MINUTES

RICHARDSON CITY COUNCIL WORK SESSION AND COUNCIL MEETING MONDAY, NOVEMBER 26, 2012

WORK SESSION - 6:00 P.M.:

Call to Order

Mayor Townsend called the meeting to order at 6:00 p.m. with the following Councilmembers present:

Bob Townsend

Mayor

Laura Maczka Mark Solomon Scott Dunn Mayor Pro Tem Councilmember Councilmember

Kendal Hartley
Steve Mitchell
Amir Omar

Councilmember Councilmember

Councilmember

The following staff members were also present:

Dan Johnson

City Manager

David Morgan

Deputy City Manager

Cliff Miller
Don Magner

Assistant City Manager Development Services Assistant City Manager Community Services

Aimee Nemer City Secretary
Pete Smith City Attorney

Michael Spicer

Director of Development Services

Gary Beane

Budget Officer

A. Review and Discuss Items Listed on the City Council Meeting Agenda

<u>Item 5 – ZF 12-17</u>

Staff Comments

Michael Spicer, Director of Development Services, provided the following background on the request:

The proposed renovation of the existing building requires minor changes to the site to create better circulation throughout the property and modifications to landscape islands to accommodate fire lanes.

Although the building's exterior walls are to remain, a portion of the roof structure on the east side of the building would be removed to create open areas for a driveway and walkway parallel to the east property line and to accommodate open smoker pits on the south side of the building.

The building facades will be renovated to reflect the architectural character of a 1930's brick industrial building. Altogether, the exterior building facades would comprise 84% masonry

cladding. The proposed restaurant features a functioning smokestack, open air wood burning fire pits and smoker pits located within the customer queuing area where customers select entrées before proceeding into the restaurant where sides and drinks are offered. Seating areas are provided in a main dining area, private party room and at the bar within the restaurant.

As part of the request, the applicant is requesting to allow the existing building encroachment and attached awnings within the front setback. The applicant is also requesting to remove the requirement for a pedestrian easement for a sidewalk along Central Expressway since the extension of the existing sidewalk would not connect to a sidewalk to the north. All other requirements of the US-75 Design Guidelines would be met.

Mr. Spicer explained that the applicant is requesting a Special Permit for the sale of alcohol in compliance with the City's current Alcoholic Beverage Code. Mr. Spicer noted that the Code, Chapter 4 of the Code of Ordinances is currently under review by Staff.

Mr. Spicer stated that no correspondence has been received concerning this request and noted that the City Plan Commission voted 7-0 to recommend approval of the request as presented.

Council Comments

Councilmember Mitchell asked for clarification on the Special Permit. Mr. Spicer explained that the permit is currently required because of the Industrial Zoning.

Councilmember Mitchell asked if there was any parking lot connectivity to the south of the property. Mr. Spicer stated there was not.

<u>Item 6 – ZF 12-18</u>

Staff Comments

Michael Spicer, Director of Development Services, provided the following background on the request:

The subject property was zoned O-M Office in 1996 as part of the larger rezoning of the area generally known as the Lennox Center area. Existing zoning allows approximately 48,500 square feet of development, building heights of two stories (or 40 feet), and setbacks of fifty feet from Campbell Road and 25 feet from side and rear lot lines. Access to Campbell Road is currently prohibited.

In 2010 a similar amendment was requested by a different applicant that received a recommendation for denial by the City Plan Commission. City Council tabled consideration of the request indefinitely, pending the outcome of drainage studies related to the West Fork of Cottonwood Creek and the University World detention ponds. The application was eventually withdrawn. In August 2011, the results of the drainage study were presented to the Council, concluding that the detention ponds were functioning properly. The study also included recommended improvements to be made to the West Fork of Cottonwood Creek which are to begin in 2013.

Relative to the current request, the City Plan Commission supported the reduced setbacks and the addition of a driveway on Campbell Road, but expressed concerns about the residential character of the proposed office buildings, which are one-story, brick and stone-clad buildings having pitched, composition shingle roofs. The applicant has submitted revised elevations attached as Exhibits "F-1" through "F-4" in response to the Commission concerns. The revised elevations make use of slate shingles in lieu of composition shingles and "full lite" windows in lieu of "divided lite windows". The applicant's preference, however, is to design the buildings consistent with the elevations originally presented to the City Plan Commission.

Mr. Spicer stated that one resident spoke in opposition to the request stating concerns regarding traffic on Campbell Road. He also stated that the City Plan Commission recommended approval of the requested amendments as presented, exclusive of the building elevations, and deferring approval of the building elevations until development plan approval by a vote of 6-1.

Council Comments

Councilmember Solomon commented on the location and orientation of the dumpster and asked if it could be relocated.

Councilmember Omar asked if there were other locations the dumpster could be located. Mr. Spicer stated that Council could inquire with the applicant and stated that he didn't know of another location without reconfiguring the entire site.

B. Briefing by the City Attorney on the City Charter Changes

Staff Comments

Pete Smith, City Attorney, briefed Council on this item. Mr. Smith provided a Power Point and memo that reviewed the following:

- Charter Amendments are effective now.
- Mayor is directly elected by the voters beginning with the May 2013 election.
- The composition of the Council has changed from seven council members to six members and a mayor.
- Key Phrases or terms have changed and their meaning must be reviewed as a whole with the intent.
- Place Assignments.
- Requirement to reside in Council Districts remains unchanged.
- Mayor is entitled to vote.
- Mayor required to Vote on all matters coming before the Council.
- Mayor may vote to fill a vacancy on the council.
- Mayor may vote on the budget.
- Mayor is prohibited from being appointed as the city manager.
- Mayor may be removed for misconduct.
- Mayor may be compelled to attend meetings.
- Vacancy in the office of Mayor is now filled by the Mayor Pro Tem.
- Quorum of the City Council has not changed.

- Vote required for passage of a resolution or ordinance has not changed.
- Duties and authority of the Mayor has not changed.
- Duties and authority of the six members has not changed.
- Compensation has not changed.
- Term limits have not changed.
- Qualifications to hold office of Mayor has not changed.

Council Comments

Councilmember Omar commented that he had another attorney review the changes and he concurred with the City Attorney.

C. Review and Discuss the 2013 City Council Election Calendar

Staff Comments

Aimee Nemer, City Secretary provided the May 2013 Election Calendar and reviewed key dates:

January 2 – Candidate Packets available in City Secretary's Office

January 28 – Council Call Election

January 30 – First Day to File as Candidate

March 1 – Last Day to File as Candidate

April 11 – Last Day to Register to Vote for May Election

April 29 – May 7 – Early Voting

May 11 – Election Day

D. Review and Discuss the Year-End Financial Report for the FY 2011-2012 Operating Budget

Staff Comments

Budget Officer Gary Beane provided an overview of the budget process and year-end financials for all operating funds including the General Fund, the Water and Sewer Fund, Solid Waste Services Fund, Hotel/Motel Tax Fund, and the Golf Fund.

Mr. Beane focused on year-end performance of revenues and expenditures against last estimate of revenues and expenditures developed in June 2012. He also included a comparison in the fund summaries of last year actuals against this year's unaudited actuals.

E. Report on Items of Community Interest

There were no items of Community Interest to report.

ADJOURN WORK SESSION AND CONVENE MEETING - 7:30 PM

The Work Session was adjourned at 7:16 p.m. and the Council Meeting was convened at 7:30 p.m.

1. INVOCATION – KENDAL HARTLEY

- 2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS KENDAL HARTLEY
- 3. VISITORS

No visitor comments were submitted.

4. CONSIDER APPOINTMENTS TO THE ENVIRONMENTAL ADVISORY COMMISSION, PARKS AND RECREATION COMMISSION, AND THE SIGN CONTROL BOARD.

Council Action

Mayor Pro Tem Maczka moved to appoint the following seconded by Councilmember Solomon. A vote was taken and passed, 7-0.

Environmental Advisory Commission - for a term to expire September 22, 2014

Rick Wilder, Chair Jan Skinner Nancy Crowe Charles Summers

Parks and Recreation Commission - for a term to expire December 1, 2014

Susan Fischer Collin Hayes Amit (AV) Vaghela Jeremy Thomason

Sign Control Board - for a term to expire December 1, 2014

Chip Izard Charles Warner Scott Petty, Alternate

PUBLIC HEARING ITEMS:

5. PUBLIC HEARING, ZONING FILE 12-17: A REQUEST BY JOHN T. EVANS, REPRESENTING SWC BELTLINE G.P. INC., TO REVOKE ORDINANCE 2903-A, A SPECIAL PERMIT FOR RETAIL SALES IN CONJUNCTION WITH A WHOLESALE AND DISTRIBUTION CENTER FOR MEN'S CLOTHING AND APPROVAL OF A SPECIAL PERMIT FOR A RESTAURANT WITH MODIFIED DEVELOPMENT STANDARDS IN AN I-M(1) INDUSTRIAL DISTRICT AND A PRIVATE CLUB WITH MODIFIED DEVELOPMENT STANDARDS IN AN I-M(1) INDUSTRIAL DISTRICT TO BE LOCATED AT 1050 N. CENTRAL EXPRESSWAY (EAST SIDE OF CENTRAL EXPRESSWAY, NORTH OF ARAPAHO ROAD). THE PROPERTY IS CURRENTLY ZONED I-M(1) INDUSTRIAL.

Staff Comments

Michael Spicer, Director of Development Services, briefed Council on this item.

Public Hearing

The Public Hearing was opened at 7:44 p.m. The project architect, Robert Tabak, addressed Council explaining the project and was available for Council questions.

Mayor Pro Tem Maczka asked if there was any outdoor seating. Mr. Tabak stated that there was not.

Councilmember Dunn inquired about the timeline of the project. Mr. Tabak stated that construction should be starting in the first quarter of 2013 and take approximately 4-5 months.

Councilmember Mitchell asked Staff to continue working on the process review for alcohol sales as it relates to zoning so that the City does not have to continue to review this type of request as a Special Permit.

With no further comments, Councilmember Dunn moved to close the Public Hearing at 7:54 p.m. Mayor Pro Tem Maczka seconded the motion. A vote was passed unanimously.

Council Action

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

6. PUBLIC HEARING, ZONING FILE 12-18: A REQUEST BY MICHAEL J. WRIGHT, REPRESENTING M.J. WRIGHT & ASSOCIATES, INC., TO AMEND THE O-M OFFICE SPECIAL CONDITIONS TO ACCOMMODATE THE DEVELOPMENT OF MULTIPLE 1-STORY OFFICE BUILDINGS ON A PROPERTY LOCATED ON THE NORTH SIDE OF CAMPBELL ROAD, WEST OF WATERVIEW PARKWAY. THE PROPERTY IS CURRENTLY ZONED O-M OFFICE.

Staff Comments

Michael Spicer, Director of Development Services, briefed Council on this item.

Public Hearing

The Public Hearing was opened at 8:09 p.m.

Michael Wright, the applicant, addressed Council and was available for questions.

Councilmember Solomon inquired about the orientation of the dumpster. Mr. Wright explained that they had worked with the sanitation department and determined that the current location was the best location. He further explained that the area would be screened with a screening wall and landscaping.

Councilmember Omar asked the applicant if he had any problems with the second submittal and elevations. The applicant stated he preferred the original but would not have a problem with the second submittal. Councilmember Omar also asked if the sidewalk would be completed with the first phase. The applicant stated it would.

Councilmember Dunn inquired about the construction timeframe. Mr. Wright stated it would be done in phases with the first phase beginning in the first quarter of 2013.

Mayor Pro Tem Maczka commented that the square footage is reduced by 40% from the original proposal and indicated that would be a better fit for the neighborhood and less traffic impact.

With no further comments, the Public Hearing was closed at 8:20 p.m. with a motion by Mayor Pro Tem Maczka, seconded by Councilmember Dunn, and passed unanimously.

Council Action

Councilmember Omar moved to approve as presented to Council with the newer images reflecting a less residential look, with changes to the windows and roofing, and the image in the second submitted elevation. Councilmember Hartley seconded the motion. A vote was taken and passed, 7-0.

7. CONSENT AGENDA:

ALL ITEMS LISTED UNDER ITEM 7 OF THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED BELOW. THERE WILL BE NO SEPARATE DISCUSSIONS OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY:

A. CONSIDER THE FOLLOWING RESOLUTIONS:

- 1. RESOLUTION NO. 12-22, AUTHORIZING EXECUTION OF AN AGREEMENT REQUESTING NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS ("NCTCOG") TO PURSUE DEVELOPMENT OF THE COTTON BELT RAIL PROJECT UTILIZING SENATE BILL 1048 ("PUBLIC AND PRIVATE FACILITIES AND INFRASTRUCTURE ACT"); AND AUTHORIZING ITS EXECUTION BY THE CITY MANAGER.
- 2. RESOLUTION NO. 12-23, ADOPTING THE CITY OF RICHARDSON INVESTMENT POLICY, DECLARING THAT THE CITY COUNCIL HAS COMPLETED ITS REVIEW OF THE INVESTMENT POLICY AND INVESTMENT STRATEGIES OF THE CITY AND THAT THE POLICY RECORDS ANY CHANGES TO EITHER THE INVESTMENT POLICY OR INVESTMENT STRATEGIES.
- 3. RESOLUTION NO. 12-24, **APPROVING** THE **TERMS** AND CONDITIONS OF AN INTER LOCAL COOPERATION AGREEMENT BY AND BETWEEN THE COUNTY OF DALLAS, TEXAS, AND THE CITY OF RICHARDSON, TEXAS, FOR A DALLAS COUNTY CAPITAL IMPROVEMENT PROGRAM FUNDING AGREEMENT FOR THE CONSTRUCTION AND FUNDING FOR IMPROVEMENTS TO SPRING RECONSTRUCTION **FOR** VALLEY ROAD **BRIDGE**

COTTONWOOD CREEK AND HUNT BRANCH, AND AUTHORIZING ITS EXECUTION BY THE CITY MANAGER.

B. AUTHORIZE THE ADVERTISEMENT OF THE FOLLOWING BIDS:

- 1. BID #15-13 APPROVAL OF PLANS AND CONTRACT DOCUMENTS FOR THE PAVEMENT/DRAINAGE REHABILITATION (300 BLOCK OF PITTMAN, WISTA VISTA AND HUFFHINES). BIDS TO BE RECEIVED BY THURSDAY, JANUARY 3, 2013 AT 2:00 P.M.
- 2. BID #16-13 APPROVAL OF PLANS AND CONTRACT DOCUMENTS FOR THE COMMUNICATIONS HVAC PHASE 2 AND LIBRARY COOLING TOWER. BIDS TO BE RECEIVED BY THURSDAY, DECEMBER 18, 2012 AT 2:00 P.M.

C. CONSIDER AWARD OF THE FOLLOWING BIDS:

- 1. BID #02-13 WE RECOMMEND THE AWARD TO CARRUTHERS LANDSCAPE MANAGEMENT, INC. FOR THE REBID OF DEBRIS REMOVAL AND VEGETATION MANAGEMENT WEST FORK OF COTTONWOOD CREEK PROJECT IN THE AMOUNT OF \$107,799.43.
- 2. BID #13-13 WE REQUEST AUTHORIZATION TO ISSUE AN ANNUAL REQUIREMENTS CONTRACT TO HD SUPPLY WATERWORKS FOR NEPTUNE WATER METERS AND PARTS PURSUANT TO UNIT PRICES.
- D. AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 TO PURCHASE ORDER NO. 121369 TO HILL & WILKINSON CONSTRUCTION FOR THE HEIGHTS PARK RECREATION CENTER, AQUATICS AND GYMNASTICS CENTER IN THE AMOUNT OF \$366,000.

Council Action

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

ADJOURNMENT

With no further business, the meeting was adjourned at 8:22 p.m.

MAY

ATTEST:

CITY SECRETARY