 3.11. - Official bonds for City employees.

The City Manager and the City Secretary and such other officers and employees as the City Council may require, shall, before entering the duties of their office, enter into a good and sufficient fidelity bond in a sum to be determined by the City Council payable to the City of Richwood and conditioned upon the faithful discharge of the duties of such persons and upon the faithful accounting of all monies, credits, and things of value coming into the hands of such persons, and such bonds shall be signed as surety by some company authorized to do business under the laws of the State of Texas, and the premium of such bonds shall be paid by the City of Richwood, and such bonds must be acceptable to the City Council.

(Ord. of 5-11-13)

Section 3.12. - Investigation by the City Council.

The City Council shall have the power to inquire into the conduct of any office, department, agency, officer, or employee of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed \$500.00.

(Ord. of 5-11-13)

Section 3.13. - Audit and examination of City books and accounts.

The City Council shall cause an annual audit to be made of the books, accounts, records and accounting systems of each and every department of the City. At the close of each fiscal year, a complete audit shall be made by a certified public accountant, who shall be selected by the City Council, and such audit shall include a recapitulation of all audits made during the course of the fiscal year, and all audit reports shall be filed with the City Council, shall be available for public inspection and shall be made a part of the archives of the City. Such accountant, so selected, shall not maintain or keep any of the City's accounts or records.

(Ord. of 5-11-13)

ARTICLE 4. - ADMINISTRATIVE SERVICES

Section 4.01. - City Manager.

- (a) *Appointment and qualifications.* The City Council shall appoint an administrative and executive officer of the City who shall be responsible to the City Council for the administration of the affairs of the City. He/she shall be chosen by the council solely on the basis of executive and administrative training, experience, ability and other written City policies. No member of the City Council shall, during the time for which he/she is elected and for one year thereafter, be appointed City Manager.
- (b) *Term and salary.* Unless subject to a written employment contract containing terms to the contrary, the City Manager shall not be appointed for a definite term but may be removed at the will and pleasure of the City Council by a vote of the majority of the entire City Council. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the City Council. In the case of the absence or disability of the City Manager, the City Council may designate some qualified person to perform the duties of the office during such absence or disability. The City Manager may receive compensation as may be fixed by the City Council.
- (c) *Duties of the City Manager.*
 - (1) The City Manager shall be responsible to the City Council for the efficient and economic administration of the City government. He/she shall attend City Council meetings if so requested by City Council. He/she shall have the authority with the approval of the City Council to appoint and remove all department heads. He/she shall have the authority to appoint and remove all other employees in the administrative service of the City. He/she may authorize the head of a department to appoint and remove subordinates in his/her respective department. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service solely through the City Manager.
 - (2) Prepare the budget annually and submit it to the City Council, and be responsible for its administration after adoption.

- (3) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.
- (4) Keep City Council advised of the financial condition and future needs of the city and make recommendations as may seem desirable.
- (5) Perform such duties as may be prescribed by this Charter or may be required of him/her by the City Council, not inconsistent with this Charter.

(Ord. of 5-11-13)

Section 4.02. - Department of police.

There shall be established and maintained a department of police to preserve order within the City and to secure the residents of said City from violence and the property therein from injury or loss.

- (a) Chief of Police. The chief of police shall be the chief administrative officer of the department of police and considered a department head. He/she shall, with the approval of the City Manager, appoint and remove the employees of said department and shall perform such duties as may be required of him/her by the City Manager. The chief of police shall be appointed by the City Manager with the approval of the City Council, for an indefinite term. The chief of police shall be responsible to the City Manager for the administration of his/her department and carrying out the directives of the City Council. He/she may be removed from office by the City Manager with the approval of the City Council.

(Ord. of 5-11-13)

Section 4.03. - City Secretary.

The City Manager, with the approval of the City Council, shall appoint a competent person as City Secretary and such assistants as the City Council shall deem advisable. The City Secretary, or an assistant City Secretary, shall give notice of City Council meetings, shall keep the minutes of the proceedings of such meetings, and shall authenticate by his/her signature and record in full in a book kept and indexed for the purpose, all ordinances and resolutions, attest the Mayor's signature on official documents, be the custodian of all official City records, be the keeper of the official seal of the City of Richwood and affix the same to all official documents to be attested by him/her; and shall perform such other duties as the City Manager shall assign to him/her, and those elsewhere provided in this Charter and the laws of the State of Texas.

(Ord. of 5-11-13)

Section 4.04. - City Treasurer.

The City Manager, with the approval of the City Council, shall appoint a competent person as City Treasurer and such assistants as the City Council shall deem advisable. The City Treasurer shall perform the duties delegated to him/her by the City Manager and those which may be imposed upon him/her by the laws of the State of Texas. The duties of the City Secretary, City Treasurer, and City tax assessor and collector may be performed by the same individual.

(Ord. of 5-11-13)

Section 4.05. - Municipal Court.

There shall be established a court designated as a "Municipal Court" for the trial of misdemeanor offenses, with all such powers and duties as are now or hereafter prescribed by the laws of the State of Texas relative to municipal court.

- (a) The judge of said court shall be appointed by the City Council, shall hold his/her office at the pleasure of the City Council, and shall receive such compensation as may be fixed by the City Council. The judge may be removed with or without cause and upon written notice.
- (b) There shall be a court administrator appointed by the City Manager with the approval of the City Council. Clerks and deputy clerks may be appointed as needed.
- (c) The Administrator, clerk and the deputy clerks shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court and perform any and all acts usual and necessary by the court clerk in issuing processes and conducting business of the court.
- (d) The City Council may appoint any qualified persons who are not elected officials or City employees, to act as temporary, alternate, or relief judges in case of disability, absence, or other unavailability of the judge of said court. The judge or any alternate judge must complete and fulfill all educational requirements under state law within the time limits provided by law.

(Ord. of 5-11-13)

Section 4.06. - City Attorney.

The City Council shall appoint a competent and duly licensed attorney practicing law in Brazoria County, Texas, who shall be the City Attorney. He/she shall receive for his/her services such compensation as may be fixed by the City Council in a written contract and shall hold his/her office at the pleasure of the City Council. The City Attorney, or such other attorneys selected by him/her with the approval of the City Council, shall represent the City in all litigation. He/she shall be the legal advisor of and attorney and counsel for the City and all officers and departments thereof.

(Ord. of 5-11-13)

Section 4.07. - Department of Health and Sanitation.

- (a) *Appointment and qualifications.* The City Council may appoint a City health officer who shall be a licensed physician qualified to practice medicine in the State of Texas. In the event the office of City Health Officer is vacant, the County Health Officer of Brazoria County, Texas, may perform any of the duties of such office required by law to be performed by a licensed physician qualified to practice medicine in the State of Texas. The City Health Officer shall be the Director of the Department of Health and Sanitation, unless the office of City Health Officer is vacant, in which event the City Manager shall appoint an employee of the City to be Supervisor of such Department.
- (b) *Administration.* The City Health Officer shall be responsible to the City Manager for the general administration of the Department of Health and Sanitation and the supervision of the employees thereof.
- (c) *Duties of the Health Officer.* The City Health Officer shall advise with the City Council on a program of Public Health; shall cooperate in the preparation of a sanitary code; shall cooperate with nearby cities on problems of health and sanitation; shall cooperate with the Commissioner's Court of Brazoria County and its agencies, and with the State Health Department and other departments of State Government in matters pertaining to health and sanitation.

(Ord. of 5-11-13)

Section 4.08. - Fire Department.

The City shall establish and maintain a volunteer fire department for the protection of property and lives from fire within the corporate limits.

(Ord. of 5-11-13)

Section 4.09. - Other departments.

The City Council may abolish or consolidate such offices and departments as it may deem to be in the best interest of the City, and may divide the administration of any such departments as it may deem advisable; may create new departments, and may discontinue any officers or departments at its discretion, except those specifically established by this Charter.

(Ord. of 5-11-13)

ARTICLE 5. - NOMINATIONS AND ELECTIONS

Section 5.01. - Elections.

The regular City Election shall be held annually on the first Saturday in May at which time officers will be elected to fill those offices which become vacant that year. The City Council shall fix the hours and voting places for holding such election. The City Council may, by resolution duly enacted, order a special election, fix the time and place of holding the same and provide all means of holding such election. Notice of such election shall be given in the manner and time prescribed by law.

(Ord. of 5-11-13)

Section 5.02. - Regulation of elections.

The City Council shall make all regulations which it considers needful or desirable, not inconsistent with this Charter or the laws of the State of Texas, for the conduct of municipal elections, for the prevention of fraud in such elections and for the recount of ballots in case of doubt or fraud.

(Ord. of 5-11-13)

Section 5.03. - Filing for office.

Any person having the qualifications prescribed in section 3.02 of this Charter who desires to become a candidate for any elective office shall file with the City Secretary within the time limits therein specified a written application containing the matters required by the Texas Election Code.

(Ord. of 5-11-13)

Section 5.04. - The official ballot.

The names of all candidates for office, except such as may have been withdrawn, died or become ineligible, shall be printed on the official ballots without party designations in the order determined in a drawing of lots conducted by the City Council. All official ballots shall be printed at least twenty (20) days prior to the date of any general or special election, and absentee voting shall be governed by the general election laws of the State of Texas.

(Ord. of 5-11-13)

Section 5.05. - Election by plurality.

Election to office shall be by plurality with the candidate receiving the greatest number of votes (if otherwise qualified) being deemed elected to office. In the event of a tie, lots shall be cast to determine a winner in accordance with the Texas Election Code.

(Ord. of 5-11-13)

Section 5.06. - Laws governing City elections.

All City elections shall be governed, except as otherwise provided by this Charter, by the laws of the State of Texas governing general and municipal elections.

(Ord. of 5-11-13)

Section 5.07. - Conducting and canvassing elections.

The election judges and other necessary election officials for conducting all such elections shall be appointed by the City Council. The election judges shall conduct the elections, determine, record and report the results as provided by the general election laws of Texas. Within the time set by law, the City Council shall meet, open the return, canvass and officially declare the result of the election as to candidates and questions, and issue certificates of election to candidates elected as hereinbefore provided.

(Ord. of 5-11-13)

Section 5.08. - Cancellation of elections.

The City Council may cancel an election of officers and declare each unopposed candidate elected to office when the City Secretary certifies that: (1) the deadlines for placement of candidates' names on the ballot and for declaration of write-in candidacy has passed; (2) all candidates for such election are unopposed; and (3) there are no propositions to be placed on the ballot of such election.

(Ord. of 5-11-13)

ARTICLE 6. - RECALL OF OFFICERS

Section 6.01. - Scope of recall.

Any elected official, where elected to the office by the qualified voters of the City or appointed by the City Council to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the City on grounds of incompetency, corruption, misconduct, or malfeasance of office, commits any felony or any other crime of moral turpitude.

(Ord. of 5-11-13)

Section 6.02. - Petitions for recall.

Before the question of recall of such officers shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of the City Secretary, which said petition shall be signed by a number of qualified voters of the City

equal in number to at least twenty percent (20%) of the qualified voters of the City. Each signer of such recall petition shall personally sign his or her name thereto in ink, and after his or her name, shall write his or her place of residence giving the name of the street and house number or place of residence, and shall also write thereon the day, the month and year his or her signature was affixed.

(Ord. of 5-11-13)

Section 6.03. - Form of recall petition.

The recall petition mentioned above must be addressed to the City Council of the City of Richwood, must distinctly and specifically point out the ground, or grounds, upon which such petition for removal is predicated, and, if there be more than one ground, such as for incompetency, misconduct or malfeasance in office, commits any felony or any other crime of moral turpitude, shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of the matters and things with which he/she is charged. The signature shall be verified by oath in the following form:

STATE OF TEXAS
COUNTY OF BRAZORIA

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made there in are true, and that each signature appearing thereto was made in my presences on the date and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

Sworn and subscribed to before me this _____ day of 20_____.

Notary Public in and for Brazoria County, Texas

(Ord. of 5-11-13)

Section 6.04. - Various papers constituting petition.

The petition may consist of one or more copies, and the several parts of copies of the petition may be filed separately and by different persons, but no signature to such petition shall remain effective or be counted which were placed thereon more than 45 days prior to the filing of such petition or petitions with the person performing the duties of City Secretary. All papers comprising a recall petition shall be filed with the person performing the duties of City Secretary on the same day, and the said Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to their Richwood address.

(Ord. of 5-11-13)

Section 6.05. - Presentation of petition to City Council.

Within five (5) days after the date of filing of the papers constituting the recall petition, the person performing the duties of City Secretary shall present such petition to the City Council of the City of Richwood.

(Ord. of 5-11-13)

Section 6.06. - Public hearing to be held.

The officer whose removal is sought, may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him/her to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such a public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

(Ord. of 5-11-13)

Section 6.07. - Election to be called.

If the officer whose removal is sought does not resign, then it shall become the duty of the City Council to order an election and fix a date for holding such recall election, the date of which election shall be on the earliest date allowed by the election laws of the State of Texas.

(Ord. of 5-11-13)

Section 6.08. - Ballots in recall election.

Ballots used at recall elections shall conform to the following requirements:

- (a) With respect to each person whose removal is sought, the question shall be submitted:

Shall (name of person) be removed from the office of (name of office) by recall?

- (b) Immediately below each such question there shall be printed the two following propositions, one above the other, in the order indicated:

FOR the recall of (name of person).

AGAINST the recall of (name of person).

(Ord. of 5-11-13)

Section 6.09. - Result of recall election.

If a majority of votes cast at a recall election shall be against the recall of the person named on the ballot, he/she shall continue in office for the remainder of his/her unexpired term, subject to recall as before. If a majority of the votes cast at such an election be for the recall of the person named on the ballot, he/she shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as vacancies in the City Council are filled, as provided in section 3.06 of this Charter.

(Ord. of 5-11-13)

Section 6.10. - Recall, restrictions thereon.

No recall petition shall be filed against any officer of the City of Richwood within three (3) months after an election for such officer's recall.

(Ord. of 5-11-13)

Section 6.11. - Failure of City Council to call election.

In case of all the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said City Council by the provisions of this Charter with reference to such recall, any resident of the City may bring suit or application to the appropriate district court or institution to ensure that any such duties herein provided be discharged by the person performing the duties of City Secretary or by the City Council.

(Ord. of 5-11-13)

ARTICLE 7. - LEGISLATION BY THE PEOPLE, INITIATIVE AND REFERENDUM

Section 7.01. - General power.

The qualified voters of the City of Richwood, in addition to the method of legislation hereinbefore provided, shall have the power of direct legislation by initiative and referendum.

(Ord. of 5-11-13)

Section 7.02. - Initiative.

Qualified voters of the City of Richwood may initiate legislation by submitting a petition addressed to the City Council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. The petition must be signed by the qualified voters of the City equal in number to at least twenty percent (20%) of the qualified voters of the City. The petition shall be signed as provided in section 6.03 of this Charter. The petition may consist of one or more copies as permitted in section 6.04 of this Charter but each copy shall have attached to it a copy of the proposed ordinance or resolution. The petition shall be filed with the person performing the duties of City Secretary. In the next regularly scheduled City Council meeting and noticed in accordance with the Texas Open Meetings Act, the person performing the duties of City Secretary shall present the petition and the proposed ordinance or resolution to the City Council. Upon presentation to it of the petition and the proposed ordinance or resolution, it shall become the duty of the City Council, within ten (10) days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition or within the time frames established by law, call a special election to be held on the next uniform election date under state law by which lawful notices can be given and full absentee balloting had, at which the qualified voters of the City of Richwood shall vote on the question of adopting or rejecting the proposed legislation. City Council shall be permitted to make any such alterations as are necessary to make such legislation compliant with state law. If any such legislation seeks the enforcement of any illegal act or any act for which the City lacks authority to enforce, City Council shall not pass or adopt the ordinance or resolution.

(Ord. of 5-11-13)

Section 7.03. - Referendum.

Qualified voters of the City of Richwood may require that any ordinance or resolution, with the exception of ordinances or resolutions levying taxes or issuing tax or revenue bonds, passed by the City Council be submitted to voters of the City for approval or disapproval, by submitting a petition for this purpose within 30 days after its publication. Said petition shall be addressed, prepared, signed and verified as required for petitions initiating legislation as provided in section 7.02 of this Charter and shall be submitted to the person performing the duties of the City Secretary. Upon filing such petition, the person performing the duties of City Secretary shall present said petition to the City Council at its next

meeting. Thereupon the City Council shall reconsider such ordinance or resolution, and if it does not entirely repeal the same, shall submit it to popular vote as provided by section 7.02 of this Charter. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters thereon at such election shall vote in favor thereof.

(Ord. of 5-11-13)

Section 7.04. - Voluntary submission of legislation by the City Council.

The City Council, upon its own motion and by a majority vote of its members, may submit to popular vote at any election for adoption or rejection any proposed ordinance, or resolution or measure, or may submit for repeal any existing ordinance, resolution or measure, in the same manner and with the same force and effect as provided in this article for submission on petition, and may in its discretion call a special election for this purpose.

(Ord. of 5-11-13)

Section 7.05. - Form of ballots.

The ballots used when voting upon such proposed and referred ordinances, resolutions, or measures, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words:

"FOR the ORDINANCE," and

"AGAINST the ORDINANCE," or

"FOR the RESOLUTION," and

"AGAINST the RESOLUTION."

(Ord. of 5-11-13)

Section 7.06. - Publication of proposed and referred ordinances.

The person performing the duties of City Secretary shall publish at least once in the official newspaper of the City the proposed or referred ordinance or resolution at least fifteen (15) days before the date of the election, and shall give such other notices and do such other things relative to such election as are required in general municipal elections or by the ordinance or resolution calling said election.

(Ord. of 5-11-13)

Section 7.07. - Adoption of ordinances.

If a majority of the qualified voters voting on any proposed ordinance or resolution or measure shall vote in favor thereof, it shall thereupon, at any time fixed therein, become effective as a law or as a mandatory order to the City Council.

(Ord. of 5-11-13)

Section 7.08. - Inconsistent ordinances.

If the provisions of two or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail.

(Ord. of 5-11-13)

Section 7.09. - Ordinances passed by popular vote, repeal or amendment.

No ordinance or resolution which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this article shall be repealed and amended except by the City Council in response to a referendum petition or by submission in section 7.04 of this Charter.

(Ord. of 5-11-13)

Section 7.10. - Further regulation by City Council.

The City Council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this article consistent herewith.

(Ord. of 5-11-13)

Section 7.11. - Franchise ordinances.

Nothing contained in this article shall be construed to be in conflict with any of the provisions of article 10 of this Charter, pertaining to ordinances granting franchises when valuable rights shall have accrued thereunder.

(Ord. of 5-11-13)

ARTICLE 8. - MUNICIPAL PLANNING AND ZONING

Section 8.01. - Platting of property.

- (a) Hereafter, every owner of any tract of land situated within the corporate limits of the City who may divide the same in two or more parts for the purpose of laying out any subdivision or any addition to the City shall comply with the provisions of V.T.C.A., Local Government Code ch. 212, or other applicable law, as now hereafter amended, and incorporated herein for all purposes.
- (b) The provisions of subsection 8.01(a) shall apply similarly to the owner of any tract of land situated within the actual City limits of the City or within any extraterritorial jurisdiction of said City, as such extraterritorial jurisdiction exists or may be extended under the laws of the State of Texas.

(Ord. of 5-11-13)

Section 8.02. - Development of property.

The City Council shall take reasonable action to cooperate with persons interested in the development of property within or beyond the City limits. No expenditure of public funds, however, shall be authorized for the development of privately owned subdivisions situated within or beyond the corporate limits of the City, except for the extension of utilities or services to such areas.

(Ord. of 5-11-13)

Section 8.03. - Planning Commission.

The City Council may serve as the Planning Commission or may appoint a Planning Commission by ordinance. The Commission shall have all the powers granted in V.T.C.A., Local Government Code ch. 212, as now or hereafter amended.

(Ord. of 5-11-13)

Section 8.04. - Zoning Board of Adjustment.

The City Council may serve as a Zoning Board of Adjustment or may appoint a Zoning Board of Adjustment by ordinance. The Board shall have all powers granted in V.T.C.A., Local Government Code ch. 211, as now or hereafter amended.

(Ord. of 5-11-13)

ARTICLE 9. - MUNICIPAL FINANCE

Section 9.01. - Fiscal year.

The fiscal year of the City of Richwood shall begin the first day of October and shall end on the last year of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year.

(Ord. of 5-11-13)

Section 9.01. - Preparation and submission of budget.

At least sixty (60) days prior to the end of each fiscal year, the Director of Finance or other City official if no such Director of Finance has been appointed, shall submit to the City Council a proposed budget, which budget shall provide a complete financial plan for the fiscal year, and shall contain the following:

- (a) A budget message explanatory of the budget, which message shall contain an outline of the proposed financial policies of the City for the fiscal year, shall set forth the reasons for salient changes from the previous fiscal year in expenditure and revenue items, and shall explain any major changes in financial policy;
- (b) A consolidated statement of anticipated receipts and proposed expenditures for all funds;
- (c) An analysis of property valuations;
- (d) An analysis of tax rate;
- (e) Tax levies and tax collections by years for at least (5) years;
- (f) General Fund resources in detail;
- (g) Special Fund resources in detail;
- (h) Summary of proposed expenditures by function, department, and activity;
- (i) Detailed estimates of expenditures shown separately for each activity to support summary no. (h) above;
- (j) A revenue and expense statement for all types of bonds;

- (k) A description of all bond issues outstanding, showing rate of interest, date of issue, maturity date, amount authorized, amount issued, and amount outstanding;
- (l) A schedule of requirements for the principal and interest of each issue of bonds;
- (m) The appropriation ordinance;
- (n) The tax-levying ordinance;
- (o) A proposed budget that will raise more revenue from property taxes than in the previous year must contain a cover page with the following statement in eighteen (18) point font or larger: "This budget will raise more total property taxes than last year's budget by (insert total dollar amount of increase and percentage increase), and of that amount (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll) is tax revenue to be raised from new property added to the tax roll this year."

(Ord. of 5-11-13)

Section 9.03. - Anticipated revenues compared with other years in budget.

In preparing the budget the Director of Finance, or the City Secretary if no Director of Finance has been installed, shall place in parallel columns opposite the several items of revenue; the actual amount of each item for the last complete fiscal year, the estimated amount of the current fiscal year, and the proposed amount for the ensuing fiscal year.

(Ord. of 5-11-13)

Section 9.04. - Proposed budget and expenditures compared with other years.

The Director of Finance, or the City Secretary if no Director of Finance has been installed, in the preparation of the budget shall place in parallel columns opposite the various items of expenditures; the actual amount of such items of expenditures for the last completed fiscal year, the estimated amount for the current fiscal year and the proposed amount for the ensuing fiscal year.

The proposed budget shall be filed with the municipal clerk thirty (30) days before the date City Council makes its tax levy for the fiscal year. The proposed budget shall be posted on the City's website when it is filed with the municipal clerk.

(Ord. of 5-11-13)

Section 9.05. - Budget a public record.

The budget and all supporting schedules shall be filed with the person performing the duties of City Secretary, submitted to the City Council and shall be a public record. The City Manager shall provide copies for distribution to all interested persons in accordance with V.T.C.A., Government Code ch. 552, as now or hereafter amended.

(Ord. of 5-11-13)

Section 9.06. - Notice of public hearing on budget.

At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published, in the official newspaper of the City, a notice of the hearing setting forth the time and place thereof not earlier than thirty (30) days or later than ten (10) days before the date of such hearing.

(Ord. of 5-11-13)

Section 9.07. - Public hearing on budget.

At the time and place set forth in the notice required by section 9.06, or at any time and place to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the submitted budget, after the fifteenth (15th) day the budget is filed with the municipal clerk but before the date the governing body makes its tax levy, and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.

(Ord. of 5-11-13)

Section 9.08. - Proceedings on budget after public hearing.

After the conclusion of such public hearing, the City Council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law. Where it shall increase the total proposed expenditures, it shall provide for an increase in the total anticipated revenue to at least equal such proposed expenditures.

Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of City Council to ratify the property tax increase reflected in the budget. This vote shall be separate and in addition to the vote required to adopt the budget or a vote to set the tax rate required by V.T.C.A., Tax Code ch. 26, or other law.

(Ord. of 5-11-13)

Section 9.09. - Vote required for adoption.

The budget shall be adopted by the favorable vote of a majority of the members of the whole City Council.

(Ord. of 5-11-13)

Section 9.10. - Date of final adoption.

The budget shall be finally adopted prior to the beginning of the fiscal year, and should the City Council fail to so adopt a budget, then the existing budget with its tax-levying ordinance and its appropriation ordinance, shall remain in effect for the ensuing fiscal year, but only until such time as the Council passes a budget and tax-levying ordinance for the new fiscal year.

(Ord. of 5-11-13)

Section 9.11. - Effective date of budget; certification; copies made available.

Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted shall be filed with the person performing the duties of the City Secretary and published on the City's website. The final budget shall be printed or reproduced and copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations.

(Ord. of 5-11-13)

Section 9.12. - Budget establishes appropriations.

From the effective date of the budget, the amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

(Ord. of 5-11-13)

Section 9.13. - Budget establishes amount to be raised by property tax.

From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the amount of the levy for the purposes of the City in the corresponding tax year; provided, however, that in no event shall such levy exceed the legal limit provided by the laws and Constitution of the State of Texas.

(Ord. of 5-11-13)

Section 9.14. - Contingent appropriation.

Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three per centum of the budget, to be used in case of unforeseen items of expenditure. Such contingent appropriation shall be under the control of the City Manager and shall be distributed by such, after approval by the City Council.

(Ord. of 5-11-13)

Section 9.15. - Estimated expenditures shall not exceed estimated resources.

The total estimated expenditures of the General Fund and debt service fund shall not exceed the total estimated resources of each fund (prospective income plus cash on hand). The classification of revenue and expenditure accounts shall conform as nearly as local conditions will permit to the uniform classification as promulgated by the National Committee on Governmental Accounting or some other national accepted classification.

(Ord. of 5-11-13)

Section 9.16. - Emergency appropriations.

The City budget may be amended and appropriations altered in accordance therewith in cases of public necessity, the actual fact of which shall have been declared by the City Council and in accordance with state law.

(Ord. of 5-11-13)

Section 9.17. - Department of taxation.

There may be established a department of taxation to collect taxes. The head of which shall be the City collector of taxes which office shall be filled by appointment by the City Manager. Unless already required to maintain a bond, the collector of taxes shall give a surety bond for faithful performance of his/her duties, including compliance with all controlling provisions of the state law bearing on the functions of his/her office, in a sum which shall be fixed by the City Council at not less than \$5,000.00.

(Ord. of 5-11-13)

Section 9.18. - Power to tax.

The City Council shall have the power under the provisions of state law to levy, assess and collection an annual tax upon real and personal property within the City to the maximum provided by the Constitution and general laws of the State of Texas.

(Ord. of 5-11-13)

Section 9.19. - Property subject to tax; method of assessment.

All real and personal property within the City not expressly exempted by law, shall be subject to annual taxation in the manner provided for in the Texas Tax Code.

(Ord. of 5-11-13)

Section 9.20. - Taxes; when due and payable.

All taxes due the City shall be payable at the office of the City collector of taxes, or other collecting taxing agency, and may be paid at any time after the tax rolls for the year have been completed and approved which shall be not later than October 1. Taxes shall be paid before February 1, and all such taxes not paid on or prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as the City Council may provide by ordinance. The City Council may provide further by ordinance that all taxes, either current or delinquent, due the City may be paid in installments. Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past-due taxes as shown to be payable by recheck of the rolls and receipts for the years in question.

(Ord. of 5-11-13)

Section 9.21. - Tax liens.

The tax levied by the City is hereby declared to be a lien, charge or encumbrance upon the property upon which the tax is due, which lien, charge or encumbrance the City is entitled to enforce or foreclose in any court having jurisdiction over the same, and the lien, charge or encumbrance on the property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown but also as against nonresidents. All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed in any court having jurisdiction. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien.

(Ord. of 5-11-13)

ARTICLE 10. - FRANCHISE AND PUBLIC UTILITIES

Section 10.01. - Powers of the City.

In addition to the City's power to buy, own, construct, lease, maintain, operate and regulate public utilities and to manufacture, distribute and sell the output of such utility operations, the City shall have further powers as may now or hereafter be granted under the Constitution and laws of the State of Texas.

(Ord. of 5-11-13)

Section 10.02. - Franchise; power of City Council.

The City Council shall have power by ordinance to grant, amend, renew and extend, all franchises of all public utilities of every character operating with the City of Richwood. No franchise shall be for an indeterminate period, and no franchise shall be granted for a term of more than 30 years from the date of grant, renewal or extension.

All ordinances granting, renewing, extending or amending a public utility franchise shall be read at two separate regular meetings of the City Council; and shall not be finally passed until 30 days after the first reading; and no such ordinance shall take effect until 30 days after its final reading; and pending such time, the full text of such ordinance shall be published once each week for four (4) consecutive weeks in the official newspaper of the City, and the expense of such publication shall be borne by the prospective franchise holder.

(Ord. of 5-11-13)

Section 10.03. - Grant not to be exclusive.

No grant or franchise to construct, maintain, or operate a public utility and no renewal or extension of any such grant shall be inclusive.

(Ord. of 5-11-13)

Section 10.04. - Transfer of franchise.

No public utility franchise shall be transferable except with the approval of the City Council expressed by ordinance. The term "transferable," as used herein, shall not be construed in such a manner as to prevent the franchise holder from pledging said franchise as security for a valid debt or mortgage.

(Ord. of 5-11-13)

Section 10.05. - Franchise value not to be allowed.

No value shall be assigned to any franchise granted by the City in fixing reasonable rates and charges for utility service within the City and in determining the just compensation to be paid by the City for public utility property which it may acquire by condemnation or otherwise.

(Ord. of 5-11-13)

Section 10.06. - Right of regulation.

Every grant, renewal, extension or amendment of a public utility franchise, whether so provided in the ordinance or not, shall be subject to the right of the City Council, as permitted by law and including but not limited to:

- (a) Forfeit any such franchise by ordinance at any time for the failure of holder thereof to comply with the terms of the franchise, such power to be exercised only after notice and hearing, and a reasonable opportunity to correct the default;
- (b) Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (c) Impose reasonable regulations to insure safe, efficient and continuous service to the public;

- (d) Examine and audit at any time during regular business hours the accounts and records of any such utility which are relevant to the City's right of regulation, and to require annual and other reports including reports of operation within the City;
- (e) Require such compensation and rental as may be permitted by the laws of the State of Texas.

(Ord. of 5-11-13)

Section 10.07. - Regulation of rates.

The City Council shall have full power, after notice and hearing, to regulate by ordinance, the rates of every public utility operating in the City, provided that no such ordinance shall be passed as an emergency measure. The City shall have power to employ at the expense of the grantee, expert assistance and advice in determining a reasonable rate and equitable profit to the grantee.

(Ord. of 5-11-13)

Section 10.08. - Municipally owned utilities.

Accounts shall be kept for each public utility owned and operated by the City, in such manner as to show the true and complete financial results of such City ownership and operation including all assets and all liabilities, appropriately subdivided by classes, depreciation reserve, other reserves and surplus, also revenues, operating expenses including depreciation, interest payments, rental and other disposition of annual income. The accounts shall show actual capital cost to the City of each utility owned, also the cost of all extensions, additions, and improvements and the source of funds expended for such capital purposes. The accounts shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any City department. The City Council shall cause an annual report to be made by a certified public accountant and shall publish such report showing the financial results of such City ownership and operation, giving the information specified in this section and such other data the City Council may require.

(Ord. of 5-11-13)

Section 10.09. - Sales of municipal services.

The City Council shall have the power and authority to:

- (a) In or outside the limits of the City, sell and distribute water, sell and provide sewer service, provide for garbage and trash collection and disposition and to provide for similar services;
- (b) Prescribe the kind of materials used within or beyond the limits of the City for such municipal services, inspect the same and require such materials to be kept in good order and condition at all times, make such rules and regulations as shall be necessary and proper, and prescribe penalties for noncompliance with the same.

(Ord. of 5-11-13)

ARTICLE 11. - GENERAL PROVISIONS

Section 11.01. - Public records.

All public records of every office, department or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that police records and vital statistics records, and any other records closed to the public by law, shall not be considered public records for the purpose of this section.

(Ord. of 5-11-13)

Section 11.02. - Nepotism.

No person related within the second degree by affinity, or within the third degree by consanguinity to any elected officer of the City, or to the City Manager, shall be appointed to any office, position or clerkship or other service of the City. Provided that nothing herein contained shall prevent the appointment, voting for, or confirmation of an employee related within the prohibited degree who shall have been continuously employed in any such office, position, clerkship, employment or duty for six months prior to the election of office of any City official or appointment of the City Manager.

(Ord. of 5-11-13)

Section 11.03. - Notice of claim.

Before the City shall be liable to damage claims on suit for personal injury, or damage to property the person who is claiming damages or who is injured or whose property is damaged, or someone in his/her behalf, shall give the City Manager or the person performing the duties of City Secretary, notice in writing within 30 days after the occurrence of the alleged injury or damage, stating specifically in such notice when, where and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible. No action at law for damages shall be brought against the City for personal injury or damage to property prior to the expiration of 60 days after the notice herein before described has been filed with the City Manager or the person performing the duties of City Secretary, nor later than two years after the occurrence of the injury or damage to property. In cases of injuries resulting in death, before the City shall be liable for damages therefor the person or persons claiming such damages shall within 30 days after the death of the injured person give notice as before required in case of personal injury. Provided, however, that nothing herein contained shall be construed to mean that the City waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, the Constitution and general laws of the State of Texas.

(Ord. of 5-11-13)

Section 11.04. - Provision relating to assignment, execution and garnishment.

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ of execution or other legal attachment. The funds belonging to the City in the hands of any person, firm, or corporation, shall not be liable to garnishment, attachment or sequestration, nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ or garnishment or any account whatsoever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors unless required or compelled by law.

(Ord. of 5-11-13)

Section 11.05. - City not required to give security or execute bond.

It shall not be necessary in any action, suit or proceedings in which the City is a party, for any bond or other security to be demanded or executed by or on behalf of said City in any of the state courts, but in all such actions, suits, appeals or proceedings same shall be conducted in the manner as if such bond or other security had been given as required by law.

(Ord. of 5-11-13)

Section 11.06. - Personal interest in City contract.

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or shall be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services, unless either:

- (a) The officer or employee does so as an officer or employee of the City; or
- (b) The person is an elected City official, and the official files with the City Secretary an affidavit stating the nature of such interest as required by law; and
- (c) The City Council approves the contract without the participation of the official involved.

Any willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall be subject to removal from his/her office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contacting with the City shall render the contract involved voidable by the City Manager or City Council.

(Ord. of 5-11-13)

Section 11.07. - Effect of Charter on existing law.

All codes, ordinances, resolutions, rules, policies and regulations in force in the City as of the effective date of this Charter and not in conflict with this Charter shall remain in force until altered, amended or repealed by the City Council. All taxes, assessments, liens, encumbrances and demands, of or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of the beginning of such proceedings or under the law after the adoption of this Charter.

(Ord. of 5-11-13)

Section 11.08. - Interim municipal government.

Upon adoption of this Charter, the persons then filling elective offices will continue to fill those offices for the terms to which they were elected. Thereafter, the City Council shall be elected as provided in article 3 of this Charter. Persons, who on the date this Charter is adopted, are filling appointive positions with the City may continue to fill those positions for the term for which they were appointed unless removed by the City Council or by other means provided for in this Charter.

(Ord. of 5-11-13)

Section 11.09. - Applicability of general laws.

The Constitution of the State of Texas, the statutes of said state applicable to home-ruled municipal corporations, as now or hereafter enacted, this Charter and ordinances enacted pursuant hereto shall in the order mentioned, be applicable to the City, but the City shall also have the power to exercise any and all powers conferred by the laws of the State of Texas upon any other kind of City, town, village, not contrary to the provisions of said home-rule statutes, Charter and ordinances, but the exercise of any such powers by the City shall be optional with it, and it shall not be required to conform to the law governing any other cities, towns or villages unless and until by ordinance it adopts the same.

(Ord. of 5-11-13)

Section 11.10. - Amending the Charter.

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by the applicable statute of the State of Texas.

(Ord. of 5-11-13)

Section 11.11. - Separability clause.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

(Ord. of 5-11-13)

Section 11.12. - Charter Review Commission.

The City Council shall appoint at its first regular meeting in October of each even numbered year, a Charter Review Commission of five citizens of the City.

- (a) *Duties of the Commission.* It shall be the duty of such Charter Review Commission to:
1. Inquire into the operations of the City government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held and the Commission shall have the power to compel the attendance of any officer or employee of the City and to require the submission of any of the City records which it may deem necessary to the conduct of such hearing;
 2. Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the City government;
 3. Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions;
 4. Report its finding and present its proposed amendments if any, to the City Council.
- (b) *Action by the City Council.* The City Council shall receive and have published in a newspaper of general circulation in the City any report presented by the Charter Review Commission, shall consider any recommendations made, and if any amendments or amendment be presented as a part of such report may order such amendment or amendments to be submitted to the voters of the City in the manner provided by the applicable statute of the State of Texas.
- (c) *Term of office.* The term of office of such Charter Review Commission shall be six months and, if during such term no report is presented to the City Council, then all records of the proceedings of such Commission shall be filed with the person performing the duties of City Secretary and shall become a public record.

(Ord. of 5-11-13)

Section 11.13. - Submission of Charter to voters.

The Charter Commission, in preparing this Charter, finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. If the Charter should be adopted in its entirety, the Charter Commission shall direct that the Charter be voted on as a whole and that it shall be submitted to the qualified voters of the City at an election to be held for that purpose on the 11th day of May, 2013. Not less than 30 days prior to such election, the City Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City as it appears from the latest City tax collector's roll. If a majority of the qualified voters in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City, and after the returns have been canvassed, the same shall be declared adopted and the City Secretary shall file an official copy of the Charter with the records of the City. The City Secretary shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by his/her signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.

(Ord. of 5-11-13)

MEMORANDUM

To: The Honorable Mark Guthrie, Mayor and Members of the Richwood City Council

From: Michael Coon, City Manager

Date: October 3, 2018

Subject: Discuss and consider implementation of compensation plan

During the City Council's last meeting, Councilmember Brown requested that the FY 18-19 Compensation Plan be delayed and considered again at the City Council's next meeting.

City	Population	Op. Budget (Expenses)	Miles from Nearest Metroplex	Nearest Metro Area	Property Tax Rate*	Police Work Schedule (Annual Hours)*	Median Household Income*
Joshua	6,345	\$5,147,960	50.9 MI	Dallas/Fort Worth	0.775270		\$51,762
Rockdale	5,595	\$5,100,000	58.8 MI	Austin	0.911800	2,236	\$34,886
Krum	5,581	\$2,938,135	48.4 MI	Dallas/Fort Worth	0.647489	2,236	\$79,233
Jacksboro	4,511	\$3,028,649	60.5 MI	Dallas/Fort Worth	1.219039	2,184	\$41,525
Brazoria	3,071	\$4,092,061	54.8 MI	Houston	0.721976	2,184	\$44,235
West Columbia	3,933	\$4,341,000	54.5 MI	Houston	0.820000	2,184	\$52,500
Richwood	6,000	\$5,039,889	52.9 MI	Houston	0.634444	2,184	\$76,917
Bellville	4,274	\$5,557,549	64.4 MI	Houston	0.280300	2,080	\$46,081
Columbus	3,625	\$5,285,613	73.1 MI	Houston	0.280000	2,080	\$40,498
Willis	6,370	\$5,845,140	48.0 MI	Houston	0.595300	2,223	\$37,967
Average	4,931	\$4,637,600	56.63	N/A	0.688562	2,177	\$50,560

Grade	Title	Min	Mid	Max
H-1	Customer Service Representative	\$30,400	\$35,765	\$41,130
H-1	Operator in Training	\$30,400	\$35,765	\$41,130
H-2	Administrative Assistant	\$35,620	\$41,906	\$48,192
H-2	Court Clerk	\$35,620	\$41,906	\$48,192
H-2	Operator	\$35,620	\$41,906	\$48,192
H-3	Code Enforcement Officer	\$37,986	\$44,690	\$51,393
S-1	Public Works Foreman	\$44,625	\$52,500	\$60,375
S-2	Building Official	\$51,670	\$60,788	\$69,906
E-1	City Secretary	\$61,815	\$72,724	\$83,633
E-1	Director of Public Works	\$61,815	\$72,724	\$83,633
E-1	Finance Director	\$61,815	\$72,724	\$83,633
E-2	Chief of Police	\$66,732	\$78,508	\$90,284
E-3	City Manager	\$90,610	\$106,600	\$122,590
Grade	Title	Min	Mid	Max
P-1	Recruit	\$44,293		
P-2	Patrol Officer	\$46,624	\$51,805	\$56,985
P-3	Police Sergeant	\$55,949	\$62,166	\$68,382

Summary of FY 2019 Market Adjustments

Department	Position	Years Exp.	Exp. Based Salary	FY18 Salary	FY 19 Budgeted Salary	Total Market Changes
Admin	City Manager	1.7	\$94,210	\$86,528	\$94,210	\$7,682
Admin	Customer Service Representative	0.0	N/A	\$32,364	\$32,364	\$0
Admin	Administrative Assistant	11.0	\$44,800	\$40,549	\$44,800	\$4,251
Admin	City Secretary	1.5	\$63,989	\$61,984	\$63,989	\$2,005
Admin	Finance Director	0.0	N/A	N/A	\$72,724	N/A
CCPD	Warrant Officer	N/A	N/A	\$15,552	\$15,552	\$0
CCPD	Police Investigator	N/A	N/A	N/A	\$56,194	N/A
City Maintenance	Operator in Training	1.8	\$31,676	\$32,260	\$32,260	\$0
City Maintenance	Operator in Training	0.9	\$31,056	\$32,364	\$32,364	\$0
Code Enforcement	Customer Service Representative	1.9	\$31,785	\$32,260	\$32,260	\$0
Judicial	Court Clerk	2.1	\$37,366	\$33,867	\$37,366	\$3,499
Permitting	Building Official	2.5	\$54,709	\$55,204	\$55,204	\$0
Police	Patrol Officer	2.0	\$48,035	\$52,525	\$52,525	\$0
Police	Chief of Police	0.0	N/A	\$75,005	\$75,005	\$0
Police	Patrol Officer	0.0	N/A	\$48,965	\$48,965	\$0
Police	Patrol Officer	19.3	\$56,985	\$56,194	\$56,985	\$791
Police	Police Sergeant	4.9	\$59,990	\$57,832	\$59,990	\$2,158
Police	Patrol Officer	3.0	\$48,697	\$56,194	\$56,194	\$0
Police	Police Sergeant	6.5	\$61,372	\$57,832	\$61,372	\$3,539
Police	Patrol Officer	2.6	\$48,451	\$52,569	\$52,569	\$0
Police	Patrol Officer	0.8	\$47,200	\$52,569	\$52,569	\$0
General Fund Subtotal			\$760,320	\$932,618	\$1,085,461	\$23,924
Water & Sewer	Operator	0.0	\$35,620	\$35,245	\$36,510	\$1,265
Water & Sewer	Director of Public Works	2.5	\$65,452	\$61,984	\$65,452	\$3,468
Water & Sewer	Operator in Training	0.9	\$31,056	\$32,364	\$32,364	\$0
Water & Sewer	Operator	0.0	\$35,620	\$34,452	\$35,620	\$1,168
Water & Sewer	Operator in Training	0.0	\$30,400	\$30,400	\$30,400	\$0
Water & Sewer	Public Works Foreman	0.0	\$44,625	\$44,625	\$44,625	\$0
Utility Fund Subtotal			\$242,772	\$239,071	\$244,971	\$5,900
			\$1,003,092	\$1,171,688	\$1,330,431	\$29,825

MEMORANDUM

To: The Honorable Mark Guthrie, Mayor and Members of the Richwood City Council

From: Giani Cantu, City Secretary

Date: October 3, 2018

Subject: Transportation Fee Ordinance

Staff began reviewing the ordinance that regulates the Transportation Fee and found that clarification of the definition of transportation system was needed. The ordinance was reviewed by City Attorney and the attorney has forwarded recommendations for clarifying the definition.

They are recommending the following:

Transportation system or road system shall mean the structures, ~~sidewalks, drainage,~~ traffic controls, streets and other facilities in the public right-of-way, such as bridges, and alleys ~~which are dedicated to the use of vehicular traffic,~~ all of which are owned and/or controlled in whole by the city and which are dedicated to the transportation system service of the city, including provisions for additions, improvements and extensions to the system.

MEMORANDUM

To: The Honorable Mark Guthrie, Mayor and Members of the Richwood City Council

From: Michael Coon, City Manager

Date: October 3, 2018

Subject: Discuss potential changes to zoning regulations within the City and consider setting a workshop session

Recently the City has seen multiple requests seeking variances to the building setbacks within residential neighborhoods. However, State law states that City's may "authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed, and substantial justice is done."

Due to the State's limitations on granting variances, staff is recommending that the City Council consider amending the zoning ordinance to better reflect the Council's vision so that variances would not be necessary.

APPENDIX B - ZONING ORDINANCE^[1]

ORDINANCE NUMBER 324-15

AN ORDINANCE OF THE CITY OF RICHWOOD, TEXAS, ENACTING A COMPREHENSIVE ZONING PLAN AND ZONING REGULATIONS, AND SPECIFICALLY REPEALING ORDINANCE NUMBERS 324, 324A, 324B, 324C, 324D, 324E, 324F AND ANY PREVIOUS AMENDMENTS THERETO; DEFINING TERMS; FINDING THAT ALL PREREQUISITES OF THE LAW HAVE BEEN COMPLIED WITH NECESSARY TO ENACT A COMPREHENSIVE ZONING PLAN; PROVIDING A PROCEDURE FOR A BUILDING INSPECTION FOR THE ENFORCEMENT THEREOF; PROVIDING A PROCEDURE FOR SECURING A BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY; PROVIDING THE PROCEDURE OF APPEALS; PROVIDING FOR BUILDING PERMIT FEES; PROVIDING FOR THE ADOPTION OF A ZONING MAP AND PLAT; DECLARING AN EMERGENCY; PRESCRIBING THE DUTIES OF THE BUILDING INSPECTOR; PROVIDING A PENALTY FOR THE VIOLATION OF THE TERMS OF THIS ORDINANCE; SAID PENALTY BEING A FINE OF NOT LESS THAN \$10.00 NOR MORE THAN \$1,000.00; PROVIDING THAT EACH AND EVERYDAY SAID VIOLATION CONTINUES TO EXIST SHALL BE CONSIDERED A SEPARATE OFFENSE; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING A SAVINGS CLAUSE.

WHEREAS, all prerequisites of the law have been complied to enable the City Council of the City of Richwood, Texas, to adopt a Comprehensive Zoning Plan of said city as hereinafter set forth and all persons interested in such proposed amendments have been given a hearing before the before the Planning and Zoning Committee on the _____ day of _____, 2015, and by the City Council of the City of Richwood on the _____ day of _____, 2015 and the evidence has been offered in favor of zoning, the City Council does hereby declare that it will be in the pubic interest to adopt the Comprehensive Zoning Plan.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHWOOD, BRAZORIA COUNTY, TEXAS:

Footnotes:

--- (1) ---

Editor's note— Printed herein is the city's zoning ordinance, being [Ord. No. 324-15](#), adopted May 11, 2015. Said ordinance repealed the former zoning ordinance, Ord. No. 324, adopted Sept. 11, 2006, and all amendments thereto. See the Code Comparative Table for complete legislative history. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Cross reference— Buildings and building regulations, ch. 4; flood damage prevention, ch. 7; mobile homes, trailer parks, etc., ch. 11; planning and development, ch. 15; signs, ch. 17; subdivisions, ch. 19.

Sec. 1. - Purpose.

The purpose of this ordinance is that of dividing the city into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land of trade, industry, residences and other specified uses; to regulate the intensity of the use of lot areas, and to regulate and determine the area of open spaces surrounding such buildings; to establish building lines and the location of buildings designed for specified industrial, business, residential and other uses within such areas; to fix standards to which buildings or structures shall conform therein; to prohibit uses, buildings or structures incompatible with the character of such districts, respectively; to

prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder; to limit congestion in the public streets by providing for the off-street parking and loading and unloading of vehicles; providing for the gradual elimination of nonconforming uses of land, building and structures; and prescribing penalties for the violation of the ordinance; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to conserve the taxable value of land and buildings throughout the city; and to promote the public health, safety and general welfare.

Sec. 2. - Title.

This ordinance may be known and may be cited as the "City of Richwood Zoning Ordinance." This ordinance is a part of the comprehensive plan as that term is defined in Ordinance Number 193 of the City of Richwood, Texas, which is the ordinance governing land subdivision regulations of the City of Richwood.

Sec. 3. - Definitions.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, words used in the singular number shall include the plural number and the plural shall include the singular; the word "building" shall include the word "structure"; and the word "lot" shall include the word "plot." The word "shall" is mandatory and is not permissive.

Accessory building or use: A subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.

Acreage: Any tract or parcel of land which has not been subdivided and platted in accordance with the laws of the State of Texas regulating subdivisions and the filing thereof and which is not included in the definition of the term "subdivision" as contained in Ordinance Number 193 of the City of Richwood, Texas [now Code ch. 19] which is the ordinance governing land subdivision regulations within the city.

Alley: A public thoroughfare, not less than ten feet wide, and not more than 40 feet in width, which affords only a secondary means of access to abutting property.

Apartment: A room or suite or rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.

Automobile repair: General repair, engine rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting of motor vehicles.

Automobile service stations: A place where gasoline or other motor fuel is stored either in underground tanks or above ground tanks, kerosene or motor oil and lubricants or grease, or for operation of automobiles, or is retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile repairs and rebuilding. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

Auto wrecking or junk yard: Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and not being restored to operation. This includes any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including commercial salvaging and any salvaging of other goods, articles or merchandise.

Basement: A story partly or wholly underground. Where more than one-half of its height is above the average level of the adjoining grounds, a basement shall be counted as a story for purposes of height measurement.

Billboard: Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to display official court or public office notices, or signs advertising the sale or lease of the premises on which the sign is located.

Boarding house: A building other than a hotel or restaurant, where meals are provided for compensation for four or more persons, but not exceeding 12 persons.

Building: Any structure having a roof supported by columns or walls, and designed or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

Building area: The buildable area of a lot is the space remaining after the minimum open space requirements of this ordinance have been complied with.

Building height: The vertical distances measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

Building line: For the purpose of this ordinance the building line is the same as a front yard setback line.

Bungalow court: A court surrounded by individual residential units that are physically connected.

Carport: A structure attached or made a part of the main structure, and which is open to the weather on at least two sides, intended for the use of sheltering not more than two motor-driven vehicles.

Cluster house: Bungalow courts or premises of similar design intended for habitation by more than one family.

Conditional uses: The following uses of land or structures, or both, may be permitted within any "use district" subject to the provisions of this ordinance.

- [1.] Airport, land field or landing strip.
- [2.] Areas for the dumping or disposal of trash or garbage.
- [3.] Bus terminal, railroad passenger station or any other transportation facilities.
- [4.] Cemeteries, crematories or mausoleums.
- [5.] Churches and accessory buildings used for religious teaching.
- [6.] Extraction of gravel, sand or other raw materials.
- [7.] Golf courses, public or private.
- [8.] Home occupations.
- [9.] Hospitals or sanitariums.
- [10.] Institutions for the care of the insane or feeble-minded.
- [11.] Municipal or privately owned recreation buildings or community centers.
- [12.] Nursery schools, day nurseries, and child care centers, provided there is a minimum of 80 square feet of outdoor play area for each child to be cared for, and that the play area is fenced and screened with planting from any adjoining lot in any "R" district.
- [13.] Parking area, public.
- [14.] Police stations, fire stations or places for storage of municipally owned equipment.
- [15.] Public administration buildings, auditoriums, gymnasiums or any other publicly-owned structures.
- [16.] Public or private parks or playgrounds.
- [17.] Public utility facilities, i.e., filtration plant or pumping stations, heat or power plants, transformer stations and other similar facilities.
- [18.] Radio and television antenna towers, commercial.

[19.] Railroad right-of-way.

[20.] Schools, public or private.

[21.] Telephone exchanges.

[22.] Trailer courts or mobile home parks.

Condominiums: A single structure which contains three or more residences having common walls between them whether adjacent vertically or horizontally or both vertically or horizontally whether each residence be owned by individual owners or several units owned by a group with no individually owned yard space.

Corner lot: A lot situated at the intersection of two or more streets.

Curb grade: The established elevation of the curb in front of the building measured at the center of such front. Where no curb grade has been established, the city shall establish such curb level or its equivalent for the purpose of this ordinance.

District: A section or sections in the incorporated area of the city for which the regulations and provisions governing the use of building and land are uniform for each class of use permitted therein.

Duplex: A single structure containing two dwellings for family occupation.

Exterior walls and facades: The outermost covering of a building that is visible from any public right of way, street or roadway.

Family: An individual, or two or more persons related by blood or marriage, or group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

Front yard: A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.

Frontage: All property on one side of a street between two intersecting streets or natural barriers or between a barrier and a street.

Garage apartment: Any dwelling unit on a residential tract or parcel of property, which is either attached to or separated from a residential structure, and which contains independent cooking and sleeping arrangements and which may be utilized for a separate housekeeping unit.

Guesthouse: A structure for [human] habitation, containing one or more rooms with bath and toilet facilities, but not including a kitchen or facilities which would provide a complete housekeeping unit.

Home occupation: Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the immediate family. Clinics, doctor's offices, hospitals, barber shops, beauty parlors, dress shops, millinery shops, real estate offices, tea rooms, tourist homes, animal hospitals, kennels, among others, shall not be deemed to be home occupations.

Hospitals or sanitariums: An institution open to the public, in which sick patients or injured persons are given medical or surgical care; or for the care of contagious diseases or incurable patients.

Hotel: A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six or more guest rooms, and in which no provisions are made for cooking in any individual room or suites.

Institution: A building occupied by a nonprofit corporation or a nonprofit establishment for public or semipublic use.

Interior lot: A lot other than a corner lot.

Kennel: Any lot or premises on which four or more dogs, at least four months of age, are kept.

Laboratory: A place devoted to experimental study such as testing and analysis. Manufacturing of a product or products is not to be permitted within this definition.

Loading space: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lodging house: A building with not more than five guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to the public or transients.

Lot: A parcel of land occupied or suitable for occupancy by one main building or use, with accessory buildings, including the open spaces required by this ordinance, and having its principal frontage upon a public street or highway.

Lot depth: The horizontal distance between the front and rear lot lines measured in the mean direction on the side lot lines.

Lot frontage: The front of a lot shall be that boundary of a lot along a public street; and for a corner lot the front shall be the shorter lot boundary along a street.

Lot width: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Metal panels: Includes profiled metal panels, deep ribbed panels and concealed fastener systems.

Motel, motor court or automobile tourist court: Any lot, tract or parcel of land used in whole or in part for parking vehicles or trailers and where accommodations are provided by day, week or for a long period of time with or without compensation and whether composed of two or more units for the use of human habitation or living or sleeping.

Multiple-family residence: A residence designed for occupancy by three or more families living independently of each other.

Nonconforming use: Any building, structure or land lawfully occupied by a use or lawfully situated at the time of the passage of this ordinance or amendments thereto, which does not conform after the passage of this ordinance or amendments thereto with the regulations of this ordinance.

Nursing home or rest home: A private hospital for the care of children or the aged or infirmed, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries, or for surgical care.

One-family residence: A residence place designed exclusively for occupancy by one family.

Open terrace: A level and rather narrow plain, or platform, which for purposes of this ordinance is located adjacent to one or more faces of the main structure, and which is constructed or not more than four feet in height above the average level of the adjoining ground.

Parking space: A space in which to park a motor vehicle, either in an enclosed area in a main building, or in an accessory building, or in an unenclosed area, but said space may not be less than ten feet by 18 feet and said space must have adequate access to a public street or alley and permit satisfactory ingress and egress of the motor vehicle.

Porch: A roofed entrance to a building, projecting out from the wall or walls of the main structure and commonly open to the weather in part.

Private garage: An accessory building for the storage of not more than three motor-driven vehicles, of which not more than one shall be not more than two-ton capacity.

Private parking area: An open area for the parking of privately owned automobiles and not for public use.

Public garage: A building other than a private garage, used for the care, repair or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale within the structure.

Public parking area: An open area, other than street, used for the temporary parking of more than four automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

Rear yard: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

Residence: A building, dwelling or a portion thereof, but not an automobile house trailer, designed exclusively for residential occupancy, including one family, two-family and multiple dwellings, but not including hotels, boarding and lodging houses or motels.

Residence, row: A row of three to six attached one-family residences.

Residence, unit: One or more rooms in a residence or apartment hotel designed primarily for occupancy by one family.

Side yard: That part of the yard lying between the main building and a side line, and extending from the required front yard (or from the front lot line, if there is not a required front yard) to the required rear yard.

Signs, outdoor advertising: Any card, cloth, paper, metal, painted, glass, wooden, plaster, stone or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or anything whatsoever. The term "placed" as used in the definition of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, glueing, sticking, carving or other fastening, affixing or making visible in any manner whatsoever.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

Structural alterations: Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Structure: Anything constructed or erected, which requires a location on the ground or attached to something having location on the ground.

Townhouse: Any development for residential purposes comprised of three or more houses having horizontal adjacent or common walls between them, having no side yard space between said houses, whether each of such be owned by individual owners or whether several units are owned by a group, whether such having a common plan for yard maintenance, or whether such are separately maintained by owners thereof where individually owned, and where there is no access between the individual units, such townhouses having a front and back yard which may be independent to each unit or jointly kept by all units.

Trailer, automobile, house-trailer, mobile home, house-car or truck: A vehicle with or without motive power, and if without motive power is designed to be drawn by a motor vehicle, either of which be designed to be used for human habitation when connected to one or more public or private utilities whether used for living quarters or otherwise, or for carrying persons or property, including a trailer coach or house trailer.

Trailer camp or mobile home park: Any premises occupied or designed to accommodate more than one family living in trailers or mobile homes.

Two-family residence: A residence designed exclusively for occupancy by two families living independently of each other.

Unit: Any place, plot or parcel of ground located within any "use" district where a structure is erected or maintained or placed, used, intended or designated to be used as living and sleeping quarters by a single family.

Use: The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

Utility easement: Portions of lots or other tracts or parcels of land which are reserved for utility installation and access but remain for ownership purposes a part of said lot or tract.

Yard: An open space on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

([Ord. No. 324-15A](#), 8-10-15)

Sec. 4. - [Districts.]

[a.] The city is hereby divided into nine use districts:

[1.]	R-1	Single-family residence.
[2.]	R-1A	Single-family residence—Zero lot line or patio homes.
[2.5.]	R-1B	Single-family attached residence zone (Townhomes)
[3.]	R-2	Two-family residence.
[4.]	R-3	Multifamily residence.
[5.]	R-4	Single-family rural residential.
[6.]	B-1	Business.
[7.]	C-1	Commercial.
[8.]	C-2	Commercial.
[9.]	M-1	Industrial.

[b.] Each zoning classification has specific purposes and descriptions, permitted uses, maximum percentage of lot specifications to be used for building, minimum floor area or living space square feet requirements, maximum building height requirements, minimum lot area requirements, minimum lot frontage requirements, minimum depth requirements, minimum building set-back requirements, permitted accessory uses, accessory building limitations and conditional uses.

1. *R-1, single-family residence zone.* The purpose and description for single-family residence is for individual home sites. The permitted uses are single-family dwellings, and any conditional uses allowed by this ordinance. Garage apartments are not allowed in this district.

[a.] The maximum percentage of the lot used for building will be 35 percent of the lot.

- [b.] The minimum floor area, or living space in square feet will be 1,000 square feet.
 - [c.] The maximum building height will be 2½ stories or 35 feet.
 - [d.] The minimum lot size is as follows:
 - [1.] Front, 70 feet.
 - [2.] Depth, 120 feet.
 - [3.] Area, 8,400 square feet.
 - [e.] The minimum building setbacks are as follows:
 - [1.] Front, 25 feet.
 - [2.] Side, 7½ feet.
 - [3.] Rear, 20 percent of the lot depth.
 - [4.] Side street, 15 feet.
 - [f.] The permitted accessory uses are for private garages, storage sheds. No structure is permitted for any business enterprise.
 - [g.] The accessory building requirements in a R-1 zone are as follows:
 - [1.] Maximum height, 25 feet.
 - [2.] Minimum setbacks from the property line are as follows for permanent structures:
 - [i.] Front, 60 feet.
 - [ii.] Side, 7½ feet.
 - [iii.] Back, 7½ feet.
 - [3.] Minimum setbacks from the property line are as follows for non-permanent structures:
 - [i.] Front, 60 feet.
 - [ii.] Side, five feet.
 - [iii.] Back, five feet.
 - [h.] The map color code for R-1 single-family residence zone is white.
 - [i.] Conditional uses: Home occupations, homes for the aged, recreation buildings/community centers, nursery schools/day care (12 or less), parks, playgrounds, play fields, stadiums.
2. *R-1A, single-family residence zone—Zero lot lines.* The purpose and description for single-family residence is for individual home sites. The permitted uses are single-family dwellings and any conditional uses allowed by this ordinance. Garage apartments are not allowed in this district.
- [a.] The maximum percentage of the lot used for building will be 45 percent of the lot.
 - [b.] The minimum floor area, or living space in square feet will be 1,000 square feet.
 - [c.] The maximum building height will be 2½ stories or 35 feet.
 - [d.] The minimum lot size is as follows:
 - [1.] Front, 55 feet.
 - [2.] Depth, 100 feet.
 - [3.] Area, 5,500 square feet.
 - [e.] The minimum building setbacks are as follows:

- [1.] Front, 15 feet.
- [2.] Side, five feet total for both sides.
- [3.] Rear, 15 percent of the lot depth.
- [4.] Side street, 15 feet.
- [f.] The permitted accessory uses are for private garages, storage sheds. No structure is permitted for any business enterprise.
- [g.] The accessory building requirements in a R-1A zone for permanent and non-permanent structures are as follows:
 - [1.] Maximum height, 25 feet.
 - [2.] Minimum setbacks are as follows:
 - [i.] Front, to the front of the house.
 - [ii.] Side, five feet.
 - [iii.] Back, five feet.
- [h.] The map color code for R-1A single-family residence zone is grey.
- [i.] Conditional uses: Home occupations, recreation buildings/community centers.
- 2.5. *R-1B, single-family attached residence zone (townhomes).* The SFA, single-family attached residential, district is intended to promote stable, quality, attached-occupancy residential development on individual lots at higher residential densities. Individual ownership of each lot and dwelling unit is required. This district may be included within certain areas of neighborhoods or, when in accordance with the intent of the comprehensive plan, may provide a "buffer" or transition district between lower density residential areas and multi-family or non-residential areas or major thoroughfares. Garage apartments are not allowed in this district.
 - [a.] Each SFA lot shall contain a private yard with not less than 400 square feet of area (i.e., a back yard or large side yard). Private yards may include a patio cover, gazebo or other similar non-enclosed structure which does not cover more than 25 percent of the area of private yard, and they may include a swimming pool, swing set, play fort, or other private leisure amenity.
 - [b.] The minimum floor area, or living space in square feet will be 1,000 square feet.
 - [c.] The maximum building height will be 2½ stories or 35 feet.
 - [d.] Density: There shall be no more than 10 dwelling units per acre.
 - [e.] The minimum lot size is as follows:
 - [1.] Front, 25 feet.
 - [2.] Depth, 100 feet.
 - [3.] Area, 2,500 square feet.
 - [f.] The minimum building setbacks are as follows:
 - [1.] Front, 25 feet staggered in at least four-foot increments so that no more than two units have the same front setback in a row.
 - [2.] (a) Side, 7½ feet. From a side property line when adjacent to open space lots or amenity center lots.
 - (b) 15 feet from a side property line when adjacent to detached residential dwelling unit.
 - (c) 20 feet from a side property line when adjacent to a dedicated street.

- [3.] Rear, 20 percent of the lot depth.
- [4.] Homes with side entry garages where lot frontage is only to one street not a corner lot) shall have a minimum of 25 feet from the door face of the garage to the side property line for maneuvering. The minimum setback from any garage door to street or alley right-of-way line shall also be 25 feet.
- [g.] The permitted accessory uses are for private garages, storage sheds. No structure is permitted for any business enterprise. Carports are not allowed.
 - [1.] Community owned or multiple ownership areas: Common open space, community centers, access gates, entrance guard facilities, recreational buildings and facilities are permitted uses provided they are incidental to the above described residential uses, are approved on a final plat and meet the following conditions:
 - [i] In accordance with the subdivision ordinance a homeowners association (HOA) shall be established to maintain open space, recreational areas, and other commonly owned facilities.

The developer is responsible for drafting the HOA documents pertaining to the HOA's responsibilities to maintain these areas.
- [h.] The accessory building requirements in a R-1B Zone are as follows:
 - [1.] Maximum height, 25 feet.
 - [2.] Minimum setbacks from the property line are as follows for permanent structures:
 - [i] Front, 60 feet.
 - [ii] Side, 7½ feet.
 - [iii] Back, 7½ feet.
 - [3.] Minimum setbacks from the property line are as follows for non-permanent structures:
 - [i] Front, 60 feet.
 - [ii] Side, five feet.
 - [iii] Back, five feet.
- [i.] All utilities shall be provided separately to each lot within an SFA district so that each unit is individually metered.
- [j.] The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
- [k.] Electrical fencing and barbed wire is prohibited as perimeter fencing.
- [l.] Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties.
- [m.] The map color code for R-1B single-family residence zone is pink.
- [n.] Conditional uses: Home occupations, recreation buildings/community centers, parks, playgrounds, play fields.
- 3. *R-2, two-family residence zone.* The purpose and description for the R-2 zone is for duplexes. The permitted uses are the same as for R-1, single-family residence zone except with the additional use of duplex housing structures. Garage apartments are not allowed in this district.
 - [a.] The maximum percent of the lot used for building will be 50 percent.

- [b.] The minimum floor area, or living space, in square feet will be 720 square feet for each living unit.
 - [c.] The maximum building height will be 2½ stories or 35 feet.
 - [d.] The minimum lot size is as follows:
 - [1.] Front, 70 feet.
 - [2.] Depth, 120 feet.
 - [3.] Area, 8,400 square feet.
 - [e.] The minimum building setbacks are as follows:
 - [1.] Front, 25 feet.
 - [2.] Side, 7½ feet.
 - [3.] Rear, 20 percent of the lot depth.
 - [4.] Side street, 15 feet.
 - [f.] The permitted accessory uses in the R-2 two-family residence zone are the same as the R-1 zone, except that no garage apartments are allowed.
 - [1.] Maximum height, 25 feet.
 - [2.] Minimum setbacks from the property line are as follows for permanent structures:
 - [i.] Front, 60 feet.
 - [ii.] Side, 7½ feet.
 - [iii.] Back, 7½ feet.
 - [3.] Minimum setbacks from the property line are as follows for non-permanent structures:
 - [i.] Front, 60 feet.
 - [ii.] Side, five feet.
 - [iii.] Back, five feet.
 - [g.] The map color code for the R-2 zone is orange.
 - [h.] Conditional uses: Recreation buildings/community centers.
4. *R-3, multifamily residence zone.* The purpose and description of the R-3 zone is for three-family or more dwelling sites, apartments, bungalow courts, or condominiums. Garage apartments are not allowed in this district.
- [a.] The permitted uses are the same as for the R-2, and additionally apartment houses, bungalow courts, condominiums, townhouses, cluster houses, fraternity and sorority houses are allowed.
 - [b.] The maximum percent of the lot used for building will be 50 percent.
 - [c.] The minimum floor area, or living space in square feet, will be 500 square feet for each living unit.
 - [d.] The maximum building height will be 3 stories or 50 feet.
 - [e.] The minimum lot size will be as follows:
 - [1.] Front, 70 feet.
 - [2.] Depth, 120 feet.
 - [3.] Area, 8,400 square feet.

- [f.] The minimum building setbacks are as follows:
 - [1.] Front, 25 feet.
 - [2.] Side, 7½ feet.
 - [3.] Rear, 20 percent of the lot depth.
 - [4.] Side street, 15 feet.
- [g.] The permitted accessory uses are the same as for the R-2 zone.
- [h.] The accessory building requirements are as follows:
 - [1.] Maximum height, 14 feet.
- [i.] The minimum building setbacks are as follows:
 - [1.] Front, 60 feet.
 - [2.] Side, 7½ feet.
 - [3.] Back, 15 feet.
- [j.] The map color code for the R-3 zone is green.
- [k.] Conditional uses: Recreation buildings/community centers and fraternity/sorority houses.
- 5. *R-4, single-family rural residential zone.* The purpose and description for single-family rural residence is to provide for the development of primarily very low-density detached, single-family residences on lots not less than one acre. The permitted uses are single family dwellings, and any conditional uses allowed by this ordinance. Garage apartments are not allowed in this district.
 - [a.] The maximum percentage of the lot used for building will be 35 percent of the lot.
 - [b.] The minimum floor area, or living space in square feet will be 1,500 square feet.
 - [c.] The maximum building height will be 2½ stories or 35 feet.
 - [d.] The minimum lot size is as follows:
 - [1.] Front, 150 feet.
 - [2.] Depth, 200 feet.
 - [3.] Area, one acre or 43,560 square feet.
 - [e.] The minimum building setbacks are as follows:
 - [1.] Front, 50 feet.
 - [2.] Side, ten percent of the lot width, not to exceed 25 feet.
 - [3.] Rear, 25 feet for the main building and any accessory building(s); ten feet from a main building to an accessory building.
 - [4.] Side street, 25 feet.
 - [f.] The permitted accessory uses are for private garages, storage sheds, barns. Detached servants quarters without garage shall be permitted. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker actually and regularly employed by the land owner or occupant of the main building or is a guest or family member. The structure shall in any case not be rented, leased or sold and shall not be separately metered. No structure is permitted for any business enterprise.
 - [g.] The accessory building requirements in a R-4 zone are as follows:
 - [1.] Maximum height, 25 feet.

- [2.] Minimum setbacks are as follows:
 - [i.] Front, 60 feet.
 - [ii.] Side, 25 feet.
 - [iii.] Back, 25 feet.
- [h.] The map color code for R-4 single-family residence zone is purple.
- [i.] Conditional uses: Home occupations, homes for the aged, nursery schools/day care, parks/playgrounds/playfield/stadium, schools.
- 6. *B-1, business zone.* The purpose and description of the business zone is for retail and service establishments used for daily public operation.
 - [a.] The permitted uses are office buildings, studio retail shops, service shops, auto supply shops, banks, beauty shops, bakeries, billiard halls, cafeterias, dry cleaning establishments, carpet sales, theaters, restaurants, laundry establishments, motels, hotels, professional offices, studios, and grocery stores.
 - [b.] The maximum percent of the lot used for building will be 100 percent.
 - [c.] The minimum floor area, or living space in square feet is none.
 - [d.] The maximum building height will be 2½ stories or 35 feet.
 - [e.] The minimum lot size is as follows:
 - [1.] Front, none.
 - [2.] Depth, none.
 - [3.] Area in square feet, 3,000 square feet.
 - [f.] The minimum setback requirements are as follows:
 - [1.] Front, none.
 - [2.] Side, none.
 - [3.] Rear, 18 feet.
 - [4.] Side street, none.
 - [g.] The permitted accessory uses are storage sheds and garages.
 - [h.] No dwellings are permitted in the business zone.
 - [i.] The accessory building requirements are as follows:
 - [1.] Maximum height, 14 feet.
 - [j.] Minimum building setbacks are as follows:
 - [1.] Front, 60 feet.
 - [2.] Side, 7½ feet.
 - [3.] Back, 15 feet.
 - [k.] The map color code for the B-1 zone is blue.
 - [l.] Conditional uses: Cemeteries, churches/religion, fraternity/sorority houses, funeral homes, homes for the aged, hospitals/sanitarium/clinics, membership clubs, nursing homes, nursery schools/day care, parking, police stations, public administration, public utility facilities, railroad right-of-way, supervised living facility, telephone exchanges.
- 7. *C-1, commercial.* The purpose and description of the C-1 commercial district is for warehousing and distribution, supply houses and other business supply operations.

- [a.] The permitted uses are the same as for the B-1 zone and additionally retail or wholesale use, lumber and brick yards, metals supply distribution, cabinet and sheet metal shops, drive-in eating places, groceries, day care centers, auto repair shops, membership clubs, nursing homes, supervised living facilities, homes for the aged, newspaper, banks and financial institutions, wholesale business, veterinary clinics, commercial laundries, beverage manufacturing, self-storage facilities or mini warehouses are allowed in the C-1 zone.
 - [b.] The maximum percent of the lot used for building is no limit.
 - [c.] The minimum floor area in living space in square feet is none.
 - [d.] The maximum building height is four stories or 60 feet.
 - [e.] The minimum lot size is as follows:
 - [1.] Front, none.
 - [2.] Depth, none.
 - [3.] Area in square feet, 3,000 square feet.
 - [f.] The minimum building setbacks requirements are as follows:
 - [1.] Front, none.
 - [2.] Side, none.
 - [3.] Rear, 18 feet.
 - [4.] Side street, none.
 - [g.] The permitted accessory uses are the same as for the B-1 business zone.
 - [h.] The accessory building requirements are as follows:
 - [1.] Maximum height, 14 feet.
 - [i.] Minimum building setbacks are as follows:
 - [1.] Front, 60 feet.
 - [2.] Side, 7½ feet.
 - [3.] Back, 15 feet.
 - [j.] The map color code for the C-1 commercial zone is yellow.
 - [k.] Conditional uses: Airport/land field/landing strip, transportation facilities, parking, police stations, public administration, public utility facilities, radio and television towers, railroad right-of-way, telephone exchanges.
8. *C-2, commercial zone.* The purpose and description of the C-2 commercial zone is for high-rise buildings.
- [a.] The permitted uses are for hotels, motels, office buildings and hospitals.
 - [b.] The maximum percent of the lot used for building is no limit.
 - [c.] The minimum floor area in living space in square feet is none.
 - [d.] The maximum building height is to be approved by the Richwood City Council.
 - [e.] The minimum lot size is as follows:
 - [1.] Front, 100 feet.
 - [2.] Depth, 100 feet.
 - [3.] Area in square feet, 10,000 square feet.

- [f.] The minimum building setbacks are as follows:
 - [1.] For the rear and side parts of the property it is specified that the setbacks will be twice the height of the building if the building abuts a residential zone.
- [g.] The permitted accessory uses are for doctor's offices, pharmacies, cafeterias, restaurants, gift shops and barber shops.
 - [1.] Any accessory buildings are to be approved by the Richwood City Council.
- [h.] The map color code for the C-2 commercial zone is tan.
- [i.] Conditional uses: Airport/land field/landing strip, parking, police stations, public administration, public utility facilities, radio/television towers, railroad right-of-way.
- 9. *M-1, industrial zone.* The purpose and description of the M-1 industrial zone is for manufacturing operations.
 - [a.] The permitted uses are the same as for the C-I commercial zone and additionally wrecking yards, cement plants, bulk concrete sales, meat and food processing, chemical manufacturing and metal fabrication shops.
 - [b.] The maximum percent of the lot used for building will be no limit.
 - [c.] The minimum floor area, or living space, in square feet is none.
 - [d.] The maximum building height is none.
 - [e.] The minimum lot size requirements are as follows:
 - [1.] Front, none.
 - [2.] Depth, none.
 - [3.] Area in square feet, 12,000 square feet.
 - [f.] The minimum setback requirements are as follows:
 - [1.] Front, none.
 - [2.] Side, none.
 - [3.] Rear, 18 feet.
 - [4.] Side street, none.
 - [g.] There are no restrictions as to the permitted accessory uses, except that no dwellings are allowed in the M-1 industrial zone.
 - [h.] The accessory building requirements are as follows:
 - [1.] Maximum height, none.
 - [i.] Minimum setbacks are as follows:
 - [1.] Front, none.
 - [2.] Side, none.
 - [3.] Back, none.
 - [j.] The map color code for the M-1 industrial zone is red.
 - [k.] Conditional uses: Dumping or disposal of trash or garbage, extraction of gravel/sand, etc., parking, radio/television tower, railroad right-of-way and trailer courts/mobile home parks.

([Ord. No. 324-15A](#) , 8-10-15; [Ord. No. 324-17A](#) , 4-10-2017)

Sec. 5. - General provisions.

1. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than those uses permitted in the district in which the building or land is located.
2. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, radio and television aerials or antennas, wireless masts, water tanks or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than 25 feet the height limits of the district in which it is located, except that aerials or antennas designed to aid home television reception may be erected to a height not to exceed 60 feet from the ground level, provided said aerial or antenna is attached to the building or erected in the rear yard area.
3. No building or structure other than a building for conditional use shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the specifications and regulations of the district in which the building is located.
4. No space which for the purpose of a building or dwelling group has been counted or calculated as part of a side yard, rear yard, front yard, court or other open space required by this ordinance, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard, court or other open space requirement of or for any other building.
 - [a.] An open terrace, but not including a roofed over porch or terrace, may occupy a front yard provided the unoccupied portion of the front yard has a depth of not less than 15 feet. A one-story bay window may project into a front yard not more than three feet. Overhanging eaves, including gutters, may project over the minimum required side yard not more than 18 inches.
 - [b.] The minimum yards or other open spaces, including lot areas per family required by this ordinance for each and every building existing at the time of passage of this ordinance and for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building.
5. Every building erected or structurally altered to provide dwellings shall be located on a lot as herein defined and in no case shall there be more than one such building on one lot unless otherwise provided in this ordinance.
6. No building shall be constructed or erected upon a lot, or parcel of land, which does not abut upon a public street or permanent easement of access to a public street, which easement shall have a minimum width of 25 feet unless an easement of lesser width was of record prior to the adoption of this ordinance.
7. The construction of metal buildings is allowed within the B-1, Business and the C-1 commercial zones; however, the metal buildings must be constructed not less than 50 percent of an approved facade material(s). Approved facade materials that may be used on buildings or structures in these zones, individually or in combination, include:
 - a. Natural stone.
 - b. Brick.
 - c. Stucco or similar exterior finishing system.
 - d. Pre-cast concrete panels which are painted or integrally colored.
 - e. Exposed aggregate concrete.

Structures existing prior to the effective date of this ordinance shall not be required to be altered, repaired or modified to meet existing design criteria unless substantial exterior facade or structural

renovations are planned by the property owner. "Substantial facade or structural renovations" are defined as changes or renovations to 25 percent or more of any facade of the structure or improvements facing a public right of way, street or roadway.

8. No wall, fence or shrubbery shall be erected, maintained or planted on any lot which unreasonably obstructs or interfaces with traffic visibility on a curve or at any street intersection. No fence shall extend further than the closest part of a residence toward a property street frontage.
9. A dwelling shall not be erected in the M-1 industrial district; however, the sleeping quarters of a watchman or caretaker are permitted.
10. No residential structure shall be erected upon the rear of a lot or upon a lot with another dwelling; except that in a two-story garage with living quarters upon the second floor, such quarters may be occupied by a servant (and his family) of the family occupying the main structure. There may also be constructed a guest house (without kitchen) or rooms for guests within an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the main structure and not for permanent occupancy by others as a housekeeping unit.
11. An area indicated on the official "zoning map" as a public park or recreation area, public utility area, cemetery, public school site, or semi-public open space, shall not be used for any other purpose, and when the use of the area is discontinued, it shall automatically be rezoned "R-1 single-family residence," until otherwise rezoned.
12. Any area annexed to the city shall, upon such annexation, be automatically rezoned "R-1 single-family residence," until otherwise zoned.
13. The boundaries and current zoning classification of all areas within the city shall be shown on a map hereafter referred to as the zoning map of this city. The zoning map is a part of this ordinance and shall be on file in the office of the city secretary.
14. No house trailer, or mobile home, shall be located anywhere in the city, except as a conditional use subject to the provisions of this ordinance, and any sales offices for the aforementioned shall only be in C-1 zones.
15. No excavations for sand, gravel or other raw materials which would relieve or lower the surface and elevation of the material ground line or which would hamper surface uses for building purposes shall be permitted in the City of Richwood.
16. Trees and landscaping.

(a) *Purpose.*

1. For the purpose of providing for the orderly, safe and healthful development of land located within the city limits and promoting the health, safety and general welfare of the community, it is necessary to establish requirements for the installation and maintenance of landscaping elements and other site improvements.
2. Paved surfaces, automobiles, buildings and other improvements all produce great increases in air temperatures, a problem especially noticeable in this coastal region, whereas plants have the opposite effect through transpiration and the creation of shade. Likewise, impervious surfaces created by development generate greater water runoff causing problems from erosion and flooding.
3. Preserving and improving the natural environment and maintaining a working ecological balance are significant concerns to the community. The fact that landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements benefits the health, welfare and general well-being of the community, and, therefore, it is proper that the use of the landscape elements be required.

- (b) *Landscaping requirements for nonresidential, multiple-family and single-family development.* The following requirements regarding trees and landscaping shall be applicable for nonresidential, multiple-family and single-family development:

1. *Minimum area.* No building permit shall be issued unless a landscape plan is submitted together with an application for a building permit which shows a minimum area, as shown below, of the building site is devoted to landscape developed with landscaping which shall include greenery, shrubbery and trees.

Land Use	Percentage Landscaped Area Required
Multiple-Family	15
Office and Professional Uses	15
Mixed Use	15
Retail and Commercial	15
Industrial or Manufacturing	10
All Other Nonresidential Uses	10

Note: Percentages are based on the total gross lot area.

2. *Number of trees.* The required number of trees on the building site shall be as follows:

a.	Less than 3,000 feet:	0
b.	3,000—7,000	1
c.	7,001—10,000	2
d.	10,001—20,000	3
e.	20,001—30,000	4
f.	30,001—40,000	6
g.	40,001 or greater, per 20,000 sq. ft., rounded to the next highest whole tree	3

3. *Approved plants.* Trees, shrubbery and ground cover utilized shall be limited to those published on the approved list made a part hereof and reviewed annually by the city's beautification commission and the planning and zoning commission. Trees planted to meet the requirements of this subsection shall be at least 50 percent large trees, as defined below.
4. *Minimum diameter.*
 - a. Large trees planted to meet the requirements set forth herein shall be a minimum of 30 gallon size with a minimum diameter of three inches as measured one foot above the ground level.
 - b. Small trees planted to meet the requirements set forth herein shall be a minimum of 15 gallon size with a minimum diameter of two inches as measured one foot above the ground level.
5. *Screening of parking areas.* Landscaping shall be required for the screening of parking areas from an abutting public right-of-way by a continuous hedge or berm.
 - a. Front yard parking areas and side yard parking areas fronting on a street right of way shall be screened from the right-of-way by a continuous hedge or berm.
 - b. The side yard of any lot that contains a parking area abutting a property used or zoned for nonresidential use shall provide a screen of hedges, berms or fences so as to provide a screen for a minimum of 35 percent of the length of the parking lot. The required side lot screening may be grouped and dispersed randomly.
 - c. The minimum number of shrubs shall be equal to the total caliper inches of street trees required under this division multiplied by five. Shrubs and berms shall be maintained at a height of no more than 36 inches nor less than 18 inches as measured from the surrounding soil line.
 - d. A nonresidential development that has a shared parking area with an adjacent nonresidential development shall not be required to screen such shared parking area in relation to the abutting side yard. The alternate side yard abutting a public right-of-way, however, shall be screened in accordance with this subsection above.
 - e. Each required tree and required landscaping shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet.
6. *Interior of parking areas.* Interior landscaping shall be required to be integrated into the overall design of the surface parking area in such a manner that it will assist in defining parking slots, pedestrian paths, driveways, and internal collector lanes, in limiting points of ingress and egress, and in separating parking pavement from street alignments.
 - a. In addition to street trees required under subsection 4 above, trees with a minimum two-inch (measured 12 [inches] above the root ball) caliper shall be provided within or adjacent to the parking area at tree islands that:
 - [i.] Are at least nine feet wide;
 - [ii.] Each have a square footage at least equal to the total area of one parking space;
 - [iii.] Are located so that no parking space is further away than 100 feet from a tree island.
 - b. Tree islands must be protected from vehicle intrusion by curbs or similar structures. Two feet of the tree island may be counted as part of the required depth of the abutting parking space.
 - c. The total caliper inches shall equal two inches for each ten parking spaces.

- d. Caliper inches of street and parking lot trees may be provided by planting a combination of trees that exceed the minimum two-inch caliper, as measured 12 inches above the root ball.
7. *Landscaping within single-family developments.* The following are minimum landscaping requirements for single-family lots and developments:
 - a. *Tree by lot requirements:* Each single-family lot shall have two large shade trees placed thereon with a minimum two-inch caliper, measured at 12 inches above the root ball, and a minimum six feet in height at the time of planting.
 - b. *Additional requirements:* Solid vegetative ground cover or lawn for the entirety of the lot that is not otherwise covered by building(s) and/or driveway area(s).
 - c. *Street tree requirements:* In addition to the requirements in a. and b. above, trees are required along all streets within single-family developments as follows:

 Large shade trees with a minimum two-inch caliper measured at 12 inches above the root ball shall be provided, with the total caliper inches equal to at least one inch for each 40 feet of frontage.
17. Home occupations. Home occupations may be conducted in the home within the limits of the following:
 1. *Uses permitted.* Home occupations include home office for a salesman, sales or service representative, manufacturer representative, studio of an artist, musician, music teacher, etiquette teacher, photographer, writer, tailor, architect, dressmaker, launderer, registered family homes, agency homes, community home for the disabled, daycare facilities for 12 or fewer persons, caterers licensed by the city or other similar occupations.
 2. *Uses not permitted.* Uses not considered customary home occupations include, but are not limited to, barbershops, beauty parlors, animal hospitals, kennels, carpenter shops, electrical shops, plumbing shops, radio shops, tin shops, auto repair, auto paint and body repair shops, furniture repairing shops, clinics, doctor offices, hospitals, real estate offices, insurance agent offices, health studios, palm readers, day care centers or day care facilities which care for more than 12 persons, taxi and limousine services, garage/yard sales (except that as many as four garage/yard sales may be held per year), major appliance repair shops, dance studios or other similar occupations.
 3. *Use restrictions.* In addition to the requirements of the appropriate section of this chapter, a home occupation shall comply with the following restrictions:
 - a. No home occupation shall cause, by reason of its existence, a significant increase in the number of vehicles traveling to and from the home or on the public streets surrounding or abutting the home, nor shall the home occupation receive regular deliveries from delivery trucks.
 - b. A home occupation shall in no way destroy, restrict or interfere with the primary use of the home as a place of residence.
 - c. No stock in trade shall be displayed or sold on the premises except that which is custom made to order.
 - d. The home occupation shall be conducted entirely within the principal dwelling unit or accessory structure, and in no event shall such use be visible from any other residential structure or public way.
 - e. There shall be no outdoor storage of equipment or material used in the home occupation.
 - f. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other annoyance outside the residential or accessory structure shall be used.

- g. No home occupation shall be permitted which is noxious or offensive to a person of ordinary sensitivity or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emission.
 - h. No person other than members of the family residing on the premises shall be engaged in the home occupation unless required by licensing requirements or where such engagement is occasional and incidental to the occupation.
- 4. *Advertising.* No sign advertising the home occupation shall be allowed on or off the premises.
 - 5. *Preexisting day care facilities.* Day care facilities operating prior to June 1, 1992, which are permitted for more than 12 persons may continue to exist or operate, provided that such facilities do not modify the terms and conditions of their current license with regard to owner and number of clients.

([Ord. No. 324-15A](#), 8-10-15)

Sec. 6. - Off-street parking and loading.

- 1. *Off-street parking:* For the purpose of this section, 180 square feet of lot or floor area, which has a means of ingress or egress from an alley or street, shall be deemed parking space for one vehicle. Such parking spaces and access driveways, required in residential districts, when used in compliance with the provisions of this ordinance, shall be paved or otherwise surfaced with an all-weather, dustproof material. That part of the driveway connecting from the curb line to the property line shall be paved with concrete or asphaltic materials.
 - [a.] Parking areas serving nonresidential uses of property shall be hard surfaced and graded so as to drain off all surface water to storm sewer or drainage structure inlets. When such parking areas or lots abut upon adjacent residential properties, there shall be provided a wall or solid screen planting of appropriate shrubs to a height of not less than six feet, along the entire boundary, common to both the residential and parking areas. Walls or solid screen planting to a height of not less than six feet shall also be placed along the street line where a parking lot abuts upon a street which provides access to adjacent residential properties. Lights, if any, used to illuminate such parking lots shall be so arranged as to reflect lighting away from the adjoining premises in the residential district. Such parking spaces shall be reserved for the sole use of the occupants of the building or lots, their customers and the visitors thereto. Churches, theaters, stadiums, auditoriums and other places of assembly may make arrangements for joint use of parking spaces as hereinafter specified.
 - [b.] In any district, except as noted below, every building built, or structurally altered, enlarged or increased in capacity and every land use shall be provided with minimum off-street parking facilities on premises as follows:
 - [1.] One- and two-family dwellings and multiple family dwellings: Two parking spaces for each dwelling unit.
 - [2.] Hotels, and rooming houses: One parking space for each guest sleeping room.
 - [3.] Hospitals: One parking space for each two hospital beds.
 - [4.] Tourist homes: One parking space for each transient sleeping room offered for tourist accommodation in addition to parking spaces required for permanent residents of the building.
 - [5.] Tourist courts and motels: One parking space for each lodging unit.
 - [6.] Churches, auditoriums, gymnasiums, stadiums, theaters and other places of public or private assembly with fixed seats: One parking space for each three seats or bench seating spaces, based upon maximum seating capacity.

- [7.] Dance halls, bowling alleys and private clubs: Parking spaces equal to one-half of a capacity house shall be provided on the premises or within 300 feet of the entrance.
- [8.] Funeral homes: 15 parking spaces on the premises, plus five spaces for each area which can be used as a parlor.
- [9.] Stores and other retail establishments where such uses are permitted, except in the "C-1" commercial business district: One parking space for each 300 square feet of store space, to be provided on the premises or within 200 feet of the entrance and off of the street, except that restaurants or establishments whose primary use is to serve meals and refreshments to patrons shall provide parking spaces equal to one-half of a capacity house. This section shall not apply to buildings with 2,000 square feet or less, provided that the provisions of this section shall apply to the total square footage of a building if it is expanded to include more than 2,000 square feet.
- [10.] Wholesale and distributing establishments including telephone exchanges: One parking space for each two employees.
- [11.] Light industrial and heavy industrial establishments: One parking space for each two employees, based on the greater number of employees at work at one time, to be provided on the premises or at other off-street locations within 1,000 feet of the main entrance.
- [c.] Parking space required under this section may be reduced at a time when the capacity or use of a building is changed in such a manner that a new use or capacity would require less space than before the change. Such reduction may not be below the standards set forth in this section.
- [d.] Loading or unloading areas shall not be considered as parking areas.
- [e.] A plan of parking facilities shall accompany each application for a building permit or certificate of compliance. The completion of the improvements for parking according to such plan shall be a requisite for the validity of the permit or certificate.
- [f.] The city council may authorize a special permit to allow a parking lot in a residence zone for the purpose of meeting the requirements of this section, subject to the following limitations:
 - [1.] Public notice must be given and a public hearing held on the request for a special permit in the same manner in which said notice is given and such hearing is held on a request for a variance.
 - [2.] Notice must be given by registered mail to all owners of property lying within 200 feet of the land for which the special permit is sought.
 - [3.] A special permit shall not be granted unless the application shows and warrants that in the proposed development of the parking area, that front and side yards will be met and maintained. A certificate of occupancy is required attesting to proper use before parking area may begin.
- 2. *Off-street loading facilities:* On the same lot with every building or part thereof, erected hereafter to be used for other than dwelling purposes, or as an accessory use for dwelling purposes, there shall be provided on the lot, adequate space for motor vehicles in order to avoid undue interference with the public use of streets or alleys. Such space shall include a ten-foot by 25-foot loading space, with 15 feet height clearance, and one such space shall be provided for each 20,000 square feet or fraction thereof of floor or lot area used for other than residence purposes.
- 3. *[Hard surfacing:]* The term "hard surfacing" shall mean not less than a certain thickness and material and shall include not only sublease type materials, but also asphaltic and concrete surfacing, and that the specifications therefor as are required to be complied with wherever the term "hard surfacing" is used, shall be as follows:
 - [a.] General specifications for a flexible base material:
 - [1.] Flexible base material shall consist of crushed limestone material, shall with sand add mixture, crushed stone or other base material meeting the specifications of the Texas State

Highway Department. The minimum thickness of the base material shall be six inches compacted.

[b.] General specifications for surface course or asphalt pavement over flexible base material:

- [1.] Surface course materials shall consist of asphaltic material and aggregate meeting the general requirements of item 330, 332, 346, 350 or 352 as described in the Texas State Highway Department Standard Specifications for Road and Bridge Construction. The material shall be in accordance with Type D grading (fine) material. The thickness of the wearing course or surface asphalt material shall be not less than one-inch compacted and shall be rolled to a smooth and even surface using steel wheeled roller of not less than five tons of gross weight.

[c.] General specifications for concrete pavement:

- [1.] Concrete pavement shall have a minimum compressive strength of 2,500 pounds per square inch and shall not have less than five sacks of cement per cubic yard. The course and aggregate shall not exceed 1½ inches in size and shall be graded in accordance with Class A concrete.

[d.] Driveways and parking areas:

- [1.] *Private driveways and parking areas:* All concrete must be a minimum of 3½ inches thick. Reinforcing shall be a minimum of number 2 (¼") gauge reinforcement rod with a maximum of 18-inch squares continuous throughout the slab.
- [2.] *Commercial and truck traffic:* The minimum thickness of concrete shall be not less than six inches. All concrete pavement shall be reinforced with three-eighths-inch diameter reinforcing steel bars spaced at two-foot intervals both ways in the slab. All expansion joints shall have smooth steel dowels not less than five-eighths inches in diameter and not less than 24 inches in length with a sleeve on one end.

([Ord. No. 324-15A](#), 8-10-15)

Sec. 7. - Additional provisions.

1. [*Accessory buildings:*] Accessory buildings, except as otherwise permitted in this ordinance, shall be subject to the following regulations:
 - [a.] Where an accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this ordinance applicable to the main building.
 - [b.] No detached accessory building shall be located closer than ten feet to any main building.
 - [c.] An accessory building shall not be erected prior to the establishment or construction of the principal building.
2. *C-1 commercial property screening:* On the side and rear boundary of C-1 commercial use district which abuts on R-1, R-2 or R-3 residential use district, it shall be screened by a wall or solid screen planting of not less than six feet along the entire boundary.
3. *R-3 multifamily screening:* On the side and rear boundary of the R-3 multifamily use district which abuts on R-1 or R-2 residential use district, it shall be screened by a wall or solid screen planting of not less than six feet along the entire boundary.
4. *B-1 business screening:* On the side and rear boundary of the B-1 business use district which abuts on R-1 or R-2 residential use district, it shall be screened by a wall or solid screen planting of not less than six feet along the entire boundary.
5. *Screening in general:* Screening consisting of either masonry, or berms with adequate trees or shrubs, or chainlink fencing with adequate trees or shrubs shall be required when a business, commercial or industrial building backs up to either a major city street or a state highway and there

are garbage receptacles, work vehicles and other common but unsightly operational or back-door materials visible. Such screening must be thick or dense enough to hide the unsightly items up to a height of at least six feet.

6. *Tents in business and commercial zones:* The time period for which a business or other entity may erect or have a tent on their premises in business and commercial zones for the purpose of housing materials, providing cover from the elements, providing for and outside sale area, providing for entertainment, conventions or any other social, business or commercial purpose shall not exceed 30 days total for a calendar year.

Sec. 8. - Nonconforming uses.

The lawful use of land or buildings existing at the time of the adoption of this ordinance may continue although such use does not conform to the regulations specified by this ordinance for the district in which such land or building is located, subject to the following conditions and specifications.

- A. Any nonconforming use of land or building which has ceased to discontinuance or abandonment for a period of six months shall thereafter conform to the provisions of this ordinance.
- B. Any nonconforming building which has been destroyed or damaged by fire, explosion, act of God, insurrection or by a public enemy to the extent of 60 percent or more of its assessed valuation shall thereafter conform to the provisions of this ordinance. Where more than 40 percent of the assessed value of the building remains after such damage, such structure may be restored to the same nonconforming use as existed before such damage.
- C. No nonconforming building shall be enlarged or structurally altered except to make it a conforming building. A nonconforming use of a building existing at the time of the adoption of this ordinance may be extended throughout the building provided no structural alterations, except those required by ordinance or law are made therein, and provided variance is obtained.
- D. The use of a nonconforming building may be changed only to a use conforming to the district in which the property is located.

Sec. 9. - Enforcing officer.

The public works director of the city is designated as the officer to be responsible for enforcing the zoning ordinance. Said public works director shall have the power and shall exercise the function prescribed by state law and by the terms of this ordinance now in force or as hereafter amended.

Sec. 10. - Building permits, certificate of occupancy.

- A. *Building permit:* No building or structure shall hereafter be erected or structurally altered until a building permit shall be issued by the public works director stating that the building or structure, and use of land, comply with the regulations of this ordinance and all building and health laws and ordinances. All new buildings and modifications to existing buildings shall comply with the codes used by the city which are the Southern Building Code Congress International, the National Electrical Code and CABO for one- and two-family dwellings.
 - [1.] All applications for building permits shall be accompanied by a plan in duplicate, drawn to scale, showing the actual dimensions of the lot or lots to be built upon, the size of the building or structure to be erected or structurally altered, a copy of its contract or other memorandum showing improvements and cost thereof, its location on the lot or lots and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications, contracts and plans shall be kept in the office of the public works director.
 - [2.] Additionally, any person, firm, corporation, individual, association or other entity, that hereby applies for a building permit pursuant to the provisions of this ordinance, shall have in all respects complied with all of the provisions of Ordinance Number 193, of the City of Richwood, Texas which is known as the "Land Subdivision Regulations of the City of Richwood, Texas."

[3.] No building shall be constructed, and no permit shall be issued for any building on any premises not served by a sewer outside of R-4 single-family residential zone.

- B. *Certificate of occupancy*: No building or structure hereafter erected or structurally altered shall be occupied and used until a certificate of occupancy has been issued by the public works director. The certificate of occupancy shall be issued only after the public works director makes a finding that the building or structure has been erected or structurally altered in conformance with the provisions of this ordinance and other health and building laws in accordance with building permit and the general laws of the State of Texas.

[1.] Certificate of occupancy shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or alterations of such building shall have been satisfactorily completed. A record of all certificates shall be kept on file in the office of the public works director and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

- C. *Continuance of existing uses*: Nothing in this article shall prevent the continuance of the present occupancy or lawful use of any existing building, except as may be necessary for the safety of life and property, and except as provided in section 8 and in that event such shall be condemned as provided by the general laws of the State of Texas.

Sec. 11. - Planned unit development (PUD).

1. *Applicability*. A PUD may be used to permit new or innovative concepts in land utilization, master-planned communities or mixed used developments that other zoning districts do not easily accommodate. A PUD also provides site-specific compatibility standards. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established to ensure against misuse of increased flexibility. PUDs are appropriate in areas where the zoning plan reflects either the specific uses in the PUD or where the zoning plan reflects mixed use as a land use category.

2. *Procedure*.

[a.] *Initiation of a PUD*: A PUD application shall consist of a request for original zoning or a zoning change and a development plan.

[b.] *Preapplication conference*: The purpose of the mandatory preapplication review is to afford the applicant an opportunity to avail himself of the advice and assistance of the city staff before submitting the PUD application.

[c.] *Review and recommendation by development review committee*: The DRC, comprised of public works director, city administrator (or city secretary) and police chief, shall review the original zoning or zoning change and the development plan application and forward its recommendation to approve, approve with modifications or conditions, or disapprove the application to the city council.

[d.] *Review and action by city council*: If the PUD zoning application is favorably reviewed by the DRC, it shall be sent forward with a recommendation for approval under the condition that the development plan with all related information shall be presented to the city council. Otherwise, it shall be forwarded with an unfavorable recommendation.

The chapter granting a PUD district shall include a statement as to the purpose and intent of the planed development granted therein. All specific conditions of approval that are imposed by the city council shall be listed in the PUD chapter and development plans shall be referenced as attachments.

3. *Development plan requirements*. The development requirements for each separate PUD district shall be included as a part of the development plan for each PUD district and shall include, but may not be limited to: uses, density, lot area, lot width, dot depth, yard depths and widths, building height, building elevations, parking, access, streets and circulation, screening, landscaping, accessory

buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as the city council may deem appropriate.

4. *Development plan approval criteria.* The form and content of the development plan shall be in sufficient detail to enable the city council to evaluate the proposal and ascertain that it meets the following:
 - [a.] The proposal will constitute an environment of sustained stability and shall be in harmony with the character of the surrounding area.
 - [b.] The proposal is in conformity with the policies, goals and objectives of the zoning plan including all its elements and shall be consistent with the intent and purpose of this section.
 - [c.] The proposal ensures the provision of adequate public improvements, including but not limited to transportation, drainage, parks, and other public facilities.
 - [d.] The proposal ensures minimal development related off-site impacts.
5. *Minimum requirements.* Unless otherwise specified in the approved development plan, the minimum requirements for each development shall be those stated in this ordinance and shall be the requirements of the most restrictive standard zoning district in which the designated uses are permitted. Meritorious modification of these standards may be considered.
6. *Density requirements.* Overall density in any planned unit development shall generally equal that shown in the zoning plan for the particular location. Lower density may be required to ensure compatibility with surrounding existing neighborhood densities. Higher densities may be approved at the discretion of the city council.
7. *Compliance with applicable city ordinances.* The granting of a PUD designation shall not relieve the developer from responsibility for complying with all other application sections of this ordinance and other codes and chapters of the city unless such relief is specified in the approved development plans.
8. *Minor amendment to development plan.* All changes of use from those approved in the original PUD shall require city council approval. Minor additions and modifications to the approved development plans meeting the criteria below may be approved by the public works director:
 - [a.] Minor additions to structures, with a floor area no larger than ten percent of the existing floor area of the main floor, but not to exceed 5,000 square feet, provided that the overall density of the project does not increase.
 - [b.] Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering).
 - [c.] Minor additions to parking lots comprising no more than ten percent of the original number of parking spaces required, not to exceed 25 spaces.
 - [d.] Clearing or grading that does not exceed 5,000 square feet in area or ten percent of the site.
9. *Development plan is a subdivision concept plan.* Approval of a development plan shall also constitute approval of a concept plan for subdivision purposes.

Sec. 12. - Board of adjustment.

1. The Richwood City Council shall serve as the members of the board of adjustments that may in appropriate cases and subject to appropriate conditions and safeguards, make special conditions to the terms of this section in harmony with the ordinance's general purpose and intent.
 - [a.] The board of adjustment will operate and function in accordance with the provisions of V.T.C.A., Local Government Code § 211.08.

2. Any person, firm, corporation, individual, or association, having a proprietary or tenancy interest in a certain piece of property, and who desires a variance from any of the provisions of this ordinance, shall make said application to the board of adjustment of the City of Richwood.
3. Any individual, firm, corporation or association applying for a temporary use permit, a variance, a specific use permit, or any other type of zoning change under this ordinance shall pay in advance, at the time of making said request, for a temporary use permit, a variance, a specific use permit, or other zoning change pursuant to the zoning ordinance, the following fee as it applies to said person, firm, individual, corporation or association:
 - [a.] Where the application includes one or more lots in a subdivision, a plat of which is on file in the office of the county clerk of Brazoria County, Texas, a fee of \$200.00 for one or more lots but not more than ten such lots and for each additional lot in excess of ten a fee of \$20.00 per lot.
 - [b.] Where the application includes any parcel of land not covered by the above fee provisions, a fee of \$300.00 for the first acre or fraction thereof and a fee of \$60.00 for each additional acre or fraction thereof.
 - [c.] For each owner of each lot or parcel of land included in any application and for each owner of each lot or parcel of land owned within 200 feet thereof, a fee or charge of \$5.00 for each owner required to be notified pursuant to law.
4. The above-denoted fees in reference to applications for temporary use permits, variances, specific use permits, or any other type of zoning change, will be used to defray the cost of legal publication of said notices.
5. Once the above fees for a temporary use permit, variance, specific use permit or any other type of zoning change have been paid, the individual, firm, corporation or association applying for the temporary use permit, variance, specific use permit or any other zoning change, may present their application to the board of adjustment of the City of Richwood.
6. Any appeals taken from any decision of the board of adjustment of the City of Richwood, shall be taken in accordance with Vernon's Ann. Civ. St. art. 1011g. The board of adjustment of the City of Richwood is not a legislative body; however, [it] is a quasi-judicial body.
7. A conditional use of property shall be considered to be a type of zoning change as mentioned above, and should any individual, firm, corporation, association or other entity apply for a conditional use of property, said individual, firm, corporation, association or entity must follow the procedures denoted in this section and pay the appropriate fees denoted in this section upon applying for a conditional use.

Sec. 13. - Interpretation; purpose and conflict.

In interpreting and applying the provisions of this ordinance, they shall be liberally construed as to the intent of this ordinance, to promote public safety, health, conveyance, comfort, prosperity and general welfare.

It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except where this ordinance imposes a greater restriction upon the use of building or premises or upon the height of buildings or requires larger open spaces than are imposed or required by such other ordinances or easements, covenants or agreements, in which event the provisions of this ordinance shall control.

Sec. 14. - Violations and penalties.

Any person, firm, corporation, association or any other entity who shall violate any of the provisions of this ordinance or who shall build, alter, or occupy any building in violation of any statement or plans submitted and approved hereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum of not less than \$10.00 and not more than \$1,000.00.

Each day such violation shall be continued, or shall be allowed to continue to exist shall constitute a separate offense.

The owner or owners of any building or property or part thereof where anything in violation of this ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, attorney, person, firm, corporation, association or other entity employed in connection therewith and who has assisted in the commission of such violation, shall be guilty of a separate offense, and upon conviction thereof, shall be fined in the sum of not less than \$5.00 and not more than \$500.00.

In addition to the remedies provided herein, the public works director may, in case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to refrain, correct or abate such violation, to prevent the occupancy such building, structure or land or to prevent any illegal act, conduct or business or use in or about such premises.

Sec. 15. - Repealing clause.

All ordinances in conflict herewith are hereby expressly repealed as though the same had never been passed, approved and adopted.

Sec. 16. - Savings clause.

It is hereby declared to be the intention of the City Council of the City of Richwood, Texas, that the several provisions of this ordinance are severable to the extent that if any court of competent jurisdiction shall judge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment. The city council hereby declares that it would have passed those parts of this ordinance which are valid and omitted any parts which may be unconstitutional at the time of the passage of this ordinance.

PASSED AND ADOPTED THIS 11th day of May, 2015

/s/

Clint Kocurek, Mayor

ATTEST:

/s/

Karen B. Schrom, City Secretary

MEMORANDUM

To: The Honorable Mark Guthrie, Mayor and Members of the Richwood City Council

From: Michael Coon, City Manager

Date: October 3, 2018

Subject: City Manager Evaluation

After my last performance review, I recommended that my annual evaluations be moved to October to better coincide with our annual budget cycles.