

MINUTES
RICHARDSON CITY COUNCIL
WORK SESSION AND REGULAR MEETING
OCTOBER 14, 2013

WORK SESSION – 6:00 P.M.:

• **Call to Order**

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

Laura Maczka	Mayor
Bob Townsend	Mayor Pro Tem
Mark Solomon	Councilmember
Scott Dunn	Councilmember
Kendal Hartley	Councilmember
Paul Voelker	Councilmember
Steve Mitchell	Councilmember (arrived at 6:15)

The following staff members were also present:

Dan Johnson	City Manager
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
Aimee Nemer	City Secretary
Michael Spicer	Director of Development Services
Mick Massey	Director of Parks and Recreation
Robbie Hazelbaker	Assistant Director, Recreation and Events
Suzanne Etman	Community Events Manager

Guests Attending:

Dan K. McCoy, MD, Vice President and Chief Medical Officer of Blue Cross and Blue Shield of Texas, was in attendance regarding the Corporate Challenge program.

A. REVIEW AND DISCUSS ITEMS LISTED ON THE CITY COUNCIL MEETING AGENDA

Staff reviewed the Brick Row townhome elevations, Sign Control Case # 13-09, and Sign Control Case # 13-11.

B. REVIEW AND DISCUSS AN UPDATE ON THE 2013 CORPORATE CHALLENGE PROGRAM

Staff reviewed the 2013 Corporate Challenge Program, presented a video regarding Corporate Challenge produced by Blue Cross and Blue Shield of Texas (BCBSTX), and an announcement was made by Dan McCoy, MD, Vice President and Chief Medical Officer of BCBSTX, stating that BCBSTX would sponsor Corporate Challenge for another three year period.

C. REVIEW AND DISCUSS E-CIGARETTE REGULATIONS

Staff reviewed proposed changes to e-cigarette regulations:

- Article I. Section 2. Definitions - Add the following:
 - “Electronic-Cigarette”
 - A battery power product that uses an atomizer or similar device that allows users to inhale nicotine vapor or other vapor without fire, smoke, ash, or carbon monoxide.
 - “Electronic-Cigarette Establishment”
 - A business establishment that is dedicated, in whole or primarily, to the sale and/or on premise use of E-Cigarettes.
 - Article 22-A. Special Permits – Add the following:
 - “E-Cigarette Establishments”
 - Will require a Special Permit to locate in Local Retail and Commercial Districts: LR-M (1), LR-M (2) and C-M

D. REVIEW AND DISCUSS THE GLENVILLE LAND PLANNING STUDY

Staff reviewed the Glenville Twin Rivers Land Study and next steps:

January 2013

- Hire consulting engineering and landscape architecture firm.
- Brief Park and Recreation Commission.

February through April 2013

- Data gathering, land survey, and site analysis.
- Public meeting(s).

April through July 2013

- Design development.

September 2013

- Meeting of the Park and Recreation Commission to review concept plan and estimate.

October 2013

- City Council input on design.

Fall 2013 and Beyond

- Include resolved plan in the CIP program for future consideration.

Next Steps

- Refine concept
 - Based on City Council input, complete concept master plan on park elements and incorporate in final plan
 - Estimate project budget based on final concept master plan
- Communicate the concept plan through the leadership of the neighborhood associations and public at-large via City of Richardson web page
- Include project in the Capital Improvements Projects program.
- Seek alternate funding sources such as grants, benevolent donations, sponsorships, etc.
- Be flexible and patient, as time and budgets progress, be ready to adjust plans and engineering to accommodate phasing or alternate funding.

E. REVIEW AND DISCUSS THE HUFFHINES ART TRAILS

Staff reviewed the 2013 Huffhines Art Trails schedule and activities.

F. REPORT ON ITEMS OF COMMUNITY INTEREST

There were no items of community interest reported.

COUNCIL MEETING – 7:30 PM, COUNCIL CHAMBERS

1. **INVOCATION – MARK SOLOMON**
2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – MARK SOLOMON**
3. **MINUTES OF THE SEPTEMBER 23, 2013, SEPTEMBER 30, 2013, AND OCTOBER 7, 2013 MEETINGS**

Council Action

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

4. VISITORS

Mr. Kevin Williams addressed Council in opposition to Item 5 and requested the developer, CB Jeni, to remove the river rocks in the utility easements and replace them with brick pavers. Mr. Williams provided a handout to Council with pictures of the river rock.

The following residents also submitted a speaker card recording their opposition to Item 5:

Elliot Einbinder
Maria Farabaugh
Chris Farabaugh
Rhonda Robertson
Susan Ferreri
Patrick Higgins
Lisa Nelson
Shawn Nelson
Smriti Bhuyan
Laura Nelson

Mr. Bruno Pasquinelli, representing CB Jeni Homes, addressed Council explaining the issues with the river rock and his commitment to rectify the issues when construction of the development is complete.

ACTION ITEMS:

5. **CONSIDER A REQUEST BY SCOT WHITWER, REPRESENTING CB JENI HOMES, FOR BUILDING ELEVATION APPROVAL FOR THIRTEEN (13) FRONT-ENTRY TOWNHOMES. THE PROPERTY IS LOCATED ON THE WEST SIDE OF ALEXANDRA AVENUE AT BRICK ROW DRIVE AND IS ZONED PD PLANNED DEVELOPMENT.**

Council Action

Mayor Pro Tem Townsend moved to approve the request as presented. Councilmember Solomon seconded the motion. A vote was taken and passed, 7-0.

6. **SCB CASE #13-09: TO CONSIDER THE REQUEST OF ALLSTATE INSURANCE COMPANY FOR A VARIANCE TO THE CITY OF RICHARDSON**

CODE OF ORDINANCES, CHAPTER 18, ARTICLE III, SECTION 18-96(23)(c)(iii)(1), CHAPTER 18, ARTICLE I, SECTION 18-96(23)(d)(2) AND CHAPTER 18, ARTICLE I, SECTION 18-96(23)(d)(3) TO ALLOW FOR A 69 SQUARE FOOT MULTI-TENANT POLE SIGN 15 FEET FROM THE ADJACENT PROPERTY LINE AND 27 FEET FROM THE ATTACHED BUILDING SIGN IN A COMMERCIAL ZONED DISTRICT ON THE PROPERTY LOCATED AT 129 N. PLANO ROAD; AND TAKE APPROPRIATE ACTION.

Council Action

Mayor Pro Tem Townsend moved to deny the request. Councilmember Mitchell seconded the motion to deny. A vote was taken and passed, 5-2 with Councilmember Voelker and Hartley voting in opposition of the denial.

7. CONSENT AGENDA:

A. ADOPTION OF THE FOLLOWING ORDINANCES:

1. ORDINANCE NO. 4026, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; PROVIDING A MOST FAVORED NATIONS CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

2. ORDINANCE NO. 4027, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 12, LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE VI, SEXUALLY ORIENTED BUSINESSES, BY AMENDING THE DEFINITION OF NUDITY OR A STATE OF NUDITY IN SECTION 12-161, DEFINITIONS.

B. AUTHORIZE THE ADVERTISEMENT OF BID #01-14 - 2014 NEIGHBORHOOD PAVEMENT REPAIR PROJECT - AREAS 1, 2, & 3. BIDS TO BE RECEIVED BY THURSDAY, OCTOBER 31, 2013 AT 2:00 P.M.

C. CONSIDER AWARD OF THE FOLLOWING BIDS:

1. **BID #55-13 – WE RECOMMEND THE AWARD TO ESTRADA CONCRETE CO., LLC, FOR THE 2010 ALLEY RECONSTRUCTION PHASE V (CARDINAL/COIT/ COMANCHE/CHIPPEWA) IN THE AMOUNT OF \$438,110.00.**
2. **BID #56-13 – WE RECOMMEND THE AWARD TO RKM UTILITY SERVICES FOR THE 2010 STREETS AND ALLEYS PHASE I (GENTLE/LOCKWOOD/WEATHERED) IN THE AMOUNT OF \$1,296,088.00.**
3. **BID #58-13 – WE RECOMMEND THE AWARD TO JESKE CONSTRUCTION CO. FOR THE CANYON CREEK BRIDGE ENHANCEMENT PROJECT IN THE AMOUNT OF \$654,985.00.**
4. **BID #02-14 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO FITCO FITNESS CENTER OUTFITTERS FOR THE FITNESS EQUIPMENT FOR HUFFHINES RECREATION CENTER AND THE SENIOR CENTER PURSUANT TO THE TEXAS LOCAL GOVERNMENT STATEWIDE PURCHASING COOPERATIVE (BUYBOARD) CONTRACT #413-12 IN THE AMOUNT OF \$69,206.46.**
5. **BID #03-14 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO SUNGARD PUBLIC SECTOR FOR THE ANNUAL MAINTENANCE OF THE EXISTING HTE OPERATING FINANCIAL SOFTWARE IN THE AMOUNT OF \$133,466.88.**

D. AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO DECREASE AWARD AMOUNT TO JESKE CONSTRUCTION CO. FOR THE CANYON CREEK BRIDGE ENHANCEMENT PROJECT IN THE AMOUNT OF (\$182,017.00).

Council Action

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

8. **RECEIVE THE OCTOBER 9, 2013 SIGN CONTROL BOARD MINUTES AND CONSIDER FINAL APPROVAL OF SCB CASE 13-11, MCDONALD'S RESTAURANT.**

Council Action

Councilmember Mitchell moved to accept Sign Control Board Case 13-11 as presented. Councilmember Dunn seconded the motion. A vote was taken and passed, 7-0.

EXECUTIVE SESSION

In compliance with Section 551.072 and Section 551.074 of the Texas Government Code, Council will convene into a closed session to discuss the following:

- Deliberation Regarding Real Property
 - Property Considerations in the U.S. 75/Floyd Rd. Area

- Personnel
 - Evaluation of the City Manager

Council Action

Council convened into Executive Session at 8:45 p.m.

RECONVENE INTO REGULAR SESSION

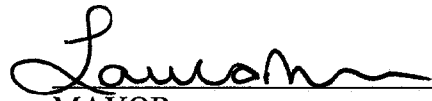
Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.

Council Action

Council reconvened into Regular Session at 10:43 p.m. There was no action as a result of the Executive Session.

ADJOURNMENT

With no further business, the meeting was adjourned at 10:45 p.m.


MAYOR

ATTEST:


CITY SECRETARY