

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

October 10, 2011

City of Richardson, Texas

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, October 10, 2011 with a quorum of said Council present, to-wit:

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

City staff present:

Bill Keffler	City Manager
Dan Johnson	Deputy City Manager
Michelle Thames	Assistant City Manager Administrative Services
David Morgan	Assistant City Manager Community Services
Cliff Miller	Assistant City Manager Development Services
Samantha Woodmancy	Management Analyst
Vickie Schmid	Deputy City Secretary
Michael Spicer	Director of Development Services
Sam Chavez	Assistant Director of Development Services

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1. **INVOCATION – LAURA MACZKA**
 2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – LAURA MACZKA**
 3. **MINUTES OF THE SEPTEMBER 19, 2011 AND SEPTEMBER 26, 2011 MEETINGS**

ACTION TAKEN: Mr. Omar moved approval of the minutes as posted; second by Mr. Mitchell and the motion was approved with a unanimous vote.

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4. **VISITORS.** *(THE CITY COUNCIL INVITES CITIZENS TO ADDRESS THE COUNCIL ON ANY TOPIC NOT ALREADY SCHEDULED FOR PUBLIC HEARING. PRIOR TO THE MEETING, PLEASE COMPLETE A "CITY COUNCIL APPEARANCE CARD" AND PRESENT IT TO THE CITY SECRETARY. THE TIME LIMIT IS FIVE MINUTES PER SPEAKER.)* **None.**

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5. **CONSIDER APPOINTMENTS TO THE CIVIL SERVICE BOARD.**

ACTION TAKEN: Mr. Solomon moved appointment of the following individuals to the Civil Service Board. Second by Mr. Hartley and the motion was approved with a unanimous vote.

Reappoint Mary Bedosky, Chair – term expiring August 31, 2013
Reappoint Nancy Viamonte – term expiring August 31, 2013
Reappoint Keith Hileman – term expiring August 31, 2013

PUBLIC HEARING ITEMS:

6. PUBLIC HEARING, ZONING FILE 11-16: A REQUEST BY JIM LAMPASSI, REPRESENTING PETCO ANIMAL SUPPLY STORES, INC, TO REVOKE ORDINANCE 2937-A, A SPECIAL PERMIT FOR AN EDUCATIONAL AMUSEMENT CENTER; AND TO REQUEST A SPECIAL PERMIT FOR A BOARDING KENNEL AT 751 S. CENTRAL EXPRESSWAY (EAST SIDE OF CENTRAL EXPY, BETWEEN BELT LINE RD AND SPRING VALLEY RD). THE PROPERTY IS CURRENTLY ZONED C-M COMMERCIAL

Mr. Keffler noted that PETCO's Pooch Hotel was part of a national marketing program for an upscale dog boarding and grooming facility. He noted that the City Plan Commission voted unanimously to recommend approval of the request; however, written opposition in excess of 20% of the property owners in the notification area requires a 6 of 7 vote of Council for approval. He asked Mr. Spicer to brief the Council.

Mr. Spicer stated that the site indicated a 20,240 sq. ft. building, currently zoned C-M Commercial, surrounded by commercial development. He advised that the subject property was 1.4 acres and conformed to US75 Amenity Guidelines. Mr. Spicer explained that a parking ratio of 1/500 was proposed for the boarding/play areas and a parking ratio of 1/250 for the remainder of the building; 52 parking spaces would be required for this site and 59 are provided. He noted that no exterior improvements were planned for the site and that the door on the south side of the building would be removed and replaced with masonry material. Mr. Spicer confirmed that all activities would take place inside the facility and that customer entry would be from the northeast portion of the site.

Mayor Townsend opened the public hearing and invited the applicant to present the request.

Melanie Hughes, Bradford Commercial Realty Corp., 17608 Cedar Creek Canyon, Dallas, TX, stated she was available to answer questions and reiterated that they had no plans to change the exterior of the site, with the exception of closing the doorway to the south. Ms. Hughes confirmed that the existing pole sign would be utilized for similar signage.

Margaret Fuldhum, 2241 N. Clybourn, Chicago, IL, addressed noise and odor concerns raised by surrounding property owners stating that all animal play areas, as well as elimination areas, were located indoors and that odor was controlled with the use of a wet/dry vacuum system, biodegradable bags for solids which are placed in sealed cans, and disposal occurring off-site. Ms. Fuldhum also stated that PETCO anticipated approximately \$1.5 Million in interior renovations for this site. She estimated the daily cost to customers to range from \$35 to \$100 depending on the room.

Mr. Mitchell and Mr. Omar expressed concern about the exterior of the building not reflecting the same quality as is proposed for the interior of the facility. In response to Mayor Townsend's questions, Ms. Hughes advised that they had no plans to add landscaping and no exterior modifications were anticipated. Mr. Solomon concurred with Mayor Townsend that additional landscaping would improve drive-up appeal and he felt the front parking spaces should be

designated for employees, with customer entry at the northeast corner. In response to Mr. Hartley's question regarding noise, Ms. Hughes stated that two layers of drywall would be used to mitigate noise.

Nobie Hendricks, 2004 Ridge Crest Drive, Richardson, TX, felt that the special conditions should be more specific to insure that noise and odor did not become an issue with this site. She suggested adding the conditions outlined in her letter dated September 27th. Ms. Hendricks confirmed that her letter had been forwarded to Council by Chris Shacklett in the Planning Department and that most of the issues had been addressed, with the exception of noise and odor. Ms. Hendricks stated that the Pooch Hotel website showed outdoor, rooftop dog exercise areas and wanted assurance that similar exercise areas were not allowed at this site.

Mr. Spicer advised that any changes from the specific site plan drawings submitted with this request would be in violation of the proposed ordinance and he noted that the site plan did not indicate any outdoor activity spaces. Ms. Maczka suggested the condition be revised to read that no outdoor play area is "permitted", rather than "proposed". In response to Mr. Dunn's question about the possibility of sharing the cost of a sound barrier wall, Ms. Hughes stated she would have to check with her Landlord.

William Stewart, Wizards Sports Café, 5001 Village Circle, Dallas, TX, stated he was in favor of the request and he felt the business would draw a good clientele base to the area. Mr. Stewart said he was excited about the project.

Mr. Omar moved to close the public hearing; second by Mr. Mitchell and the motion was approved with a unanimous vote.

Mr. Mitchell felt that requiring a concrete barrier wall was beyond the scope of this request, but the remaining concerns presented by Ms. Hendricks should be addressed in the Special Conditions.

ACTION TAKEN: Mr. Omar made a motion to recommend approval of Zoning File 11-16 with additional amendments discussed including B, C, D, E and F from Ms. Hendricks September 27th letter, with the language for amendment C to read "during the PETCO occupancy, dog owners will have primary entry/exit through the northeast corner of the building;" second by Ms. Maczka. The motion was approved with a unanimous vote.

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7. PUBLIC HEARING, ZONING FILE 11-17: A REQUEST BY MANI BHUSHAN, REPRESENTING TACO OCHO, FOR A SPECIAL PERMIT FOR A PRIVATE CLUB AT 930 E. CAMPBELL ROAD (SOUTHWEST CORNER OF CAMPBELL ROAD AND FIRMAN DRIVE). THE PROPERTY IS CURRENTLY ZONED IP-M(1) INDUSTRIAL PARK.

Mr. Keffler stated that the City Plan Commission voted unanimously to approve Taco Ocho's request for a Special Permit to allow a private club for the service of mixed beverages. He asked Mr. Spicer to brief the Council.

Mr. Spicer stated that the subject property was a 6 ½ acre site, zoned IP-M(1) Industrial Park, and was surrounded by retail and commercial development, with Taco Ocho located at the northwest corner of the site. He noted that Taco Ocho had made application for an alcoholic

beverage permit in 2010, which was denied due to zoning restrictions which limited alcohol sales to locations with at least 10 acres. The Comprehensive Zoning Ordinance allows a private club to be located in an Industrial District with approval of a Special Permit and the applicant has returned to request a Special Permit for a private club for Taco Ocho. Mr. Spicer stated that no exterior improvements were planned. He noted that the City Plan Commission had approved the request with a unanimous vote and suggested limiting the Special Permit to Taco Ocho.

Mayor Townsend opened the public hearing and invited the applicant to present the request.

Mani Bhushan, 5104 Clear Creek Drive, Flower Mound, TX, stated that he took a gamble on the east side of Campbell Road and does a great lunchtime business at Taco Ocho, but business falls off for dinner. He said many of his patrons expressed a desire for a place to meet friends for dinner and drinks. Mr. Bhushan said he would like to keep patron's money in Richardson and felt he could accomplish that with a permit for a private club.

Graham Irvin, JAH Realty, 1601 Elm Street, Dallas, TX, was present to answer questions.

Mr. Mitchell moved to close the public hearing; second by Mr. Hartley and the motion was approved with a unanimous vote

ACTION TAKEN: Mr. Solomon moved approval of Zoning File 11-17; second by Mr. Dunn. The motion was approved with a unanimous vote.

8. PUBLIC HEARING AND CONSIDER APPROVAL OF ORDINANCE NO. 3840, PROVIDING FOR THE TAXATION OF GOODS-IN-TRANSIT.

Mr. Keffler stated that Ordinance 3840 is a reiteration of earlier policy determination made in 2007 with Ordinance 3689 with regard to taxing Goods-In-Transit, which rescinded the legislative action regarding an automatic exemption. Recent legislative action completed this year requires the Council once again to take action regarding the same matter. He stated that this Ordinance would allow the City to continue to tax goods-in-transit property.

Mayor Townsend opened the public hearing; there were no speakers.

Mr. Dunn moved to close the public hearing; second by Ms. Maczka and the motion was approved with a unanimous vote.

ACTION TAKEN: Mr. Solomon moved to approve Ordinance No. 3840 providing for the Taxation of Goods-In-Transit; second by Mr. Mitchell and the motion was approved with a unanimous vote.

ACTION ITEMS:

9. CONSIDER RESOLUTION NO. 11-32, ACCEPTING THE RESIGNATION OF RAYMOND D. NOAH AND MAKING AN APPOINTMENT TO THE AGGREGATED POSITION OF REPRESENTATIVE TO THE DALLAS AREA RAPID TRANSIT AUTHORITY ("DART") BOARD OF DIRECTORS, WHICH FRACTIONAL ALLOCATION

MEMBERSHIP IS SHARED WITH THE CITY OF UNIVERSITY PARK AND THE TOWNS OF ADDISON AND HIGHLAND PARK.

ACTION TAKEN: Mr. Solomon made a motion to accept the resignation of Raymond D. Noah and to appoint Gary A. Slagel as representative to the Dallas Area Rapid Transit Authority Board of Directors effective as of October 10, 2011; second by Mr. Hartley and the motion was approved with a unanimous vote.

ALL ITEMS LISTED UNDER ITEM 8 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:

10. CONSENT AGENDA:

Mr. Omar explained that due to his employment with Verizon, he has a conflict of interest with Item 10.D.4. He requested the item be removed from the Consent Agenda for separate consideration.

ACTION TAKEN: Mr. Mitchell moved approval of the remainder of the Consent Agenda; second by Mr. Hartley and the motion was approved with a unanimous vote.

A. Approve recommendations from the Arts Commission for financial assistance from the Hotel/Motel Tax Fund for the following organizations:

1. Al-Khitab Compassion, Inc.	\$500
2. Contemporary Ballet Dallas	\$500
3. Spectacular Senior Follies	\$500
4. Greater Dallas Youth Orchestra	\$1,000
5. National Association of Composers/USA-Texas Chapter	\$1,500
6. Plano Community Band	\$2,000
7. Dallas Chinese Community Center	\$3,500
8. Contemporary Chorale	\$3,800
9. Texas Performing Chinese Arts Association	\$3,800
10. Friends of the Richardson Public Library, Inc.	\$4,000
11. Pegasus Theatre Incorporated	\$4,000
12. Richardson Reads One Book	\$5,000
13. Chamberlain Performing Arts	\$6,000
14. Dallas Asian American Youth Orchestra	\$6,500
15. Texas Winds Musical Outreach, Inc.	\$7,500
16. Dallas Repertoire Ballet	\$8,000
17. Lone Star Wind Orchestra	\$8,500
18. Plano Symphony Orchestra	\$9,000
19. Tuzer Ballet	\$10,500
20. Richardson Civic Art Society	\$11,000
21. Rich-Tone Chorus	\$12,500
22. Richardson Community Band	\$15,500
23. Chamber Music International	\$20,000
24. Richardson Theatre Centre, Inc.	\$36,200
25. Repertory Company Theatre, Inc.	\$43,700
26. Richardson Symphony, Inc.	\$75,000

- B. Approve Ordinance No. 3839, of the City of Richardson, Texas, amending the Comprehensive Zoning Ordinance and Zoning Map of the City of Richardson, by amending Ordinance No. 3818 and 3822 as heretofore amended, so as to grant a change in zoning to the West Spring Valley Corridor Planned Development District Regulations and Appendices, by revising format, reorganizing certain sections, adding or revising graphics and images, correcting typographical and grammatical errors and amending various sections pertaining to landscaping, parking, storage, setbacks, and signs.

- C. Approve Advertisement of Bid #02-12 – Hunt Branch Erosion Repair at Regal Drive. Bids to be received by Tuesday, November 1, 2011 at 2:00 p.m.

- D. Award of the following bids:
 - 1. Bid #57-11 – Issue an annual contract to Durable Specialties, Inc., for the installation of loop detectors in the amount of \$81,375.

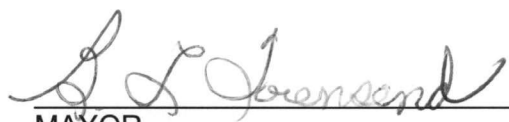
 - 2. Bid #03-12 – Issue a purchase order to Clear Technologies, Inc., for the 2011-12 I5/AS400 System replacement through the State of Texas Department of Information Services Contract #DIR-SDD-953 in the amount of \$124,918.31.

 - 3. Bid #04-12 – Issue a purchase order to Sungard Public Sector for the annual maintenance of the existing HTE Operating Financial Software in the amount of \$143,916.

ACTION TAKEN: Mr. Omar left the Council Chamber. Mr. Solomon moved approval of Item 10.D.4.; second by Mr. Dunn and the motion was approved with a 6-0 vote.

- 4. Bid #05-12 – Issue a purchase order to AT&T for cellular communication services through the State of Texas Department of Information Services Contract #DIR-SDD-597 in the amount of \$126,500 and to Verizon Wireless for cellular data through the State of Texas Department of Information Services Contract #DIR-SDD-604 in the amount of \$63,250 for an estimated total amount of \$189,750.

Mayor Townsend announced that Council would reconvene in Work Session after a short break and adjourned the meeting at 8:55 p.m.


MAYOR

ATTEST:

DEPUTY CITY SECRETARY