

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
September 13, 2010
City of Richardson, Texas

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, September 13, 2010 with a quorum of said Council present, to-wit:

Gary Slagel	Mayor
Bob Townsend	Mayor Pro Tem
Mark Solomon	Council member
John Murphy	Council member
Bob Macy	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
EA Hoppe	Assistant to the City Manager
Pamela Schmidt	City Secretary
Joe Gorfida	City Attorney

1. **INVOCATION**
2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS**
3. **MINUTES OF THE AUGUST 23, 2010 AND AUGUST 30, 2010 MEETINGS**

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

4. VISITORS.

Andrew Laska, 502 Hyde Park, voiced concern about the architectural compatibility of the non-degradable materials discussed in Work Session. He spoke in favor of allowing the use of stone and brick.

Eric Hagemeister, 3205 Heatherbrook Lane, voiced concerns on the proposed 2010-2011 budget, which he felt was taking the City in the wrong direction in certain respects given uncertain, unstable and the deteriorating economy. He stated his occupation as a senior credit analysis at a national bank provides him with keen insight into risks and the economy, and listed his concerns. Mr. Keffler stated that staff has not had an opportunity to review the points made, but would be happy to review the information. He stated that Richardson is a AAA city and underscored that the bond rating companies conducted an analysis in July resulting in reaffirmation of the AAA rating.

Ronnie George, 1957 Eastpark, spoke against raising the tax rate and felt it is a time to cut back. Mr. Keffler advised that the tax rate increase was due to the successful May 2010 bond election and the revenue generated would be directed only to debt. He underscored that there was nothing in the tax increase that would go to operations and maintenance. With regard to sales tax, he stated that the proposed budget includes a projected 3% increase.

Cheri Duncan-Hubert, 1614 Salem Court, addressed concerns regarding the budget and referred to previous budget discussions. She felt it was a self-serving budget. Mr. Keffler reiterated that staff would be happy to review the numbers and stressed that the staff are very conscious of the funding.

5. CONSIDER ORDINANCE NO. 3786, APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011, AND AMENDING CODE OF ORDINANCES, SECTION 2-128, UPDATED SERVICE CREDITS, EFFECTIVE DATE, AND SECTION 2-129, TMRS ANNUITIES.

ACTION TAKEN: Mr. Townsend moved approval of Ordinance No. 3786 approving and adopting a budget for the Fiscal Year beginning October 1, 2010 and ending September 30, 2011, and amending the Code of Ordinance, Section 2-128, Updated Service Credits, Effective Date, and Section 2-129 TMRS Annuities; second by Mr. Macy and the motion was approved with a unanimous vote.

6. CONSIDER ORDINANCE NO. 3787, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2010 (FISCAL YEAR 2010-2011) AT A RATE OF \$0.63516 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF RICHARDSON AS OF JANUARY 1, 2010.

ACTION TAKEN: Mr. Townsend moved the property tax rate be increased by the adoption of a tax rate of \$0.63516 which is effectively a 4.66% increase in the tax rate and approval of Ordinance No. 3787; second by Mr. Solomon and the motion was approved with a unanimous vote.

7. CONSIDER INCREASING THE PROPERTY TAX REVENUE THROUGH THE ADOPTION OF THE PROPOSED PROPERTY TAX RATE OF \$0.63516 PER \$100 OF ASSESSED VALUATION.

ACTION TAKEN: Mr. Murphy moved approval of increasing the property tax revenue through the adoption of the proposed property tax rate of \$0.63516 per \$100 of assessed valuation; second by Mr. Solomon and the motion was approved with a unanimous vote.

8. PUBLIC HEARING AND CONSIDER APPROVAL OF ORDINANCE NO. 3785, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 2, ADMINISTRATION, BY AMENDING ARTICLE I TO ADD A CODE OF CONDUCT FOR CITY OFFICIALS.

Mr. Keffler noted that the Council 2009-2011 Goals included the establishment of a Code of Conduct. He stated that staff reviewed similar regulations in the survey cities as well as other agencies to bring forward a document that would meet the needs of Council. He referred to the

previous discussions by Council and noted that the proposed ordinance was placed on the City's website to provide for public review and input.

Mayor Slagel opened the public hearing.

Bonnie Wells, 2107 W. Prairie Creek Drive, commended the Council for developing a code. She voiced concern with regard to the applicability to employees, the city attorney being responsible for reviewing complaints and the timeframe for filing complaints.

Mayor Slagel asked the city attorney to address the first two issues. Mr. Gorfida explained that the employees must adhere to City employee policies and procedures. With regard to the City Attorney reviewing the complaint, Mr. Gorfida explained that after review of a complaint, the city attorney would make a presentation to the City Council reporting any violation. Thereafter, the City Council could direct further action. With regard to the time frame, Mayor Slagel stated other policies reviewed had varying timeframes from six months to 2 years and some were silent, depending on the city.

Gala Partlow, 1308 Grinnell Drive, questioned the 6-month time frame for filing a complaint.

Richard Tanner, 401 Ridgehaven Place, stated he had a number of major comments. He felt that senior staff should be subject to the Code, including the city attorney and municipal judge. He voiced a concern with regard to the City Attorney being held responsible for investigating complaints and suggested an impartial investigator with no affiliation with Richardson. He also spoke against the provision regarding confidential information and with regard to the timeframe for filing a complaint. He suggested a prohibition for using a city credit card for any personal expense and spoke against non employee use city property, whether leased or owned.

Shelley McCall, 538 Highland Boulevard, stated there was a big difference between a code of conduct and a code of ethics. She stated that a code of conduct deals with behavior and a code of ethics was a moral code. She felt that the proposed code needed to be more clear, and should be more about ethics and touch on conduct.

Jim Mallett, 1623 Greenhaven Drive, stated he was happy that a code was being reviewed. He spoke against the 6-month time limit on complaints and voiced a concern that management would not be required to adhere to the Code. He stated that he hoped the Council would not vote on the ordinance until review and consideration could be given to the comments provided.

Mayor Slagel asked the City Manager to respond to the time frame for filing a complaint. Mr. Keffler provided the time frames provided in the various cities noting that the City of Irving does not have a policy.

Andrew Laska, 502 Hyde Park, suggested the Council to review the definition of relative with the consideration of expanding it to nieces and nephews; suggested extending the limitation for filing a complaint and suggested review of the term "homeowner association."

J. L. (Larry) Menke, 1705 Columbia Drive, suggested two items be strengthened: appoint a newly created Ethics Commission and eliminate the 6-month timeframe for filing a complaint. He felt any ethical violation should be exposed even if the deed is not discovered until well past the statute of limitation for criminal prosecution. He encouraged the Council to delay voting on the ordinance to a future date.

Mr. Townsend moved to close the public hearing. Discussion was held on whether or not to close to public hearing. Motion died for the lack of a second.

Mayor Slagel opened the floor for discussion by Council. Mr. Murphy felt it is important to give citizens the maximum amount of time to participate in the process, and felt that more discussion was needed on the topics addressed by the speakers. Mr. Omar stated he would be in favor of delaying a vote on the item. He stated he would ask that Council consider removing or lengthening the timeframe regarding complaints; felt there may need to be more elements to address the comment of ethics versus conduct; and voiced a question about discussing confidential information with a professional. Mr. Solomon felt the length of time for filing a complaint should be further reviewed; agreed with Mr. Omar's comments about confidential information and would have no problem with adding nieces and nephews to the definition of relative. He suggested the possibility of developing a procedural manual for council members that would not be law. Mr. Mitchell proposed that the word "shall" be used with regard to calling a special meeting; proposed that the time limit on filing complaints be eliminated; and spoke in favor of a citizen committee to review complaints. Mr. Macy stated that ethics lead to conduct and members' conduct is how each are measured. He felt that a citizen committee or independent investigator would still be appointed by the Council. He felt that pagers and cell phones should not be used during meetings. He stated he has no problem with removing or lengthening the time frame for filing a complaint. Mr. Townsend agreed that ethics should be addressed in the Code of Conduct; he agreed with the removal of the limitation on filing a complaint and stated he had no problem with the City Attorney being held responsible for reviewing complaints.

Mayor Slagel suggested discussion at a future Work Session followed by another public hearing with the ability to take action. Mr. Murphy asked that staff clarify points of confusion dealing with confidential information or other items voiced by speakers. Mr. Omar encouraged everyone to stay engaged and continue to provide input. Mr. Mitchell also encouraged citizens to continue providing input. He agreed that more review was needed with regard to confidential information. Mayor Slagel suggested the item be discussed during the September 20 Work Session and suggested the public hearing remain open to allow for continued input.

ACTION TAKEN: No Action.

ALL ITEMS LISTED UNDER ITEM 9 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:

9. CONSENT AGENDA:

ACTION TAKEN: Mr. Solomon moved to approve the Consent Agenda; second by Mr. Omar. Mayor Slagel noted that with regard to Resolution 10-21, the Director of Parks and Recreation included language regarding funding opportunities. The motion was approved with a unanimous vote.

- A. Ordinance No. 3788, amending the Code of Ordinances by amending Chapter 12, Article II, "Hotel Occupancy Tax" by amending Section 12-29 to provide for monthly payment and reporting of taxes and a new due date for tax payments and reporting due for the fourth quarter of 2010; amending Section 12-30 to designate the City Manager or Designee with rulemaking authority to administer tax collection;

amending Section 12-31 by deleting City's five percent retainage of collection costs; amending Section 12-32 to provide for a penalty and interest; and by adding Section 12-33 to provide for an offense punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

B. Resolutions:

1. Resolution No. 10-20, providing an amended fee schedule for the Eisemann Center Public Parking Garage.
2. Resolution No. 10-21, adopting the City of Richardson Parks, Recreation & Open Space Master Plan 2010 and Beyond.
3. Resolution No. 10-22, approving the terms and conditions of amendment #1 to the Local Transportation Project Advance Funding Agreement for Intersection Improvements on Jupiter Road at Buckingham, Jupiter Road at Arapaho Road, Arapaho Road at Plano Road, and Jupiter Road at Belt Line Road, by and between the City of Richardson, Texas, and the State of Texas, acting by and through the Texas Department of Transportation, and authorizing its execution by the City Manager.
4. Resolution No. 10-23, requesting approval by the Texas House Committee on Redistricting of a Collin County, Texas Redistricting Plan to include all of Collin County inside congruent Congressional, Legislative and State Board of Education Districts.

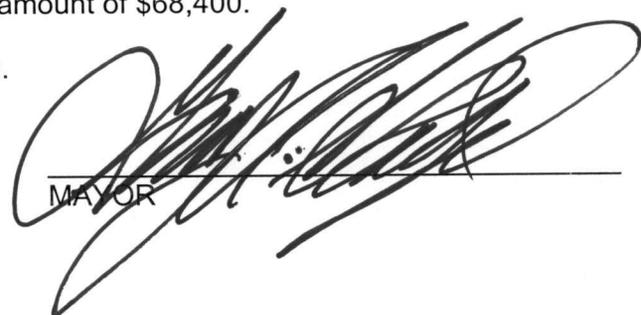
C. Bids:

1. Bid #50-10 – award to Quality Excavation, LTD., for the Richardson Woman's Club Parking Lot re-paving in the amount of \$112,659.50.
2. Bid #58-10 – authorization to issue a purchase order to Insituform Technologies, Inc., for the 2010 Trenchless Sewer Repair Project pursuant to unit prices bid through the Texas Local Government Statewide Purchasing Cooperative (Buyboard) contract #326-09.

D. Award Request for Proposal #702-10 – award to Imagesoft, Inc., for the Electronic Data Management System for the Municipal Court and additional licenses in the amount of \$263,028 and to AT&T Datacom for scanners in the amount of \$21,390.34.

E. Authorize the City Manager to execute Change Order #1 to Purchase Order #101257 for irrigation revisions to Cole Construction, Inc., for the City Hall/Civic Center and Library sidewalk repair project in the amount of \$68,400.

Mayor Slagel adjourned the meeting at 8:54 p.m.


MAYOR

ATTEST:


CITY SECRETARY

