

MINUTES
RICHARDSON CITY COUNCIL
WORK SESSION AND REGULAR MEETING
MONDAY, FEBRUARY 25, 2013

WORK SESSION – 6:00 P.M.:

• **Call to Order**

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

Bob Townsend	Mayor
Laura Maczka	Mayor Pro Tem
Mark Solomon	Councilmember
Scott Dunn	Councilmember
Kendal Hartley	Councilmember
Steve Mitchell	Councilmember
Amir Omar	Councilmember

The following staff members were also present:

David Morgan	Deputy City Manager
Cliff Miller	Assistant City Manager Development Services
Don Magner	Assistant City Manager Community Services
Shanna Sims-Bradish	Assistant City Manager Admin/Leisure Services
Samantha Woodmancy	Management Analyst
Aimee Nemer	City Secretary
Mick Massey	Director of Parks and Recreation
Gary Beane	Budget Officer

City Manager Dan Johnson was absent.

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

There was no discussion on agenda items.

B. Review and Discuss the Central Trail Project

Mick Massey, Director of Parks and Recreation, reviewed this item for Council giving an update on the Central Trail Project:

Funding

Dallas County \$2.5M

City of Richardson – 2010 Bond Program \$1.4M

Total Funding \$3.9M

Engineering, Landscape Architecture, Testing \$.6M

Construction Budget \$3.3M

Total Project Cost \$3.9M

Trail Status

- The project was bid November 2012

- Construction budget \$3.3M
- Lowest qualified bidder \$3.7M
- Value Engineering (VE) has brought the project within budget
- VE include items such as irrigation systems, landscaping, benches, etc.
- Project ready to award to Ed Bell Construction Company

Regional Tollway Revenue

- Unused Dallas County share of RTR funds from SH 161 became available in 2010.
- After a call for projects, COR was awarded \$600,000 for Central Trail improvements to roadway crossings and upgraded signalization.
- An opportunity to include RTR funding in this project as phase 2, which could result in a change order to the Central Trail project to include:
 - Central Trail connection to the surrounding neighborhoods and businesses
 - Mid block crossings
 - Improved routes to signalized intersections
 - Improved handicapped ramps
 - Could include enhancements to the project
- A North Central Texas Council of Governments project specific agreement could be executed in the near term if the RTR project timing appears to be in favor of adding in the second phase to the Central Trail.

Next Steps

- The Central Trail is an important step in regionalism, community connection, alternate forms of transportation, and increasing recreational opportunities.
- Project is on budget and included on the consent agenda February 25, 2013 City Council Meeting.
- We want to thank Dallas County for supporting Richardson Trails as a valued partner.
- Continue to value engineer this project and seek partners for trail projects for funding, easements, and regional connections.
- Capture RTR funding as an opportunity that could align two projects into one Central Trail focused delivery of upgrades including trail amenities.
- 12 month construction period with an April 2014 delivery date.

C. Review and Discuss the Richardson Economic Development Partnership 2012 Report and 2013 Work Plan

Bill Sproull, President of the Richardson Economic Development Partnership, presented the 2012 Year End Review and 2013 Strategic Plan for the Richardson Economic Development Partnership. He introduced other team members who also helped with the presentation; John Jacobs, Sue Walker, Mike Skelton, Jenny Mizutowicz, and Chip Izard.

REDC Representatives reviewed the 2012 Major Highlights and the 2013 Strategic Plan:

2012 Highlights

- KDC/State Farm Campus & Mixed-Use Development
- State Farm Leases at Galatyn Park
- Methodist Richardson Bush/Renner Campus
- Safety-Kleen HQ relocation

- Genpact, Inogen, Cassidian relocations
- Digital Realty, Polytronix, Stream, Mavenir expansions
- Chinese, Japanese and Scandinavian connections
- Continental Inn down, Alamo Drafthouse Cinema UP!
- UT Dallas - ATEC, Venture Development Center

2013 REDP Strategic Plan

- Recruitment
- Retention
- Entrepreneurship
- Technology Branding
- International
- Redevelopment
- Retail
- Workforce Development
- Recognition/Awards

D. Review and Discuss the 2012 – 2013 First Quarter Financial Report

Gary Beane, Budget Officer, gave a Fund by Fund review of the first quarter of fiscal year 2012-2013 including the General Fund, Water and Sewer Fund, Solid Waste Services Fund, Hotel/Motel Tax Fund, and the Golf Fund.

E. Report on Items of Community Interest

Councilmember Solomon commended both Richardson and Berkner High School for making the Regional 5A Playoffs.

Mr. Solomon also commended Deputy City Manager David Morgan as coach of the SBA Knights who are the divisional champions.

COUNCIL ADJOURNED THE WORK SESSION AND CONVENED THE MEETING

1. **INVOCATION – LAURA MACZKA**
2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – LAURA MACZKA**
3. **MINUTES OF THE FEBRUARY 11, 2013 MEETING**

Council Action

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

4. VISITORS

Mr. Jim Wills addressed Council in favor of Resolutions No. 13-08 and 13-09 noting the significant work of the City staff to secure funding for these projects.

Mr. Luke Lukas addressed Council requesting Council to reconsider Ordinance No. 3847. He submitted his comments for the record, attached as Exhibit A to these Minutes.

5. CONSENT AGENDA:

ALL ITEMS LISTED UNDER ITEM 5 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. ADOPTION OF THE FOLLOWING ORDINANCES:

1. **ORDINANCE NO. 3898, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO GRANT A CHANGE IN ZONING TO GRANT A SPECIAL PERMIT FOR A MOTOR VEHICLE SERVICE STATION WITH SPECIAL CONDITIONS ON A 1.69-ACRE TRACT OF LAND ZONED LR-M(2) LOCAL RETAIL LOCATED AT 3601 N. JUPITER ROAD.**
2. **ORDINANCE NO. 3899, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP BY AMENDING AND RESTATING ORDINANCE NO. 3852 BY AMENDING THE SPECIAL CONDITIONS FOR THE RP-1500-M PATIO HOME DEVELOPMENT.**
3. **ORDINANCE NO. 4000, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP BY REPEALING ORDINANCE NO. 2635-A, A SPECIAL PERMIT FOR A RESTAURANT WITH DRIVE-THROUGH SERVICE, IN ITS ENTIRETY.**
4. **ORDINANCE NO. 4001, ADOPTING SUPPLEMENT NO. 21 TO THE CODE OF ORDINANCES, ADOPTED OCTOBER 16, 1992.**

B. CONSIDER THE FOLLOWING RESOLUTIONS:

1. **RESOLUTION NO. 13-06, APPROVING THE TERMS AND CONDITIONS OF A MASTER INTERLOCAL AGREEMENT PERTAINING TO TRANSPORTATION-RELATED MAINTENANCE, BY AND BETWEEN DALLAS COUNTY AND THE CITY OF RICHARDSON; AND AUTHORIZING ITS EXECUTION BY THE MAYOR.**
2. **RESOLUTION NO. 13-07, APPROVING THE TERMS AND CONDITIONS OF A PROJECT SPECIFIC AGREEMENT REGARDING CAMPBELL ROAD AND BELT LINE ROAD, SUPPLEMENTAL TO THE MASTER INTERLOCAL AGREEMENT BY AND BETWEEN DALLAS COUNTY, TEXAS, AND THE CITY OF RICHARDSON, TEXAS; AND AUTHORIZING ITS EXECUTION BY THE MAYOR.**
3. **RESOLUTION NO. 13-08, APPROVING THE TERMS AND CONDITIONS OF ADVANCE FUNDING AGREEMENTS FOR THE ROUTH CREEK PARKWAY PROJECT, THE INFOCOM DRIVE PROJECT, AND THE EAST INFOCOM DRIVE PROJECT, SAID AGREEMENTS BEING BY AND BETWEEN THE CITY OF**

RICHARDSON, TEXAS, AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION; AND AUTHORIZING EXECUTION BY THE CITY MANAGER OF SAID AGREEMENTS.

- 4. RESOLUTION NO. 13-09, PROVIDING A DELEGATION OF AUTHORITY PURSUANT TO TEXAS GOVERNMENT CODE SECTION 2267.053 TO BCS WEST LAND INVESTMENTS, LP TO PERFORM THE PROCUREMENT TASKS AND FUNCTIONS REQUIRED OF THE CITY BY STATE LAW REGARDING THE SOLICITATION OF BIDS AND/OR PROPOSALS AND THE AWARD OF CONTRACTS FOR THE DESIGN AND CONSTRUCTION OF A NEW FOUR-LANE DIVIDED URBAN ROADWAY ON INFOCOM DRIVE FROM US 75 TO PLANO ROAD/DART RAIL LINE (CSJ 0918-24-193) (INFOCOM PROJECT) AND A NEW TWO-LANE ROADWAY ON ROUTH CREEK PARKWAY FROM RENNER ROAD TO INFOCOM DRIVE IN THE CITY OF RICHARDSON (CSJ 0918-24-189) (ROUTH CREEK PARKWAY PROJECT); PROVIDING A DELEGATION OF AUTHORITY PURSUANT TO TEXAS GOVERNMENT CODE SECTION 2267.053 TO BCS EAST LAND INVESTMENTS, LP TO PERFORM THE PROCUREMENT TASKS AND FUNCTIONS REQUIRED OF THE CITY BY STATE LAW REGARDING THE SOLICITATION OF BIDS AND/OR PROPOSALS AND THE AWARD OF CONTRACTS FOR THE DESIGN AND CONSTRUCTION OF A NEW FOUR-LANE DIVIDED URBAN ROADWAY ON EAST INFOCOM DRIVE FROM PLANO ROAD TO WYNDHAM LANE IN THE CITY OF RICHARDSON (CSJ 0918-24-187) (EAST INFOCOM DRIVE PROJECT); AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ONE OR MORE AGREEMENTS ON BEHALF OF THE CITY OF RICHARDSON WITH BCS EAST LAND INVESTMENTS, LP AND BCS WEST LAND INVESTMENTS, LP PURSUANT TO TEXAS LOCAL GOVERNMENT CODE 271.908(B) FOR THE DESIGN AND CONSTRUCTION OF SAID PROJECTS.**

C. AUTHORIZE THE ADVERTISEMENT OF THE FOLLOWING BIDS:

- 1. BID #35-13 – PARK SHELTER ROOF REPLACEMENTS. BIDS TO BE RECEIVED BY WEDNESDAY, MARCH 13, 2013 AT 2:00 P.M.**
- 2. BID #36-13 – BRECKINRIDGE BALLPARK ENTRY GATE. BIDS TO BE RECEIVED BY THURSDAY, MARCH 14, 2013 AT 2:00 P.M.**

- D. AUTHORIZE THE ADVERTISEMENT OF COMPETITIVE SEALED PROPOSAL NO. 903-13 – APPROVAL OF PLANS AND CONTRACT DOCUMENTS FOR THE DUBLIN DRIVE AND DOVER DRIVE FROM BELT LINE ROAD TO COLFAX DRIVE (PAVING, DRAINAGE & UTILITY IMPROVEMENTS) AND BRIDGE AESTHETICS AND CULVERT IMPROVEMENTS AT DUMONT DRIVE OVER HUNT BRANCH.**

**COMPETITIVE SEALED PROPOSALS TO BE RECEIVED BY THURSDAY,
MARCH 21, 2013 AT 3:00 P.M.**

- E. CONSIDER AWARD OF BID #33-13 – WE REQUEST AUTHORIZATION TO ISSUE AN ANNUAL REQUIREMENTS CONTRACT TO ESTRADA CONCRETE COMPANY LLC FOR STREET REHABILITATION PURSUANT TO UNIT PRICES.**

- F. CONSIDER AWARD OF COMPETITIVE SEALED PROPOSAL #902-13 – WE RECOMMEND THE AWARD TO ED BELL CONSTRUCTION CO. FOR THE CENTRAL TRAIL IN THE AMOUNT OF \$3,393,536.50.**

- G. CONSIDER CANCELLATION OF THE MONDAY, MARCH 4, 2013 WORK SESSION.**

Council Action

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

ADJOURNMENT

With no further business, the meeting was adjourned at 8:10 p.m.



MAYOR

ATTEST:



CITY SECRETARY

Good evening council members, mayor, mr Johnson,
madam secretary

I won't take up much of your time.

For the record

My name is Luke Lukas

I live at 2200 Windsor Dr

I'm asking that you reconsider ~~the residential rental registration program~~ ordinance 3847 in light of recent comments presented to the council over the past several weeks and with the items I bring to your attention today.

I'd like to point out a couple differences in the way the ordinance is written and the way the city has implemented the ordinance. Hopefully it might be enough for you to determine the way it is working is not the way you intended.

An ordinance should apply to all citizens not just a select few especially when it is enforced under the guise of health, safety, integrity and the vitality of the city.

The Letter

The letter sent to the homeowner says a **\$90 fee will be assessed for the first re-inspection and \$120 for all subsequent re-inspection.**

The ordinance says under
Sec. 6-474 Inspection.

subsection (d) **A re-inspection fee in the amount of \$75.00 shall be paid prior to the initial re-inspection. A re-inspection fee of \$120.00 shall be paid prior to each second and subsequent re-inspection.**

The ordinance does not refer to the \$90 fee that the letter refers to.

A Minor detail but it can be considered to repeal the ordinance, especially if someone has paid the \$90 re-inspection fee.

The Letter states

In addition to registering the property, an inspection of the property is required.

This means we are registering our tenants and without their approval, allowing the government to go in and inspect their home.

Why are residential Tenant's homes singled-out for inspections?? Residential rentals (single family dwellings) are not public housing.

The purpose of the City of Richardson's Residential Rental Registration Program is to protect the vitality and integrity of the City by making certain its rental housing stock is maintained in a safe and healthy manner through proactive yet fair and reasonable enforcement of codes and ordinances.

If we preserve, protect and defend the constitution, every home in Richardson should be registered and inspected especially if the ordinance is implemented under the guise of health, safety, integrity and the vitality of the city.

If the 4th Amendment doesn't apply the 14th amendment of the US Constitution should apply.

This is a minor detail but you could revisit ordinance 3847 for this reason.

There is a signed contract between 2 private citizens.

Residential Lease states

Under section 18 **REPAIRS:** (Notice: Subchapter B, Chapter 92, Property Code governs repair obligations).

If Landlord fails to repair a condition that materially affects the physical health or safety of an ordinary tenant as required by this lease or the Property Code, Tenant may be entitled to exercise remedies under §92.056 and §92.0561 of the Property Code.

Texas Property code states Title 8 – Chapter 92 – Subchapter B Sec 92.006

Subsection (c) A landlord's duties and the tenant's remedies under Subchapter B, which covers conditions materially affecting the physical health or safety of the ordinary tenant, may not be waived except as provided in Subsections (d), (e), and (f) of this section.

Sec. 92.052. LANDLORD'S DUTY TO REPAIR OR REMEDY. (a) A landlord shall make a diligent effort to repair or remedy a condition if:

(3) the condition:

(A) materially affects the physical health or safety of an ordinary tenant;

Residential rental property Tenants have recourse in established Texas property code and law. According to the attorney general of Texas, Under Texas law, tenants have the right to: Quiet enjoyment of their rental property.

I like to make a couple observations on the ordinances you will discuss later. When you dictate the color and building materials allowed by a designer in an ordinance, won't you limit the designer's ability to add to the character of the city?? If every building in the city on any given street starts to look exactly the same won't we lose the individual character of our city??

