

The Regular Meeting of the Town of Westlake Town Council will begin immediately following the conclusion of the Town Council Work Session but not prior to the posted start time.



TOWN OF WESTLAKE, TEXAS

Vision Statement

An oasis of natural beauty that maintains our open spaces in balance with distinctive development, trails, and quality of life amenities amidst an ever expanding urban landscape.

TOWN COUNCIL MEETING

AGENDA

May 23, 2016

**1301 Solana Blvd.
Building 4, Suite 4202
2ND FLOOR, COUNCIL CHAMBER
WESTLAKE, TX 76262**

Workshop Session: 5:00 p.m.

Regular Session: 6:30 p.m.

Mission Statement

Westlake is a unique community blending preservation of our natural environment and viewsapes, while serving our residents and businesses with superior municipal and academic services that are accessible, efficient, cost-effective, and transparent.

Westlake, Texas – "One-of-a-kind community; natural oasis – providing an exceptional level of service."

Work Session

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. REVIEW OF CONSENT AGENDA ITEMS LISTED ON THE REGULAR MEETING AGENDA. (10 min)

4. DISCUSSION ITEMS

- a. Discussion of items to be placed on future agendas, updates on development trends and progress of past development projects. (10 min)
- b. **Standing Item:** Update and discussion regarding the Granada Development, including items posted on the regular session agenda and the Covenants Conditions Restrictions (CCR's) and Design Standards. (10 min)
- c. **Standing Item:** Update and discussion regarding the Entrada Development, including items posted on the regular session agenda and public art. (10 min)

5. EXECUTIVE SESSION

The Council will conduct a closed session pursuant to Texas Government Code, annotated, Chapter 551, Subchapter D for the following:

- a. Sec. 551.071 Consultation with Attorney (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; (2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: Ordinance 767
- b. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1) for the following:
 - Maguire Partners-Solana Land, L.P., related to Centurion's development known as Entrada and Granada
 - Project Blizzard
 - Project Lynx
 - Deloitte LLP
- c. Section 551.072 to deliberate the purchase, exchange, lease of value of real property regarding Town Hall offices and possible Fire Stations sites
- d. Section 551.074(a)(1): Deliberation Regarding Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, of a public officer or employee: Town Manager

6. **RECONVENE MEETING**
7. **COUNCIL RECAP / STAFF DIRECTION**
8. **ADJOURNMENT**

Regular Session

1. **CALL TO ORDER**
2. **DISCUSSION AND CONSIDERATION TO ELECT A MAYOR PRO TEMPORE.**
3. **ITEMS OF COMMUNITY INTEREST:** Mayor and Council Reports on Items of Community Interest pursuant to Texas Government Code Section 551.0415 the Town Council may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming Town Council events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety.
4. **CITIZEN COMMENTS:** This is an opportunity for citizens to address the Council on any matter whether or not it is posted on the agenda. The Council cannot by law take action nor have any discussion or deliberations on any presentation made to the Council at this time concerning an item not listed on the agenda. The Council will receive the information, ask staff to review the matter, or an item may be noticed on a future agenda for deliberation or action.
5. **CONSENT AGENDA:** All items listed below are considered routine by the Town Council and will be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence.
 - a. Consider approval of the minutes from the April 25, 2016, meeting.
 - b. Consider approval of **Ordinance 785**, Approving a negotiated Settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2016 Rate Review Mechanism Filings.
 - c. Consider approval of **Resolution 16-17**, Appointing a new member to the Westlake Academy Foundation.
 - d. Consider approval of **Ordinance 786**, Chapter 36, Engineering Standards, Article VI, Erosion Control, Sections 36-161, General Provisions and Sections 36-166, Enforcement to establish an Erosion Control Inspection Fee for any permitted construction site within the Town.
 - e. Consider approval of **Resolution 16-18**, Amending the Fee Schedule adding a fee for Erosion Control.
 - f. Consider approval of **Resolution 16-19**, Approving amendments to the Personnel Manual.

- g. Consider approval of **Resolution 16-20**, Authorizing Approval of a Contract with MESA Planning for Establishing Goals, Objectives, and a Framework for a Town-Wide Public Art Program.

6. EXECUTIVE SESSION

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 - Project Lynx
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- c. Section 551.072 to deliberate the purchase, exchange, lease of value of real property regarding Town Hall offices and possible Fire Stations sites
- d. Section 551.074(a)(1): Deliberation Regarding Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, of a public officer or employee: Town Manager

7. RECONVENE MEETING

8. TAKE ANY ACTION, IF NEEDED, FROM EXECUTIVE SESSION ITEMS.

9. FUTURE AGENDA ITEMS: Any Council member may request at a workshop and / or Council meeting, under "Future Agenda Item Requests", an agenda item for a future Council meeting. The Council Member making the request will contact the Town Manager with the requested item and the Town Manager will list it on the agenda. At the meeting, the requesting Council Member will explain the item, the need for Council discussion of the item, the item's relationship to the Council's strategic priorities, and the amount of estimated staff time necessary to prepare for Council discussion. If the requesting Council Member receives a second, the Town Manager will place the item on the Council agenda calendar allowing for adequate time for staff preparation on the agenda item.

10. ADJOURNMENT

ANY ITEM ON THIS POSTED AGENDA COULD BE DISCUSSED IN EXECUTIVE SESSION AS LONG AS IT IS WITHIN ONE OF THE PERMITTED CATEGORIES UNDER SECTIONS 551.071 THROUGH 551.076 AND SECTION 551.087 OF THE TEXAS GOVERNMENT CODE.

CERTIFICATION

I certify that the above notice was posted at the Town Hall of the Town of Westlake, 1301 Solana Blvd., Building 4, Suite 4202, Westlake, TX 76262, May 18, 2016, by 5:00 p.m. under the Open Meetings Act, Chapter 551 of the Texas Government Code.

Kelly Edwards, TRMC, Town Secretary

If you plan to attend this public meeting and have a disability that requires special needs, please advise the Town Secretary 48 hours in advance at 817-490-5710 and reasonable accommodations will be made to assist you.

Town Council

Item # 2 – Pledge of
Allegiance

Texas Pledge:

*"Honor the Texas flag;
I pledge allegiance to
thee, Texas, one state
under God, one and
indivisible."*

Town Council

Item # 3 – Review of Consent Items

REVIEW OF CONSENT AGENDA ITEMS FOR THE TOWN COUNCIL REGULAR MEETING AGENDA.

- a. Consider approval of the minutes from the April 25, 2016, meeting.
- b. Consider approval of **Ordinance 785**, Approving a negotiated Settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2016 Rate Review Mechanism Filings.
- c. Consider approval of **Resolution 16-17**, Appointing a new member to the Westlake Academy Foundation.
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- g. Consider approval of **Resolution 16-20**, Authorizing Approval of a Contract with MESA Planning for Establishing Goals, Objectives, and a Framework for a Town-Wide Public Art Program.

Town Council

Item # 4 – Discussion Items

DISCUSSION ITEMS

- a. Discussion of items to be placed on future agendas, updates on development trends and progress of past development projects. (10 min)
- b. ***Standing Item:*** Update and discussion regarding the Granada Development, including items posted on the regular session agenda and the Covenants Conditions Restrictions (CCR's) and Design Standards. (10 min)
- c. ***Standing Item:*** Update and discussion regarding the Entrada Development, including items posted on the regular session agenda and public art. (10 min)

Town Council

Item # 4a

Discussion of items to be placed on future agendas, updates on development trends and progress of past development projects.

Town Council

Item # 4b – Granada
Development

Standing Item: Update and discussion regarding the Granada Development, including items posted on the regular session agenda and the Covenants Conditions Restrictions (CCR's) and Design Standards.

Town Council

Item # 4c – Entrada
Development

Standing Item: Update and discussion regarding the Entrada Development, including items posted on the regular session agenda and public art.

Town Council

Item # 5 – Executive Session

EXECUTIVE SESSION

- a. Sec. 551.071 Consultation with Attorney (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; (2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: Ordinance 767
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 - Deloitte LLP
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- d. Section 551.074(a)(1): Deliberation Regarding Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, of a public officer or employee: Town Manager

Town Council

Item # 6 – Reconvene
Council Meeting

Town Council

Item # 7 – Council Recap /
Staff Direction

COUNCIL RECAP / STAFF DIRECTION

Town Council

Item # 8 – Adjournment
Work Session



TYPE OF ACTION

Regular Meeting - Action Item

**Westlake Town Council Meeting
Monday, May 23, 2016**

TOPIC: Discussion and Consideration to elect a Mayor Pro Tempore.

STAFF CONTACT: Kelly Edwards, Town Secretary

Strategic Alignment

<u>Vision, Value, Mission</u>	<u>Perspective</u>	<u>Strategic Theme & Results</u>	<u>Outcome Objective</u>
Informed & Engaged Citizens / Sense of Community	Municipal & Academic Operations	Natural Oasis - Preserve & Maintain a Perfect Blend of the Community's Natural Beauty	Increase Transparency, Accessibility & Communications
<u>Strategic Initiative</u>			
Outside the Scope of Identified Strategic Initiatives			

Time Line - Start Date: May 23, 2016 **Completion Date:** May 23, 2016

Funding Amount: N/A **Status -** **Not Funded** **Source -** N/A

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

Pursuant to Local Government Code Section 22.037 the Council shall elect a Mayor Pro Tempore following the May General election.

The Mayor Pro Tem shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform such duties.

The Mayor Pro Tem shall have the right to vote as a member of the Council.

RECOMMENDATION

Elect a Mayor Pro Tempore.

ATTACHMENTS

None

Town Council

ITEMS OF COMMUNITY INTEREST: Mayor and Council Reports on Items of Community Interest pursuant to Texas Government Code Section 551.0415 the Town Council may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming Town Council events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety.

Item # 3 – Items of Community Interest

- ✓ Class of 2016 Seniors' Special Event Day
Tuesday, May 24, 2016
9:00 am - Award Ceremony, Gym
10:30 am – Alumni Walkway Brick Laying ceremony, east side of Gym
11:30 am – Baccalaureate Service, MPH
- ✓ 2016 MYP Awards Ceremony
Tuesday, May 24, 2016; 1:00 pm
WA Campus – Gym
- ✓ Teacher of the Year Ceremony/Reception
Tuesday, May 24, 2016; 3:30 pm
WA Campus – MPH (multi-purpose hall)
- ✓ Annual PYP Strings Concert (Westlake community invited)
Tuesday, May 24, 2016; 6:00 pm
First Baptist Church, Keller
- ✓ Board of Trustees/Town Council – Annual Planning Day
Wednesday, May 25, 2016: 8:30 am – 5:00 pm
Hilton Garden Inn-Alliance, 2600 Westport Parkway 76177
- ✓ Nat'l Junior Honor Society & Nat'l Honor Society Induction Ceremonies
Thursday, May 25, 2016; 6:00 pm and 7:30 pm, respectively
WA Campus – MPH (multi-purpose hall)
- ✓ Annual PYP Exhibition (Westlake community invited)
Thursday, May 26, 2016; Two sessions: 10:00 am – 12:00 pm and 12:30 – 2:15 pm
WA Campus – Check in at main Primary entrance for map of presentations
- ✓ WA School Holiday (No bad weather make-up day needed)
Friday, May 27, 2016
- ✓ Westlake Municipal Offices & Academy Closed for Memorial Day
Monday, May 30, 2016
- ✓ Westlake Annual Decoration Day; Hosted by the Westlake Historical Preservations Society
Monday, May 30, 2016; 6:00 – 8:00 pm
Westlake I.O.O.F. Cemetery, 3101 JT Ottinger Road
- ✓ 2016 WA Senior Banquet
Thursday, June 2, 2016; 6:30 – 10:00 pm
The Marq Southlake, 285 Shady Oaks Drive 76092
*RSVP due Friday, May 20 – thank you!
- ✓ Last Day of School & Whole School End of Year Picnic Lunch provided by Town of Westlake
*Special addition this year – Petting Zoo & Sno Cones provided by HOC!

Friday, June 3, 2016; 12:00 – 1:00 pm
WA Campus – Sports Court

- ✓ 2016 Commencement Ceremony
Saturday, June 4, 2016; 2:00 – 4:00 pm
Hurst Conference Center, 1601 Campus Drive 76054

- ✓ Coffee & Conversation with Carol – Mayor Pro Tem (last one until Sept!)
Monday, June 6, 2016; 8-9:30 am
Marriott Solana – Great Room

- ✓ Board of Trustees Workshop/Meeting
Monday, June 6, 2016; 5:00 pm

- ✓ Planning & Zoning Meeting (if needed-please check website for schedule/agenda)
Monday, June 20, 2016; 6:00 pm

Town Council

Item # 4 – Citizen Comments

CITIZEN COMMENTS: This is an opportunity for citizens to address the Council on any matter whether or not it is posted on the agenda. The Council cannot by law take action nor have any discussion or deliberations on any presentation made to the Council at this time concerning an item not listed on the agenda. The Council will receive the information, ask staff to review the matter, or an item may be noticed on a future agenda for deliberation or action.

Town Council

Item # 5 – Consent Agenda

CONSENT AGENDA: All items listed below are considered routine by the Town Council and will be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence.

- a. Consider approval of the minutes from the April 25, 2016, meeting.
- b. Consider approval of **Ordinance 785**, Approving a negotiated Settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2016 Rate Review Mechanism Filings.
- c. Consider approval of **Resolution 16-17**, Appointing a new member to the Westlake Academy Foundation.
- d. Consider approval of **Ordinance 786**, Chapter 36, Engineering Standards, Article VI, Erosion Control, Sections 36-161, General Provisions and Sections 36-166, Enforcement to establish an Erosion Control Inspection Fee for any permitted construction site within the Town.
- e. Consider approval of **Resolution 16-18**, Amending the Fee Schedule adding a fee for Erosion Control.
- f. Consider approval of **Resolution 16-19**, Approving amendments to the Personnel Manual.
- g. Consider approval of **Resolution 16-20**, Authorizing Approval of a Contract with MESA Planning for Establishing Goals, Objectives, and a Framework for a Town-Wide Public Art Program.



**MINUTES OF THE
TOWN OF WESTLAKE, TEXAS
TOWN COUNCIL MEETING**

April 25, 2016

PRESENT: Mayor Laura Wheat, Council Members, Alesa Belvedere, Carol Langdon, and Rick Rennhack. Michael Barrett arrived at 5:53 p.m.

ABSENT: Wayne Stoltenberg

OTHERS PRESENT: Town Manager Thomas Brymer, Town Secretary Kelly Edwards, Town Attorney Stan Lowry, Police Captain Tommy Simmons, Director of Public Works Jarrod Greenwood, Finance Director Debbie Piper, Director of Human Resources & Administrative Services Todd Wood, Director of Facilities and Parks & Recreation Troy Meyer, Communications Specialist Susan McFarland, Director of Information Technology Jason Power, and Intern Joel Enders.

Work Session

1. CALL TO ORDER

Mayor Wheat called the work session to order at 5:29 p.m.

2. PLEDGE OF ALLEGIANCE

3. REVIEW OF CONSENT AGENDA ITEMS FOR THE TOWN COUNCIL REGULAR MEETING AGENDA.

No additional discussion.

4. REPORTS

- a. Report for the 1st and 2nd Quarter Performance Measures for Fiscal Year ending September 30, 2016.

Town Manager Brymer provided an overview of the Utility Fund regarding Southlake billing discrepancies of the TRA Interlocal Agreement.

Discussion ensued regarding the Franchise page income, hotel occupancy tax and budgeting to normalize those that fees are due and expected but not received by the time of the report.

- b. Report of Quarterly Financial Dashboard and Analysis as well as Capital Projects for the Quarter ended March 31, 2016.

Discussion ensued regarding changing the attendance numbers to percentages by location.

5. DISCUSSION ITEMS

- a. Presentation and discussion of proposed changes to the Westlake animal control ordinance as it relates to the registration of animals, definition updates, unlawful restraint of dogs, danger dogs and other proposed amendments to the Code of Ordinances.

Assistant Town Manager DeGan provided an overview of the proposed amendments.

Discussion ensued regarding large animal grazing and ownership percentage, leashing dogs, processing complaints, and the definition of a dangerous dog.

- b. Discussion of items to be placed on future agendas, updates on development trends and progress of past development projects.

Town Manager Brymer stated that he believes there is a strong interest in Quail Hollow.

- c. ***Standing Item:*** Update and discussion regarding the Granada Development, including items posted on the regular session agenda and the Covenants Conditions Restrictions (CCR's) and Design Standards.

Discussion ensued regarding the progression of infrastructure in Phase II, erosion control, and solid waste.

- d. **Standing Item:** Update and discussion regarding the Entrada Development, including items posted on the regular session agenda and public art.

Staff provided a presentation and overview of the proposed residential component of Entrada.

Discussion ensued regarding common trash locations, street width, parking, watering planters, highway noise, drainage, landscaping, excavation of the westbound lanes along Solana Blvd and perimeter landscaping.

6. EXECUTIVE SESSION

The Council did not convene into executive session.

The Council will conduct a closed session pursuant to Texas Government Code, annotated, Chapter 551, Subchapter D for the following:

- a. Sec. 551.071 Consultation with Attorney (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; (2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: Ordinance 767
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 - Maguire Partners-Solana Land, L.P., related to Centurion's development known as Entrada and Granada
 - Hillwood Properties: Project Blizzard and Project Lynx
 - BRE Solana, LLC
 - Deloitte LLP
- b. Section 551.072 to deliberate the purchase, exchange, lease of value of real property regarding Town Hall offices and possible Fire Stations sites

7. RECONVENE MEETING

8. COUNCIL RECAP / STAFF DIRECTION

No additional direction provided.

9. ADJOURNMENT

Mayor Wheat adjourned the work session at 7:00 p.m.

Regular Session

1. CALL TO ORDER

Mayor called the regular session to order at 7:16 p.m.

2. ITEMS OF COMMUNITY INTEREST

Director Meyer provided an overview of the Butterfly and Arbor Day proclamations and the location established at Westlake Academy for students to create a butterfly habitat.

Council Member Rennhack stated he attended Flag at the Academy and that he was proud of the culture with the students.

3. CITIZEN COMMENTS

No one addressed the Council.

4. CONSENT AGENDA

- a. Consider approval of the minutes from the March 28, 2016, meeting.
- b. Consider approval of **Resolution 16-14**, Appointing new member to the Texas Student Housing Authority.
- c. Consider approval of **Resolution 16-15**, Appointing a new member to the Westlake Academy Foundation.
- d. Consider approval of **Resolution 16-16**, Authorizing the Town Manager to execute an agreement with Southwestern Bell Telephone Company d/b/a AT&T Texas ("AT&T"), to lease Town owned telecommunications conduit (ductbank) within the Carlyle residential development.
- e. Consider approval of **Ordinance 781**, Amending the Ordinance authorizing the issuance of the Town of Westlake, Texas, Combination Tax and Revenue Certificate of Obligation, Series 2011, and enacting other provisions related to the subject.
- f. Consider approval of **Ordinance 782**, Amending Chapter 14 "Animals" of the Code of Ordinances by deleting the current Chapter 14, Article II and adding Chapter 14 "Animals" Article II.

MOTION: Council Member Rennhack made a motion to approve the consent agenda. Council Member Langdon seconded the motion. The motion carried by a vote of 4-0.

Mayor Wheat moved to item 8 listed on the regular agenda.

5. EXECUTIVE SESSION

The Council convened into executive session at 7:29 p.m.

The Council will conduct a closed session pursuant to Texas Government Code, annotated, Chapter 551, Subchapter D for the following:

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 - Deloitte LLP
- c. Section 551.072 to deliberate the purchase, exchange, lease of value of real property regarding Town Hall offices and possible Fire Stations sites

6. RECONVENE MEETING

Mayor Wheat reconvened the meeting at 8:42 p.m.

7. TAKE ANY ACTION, IF NEEDED, FROM EXECUTIVE SESSION ITEMS.

No action necessary.

8. **CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE 783, APPROVING A PLANNED DEVELOPMENT ZONING DISTRICT (PD) SITE PLAN FOR AN APPROXIMATELY .58-ACRE PORTION OF PLANNED DEVELOPMENT DISTRICT 1, PLANNING AREA 2 (PD 1-2), ESTABLISHED BY ORDINANCE 703 FOR THE PROPERTY GENERALLY LOCATED SOUTH OF STATE HIGHWAY 114, EAST OF DAVIS BOULEVARD, AND NORTH OF SOLANA BOULEVARD, COMMONLY KNOWN AS WESTLAKE ENTRADA. THE AREA SHOWN ON THIS PD SITE PLAN IS A PORTION OF THE ENTRADA RESIDENTIAL AREA, AND IS LOCATED NEAR THE INTERSECTION OF SOLANA BOULEVARD, GRANADA TRAIL, AND CORTES DRIVE.**

Discussion ensued regarding the conservation of water and if any green recognition available.

Mayor Wheat opened the public hearing.

Jeff Watson, 1719 Wisteria Way, spoke regarding the types of garages proposed for the residences.

Mayor Wheat closed the public hearing.

MOTION: Council Member Rennhack made a motion to approve **Ordinance 783**. Council Member Barrett seconded the motion. The motion carried by a vote of 4-0.

9. **FUTURE AGENDA ITEMS**

No future agenda items.

10. ADJOURNMENT

There being no further business before the Council, Mayor Wheat asked for a motion to adjourn the meeting.

MOTION: Council Member Langdon made a motion to adjourn the meeting. Council Member Belvedere seconded the motion. The motion carried by a vote of 4-0.

Mayor Wheat adjourned the meeting at 8:42 p.m.

APPROVED BY THE TOWN COUNCIL ON MAY 23, 2016.

ATTEST:

Laura Wheat, Mayor

Kelly Edwards, Town Secretary



TYPE OF ACTION

Regular Meeting - Consent

**Westlake Town Council Meeting
Monday, May 23, 2016**

TOPIC: Consideration of an Ordinance Approving a Negotiated Settlement Between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corporation, Mid-Tex Division (“Company”) regarding the Company’s 2016 Rate Review Mechanism (RRM) Filings; and Approving a Settlement Agreement with Attached Rate Tariffs and Proof of Revenues and Other Documents Connected to these Rate Proceedings.

STAFF CONTACT: Tom Brymer, Town Manager

Strategic Alignment

<u>Vision, Value, Mission</u>	<u>Perspective</u>	<u>Strategic Theme & Results</u>	<u>Outcome Objective</u>
Fiscal Responsibility	Municipal & Academic Operations	High Quality Planning, Design & Development - We are a desirable well planned, high-quality community that is distinguished by exemplary design standards.	Increase Transparency, Accessibility & Communications
<u>Strategic Initiative</u>			
Outside the Scope of Identified Strategic Initiatives			

Time Line - Start Date: May 23, 2016 **Completion Date:** May 23, 2016

Funding Amount: N/A **Status -** **Not Funded** **Source -** N/A

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

The City, along with other similarly situated cities served by Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). The RRM Tariff was originally adopted by ACSC member cities in 2007 as an alternative to the Gas Reliability Infrastructure Program (“GRIP”), the statutory provision that allows Atmos to bypass the City’s rate regulatory authority to increase its rates annually to recover capital investments. The RRM Tariff has been modified several times.

The 2016 RRM filing is the fourth RRM filing under the renewed RRM Tariff. On March 1, 2016, Atmos made a filing requesting \$35.4 million additional revenues on a system-wide basis. Because the City of Dallas has a separate rate review process, exclusion of Dallas results in the Company requesting \$28.6 million from other municipalities.

It should be noted that Environs customers (ratepayers outside municipal limits) remain under the Railroad Commission's exclusive original jurisdiction and have their rates set through the GRIP process. If the Company had used the GRIP process rather than the RRM process it would have received a \$41million increase, or about \$11 million more than will be approved by this proposed Ordinance.

ACSC and the Company have reached an agreement, reflected in this proposed rate Ordinance, to reduce the Company's request by \$5.5 million, such that the Ordinance approving new rates reflects an increase of \$29.9 million on a system-wide basis, or \$21.9 million for Mid-Tex Cities, exclusive of the City of Dallas.

The tariffs attached to the Ordinance approve rates that will increase the Company's revenues by \$29.9 million for the Mid-Tex Rate Division, effective for bills rendered on or after June 1, 2016. The monthly residential customer charge will be \$19.10. The consumption charge will be \$0.11378 per Ccf. The monthly bill impact for the typical residential customer consuming 46.8 Ccf will be an increase of \$1.26, or about 2.43%. The typical commercial customer will see an increase of \$3.81, or 1.43%. Attached to this Model Staff Report is a summary of the impact of new rates on the average bills of all customer classes.

The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt this Ordinance with its attachments approving the negotiated rate settlement resolving the 2016 RRM filing, and implementing the rate change. Further detail is contained in the attached Staff Report.

Most municipalities have retained original jurisdiction over gas utility rates and services within their corporate limits. The Atmos Cities Steering Committee ("ACSC") is composed of municipalities, including Westlake, in the service area of Atmos Energy Corporation, Mid-Tex Division regardless of whether original jurisdiction has been retained. Atmos is a monopoly public utility provider of natural gas. Because Atmos has no competitors, regulation of the rates it charges its customers is the only way that cities can insure that natural gas rates are equitable and competitive. Working as a coalition, via the Atmos Cities Steering Committee, to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. Cities have more than 100 years' experience in regulating natural gas rates in Texas. See attached Staff Report for background on this particular Atmos rate case. Staff recommends approval of this ordinance establishing this "RRM Rate" mechanism

RECOMMENDATION

Recommend adoption of the proposed ordinance adopting a new RRM tariff for the Company.

ATTACHMENTS

1. Staff Report.
2. Proposed rate ordinance.
3. Attachments to proposed rate ordinance.

April 28, 2016

MODEL STAFF REPORT

The City, along with other similarly situated cities served by Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). The RRM Tariff was originally adopted by ACSC member cities in 2007 as an alternative to the Gas Reliability Infrastructure Program (“GRIP”), the statutory provision that allows Atmos to bypass the City’s rate regulatory authority to increase its rates annually to recover capital investments. The RRM Tariff has been modified several times, most recently in 2013.

The 2016 RRM filing is the fourth RRM filing under the renewed RRM Tariff. On March 1, 2016, Atmos made a filing requesting \$35.4 million additional revenues on a system-wide basis. Because the City of Dallas has a separate rate review process, exclusion of Dallas results in the Company requesting \$28.6 million from other municipalities.

Environs customers (ratepayers outside municipal limits) remain under the Railroad Commission’s exclusive original jurisdiction and have their rates set through the GRIP process. If the Company had used the GRIP process rather than the RRM process it would have received a \$41 million increase, or about \$11 million more than will be approved by the Ordinance. ACSC and the Company have reached an agreement, reflected in the Ordinance, to reduce the Company’s request by \$5.5 million, such that the Ordinance approving new rates reflects an increase of \$29.9 million on a system-wide basis, or \$21.9 million for Mid-Tex Cities, exclusive of the City of Dallas.

The tariffs attached to the Ordinance approve rates that will increase the Company’s revenues by \$29.9 million for the Mid-Tex Rate Division, effective for bills rendered on or after June 1, 2016. The monthly residential customer charge will be \$19.10. The consumption charge will be \$0.11378 per Ccf. The monthly bill impact for the typical residential customer consuming 46.8 Ccf will be an increase of \$1.26, or about 2.43%. The typical commercial customer will see an increase of \$3.81, or 1.43%. Attached to this Model Staff Report is a summary of the impact of new rates on the average bills of all customer classes.

The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the Ordinance with its attachments approving the negotiated rate settlement resolving the 2016 RRM filing, and implementing the rate change.

Explanation of “Be It Ordained” Sections:

1. This section approves all findings in the Ordinance.
2. This section finds the settled amount of \$29.9 million to be a comprehensive settlement of gas utility rate issues arising from Atmos Mid-Tex’s 2016 RRM filing, and that such settlement is in the public interest and is consistent with the City’s statutory authority.
3. This section finds the existing Atmos Mid-Tex rates to be unreasonable, and approves the new tariffed rates providing for additional revenues over currently-billed rates of \$29.9 million and adopts the attached new rate tariffs (Attachment A).

4. This section establishes the baseline for pensions and other post-employment benefits for future rate cases (Attachment C).
5. This section requires the Company to reimburse Cities for reasonable ratemaking costs associated with reviewing and processing the RRM filing.
6. This section repeals any resolution or ordinance that is inconsistent with this Ordinance.
7. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
8. This section is a savings clause, which provides that if any section(s) is later found to be unconstitutional or invalid, that finding shall not affect, impair or invalidate the remaining provisions of this Ordinance. This section further directs that the remaining provisions of the Ordinance are to be interpreted as if the offending section or clause never existed.
9. This section provides for an effective date upon passage which, according to the Cities' ordinance that adopted the RRM process, is June 1, 2016.
10. This paragraph directs that a copy of the signed Ordinance be sent to a representative of the Company and legal counsel for the Steering Committee.

**ATMOS ENERGY CORP., MID-TEX DIVISION
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2015**

Line					June 1, 2016		
					PROPOSED	CHANGE	
1	Rate R @ 46.8 Ccf				CURRENT		
2	Customer charge			\$ 18.60			
3	Consumption charge	46.8	CCF	X \$ 0.09931 = 4.65			
4	Rider GCR Part A	46.8	CCF	X \$ 0.31375 = 14.68			
5	Rider GCR Part B	46.8	CCF	X \$ 0.21977 = 10.29			
6	Subtotal			\$ 48.22			
7	Rider FF & Rider TAX	\$ 48.22		X 0.07853 = 3.79			
8	Total			\$ 52.01			
9							
10	Customer charge				\$ 19.10		
11	Consumption charge	46.8	CCF	X \$ 0.11378 = 5.32			
12	Rider GCR Part A	46.8	CCF	X \$ 0.31375 = 14.68			
13	Rider GCR Part B	46.8	CCF	X \$ 0.21977 = 10.29			
14	Subtotal			\$ 49.39			
15	Rider FF & Rider TAX	\$ 49.39		X 0.07853 = 3.88			
16	Total			\$ 53.27	\$	1.26	
17						2.43%	
18							
19	Rate C @ 376.4 Ccf				CURRENT	PROPOSED	CHANGE
20	Customer charge			\$ 40.00			
21	Consumption charge	376.4	CCF	X \$ 0.08020 = 30.19			
22	Rider GCR Part A	376.4	CCF	X \$ 0.31375 = 118.10			
23	Rider GCR Part B	376.4	CCF	X \$ 0.15789 = 59.43			
24	Subtotal			\$ 247.72			
25	Rider FF & Rider TAX	\$ 247.72		X 0.07853 = 19.45			
26	Total			\$ 267.17			
27							
28	Customer charge				\$ 41.75		
29	Consumption charge	376.4	CCF	X \$ 0.08494 = 31.97			
30	Rider GCR Part A	376.4	CCF	X \$ 0.31375 = 118.10			
31	Rider GCR Part B	376.4	CCF	X \$ 0.15789 = 59.43			
32	Subtotal			\$ 251.25			
33	Rider FF & Rider TAX	\$ 251.25		X 0.07853 = 19.73			
34	Total			\$ 270.98	\$	3.81	
35						1.43%	
36	Rate I @ 4379 MMBTU				CURRENT	PROPOSED	CHANGE
37	Customer charge			\$ 700.00			
38	Consumption charge	1,500	MMBTU	X \$ 0.2937 = 440.55			
39	Consumption charge	2,879	MMBTU	X \$ 0.2151 = 619.19			
40	Consumption charge	0	MMBTU	X \$ 0.0461 = -			
41	Rider GCR Part A	4,379	MMBTU	X \$ 0.3213 = 1,406.76			
42	Rider GCR Part B	4,379	MMBTU	X \$ 0.3746 = 1,640.11			
43	Subtotal			\$ 4,806.61			
44	Rider FF & Rider TAX	\$ 4,806.61		X 0.07853 = 377.44			
45	Total			\$ 5,184.05			
46							
47	Customer charge				\$ 738.00		
48	Consumption charge	1,500	MMBTU	X \$ 0.3096 = 464.40			
49	Consumption charge	2,879	MMBTU	X \$ 0.2267 = 652.58			
50	Consumption charge	0	MMBTU	X \$ 0.0491 = -			
51	Rider GCR Part A	4,379	MMBTU	X \$ 0.3213 = 1,406.76			
52	Rider GCR Part B	4,379	MMBTU	X \$ 0.3746 = 1,640.11			
53	Subtotal			\$ 4,901.85			
54	Rider FF & Rider TAX	\$ 4,901.85		X 0.07853 = 384.92			
55	Total			\$ 5,286.77	\$	102.72	
56						1.98%	
57	Rate T @ 4379 MMBTU				CURRENT	PROPOSED	CHANGE
58	Customer charge			\$ 700.00			
59	Consumption charge	1,500	MMBTU	X \$ 0.2937 = 440.55			
60	Consumption charge	2,879	MMBTU	X \$ 0.2151 = 619.19			
61	Consumption charge	0	MMBTU	X \$ 0.0461 = -			
62	Rider GCR Part B	4,379	MMBTU	X \$ 0.3746 = 1,640.11			
63	Subtotal			\$ 3,399.85			
64	Rider FF & Rider TAX	\$ 3,399.85		X 0.07853 = 266.97			
65	Total			\$ 3,666.82			
66							
67	Customer charge				\$ 738.00		
68	Consumption charge	1,500	MMBTU	X \$ 0.3096 = 464.40			
69	Consumption charge	2,879	MMBTU	X \$ 0.2267 = 652.58			
70	Consumption charge	0	MMBTU	X \$ 0.0491 = -			
71	Rider GCR Part B	4,379	MMBTU	X \$ 0.3746 = 1,640.11			
72	Subtotal			\$ 3,495.09			
73	Rider FF & Rider TAX	\$ 3,495.09		X 0.07853 = 274.45			
74	Total			\$ 3,769.54	\$	102.72	
75						2.80%	

ORDINANCE NO. 785

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF WESTLAKE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2016 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

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

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

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

WHEREAS, on March 1, 2016, Atmos Mid-Tex filed its 2016 RRM rate request with ACSC Cities; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2016 RRM filing through its Executive Committee, assisted by ACSC’s attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC’s counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$29.9 million on a system-wide basis; and

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

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

WHEREAS, upon the recommendation of the ACSC the Town Council of the Town of Westlake, Texas, is of the opinion that it is in the best interests of the town and its citizens that settlement should be approved and adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS:

SECTION 1: That the findings set forth in this Ordinance are hereby in all things approved.

SECTION 2: That the Town Council finds that the settled amount of an increase in revenues of \$29.9 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2016 RRM filing is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

SECTION 3: That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as ***Attachment A***, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$29.9 million in revenue over the amount allowed under currently approved rates, as shown in the Proof of Revenues attached hereto and incorporated herein as ***Attachment B***; such tariffs are hereby adopted.

SECTION 4: That the ratemaking treatment for pensions and other post-employment benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on ***Attachment C***, attached hereto and incorporated herein.

SECTION 5: That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2016 RRM filing.

SECTION 6: That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

SECTION 7: That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 8: That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

SECTION 9: That consistent with the Town Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after June 1, 2016.

SECTION 10: That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED ON THIS 23 DAY OF MAY 2016.

ATTEST:

Laura Wheat, Mayor

Kelly Edwards, Town Secretary

Thomas E. Brymer, Town Manager

APPROVED AS TO FORM:

L. Stanton Lowry, Town Attorney

2557/26/7087606

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 12

Application

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

Type of Service

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

Monthly Rate

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

Charge	Amount
Customer Charge per Bill	\$ 19.10 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 19.12 per month
Commodity Charge – All <u>Ccf</u>	\$0.11378 per Ccf

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

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

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

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

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

Agreement

An Agreement for Gas Service may be required.

Notice

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

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2015.

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 13

Application

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

Type of Service

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

Monthly Rate

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

Charge	Amount
Customer Charge per Bill	\$ 41.75 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 41.77 per month
Commodity Charge – All Ccf	\$ 0.08494 per Ccf

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

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

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

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

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

Agreement

An Agreement for Gas Service may be required.

Notice

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

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2015.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 14

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

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

Monthly Rate

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

Charge	Amount
Customer Charge per Meter	\$ 738.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3096 per MMBtu
Next 3,500 MMBtu	\$ 0.2267 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0486 per MMBtu

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

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

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

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

Curtailement Overpull Fee

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

Replacement Index

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

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 15

Agreement

An Agreement for Gas Service may be required.

Notice

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

Special Conditions

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

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 16

Application

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

Type of Service

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

Monthly Rate

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

Charge	Amount
Customer Charge per Meter	\$ 738.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3096 per MMBtu
Next 3,500 MMBtu	\$ 0.2267 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0486 per MMBtu

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

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

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

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

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

Imbalance Fees

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

Monthly Imbalance Fees

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

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 17

Curtailement Overpull Fee

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

Replacement Index

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

Agreement

A transportation agreement is required.

Notice

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

Special Conditions

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

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2016	PAGE: 41

Provisions for Adjustment

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

Computation of Weather Normalization Adjustment

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

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

Where

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

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

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

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

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2016	PAGE: 42

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.09	0.1392	98.01	0.6440
Austin	11.21	0.1551	203.36	0.8564
Dallas	13.72	0.2048	189.83	0.9984
Waco	9.89	0.1411	129.75	0.6695
Wichita Falls	11.49	0.1506	122.35	0.5967

Weather Normalization Adjustment (WNA) Report

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

File Date: March 1, 2016

**ATMOS ENERGY CORP., MID-TEX DIVISION
PROPOSED TARIFF STRUCTURE (BEFORE RATE CASE EXPENSE RECOVERY)
TEST YEAR ENDING DECEMBER 31, 2015**

	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)
1	Proposed Change In Rates:		\$ 29,603,205		Schedule A						
2	Proposed Change In Rates without Revenue Related Taxes:		\$ 27,447,850		Ln 1 divided by factor on WP_F-5.1						
3											
4											
5											
6		Revenue Requirements	Allocations								
7	Residential	\$ 338,431,486	77.95%		Per GUD 10170 Final Order						
8	Commercial	84,223,622	19.40%		Per GUD 10170 Final Order						
9	Industrial and Transportation	11,490,316	2.65%		Per GUD 10170 Final Order						
10	Net Revenue Requirements GUD No. 10170	<u>\$ 434,145,424</u>									

11

12

13

14

15

16 With Proportional Increase all classes but Residential and a 40% residential base charge increase:

17

	Current	Prospective	Revenues
18 Residential Base Charge	\$ 18.56	\$ 0.48	\$ 8,558,622
19 Residential Consumption Charge	\$ 0.09931	\$ 0.01540	12,837,933
20 Commercial Base Charge	\$ 39.87	\$ 1.81	2,662,423
21 Commercial Consumption Charge	\$ 0.08020	\$ 0.00480	2,662,423
22 I&T Base Charge	\$ 697.35	\$ 38.03	363,224
23 I&T Consumption Charge Tier 1 MMBTU	\$ 0.2937	\$ 0.0166	172,167
24 I&T Consumption Charge Tier 2 MMBTU	\$ 0.2151	\$ 0.0121	139,070
25 I&T Consumption Charge Tier 3 MMBTU	\$ 0.0461	\$ 0.0026	<u>51,988</u>
26			\$ 27,447,850

16 With Customer Charges Rounded Off and residential base charge increase for 2015 limited to \$0.50 per RRM tariff:

	Proposed Change	Proposed Change In Revenues	Proposed Rates	Proposed Revenues
Residential Base Charge	\$ 0.52	\$ 9,335,278	\$ 19.08	\$ 339,813,673
Residential Consumption Charge	\$ 0.01447	12,061,297	\$ 0.11378	94,839,970
Commercial Base Charge	\$ 1.83	2,697,162	\$ 41.70	61,390,268
Commercial Consumption Charge	\$ 0.00474	2,626,475	\$ 0.08494	47,065,984
I&T Base Charge	\$ 39.65	378,728	\$ 737.00	7,039,815
I&T Consumption Charge Tier 1 MMBTU	\$ 0.0159	165,150	\$ 0.3096	3,215,747
I&T Consumption Charge Tier 2 MMBTU	\$ 0.0116	132,888	\$ 0.2267	2,597,042
I&T Consumption Charge Tier 3 MMBTU	\$ 0.0025	<u>49,955</u>	\$ 0.0486	<u>971,117</u>
		\$ 27,446,933		\$ 556,933,616

File Date: March 1, 2016

**ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS ADJUSTMENT
TEST YEAR ENDING DECEMBER 31, 2015**

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan ("PAP")	Post-Retirement Medical Plan ("FAS 106")	Pension Account Plan ("PAP")	Supplemental Executive Benefit Plan ("SERP")	Post-Retirement Medical Plan ("FAS 106")	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Fiscal Year 2016 Towers Watson Report as adjusted (1), (3)	\$ 5,101,680	\$ 2,896,450	\$ 7,840,683	\$ 150,433	\$ 4,466,430	
2	O&M Expense Factor (2)	96.41%	96.41%	37.42%	20.77%	37.42%	
3	Fiscal Year 2016 Actuarially Determined O&M Benefits (Ln 1 x Ln 2)	\$ 4,918,540	\$ 2,792,473	\$ 2,933,599	\$ 31,249	\$ 1,671,119	
4	Allocation to Mid-Tex (2)	40.56%	40.56%	71.52%	100.00%	71.52%	
5	Mid-Tex Benefits Expense Included in Rates - Proposed (Ln 3 x Ln 4)	\$ 1,995,016	\$ 1,132,659	\$ 2,098,222	\$ 31,249	\$ 1,195,248	\$ 6,452,393
6							
7	Mid-Tex Benefits Expense per GUD 10359 and RRM Test Year Ending December 31, 2014 Benchmark (4)	\$ 2,831,859	\$ 2,013,260	\$ 2,925,600	\$ 34,809	\$ 2,695,721	\$ 10,501,250
8							
9	Test Year Adjustment (Line 5 minus Line 7)	\$ (836,844)	\$ (880,601)	\$ (827,379)	\$ (3,561)	\$ (1,500,472)	\$ (4,048,856)
10							
11	Adjustment Summary:						
12	Account 922	\$ (836,844)	\$ (880,601)	\$ -	\$ -	\$ -	\$ (1,717,445)
13	Account 926	-	-	(827,379)	(3,561)	(1,500,472)	(2,331,412)
14	Total (Ln 12 plus Ln 13)	\$ (836,844)	\$ (880,601)	\$ (827,379)	\$ (3,561)	\$ (1,500,472)	\$ (4,048,856)

Notes:

1. Studies not applicable to Mid-Tex or Shared Services are omitted.
2. The factors on Lines 2 and 4 are based on the factors in 2016 RRM (Test Year Ending December 31, 2015).
3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.
4. GUD No. 10359 is the benchmark for January-May which is the same benchmark as used in the RRM TYE December 31, 2014 for June-December.

**ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2015**

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan ("PAP")	Post-Retirement Medical Plan ("FAS 106")	Pension Account Plan ("PAP")	Supplemental Executive Benefit Plan ("SERP")	Post-Retirement Medical Plan ("FAS 106")	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Fiscal Year 2016 Towers Watson Report (excluding Removed Cost Centers)	\$ 5,101,680	\$ 2,896,450	\$ 7,840,683	\$ 150,433	\$ 4,466,430	
2	Allocation to Mid-Tex	40.56%	40.56%	71.52%	100.00%	71.52%	
3	FY16 Towers Watson Benefit Costs (excluding Removed Cost Centers) Allocated to MTX (Ln 1 x Ln 2)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	FY16 Towers Watson Benefit Costs To Approve (excluding Removed Cost Centers) (Ln 3 x Ln 4)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	\$ 12,197,081
6							
7							
8	Summary of Costs to Approve:						
9							
10	Total Pension Account Plan ("PAP")	\$ 2,069,299		\$ 5,607,955			\$ 7,677,254
11	Total Post-Retirement Medical Plan ("FAS 106")		\$ 1,174,833			\$ 3,194,561	4,369,394
12	Total Supplemental Executive Retirement Plan ("SERP")				\$ 150,433		150,433
13	Total (Ln 10 + Ln 11 + Ln 12)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	\$ 12,197,081
14							
15							
16	O&M Expense Factor	96.41%	96.41%	37.42%	20.77%	37.42%	
17							
18	Expense Portion (Ln 13 x Ln 16)	\$ 1,995,016	\$ 1,132,659	\$ 2,098,222	\$ 31,249	\$ 1,195,248	\$ 6,452,393
19							
20	Capital Factor	3.59%	3.59%	62.58%	79.23%	62.58%	
21							
22	Capital Portion (Ln 13 x Ln 20)	\$ 74,283	\$ 42,174	\$ 3,509,733	\$ 119,184	\$ 1,999,313	\$ 5,744,687
23							
24	Total (Ln 18 + Ln 22)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	\$ 12,197,081



TYPE OF ACTION

Regular Meeting - Consent

**Westlake Town Council Meeting
Monday, May 23, 2016**

TOPIC: Consider approval a Resolution appointing a new member to the Westlake Academy Foundation Board.

STAFF CONTACT: Kelly Edwards, Town Secretary

Strategic Alignment

<u>Vision, Value, Mission</u>	<u>Perspective</u>	<u>Strategic Theme & Results</u>	<u>Outcome Objective</u>
Informed & Engaged Citizens / Sense of Community	Municipal & Academic Operations	High Quality Planning, Design & Development - We are a desirable well planned, high-quality community that is distinguished by exemplary design standards.	Encourage Westlake's Unique Sense of Place
<u>Strategic Initiative</u>			
Comprehensive Plan Project Review			

Time Line - Start Date: May 23, 2016 **Completion Date:** May 23, 2016

Funding Amount: \$0 **Status -** **Not Funded** **Source -** N/A

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

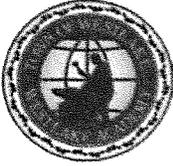
We received an application from the Foundation requesting approval of Christine Ross to be appointed to the board.

RECOMMENDATION

Approve this resolution to appoint a new member.

ATTACHMENTS

Application and Resolution



APPLICATION FOR APPOINTMENT

This application and its contents is a Public Record

Town of Westlake * 3 Village Circle, Suite 202 * Westlake Tx 76262

Tel: (817) 430-0941 * Fax (817) 430-1812

www.westlake-tx.org

Email: townhall@westlake-tx.org

Position Sought (please indicate 1st, 2nd and 3rd choice):

- | | | | |
|-------------------------------------|-----------------------------------|--------------------------|---------------------------------|
| <input type="checkbox"/> | Economic Development Corporation | <input type="checkbox"/> | Historical Preservation Society |
| <input type="checkbox"/> | Planning and Zoning Commission | <input type="checkbox"/> | Texas Student Housing Authority |
| <input type="checkbox"/> | Tree City USA Advisory Committee | <input type="checkbox"/> | Public Art Society of Westlake |
| <input checked="" type="checkbox"/> | Westlake Academy Foundation Board | <input type="checkbox"/> | Other: _____ |

Applicant Information

Applicant's Name: Christine Ross

Address: _____

City, State, Zip: Westlake, TX 76262

How Long Have You Lived At This Address? 4 months - lived in Westlake for almost 3 years.

Email Address: _____

Home Phone #: _____ Fax #: _____

Work Phone #: _____ Cell #: _____

Occupation, Experience/Degrees held: Bachelors Degree in Journalism from KU, Newspaper Reporter, Financial Advisor, Mutual Fund Wholesaler for Van Kampen/Morgan Stanley. Currently I am a stay at home mom raising 2 daughters.

Why do you want to serve on this committee? We moved to Westlake so our daughters could attend our school is vitally important to our quality of life and our property values. It is critical that WA receives the financial support that benefits every student! I want to be an integral part of that!

Do you have any political conflicts of interest? I have no political conflicts of interest.

Do you have any related experience? In Arizona, I served as a board member of the Maricopa Industrial Development Authority. We oversee bond issues, invested money in the community etc. to spur economic growth. As a wholesaler, I raised \$250 million/year for Morgan Stanley. I raised money to build our church in Kansas.

What do you feel you have to offer this committee? I have strong organizational skills, a high energy level and am very adaptable. I am a passionate ambassador for our school. I have lived in many parts of the country and can relate to many different people of all backgrounds.

Signature of Applicant: Christine Ross

Dated: 4/26/16

Office Use Only

Received By: _____ Date: _____

TOWN OF WESTLAKE

RESOLUTION NO. 16-17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS, APPOINTING ONE MEMBER TO THE WESTLAKE ACADEMY FOUNDATION BOARD.

WHEREAS, Currently, vacancies exist on the Westlake Academy Foundation board; and

WHEREAS, the Town Council has received an application for consideration of appointment; and

WHEREAS, the meeting at which this Resolution was considered was open to the public as required by law, and public notice of the time, place, and subject of the meeting has been given in accordance with Chapter 551, Government Code; and

WHEREAS, the Town Council finds that the passage of this Resolution is in the best interest of the citizens of Westlake.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS:

SECTION 1: That, all matters stated in the Recitals hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2: That the Town Council of the Town of Westlake does hereby appoint the following individual to serve as a member of the Westlake Academy Foundation board for the term noted below:

Christine Ross – expiring June 2017

SECTION 3: If any portion of this Resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determines that it would have adopted this Resolution without the invalid provision.

SECTION 4: That this resolution shall become effective from and after its date of passage.

PASSED AND APPROVED ON THIS 23rd DAY OF MAY 2016.

Laura Wheat, Mayor

ATTEST:

Kelly Edwards, Town Secretary

Thomas E. Brymer, Town Manager

APPROVED AS TO FORM:

L. Stanton Lowry, Town Attorney



TYPE OF ACTION

Regular Meeting - Consent

Monday, May 23, 2016

TOPIC: Consider amending Chapter 36, Engineering Standards, Article VI, Erosion Control, Sections 36-161, General Provisions, and 36-166, Enforcement of the Town of Westlake Code of Ordinances to establish an Erosion Control Inspection Fee for any permitted construction site within the Town and a Penalty for violation.

STAFF CONTACT: Jarrod Greenwood, Public Works Director/Assistant to the Town Manager

Strategic Alignment

<u>Vision, Value, Mission</u>	<u>Perspective</u>	<u>Strategic Theme & Results</u>	<u>Outcome Objective</u>
Planned / Responsible Development	Citizen, Student & Stakeholder	High Quality Planning, Design & Development - We are a desirable well planned, high-quality community that is distinguished by exemplary design standards.	Preserve Desirability & Quality of Life
<u>Strategic Initiative</u>			
Outside the Scope of Identified Strategic Initiatives			

Time Line - Start Date: May 23, 2016 **Completion Date:** May 23, 2016

Funding Amount: Status - **Not Funded** **Source -** N/A

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

Over the past few years, the Town of Westlake like many of our neighboring communities, has seen an increase in development activities and the need to establish appropriate construction requirements to protect the environment and neighboring property owners.

The Town’s currently adopted Engineering Standards includes erosion control measures to be implemented for construction within Westlake to mitigate the amount of silt that can wash onto another property or into our lakes and ponds. Not only will silt decrease the amount of water within a lake or pond, it will also affect the oxygen levels of the water and kill aquatic life.

While the Town's ordinances require erosion control measures to be used, staff believes it does not adequately provide the necessary means in which to monitor and enforce as a considerable amount of time is expended handling an increasing amount of complaints from neighboring property owners, inspecting, and communicating with the parties responsible for the construction site. An erosion control inspection fee would provide funding to help offset the increased cost for routine inspection and reporting.

The accompanying Resolution **XX** will amend the FEE and USE Schedule setting the amount of the Erosion Control Inspection Fee

RECOMMENDATION

Staff recommends amending Chapter 36, Engineering Standards, Article VI, Erosion Control, Sections 36-161, General Provision, and 36-166, Enforcement by as follows:

Sec. 36-161. - General provisions.

- (a) Any person responsible for activity which results in erosion of a measurable accumulation of sedimentation deeper than one inch on adjacent property, in dedicated streets, alleys or rights-of-way shall be in violation of this ordinance.
- (b) Private property owners, developers, builders or any person responsible for activity which could result in erosion shall comply with all applicable federal, state and local regulations and be accountable for any erosion of property or construction site which results in accumulation of sedimentation on adjacent property or in dedicated streets, alleys or rights-of-way.
- (c) The following steps shall be taken to control erosion:
 - (1) Maximum use shall be made of vegetation to minimize soil loss.
 - (2) Natural vegetation should be retained wherever possible.
 - (3) Where inadequate natural vegetation exists, or where it becomes necessary to remove existing natural vegetation, temporary controls should be installed promptly to minimize soil loss and insure that erosion and sedimentation does not occur.
 - (4) Erosion control plan shall be submitted to town engineer for approval prior to actual construction.
 - (5) Wastes or disposal areas and construction roads should be located and constructed in a manner that will minimize the amount of sediment entering streams and town storm sewers.
 - (6) When work areas or material sources are located in or adjacent to streams, such area shall be separated from the stream by a dike or other barrier to

keep sediment from entering a stream. Care shall be taken during the construction and removal of such barriers to minimize the sediment transport into a stream.

- (7) Should preventative measures fail to function effectively, the applicant shall act immediately to bring the erosion and/or siltation under control by whatever additional means are necessary.
- (8) Runoff shall be diverted away from construction areas as much as possible.
- (9) Developers, builders, or owners of property shall permanently stabilize all disturbed areas prior to final acceptance of the subdivision, project, and/or structure. Stabilization shall be accomplished through the use of perennial vegetative cover or other permanent means, such as channel lining, retaining wall, etc.
- (10) An erosion control inspection fee as set forth in the Town's fees and use schedule in [section 2-181](#) shall be charged for each construction project.

Sec. 36-166. - Enforcement.

Should proper erosion controls fail or become inoperative, the town shall notify the owner, builder, or developer of the violation in writing. The person responsible for activity that could result in erosion, owner, builder, or developer has five business days after being notified to correct the problems; provided, however, any person responsible for activity that could result in erosion may be cited immediately for failure to obtain a permit. If no corrections are completed within five business days of being notified, the town may revoke the development permit, building permit, or withhold issuance of a certificate of issue a citation, occupancy or final accept. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this article shall be fined not more than \$500.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

ATTACHMENTS:

Ordinance – Exhibit A

TOWN OF WESTLAKE

ORDINANCE NO. XX

AN ORDINANCE AMENDING CHAPTER 36, ENGINEERING STANDARDS, ARTICLE VI, EROSION CONTROL, SECTIONS 36-161, GENERAL PROVISIONS, AND 36-166, ENFORCEMENT, OF THE TOWN OF WESTLAKE CODE OF ORDINANCES TO ESTABLISH AN EROSION CONTROL INSPECTION FEE FOR ANY PERMITTED CONSTRUCTION SITE WITHIN THE TOWN; PROVIDING A PENALTY; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The Town Council of the Town of Westlake has determined that erosion control regulations are necessary to adequately protect the public health, safety and welfare; and

WHEREAS, Erosion control regulation can reduce the amount of water pollution effecting our pods, lakes and streams; and

WHEREAS, The Town Council finds that providing routine erosion control inspections is in the best interest of the public; and

WHEREAS, The Town Council routine erosion control inspections is in the best interest of the public; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS:

SECTION 1: That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2: That Chapter 36, Engineering Standards, Article VI, Erosions Control, Sections 36-161, General Provision, and 36-166, Enforcement, of the Town of Westlake Code of Ordinances, as amended, is hereby amended as follows:

Sec. 36-161. - General provisions.

- (a) Any person responsible for activity which results in erosion of a measurable accumulation of sedimentation deeper than one inch on adjacent property, in dedicated streets, alleys or rights-of-way shall be in violation of this ordinance.
- (b) Private property owners, developers, builders or any person responsible for activity which could result in erosion shall comply with all applicable federal, state and local

regulations and be accountable for any erosion of property or construction site which results in accumulation of sedimentation on adjacent property or in dedicated streets, alleys or rights-of-way.

(c) The following steps shall be taken to control erosion:

- (1) Maximum use shall be made of vegetation to minimize soil loss.
- (2) Natural vegetation should be retained wherever possible.
- (3) Where inadequate natural vegetation exists, or where it becomes necessary to remove existing natural vegetation, temporary controls should be installed promptly to minimize soil loss and insure that erosion and sedimentation does not occur.
- (4) Erosion control plan shall be submitted to town engineer for approval prior to actual construction.
- (5) Wastes or disposal areas and construction roads should be located and constructed in a manner that will minimize the amount of sediment entering streams and town storm sewers.
- (6) When work areas or material sources are located in or adjacent to streams, such area shall be separated from the stream by a dike or other barrier to keep sediment from entering a stream. Care shall be taken during the construction and removal of such barriers to minimize the sediment transport into a stream.
- (7) Should preventative measures fail to function effectively, the applicant shall act immediately to bring the erosion and/or siltation under control by whatever additional means are necessary.
- (8) Runoff shall be diverted away from construction areas as much as possible.
- (9) Developers, builders, or owners of property shall permanently stabilize all disturbed areas prior to final acceptance of the subdivision, project, and/or structure. Stabilization shall be accomplished through the use of perennial vegetative cover or other permanent means, such as channel lining, retaining wall, etc.
- (10) An erosion control inspection fee as set forth in the Town's fees and use schedule in [section 2-181](#) shall be charged for each construction project.

Sec. 36-166. - Enforcement.

Should proper erosion controls fail or become inoperative, the town shall notify the owner, builder, or developer of the violation in writing. The person responsible for activity that could result in erosion, owner, builder, or developer has five business days after being notified to correct the problems; provided, however, any person responsible for activity that could result in erosion may be cited immediately for failure to obtain a permit. If no corrections are completed within five business days of being notified, the town may revoke the development permit, building permit, or withhold issuance of a certificate of issue a citation, occupancy or final accept. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to

comply with or who resists the enforcement of any of the provisions of this article shall be fined not more than \$500.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 3: That all provisions of this ordinance shall remain in full force and effect.

SECTION 4: That this Ordinance shall be cumulative of all other Town Ordinances and all other provisions of other Ordinances adopted by the Town which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

SECTION 5: That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town of Westlake, and upon conviction shall be punishable by a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6: It is hereby declared to be the intention of the Town Council of the Town of Westlake, Texas, that sections, paragraphs, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared legally invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such legal invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the Town Council of the Town of Westlake without the incorporation in this Ordinance of any such legally invalid or unconstitutional, phrase, sentence, paragraph or section.

SECTION 7: This ordinance shall take effect immediately from and after its passage as the law in such case provides.

PASSED AND APPROVED ON THIS 23rd DAY OF MAY, 2016.

ATTEST:

Laura Wheat, Mayor

Kelly Edwards, Town Secretary

Thomas E. Brymer, Town Manager

APPROVED AS TO FORM:

L. Stanton Lowry, Town Attorney



TYPE OF ACTION

Regular Meeting - Consent

**Westlake Town Council Meeting
Monday, May 23, 2016**

TOPIC: Consider a Resolution Amending the Town’s Fees and Use Schedule to include an Erosion Control Inspection Fee for any permitted construction site within the Town.

STAFF CONTACT: Jarrod Greenwood, Public Works Director/Assistant to the Town Manager

Strategic Alignment

<u>Vision, Value, Mission</u>	<u>Perspective</u>	<u>Strategic Theme & Results</u>	<u>Outcome Objective</u>
Strong Aesthetic Standards	Citizen, Student & Stakeholder	High Quality Planning, Design & Development - We are a desirable well planned, high-quality community that is distinguished by exemplary design standards.	Encourage Westlake's Unique Sense of Place
<u>Strategic Initiative</u>			
Outside the Scope of Identified Strategic Initiatives			

Time Line - Start Date: May 23, 2016 **Completion Date:** May 23, 2016

Funding Amount: N/A **Status -** N/A **Source -** N/A

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

Over the past few years, the Town of Westlake like many of our neighboring communities, has seen an increase in development activities and the need to establish appropriate construction requirements to protect the environment and neighboring property owners.

The Town’s currently adopted Engineering Standards includes erosion control measures to be implemented for construction within Westlake to mitigate the amount of silt that can wash onto another property or into our lakes and ponds. Not only will silt decrease the amount of water within a lake or pond, it will also affect the temperature and oxygen levels of the water and kill aquatic life.

The proposed Resolution will amend the Town's Fees and Use Schedule to provide funding to help offset costs incurred by the Town to provide adequate inspections and reporting. The proposed amendment will set the Erosion Control Inspection Fee at \$1,500.00.

The accompanying Ordinance **XX** amends the Engineering Standards to establish an Erosion Control Inspection Fee.

RECOMMENDATION

Staff recommends amending the Fees and Use Schedule.

ATTACHMENTS:

Resolution with Attachment A – Fees and Use Schedule

TOWN OF WESTLAKE

RESOLUTION NO. 16-18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS, AMENDING THE FEES AND USE SCHEDULE TO INCLUDE AN EROSION CONTROL INSPECTION FEE.

WHEREAS, The Town Council of the Town of Westlake has determined that erosion control regulations are necessary to adequately protect the public health, safety and welfare; and

WHEREAS, Erosion control regulation can reduce the amount of water pollution effecting our pods, lakes and streams; and

WHEREAS, The Town Council finds that routine erosion control inspections are in the best interest of the public; and

WHEREAS, The Town Council finds that establishing an erosion control inspection fee of \$1,500.00 provides sound fiscal management; and

WHEREAS, the Town Council finds that the passage of this Resolution is in the best interest of the citizens of Westlake.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS:

SECTION 1: That, all matters stated in the Recitals hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2: That, the Town Council of the Town of Westlake, Texas, hereby amends the Fees and Use Schedule to include an erosion control inspection fee of \$1,500.00, attached hereto as *Exhibit "A"*.

SECTION 3: If any portion of this Resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determines that it would have adopted this Resolution without the invalid provision.

SECTION 4: That this resolution shall become effective from and after its date of passage.

PASSED AND APPROVED ON THIS 23rd DAY OF MAY 2016.

ATTEST:

Laura L. Wheat, Mayor

Kelly Edwards, Town Secretary

Thomas E. Brymer, Town Manager

APPROVED AS TO FORM:

L. Stanton Lowry, Town Attorney

Exhibit A
FEES AND USE SCHEDULE
Revised
May 23, 2016

1) The fees and use charges listed in this section are in addition to any other fees and use charges which may exist in ordinances of the town, including, but not limited to the Uniform Fire Code, Uniform Building Code, National Electrical Code, Uniform Plumbing Code and Uniform Mechanical Code. To the extent there is a conflict in the fees and use charges contained in this section with other stated fees and uses, the fees and use charges in this section shall prevail. Fees calculations based on the number of acres involved shall be calculated by rounding up to the next whole acre.

2) ZONING CHANGE APPLICATIONS

Pre-application/pre-design conference: This is intended to provide the applicant with a verbal interpretation of ordinances and processes, and to respond to any questions they may have. Such meetings may involve the town consultants at the request of the town manager.
Fee: \$400.00 *This conference is only required, and the fee charged, at the discretion of the Town Manager.*

Straight zoning change: This includes review of the application, site visits, meetings with the applicant and recommendations to the planning and zoning commission as well as published notifications and public hearings.
Fee: \$1,800.00 plus \$90.00 per acre; \$40,000.00 maximum (less fee paid for pre-application conference).

Planned development district: This includes review of the application, site visits, meetings with the applicant and recommendations to the planning and zoning commission as well as published notifications and public hearings.
Fee: \$1,800.00 plus \$90.00 per acre (less fee paid for pre-application conference).

Specific use permit: This includes review of the application, site visits, meeting with the applicant and recommendations to the planning and zoning commission and all public notifications.
Fee: \$1,800.00.

Amendments to approved site plans: This includes review and approval of the town manager and/or his designee(s). If the request exceeds the legal authority of the town manager and/or his designee(s) to grant the site plan revision, the application may be converted to a full zoning application with payment of the balance of a full application fee.
Fee: \$900.00 plus \$20.00 per acre (less fee paid for pre-application conference).

Variance of UDC Regulations: This includes review of the application, site visits, meetings with the applicant and associated town staff and recommendations to the board of adjustment, and all public notifications and public hearings.
Fee: \$900.00.

3) SUBDIVISION PLAT, ENGINEERING PLAN AND SITE PLAN APPLICATIONS

Pre-application or pre-design conference: Ten percent of the projected total fee for the activity being applied for. This fee shall be credited toward the next ongoing fee, if any, when due.
(Minimum \$1,800.00)

Any subdivision plat or re-subdivision plat:

Preliminary plats: \$1,800.00 plus \$90.00 per acre, maximum of \$36,000.00.

Final plats: \$900.00 plus \$90.00 per acre, maximum of \$18,000.00.

Minor Plats: \$900.00 plus \$90.00 per acre, maximum of \$18,000.00.

Engineering plans: \$1,800.00 plus \$90.00 per acre.

Replat: \$1,800.00 plus \$90.00 per acre, maximum of \$36,000.00.

Site plans:

Comprehensive (final) site plans: \$1,800.00 plus \$90.00 per acre.

Vacation of plat: \$720.00.

4) CONSTRUCTION INSPECTION FEE FOR SUBDIVISION IMPROVEMENTS

Construction inspections: The inspection fee will be six percent (6%) of certified construction costs of the land development (including, but not limited to, public and private improvements such as streets and roads, drainage, parking lots, fire water systems, walls, fences, site grading, water features, parks, open space corridors, required landscaping, irrigation, sidewalks, trails, etc., but not including building construction) for subdivisions or re-subdivision. Estimated Inspection fees are to be paid prior to permitting and or commencement of work on the proposed improvements and the balance based upon certified construction costs prior to acceptance of improvements or issuance of building permits. The construction inspection fee is in addition to any other fees listed herein.

5) COMMERCIAL AND REMODEL - BUILDING PERMIT FEES

Total Valuation	Fee
\$1.00 to \$500.00	\$50.00
\$501.00 to \$2000.00	\$50.00 for the first \$500.00 plus \$6.60 for each additional \$100.00 or fraction thereof, up to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$150.00 for the first \$2,000.00 plus \$30.00 for each additional \$1,000.00 or fraction thereof, up to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$840.00 for the first \$25,000.00 plus \$21.60 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$1,380.00 for the first \$50,000.00 plus \$15.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$2,130.00 for the first \$100,000.00 plus \$12.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$6,930.00 for the first \$500,000.00 plus \$10.20 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
1,000,001.00 and up	\$12,030.75 for the first \$1,000,000.00 Plus \$6.60 for each additional \$1,000.00 or fraction thereof.

Plan review fee: Add 65 percent to permit fee.

Other inspections and fees:

TABLE INSET:

(1)	Inspections outside of normal business hours (Minimum charge--two hours)	\$75.00 per hour* (2 hour minimum)
(2)	Reinspection fees assessed under provisions of the adopted codes.	\$75.00 per hour* (1 hour minimum)
(3)	Inspections for which no fee is specifically indicated. (Minimum charge--one-half hour)	\$75.00 per hour* (1 hour minimum)
(4)	Electrical, Plumbing, and Mechanical inspections.	\$75.00 per hour* (1 hour minimum)
(5)	Consultants for inspections or plan review utilized for specific specialized projects.	Actual cost incurred.
	*Or the total hourly cost to the town, whichever is the greater. This cost includes supervision, overhead, equipment, hourly wages and benefits, and mileage.	
	**Actual cost includes administrative and overhead costs.	

6) RESIDENTIAL NEW CONSTRUCTION AND ADDITIONS PERMIT FEES:

Residential building permit fees shall be the amounts calculated in accordance with the addendum attached to Ordinance No. 470 titled Residential Building Permit Fee Formula.

7) SPECIAL BUILDING PERMIT FEES

1. Swimming pools	\$500.00
2. Fence if not included in building permit application	\$165.00
3. Fence repair and barbed wire fencing excluded	No fee, no permit
4. Demolition	\$250.00
5. Sprinkler system for yards	\$300.00
6. Any antenna	\$400.00
7. Sidewalk, curb cuts, driveways, concrete work in Right-of-way	\$200.00
8. Moving permit for buildings moved on any town street: Permanent house relocation (plus all direct and indirect costs incurred by the Town of Westlake due to such relocation)	\$450.00
9. Construction in the public-right-of-way (other than a certificated telecommunications provider)	\$600.00
10. Trenching or Excavating not within the public right-of-way (other than a certificated telecommunications provider)	\$600.00
11. Water well – for private use.	\$1,000.00
12. Erosion Control Inspection Fee	\$1,500.00

8) SIGN PERMITS AND OTHER INSPECTIONS

Sign Permits	
Construction signs	\$150.00
Temporary signs	\$80.00
Signs or display cases within the commercial district	\$200.00
Home occupation signs	\$75.00
Political signs	No Permit
Signs within residential district (Except for home occupation signs)	No Permit

9) RESIDENTIAL DEVELOPMENT FEE

All newly-constructed residential structures shall pay a \$3,100.00 residential lot development fee per lot where the town's duct bank is or is planned to be located, in addition to the building permit fees. The residential lot development fee shall be payable in conjunction with the building permit fee.

10) MISCELLANEOUS FEES AND USES

Special event permit – includes all tents, fireworks, and temporary electrical poles.	\$250.00
Temporary electrical poles. For other than construction projects.	\$35.00
Subdivision name change.	\$250.00
Street name change.	\$250.00 + cost of new street name blades
Zoning verification letter	\$500.00

11) FIRE DIVISION PERMIT FEES:

1. Aboveground Storage Tanks (AGST)	\$150.00
2. After hour inspections	\$ 75.00**
3. Asbestos removal	\$100.00
4. Battery Systems	\$250.00
5. Burn Permit – Non-resident	\$ 50.00
6. Burn Permit – Resident	No Charge
7. Candles and open flame in assembly areas	\$ 50.00
8. Carnivals and Fairs	\$ 50.00*
9. Changing UST or AGST contents	\$100.00
10. Compressed Gas	\$100.00
11. Cryogenics	\$250.00
12. Dry Cleaning Operations – flammable/combustible liquids	\$ 75.00
13. Dry Cleaning Operations – non-flammable liquids	\$ 50.00
14. Emergency Medical Services – services and expendables	#
15. Explosives or Blasting Agents – Use	\$150.00*
16. Fire Alarm System Review	#
17. Fire Sprinkler System Review	#
18. Fireworks (certified events only)	\$150.00*
19. Fumigation or thermal insecticidal fogging	\$250.00
20. Hazardous Materials – Storage, dispense, use of	\$ 50.00
21. Hazardous Materials Mitigation	^#
22. Highly Toxic Pesticides – Storage, use of	\$ 50.00
23. High-Piled Combustible Storage	\$ 50.00
24. Hot works operations	\$ 50.00
25. LPG 25-199 WGC	\$ 25.00
26. LPG 200-1,999 WGC	\$ 75.00
27. LPG 2,000 < WGC	\$100.00
28. LPG fueled vehicles or equipment in assembly buildings	\$ 50.00
29. Malls – covered	\$ 75.00*
30. Motor vehicle fueling dispensing station	\$ 50.00
31. Personnel stand-by – Fire Watch	\$ 35.00^
32. Personnel stand-by – Special Event	\$ 35.00^
33. Private Agency License Inspection/Certification	\$ 50.00
34. Pyrotechnic – Special events material	\$500.00*
35. Radioactive Materials	\$500.00
36. Re-inspection for fire alarm systems	\$ 75.00*
37. Re-inspection for new construction	\$ 75.00*
38. Re-inspection for sprinkler systems	\$ 75.00*
39. Trench Burning – Clearing Land or Rubbish	\$150.00
40. Underground Storage Tanks (UST)	\$150.00
41. UST and AGST removal or temporary out of service	\$ 50.00
42. Water System Analysis/Test for Fire Suppression Systems	\$ 25.00

*If required, addition cost for personnel may be charged. Additional cost for expendable equipment and necessary apparatus may be incurred.

**Two (2) hour minimum. If required, addition cost for personnel may be charged. Additional cost for expendable equipment and necessary apparatus may be incurred.

^Cost is per hour per personnel utilized. Additional cost for expendable equipment and necessary apparatus may be incurred.

#Cost based on third party or contracted services provider fees. Based on agreement with the Town, fees may be paid directly to the third party or contracted services provider.

12) FIRE PLAN CHECK FEE

0--100,000 square feet	\$0.015/square foot
100,001--300,000 square feet	\$1,500.00 for the first 100,000 square feet plus \$0.014 for each additional square foot of area.
300,001 + square feet	\$4,200.00 for the first 300,000 square feet plus \$0.009 for each additional square foot of area or fraction thereof.

13) AMBULANCE AND EMS FEES

BLS Emergency	\$400.00
ALS I	\$500.00
ALS II	\$700.00
Mileage	\$.10 per mile

14) GAS DRILLING AND PRODUCTION RELATED FEES:

Gas Well Pad Site Related Permits & Fees

Gas Well Pad Site Permit Application Fee (initial permit per pad site)	\$30,000
Approved Gas Well Pad Site Permit Annual Review & Renewal Fee	5,000
Fire Fighter Training & Equipment Fee (initial fee per approved pad site)	10,000
Setback Reduction Request/Property Owner Title Verification Fee	5,000*
*this is a minimum fee; actually cost may increase based on actual title company fees	

Gas Well Related Permits & Fees

Gas Well Permit Application Fee (initial permit per well)	\$10,000
Gas Well Permit Amendment Application & Review Fee	2,500
Gas Well Certificate of Completion & Completion Inspection Fee	1,500
Tank Battery Completion & Annual Permit/Inspection Fee	1,000
Annual Approved Gas Well Permit Review, Inspection, & Permit Renewal Fee	1,500
Initial/Annual Insurance & Surety Review Fee (per approved gas well permit)	1,000
Annual Fire Fighter Training & Equipment Fee (per approved gas well permit)	2,000
Annual Safety/Hazardous Materials Plans & Reports Compliance Review Fee	1,000**
Well Re-working Permit Fee	5,000**
Gas Well Permit Transference Processing Fee	5,000**
Gas Well Permit Extension Processing Fee	5,000**
Well Abandonment Permit Application & Inspection Fee	2,500 **
Road Maintenance Agreement Review & Inspection Fee	5,000**
**this is per approved gas well permit	

Pipeline Related Permits & Fees***

New Pipeline Construction Permit & Inspection Fee	\$5,000
New Pipeline Certificate of Completion & Inspection Fee	1,500
New Pipeline ROW/Street/Road/Easement Crossing License (license is per crossing)	2,000
Initial/Annual Insurance & Surety Review Fee (per approved pipeline permit)	1,000
Annual Safety Report Compliance Review Fee (per approved pipeline permit)	1,000
Annual Pipeline Permit & License Renewal Fee (per new pipeline permit)	2,000
Inactive Pipeline Permit Application & Inspection Fee	2,500
Idled Pipeline Permit Application & Inspection Fee	2,500
Idled Pipeline Permit Reactivation Inspection Fee	2,500
***all permits, fees, and/or licenses in this section are for initial installation of a new pipeline. Any extensions of this pipeline will be considered a new pipeline and subject to all applicable permits	
Seismic Testing Permit Fee	\$ 500
Technical Advisor Fees	****
**** Based on Actual Cost plus 10% Administrative Fee	



TYPE OF ACTION

Regular Meeting - Consent

**Westlake Town Council Meeting
Monday, May 23, 2016**

TOPIC: Consider approval of a Resolution approving amendments to the Town of Westlake Personnel Manual.

STAFF CONTACT: Todd Wood, Director of HR & Administrative Services

Strategic Alignment

<u>Vision, Value, Mission</u>	<u>Perspective</u>	<u>Strategic Theme & Results</u>	<u>Outcome Objective</u>
Transparent / Integrity-driven Government	Municipal & Academic Operations	Exemplary Service & Governance - We set the standard by delivering unparalleled municipal and educational services at the lowest cost.	Attract, Recruit, Retain & Develop the Highest Quality Workforce
<u>Strategic Initiative</u>			
Codify and Maintain Organizational Policies and Procedures			

Time Line - N/A Start Date: N/A Completion Date: N/A

Funding Amount: N/A Status - Funded Source - N/A

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

The Town of Westlake Personnel Manual is a document requiring continual updates based on legislative changes, best practices, and organizational needs. The recommended updates are primarily semantic, but do include some changes to internal procedures.

Recommended Policy Amendments

The first recommended policy update pertains to the Town’s Part-time Firefighter program. This policy was written in 2005, and certain terminologies and procedures have become outdated.

The second update is a terminology change in the “Use of Town Equipment” policy.

RECOMMENDATION

Staff recommends approval of this Resolution.

ATTACHMENTS

Resolution

Exhibit "A" – Proposed Policy Additions & Amendments

TOWN OF WESTLAKE

RESOLUTION 16-19

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS, APPROVING AMENDMENTS TO THE TO THE TOWN OF WESTLAKE PERSONNEL MANUAL.

WHEREAS, the Town of Westlake realizes that updates and refinements to our standardized personnel policies and procedures are an ongoing and necessary practice; and

WHEREAS, the goal of the Town of Westlake is to provide policies and benefits that are competitive to surrounding cities; and

WHEREAS, the Town of Westlake desires is to provide employees with a personnel manual that reflects the goals and vision of the Town's leaders; and

WHEREAS, the Town Council finds that the passage of this Resolution is in the best interest of the citizens of Westlake.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS:

SECTION 1: That, all matters stated in the recitals hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2: That, the Westlake Town Council hereby approves the personnel policy amendments attached to this resolution as *Exhibit "A"*, and its inclusion into the Town of Westlake Personnel Manual.

SECTION 3: If any portion of this resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determines that it would have adopted this Resolution without the invalid provision.

SECTION 4: That this Resolution shall become effective from and after its date of passage.

PASSED AND APPROVED ON THIS 23rd DAY OF MAY, 2016.

ATTEST:

Laura Wheat, Mayor

Kelly Edwards, Town Secretary

Thomas E. Brymer, Town Manager

APPROVED AS TO FORM:

L. Stanton Lowry, Town Attorney

EXHIBIT "A"

~~FIREFIGHTER RESERVE OFFICER PROGRAM~~ PART-TIME FIREFIGHTER PROGRAM

The Town of Westlake ~~Firefighter Reserve Officer Program~~ helps to maintain minimum staffing requirements by qualified personnel on a part-time basis. The primary purpose of the ~~Firefighter Reserve Officer~~ Program is to provide the community with an auxiliary unit of trained, competent Firefighter/~~Paramedics~~. These employees supplement our regular personnel and can be used in the event of an emergency when manpower is critical. ~~The application and screening process for part-time positions is the same as for full-time positions.~~ **A screening process will be conducted on all applicants selected by the Fire Chief to be considered for available positions.**

Requirements

1. Must be at least 21 years of age;
2. Must be in good physical and mental health with no disabling physical condition;
3. Must possess a valid Texas driver's license;
4. Must not have a history of criminal or improper personal conduct that may affect suitability for public safety work;
5. Must possess a United States high school diploma or G.E.D. equivalent; and
6. Must possess current firefighter and paramedic certifications;
7. United States Citizenship required or legal authorization to work in the United States.

Hiring Process

1. Completion of Town of Westlake Employment Application
2. Completion of Personal History Statement
3. Review of Candidate Qualifications
4. Background Investigation
5. Department Interview
6. Certification and Appointment

Commitment

~~Part-time Firefighters are required to work a minimum amount of shifts, as outlined in the Department's Standard Operating Policies. Reserve Firefighters are required to work a minimum of one 24-hour shift every calendar quarter to remain an active employee. Reserves Part-time Firefighters~~ not meeting this requirement will be classified as inactive for an additional calendar quarter. ~~If inactive for more than two consecutive calendar quarters, Part-time Firefighters may be terminated without prior notice.~~

Employee Benefits

~~Part-time Firefighters Reserve Officer Program offers are offered~~ only specified benefits. These include social security match, medicare match, unemployment insurance, and workers' compensation insurance, as required by law. Other benefits, including vacation pay, sick leave, retirement benefits, health or disability insurance or related benefits, or any other type of employee benefits, are *not* included.

Compensation

~~Reserve Officers Part-time Firefighters~~ will be compensated at a rate that will be reviewed annually during the Town's budget process. This pay rate may be adjusted at any other time by the Town

Manager. Employees will be paid twice monthly by direct deposit in accordance with the Fire Department's 15-day payroll cycle.

Shift Selection

~~Reserve Officers will be contacted by the Department Head or shift lieutenant at the first available opportunity when an open shift arises. If the Reserve Officer is unavailable, then the next person on the list will be contacted and offered to work the open shift.~~

Uniforms

~~Reserves~~ Part-time Firefighters will be provided with apparel which will identify them as a Town of Westlake employee. In addition, bunker gear will be available for ~~Reserves~~ Part-time Firefighters to use during emergency calls. Pants and footwear will not be provided.

Nature of Employment

~~Employees in the Firefighter Reserve Officer Program~~ Part-time Firefighters are subject to the same policies and departmental procedures as all other employees. Details of these policies and procedures are contained in the Town of Westlake Personnel Manual and the Westlake Fire/EMS DPS Standard Operating Procedures document. All ~~Reserve Officers~~ Part-time Firefighters will receive a copy of the Town of Westlake Personnel Manual, either in printed or electronic form.

It shall be the responsibility of each employee to read, understand, and comply with all policies, procedures, rules, regulations, and practices, both those of the Town and those of their respective departments. Failure to comply may result in disciplinary action up to and including termination of employment.

USE OF TOWN EQUIPMENT

All desks, lockers, vehicles, computers, ~~PDA's, computer diskettes, CD's storage devices~~, and any other equipment assigned to employees throughout an employee's employment remain the property of the Town and may be inspected by a Department Head without notice. There is no expectation of personal privacy in any desk, locker, vehicle and/or equipment owned by or belonging to the Town. If an employee chooses to lock up personal belongings in Town property, the employee shall provide the Department Head with a copy of the key or combination that can be used in the event of an absence from work. The Town assumes no responsibility for loss of employees' personal belongings stored in Town property. For use of computer related equipment, see Section 2.05.



TYPE OF ACTION

Regular Meeting - Consent

**Westlake Town Council Meeting
Monday, May 23, 2016**

TOPIC: Consideration of a Resolution Authorizing Approval of a Contract with MESA Planning for Establishing Goals, Objectives, and a Framework for a Town-Wide Public Art Program.

STAFF CONTACT: Tom Brymer, Town Manager

Strategic Alignment

<u>Vision, Value, Mission</u>	<u>Perspective</u>	<u>Strategic Theme & Results</u>	<u>Outcome Objective</u>
Vision: An oasis of natural beauty that maintains our open spaces in balance with distinctive development, trails, and quality of life amenities amidst an ever expanding urban landscape.	Citizen, Student & Stakeholder	High Quality Planning, Design & Development - We are a desirable well planned, high-quality community that is distinguished by exemplary design standards.	Preserve Desirability & Quality of Life
<u>Strategic Initiative</u>			
Outside the Scope of Identified Strategic Initiatives			

Time Line - Start Date: May 23, 2016 **Completion Date:** N/A

Funding Amount: \$25,000 **Status -** **Funded** **Source - VAF (Hotel Tax)**

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

As development has progressed on the Entrada mixed use development, increased discussions have occurred on the need for public art in the multiple public gathering areas shown on Entrada’s approved Development Plan (Master Site Plan). These discussions have led to identifying an approach for dealing not only with public art for Entrada, but for all of Westlake. This includes identifying an approach for identifying the types of public art Westlake wishes to attract, the process for selecting those pieces, choosing the artists that would create these public art pieces, and the means by which public art in Westlake might be funded. The Westlake Town Council adopted a public art plan on July 14, 2008, however, most of it has not been implemented due to lack of funding and a specific plan for public art acquisition and placement

(note: the FM1938/Davis Boulevard Streetscape Plan did identify locations for public art in that corridor, but the public art component of that corridor plan has not been yet implemented).

At the March 28, 2016 Council workshop, the topic of creating a re-constituted public art program by engaging the services of Mr. Russell Tether, a public art expert (via a contract with MESA Planning) was discussed with the Town Council. The Council indicated at this workshop its interest in considering a contract with MESA (and thus Mr. Tether) to pursue this end. This proposed contract's scope of work is intended to achieve that outcome, i.e. a re-constituted public art program that would establish goals, objectives, and a framework for a public art program that could be implemented Town-wide.

RECOMMENDATION

Recommend approval of the resolution authorizing the scope of work and contract with MESA Planning for establishing a re-constituted public art program for Westlake. Exhibit A to the resolution is the contract with MESA Planning and describes the scope of work which will not exceed \$25,000 unless said contract is amended by the Town Council. Further, this resolution, if approved, would amend the Town's Operating Budget (Visitors Association Fund) for this expenditure. The resolution, if approved, authorizes the Town Manager to sign the contract with MESA Planning.

ATTACHMENTS

1. Resolution with Exhibit A, contract with MESA Planning for this engagement to create a re-constituted public art program.

TOWN OF WESTLAKE

RESOLUTION 16-20

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS, APPROVING A CONTRACT WITH MESA PLANNING WITH A SCOPE OF WORK FOR ESTABLISHING GOALS, OBJECTIVES, AND A FRAMEWORK FOR A TOWN-WIDE PUBLIC ART PROGRAM.

WHEREAS, the Westlake Town Council (Town Council) has identified excellent quality of life as a strategic priority; and,

WHEREAS, excellent quality of life emphasizes community aesthetics which includes public art; and,

WHEREAS, the Town Council has determined that the Town's quality of life revolving around aesthetics and public art would benefit from re-constituting the Town's public art program; and,

WHEREAS, the Town Council discussed at its March 28, 2016 retaining the services of public art expert Russell Tether via a contract with MESA Planning to accomplish this work on the Town's public art program; and

WHEREAS, the Town Council is desirous of approving a contract for said work which is described in Exhibit A attached to this resolution

WHEREAS, the Town Council finds that the passage of this Resolution is in the best interest of the citizens of Westlake.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS:

SECTION 1: THAT, all matters stated in the Recitals hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2: THAT, the Town Council of the Town of Westlake, Texas, hereby approves with this resolution the scope of services described in the attached **Exhibit "A"** to this resolution, approves an expenditure of up to \$25,000 (unless this is later amended by Town Council to exceed that amount) for this scope of services, approves a \$25,000 amendment to the FY15-16 Town Budget (Visitors Association Fund) for this expenditure, and further authorizes the Town Manager to execute said scope of services agreement with MESA Planning for this engagement on behalf of the Town of Westlake.

SECTION 3: If any portion of this Resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the

remaining provisions hereof and the Council hereby determines that it would have adopted this Resolution without the invalid provision.

SECTION 4: That this resolution shall become effective from and after its date of passage.

PASSED AND APPROVED ON THIS 23rd DAY OF MAY 2016.

ATTEST:

Laura L. Wheat, Mayor

Kelly Edwards, Town Secretary

Thomas E. Brymer, Town Manager

APPROVED AS TO FORM:

L. Stanton Lowry, Town Attorney

The logo for MESA + PLANNING features a solid olive-green horizontal bar at the top. Below the bar, the words "MESA + PLANNING" are written in a bold, sans-serif font. "MESA" and "PLANNING" are in a dark green color, while the plus sign "+" is in a lighter shade of green.

February 19, 2016

Tom Brymer, Westlake Town Manager
3 Village Circle
Suite 202
Westlake, TX 76262

INTRODUCTION:

Not since the great depression has the role of civic, state and national government been so important to the advancement of the arts. Although the media touts record prices for works of art at auction, and private museums are the new status symbol of the ultra-wealthy, the artists represented throughout these venues comprise less than 1/10 of 1% of all artists. Excessive costs are forcing galleries to close and others to show only well-known and more profitable artists. The public's voice in art is greatly diminished if not eliminated.

Aspiring artists are forced to relinquish their creative freedom and just try to survive.

It is these conditions that make the roll of public art initiatives so critical to our culture. When done properly, these programs provide competitive opportunities for aspiring artists and architects, as well as benefitting the community. Art and design initiatives can also engage the public, challenging them to take part in determining "what is art". Throughout history, it has been the public that ultimately determined what art is.

The city of Westlake has a unique opportunity to create a stunning cultural and architectural landscape throughout the city. This could be accomplished by integrating public and private "life" spaces into a master plan which defines the parameters of each area yet ensures there is congruence with the city's goals and objectives. Ironically, this also benefits the artist because it provides them scale, scope and direction which they can use to create their visions for a particular space.

Therefore, MESA-Planning and Russell Tether Fine Art (hereinafter the Consultant Team) have prepared the following proposal which seeks to establish Westlake as a Local/State/National example demonstrating the extent to which a well-established, well-managed, and inclusive Public Art Program can enrich Westlake's quality of life and quality of the physical city as well as make a significant contribution for advancement of the arts in the larger Dallas/ Ft. Worth Metroplex.

SCOPE OF SERVICES

Part One: Public Art in Westlake: At the outset, it is important to establish target objectives regarding what the Town is seeking through its Public Arts Program. There is a continued tendency for an art program to drift toward personal preference and popular notions of aesthetic. Therefore, a clear

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MESA + PLANNING

mission needs to be set in place at the beginning. This mission must be powerful and clearly stated so that it can be used to refresh the collective mind of those advancing this program. The following tasks explain how to formulate a Mission Statement and Goals/ Objectives for the Program.

Task 1.1: Council/ Commission Work Session

The Consultant Team will conduct a work session with the Westlake Town Council and Town Planning Commission (in a joint session) that addresses the following:

- a. A case study review of better Public Art programs, nationally
- b. A discussion of the various components of Public Art and how these would manifest in Westlake. Components include Art in Place, Art in Architecture, Public Monument, Art in Education, Art in the everyday experience, etc.
- c. Dialogue about the various components and case examples.

Task 1.2: Westlake Public art Program Goals and Objectives

Based on the outcomes of Task 1.1 (above) the Consultant Team will draft a set of Art Program goals and objectives for Westlake. These Goals and Objectives will be arranged according to the program components, also identified in the Task 1.1 Work Session. The Goals and Objectives will be distributed to Commission and Council for comment.

Task 1.3: Mission Statement for the Westlake Public Art Program

Based on the outcomes of Task 1.1 and Task 1.2, the Consultant Team will draft a Mission Statement for the Westlake Public Art Program which will serve to define its core purpose, the overarching outcome to which all other aspects of the program are subservient. The mission Statement will be distributed to the Town Commission and Council for review and comment.

Task 1.4: Meetings with Major Land Owners and Developers:

The Consultant Team firmly believes that the development community of Westlake will view a disciplined and targeted Public Art Program as a Town asset having broad respect in the market place. The partnership commitment of the land owners and developers is essential to a successful program. Therefore, the Consultant Team will meet with key land owners and active developers to share the Program Goals/ Objectives and Mission Statement as well as examples of how it is expected to work and gather their comment and inputs. Where the goals and objectives or mission statement needs to be refined or expanded, the Consultant will recommend appropriate amendments. Further the Consultant Team will make recommended modifications to the program concepts where the expectations of the program are a cause of concern or where the program expectations fall short of what can be accomplished.

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Part Two: The Public Art Framework Plan: Public Art in Westlake will occupy and define space as well as influence the form of development, depending on which aspect of the Public Art Program is being pursued. Therefore, it is important to identify where various program aspects will be promoted. For example, locations of monumental art needs to be targeted. The following Tasks seek to give spatial structure to the program, thereby creating a connection between Public Art and development of the Town.

Task 2.1: Allocation of Art type and Program component thrust within the various Plan Elements of the Comprehensive Plan

Art placement by type and program component focus will vary according to the Character Communities, the Street Types, the Open Space and Park types, and the Urban Design Structure as specified in the Westlake Comprehensive Plan (Forging Westlake, 2015). Therefore, each Plan Element of the 2015 Westlake Comprehensive Plan will be analyzed to identify opportunities for Public Art (consistent with the program Mission and Goals and Objectives). A summation of these “Public Art Opportunities” will be prepared by the Consultant Team. Further, the “Public Art Opportunities” will be prioritized according to the extent to which each opportunity contributes to accomplishing the stated goals and mission.

Task 2.2: A Public Art Framework Plan

Based on the products of Task 2.1, above, the Consultant Team will prepare a Public Art Framework Plan which assigns Art (by type) and program aspect (by type) to a base map showing the Land Use Character Communities, the Thoroughfares, and Parks/Open Space as presented in the Comprehensive Plan. This spatial allocation of the Public Art initiative will facilitate incorporation of the program into the development review/ site plan review processes of the Town. It will also make Public Art a Transactional consideration in the forthcoming Westlake TDSF Program.

Part Three: The Public Art Program: The Public Art Program is broad undertaking which consist of Art (the works), Funding, and Program/Works Management. Promoting, Selecting, Acquiring, Placing, Maintaining, and Interpreting are all important activities conducted within a coherent management structure. Therefore, the Westlake Public Art Program must be built around the Mission it serves, the Goals and Objectives which guide it, and the opportunities for Art in the Town. The following tasks establish the various elements of the program which collectively comprise an effective approach to Public Art in Westlake.

Task 3.1: Works

The Consultant Team will prepare a recommended action agenda and/ or program structure for the various aspects of gathering, selecting, and implementing the Art works. These include:

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- a. Public Art Competition: The Consultant Team will layout an organizational structure, action agenda, operational guide, governance, and procedures for a Westlake Public Art Competition. This competition will place Westlake at the center of art activity in the Metroplex (perhaps the State) and create an interface between artists (established and establishing), art interests/institutions, and the Competition leadership that will avail a broad choice of work options to the Town and give Westlake's Public Art Program the credibility it needs to effectively fulfill its mission.
- b. Art in Architecture: The Consultant Team will layout an organizational structure, action agenda, operational guide, governance, and procedures for a Westlake Public "Art-in-Architecture" Program. This program will seek to include artists in the design of the Town's built fabric so that art becomes more integral and more a part of one's everyday experience. An example of this is what DART has done with the design of its Transit Stations.
- c. Donations: The Consultant Team will layout an organizational structure, action agenda, operational guide, governance, and procedures for seeking work donations at appropriate places within the Framework plan.
- d. Acquisitions: The Consultant Team will layout an organizational structure, action agenda, operational guide, governance, and procedures for on-going Art Acquisitions.

Task 3.3: Funding

The Consultant Team will identify funding opportunities for various types of Art and develop a funding strategy which considers:

- a. Public Funding Mechanisms, including TIF or PID.
- b. Corporate Sponsorship, including how to manage an on-going corporate sponsorship effort.
- c. Endowment, including how to manage an on-going endowment effort.
- d. Grants, identifying available grant opportunities
- e. Program generated fees and income, identifying opportunities to generate revenue within the program (such as special events, interpretation, etc.)
- f. A Public Art Fund, the setting up of a fund repository serving the Westlake Public Art Program.
- g. Assumption of Private exposure, includes private land owner contribution to the public fund equal to a "normal" private investment in project art that limits the land owner's exposure to further cost associated with the Public Art Program.

Task 3.4: Works Management

The Consultant Team will prepare a program management manual that considers the following:

- a. Placement: identifies procedures and criteria by which selected works are placed within the City
- b. On-going Maintenance: identifies maintenance procedures associated with works by type and the responsible maintaining party.

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- c. Curator: identifies management and operation responsibilities of Westlake’s overall Public Art Collection when such collection is established at an appropriate level.
- d. Interpretation: identifies various means by which the Artworks of Westlake can be accessed and appreciated by full time residents, day time residents, and visitors to the Town.

Task 3.4: On-going Support

A structure for the on-going assistance and advise of the certain members of the Consultant Team in order to facilitate launch and operation of the Program in its early stages.

FEES

Work on this scope of services will be billed on an hourly basis. Hourly charges will not exceed \$25,000 without approval of the Client. The not to exceed budget of \$25,000 is not a maximum for completion of the tasks described herein but meant to provide a basis for starting the work described herein. The total fee required to complete all tasks can be better determined after the consultant team is able to access various levels of public and private participation, budgets, and timeframes. Hourly fees shall be charged in accordance with the following fee schedule:

Senior Principal (Robin McCaffrey)	\$120.00
Principal (Ashley Shook)	\$100.00
Art and Art Program Coordinator Russell Tether)	\$120.00

CONDITIONS

The following is listing of contractual conditions that apply to this proposal:

1. The Client will provide the following:
 - a. All planning documents and studies
 - b. Available base maps, surveys, deed restrictions and/or legal obligations associated with the project area
 - c. Historic photographs
 - d. Information regarding pending and/or proposed projects
2. Not included in this proposal are the following:
 - a. Construction drawings or art designs
 - b. Engineered drawings and/or cost estimates
 - c. Legal services/ reviews
 - d. Cost of art acquisition
 - e. Liabilities associated with Art Installation

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3. This Agreement may be terminated by either party at any time by a notice to the other party, in writing, which termination shall be effective upon receipt. If such termination shall occur without fault or breach by MESA Planning, MESA Planning shall be entitled to be paid for services authorized by the Client up to the time of termination, the products of which shall be provided to the Client, in keeping with the terms of service contained in this Agreement. Owner will be responsible for payment of all Consultant fees and reimbursables expended through the date of termination.
4. MESA Planning may subcontract consultants in the performance of any services described in this agreement (with Client approval).
5. Compensation for all services shall be paid in Dallas, Dallas County, Texas.
6. Invoice Schedule: Billing will be on a progress basis at the end of each month.
7. Terms: Payments are due within a maximum of 45 days from receipt of invoice.
8. If the client fails to make payments to MESA Planning in accordance with this agreement, such failure shall be considered substantial non-performance and cause for termination or, at MESA Planning's option, cause for suspension of performance of service under this agreement. If MESA Planning elects to suspend service, prior to suspension of services, MESA Planning shall give seven (7) days written notice to the client. In the event of a suspension of services, MESA Planning shall have no liability to the client for delay or damage caused to the client because of such suspension of services. Client agrees to hold MESA Planning harmless from and completely indemnify MESA Planning from and against any and all damages, costs, attorney's fees, and/or other expenses which MESA Planning may incur as a result of any claim by any person or entity arising out of such suspension of work. Before resuming services, MESA Planning shall be paid all sums due prior to suspension and any expenses incurred in the interruption and resumption of MESA Planning's services.
9. The Texas Board of Architectural Examiners has jurisdiction over complaints regarding the professional practices of persons registered as Architects in Texas. Texas Board of Architectural Examiners, P.O. Box 12337, Austin, Texas 78711-2337; tele: 512.305.9000; fax: 512.305.9005; e-mail: www.tbae.state.tx.us.
10. LIMITATION OF LIABILITY: To the maximum extent permitted by law, the Client agrees to limit MESA Planning's liability for the Client's damages to the sum of MESA Planning's fees indicated in this proposal. This limitation shall apply regardless of the cause of action or legal theory pled or asserted.

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11. By making visits to the site, MESA Planning is not assuming the responsibilities of the artist, builder, Construction Manager, Construction Superintendent or any of their agents or subcontractors.
12. Plans, drawings and specifications or other writings or documents prepared or provided by MESA Planning hereunder are prepared as instruments of service for this Project only, but may be used by MESA Planning for purposes of illustrating the scope and nature of project involvement for business development purposes. MESA Planning shall provide Client with a reproducible set of drawings and text for its records. MESA Planning shall not provide processes or mechanisms that are proprietary in nature and part of the intellectual property of MESA Planning.
13. It is expressly understood and agreed that MESA Planning shall not have control of, or charge of, or be responsible for construction, means, methods, techniques, sequences or procedures, or for safety precautions or programs in connection with the Project or for the acts or omissions of any contractor, subcontractor or other persons performing work for the Site, and the Client shall indemnify MESA Planning and hold MESA Planning harmless from and against any and all claims, demands, losses, costs, liabilities and damages including, without limitation, reasonable attorney's fees and expenses, incurred by MESA Planning and arising out of or related to any of the aforesaid.
14. Notwithstanding any other provision of this Agreement, MESA Planning and MESA Planning's sub-consultants shall have no responsibility for the discovery, presence, handling, removal, disposal or exposure of persons to hazardous materials in any form at the project site, including but not limited to asbestos, asbestos products, mold, polychlorinated biphenyl (PCB) or other toxic substances.
15. During the term of this Agreement, MESA Planning shall maintain: Professional liability insurance in an amount not less than \$1,000,000 per occurrence and \$1,000,000 annual aggregate.
16. MESA Planning shall indemnify and hold the Client harmless from and against any and all loss, claims, actions, damages, liability and expense in connection with loss of life, personal injury, damage to property or any other loss or injury arising directly from or out of the negligent performance of the Work. MESA Planning shall not be required, however, to indemnify any party against a claim arising from the willful misconduct or negligence of that party.
17. Should any provision contained in this Agreement for any reason be held to be void, invalid, illegal or unenforceable, such determination shall not affect any other provision hereof, and this Agreement shall be considered as if the entirety of such void, invalid or unenforceable provision had never been contained in this Agreement.

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18. In the event disputes are not satisfactorily resolved through informal discussions, the Client and MESA Planning agree that all disputes between them arising out of or relating to this Agreement shall be submitted to non-binding mediation. In the event that the parties to this Agreement are unable to reach a settlement through mediation, then such disputes shall be settled through litigation, in a court of competent jurisdiction.
19. This Agreement shall be administered and interpreted under the laws of the State of Texas. Exclusive venue shall lie in any court of competent jurisdiction located in a mutually agreed upon venue.
20. All notification to either party by the other that is required under this Agreement shall be personally delivered or mailed to such party at the following respective addresses:

Tom Brymer
Town Manager
Town of Westlake
3 Village Circle
Suite 202
Westlake, TX 76262

Ashley Shook and Robin McCaffrey
MESA Planning
11700 Preston Road, Suite 660-299
Dallas, Texas 75230
Phone: 214-543-9557

Accepted:

Town of Westlake by Tom Brymer, Town Manager

Date

Mesa Planning by Robin H. McCaffrey FAICP, AISA

Date

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CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Mesa Planning
dallas, TX United States

Certificate Number:
2016-56414

Date Filed:
05/16/2016

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

Town of Westlake, Westlake Texas

Date Acknowledged:

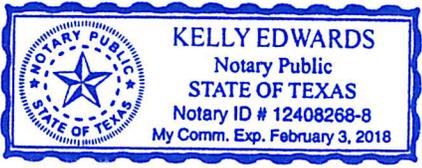
3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

2016-04
Establish goals, objectives and a framework for the public art program in Westlake

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.

6 AFFIDAVIT I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



[Handwritten Signature]

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Robin McCaffrey, this the 17th day of May, 2016, to certify which, witness my hand and seal of office.

[Handwritten Signature] Kelly Edwards Town Secretary
Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath

Town Council

Item # 6 – Executive Session

EXECUTIVE SESSION

- a. Sec. 551.071 Consultation with Attorney (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; (2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: Ordinance 767
- b. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1) for the following:
 - Maguire Partners-Solana Land, L.P., related to Centurion's development known as Entrada and Granada
 - Project Blizzard
 - Project Lynx
 - Deloitte LLP
- c. Section 551.072 to deliberate the purchase, exchange, lease of value of real property regarding Town Hall offices and possible Fire Stations sites
- d. Section 551.074(a)(1): Deliberation Regarding Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, of a public officer or employee: Town Manager

Town Council

Item # 7 – Reconvene
Council Meeting

Town Council

Item # 8 – Necessary Action

NECESSARY ACTION

- a. Sec. 551.071 Consultation with Attorney (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; (2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: Ordinance 767
- b. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1) for the following:
 - Maguire Partners-Solana Land, L.P., related to Centurion's development known as Entrada and Granada
 - Project Blizzard
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 - Deloitte LLP
- c. Section 551.072 to deliberate the purchase, exchange, lease of value of real property regarding Town Hall offices and possible Fire Stations sites
- d. Section 551.074(a)(1): Deliberation Regarding Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, of a public officer or employee: Town Manager

Town Council

Item # 9 – Future Agenda Items

FUTURE AGENDA ITEMS: Any Council member may request at a workshop and / or Council meeting, under “Future Agenda Item Requests”, an agenda item for a future Council meeting. The Council Member making the request will contact the Town Manager with the requested item and the Town Manager will list it on the agenda. At the meeting, the requesting Council Member will explain the item, the need for Council discussion of the item, the item’s relationship to the Council’s strategic priorities, and the amount of estimated staff time necessary to prepare for Council discussion. If the requesting Council Member receives a second, the Town Manager will place the item on the Council agenda calendar allowing for adequate time for staff preparation on the agenda item.

Town Council

Item # 10 – Adjournment
Regular Session
