

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

April 12, 2010

City of Richardson, Texas

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, April 12, 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
John Webb	Director of Development Services

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1. **INVOCATION**
 2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS**
 3. **MINUTES OF THE MARCH 22, 2010 MEETING**

ACTION TAKEN: Mr. Murphy moved approval as presented; second by Mr. Omar and the motion carried with a unanimous vote.

4. **VISITORS.**

Jeff Smith, 4001 Fletcher Drive, Garland, on behalf of the Richardson Masonic Lodge, announced that they awarded four scholarships to seniors from each of the Richardson High Schools. He announced the semiannual police and fire fighters breakfast to be held on April 24 and invited the Council to attend the breakfast. Lastly, he noted the Community Builder Award that would be presented to Dr. Carolyn Bukhair. The lodge is located at 528 Lockwood.

5. **CONSIDER APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENTS/
BUILDING & STANDARDS COMMISSION.**

ACTION TAKEN: Mr. Townsend moved to appoint Mike Walker as Vice Chair of the Zoning Board of Adjustments/Building & Standards Commission for the remainder of his

term expiring April 1, 2011; second by Mr. Solomon and the vote was cast 7-0 in favor of the motion.

6. CONSIDER A VARIANCE REQUEST BY JOHN BAILEY, REPRESENTING HOLIDAY INN RICHARDSON, TO ALLOW THE SALE OF MIXED BEVERAGES BY A FOOD AND BEVERAGE CERTIFICATE HOLDER WITHIN 300 FEET OF A SCHOOL. THE HOLIDAY INN RICHARDSON IS LOCATED AT 1655 N. CENTRAL EXPRESSWAY. (CONTINUED FROM MARCH 22, 2010, CITY COUNCIL MEETING.)

Mr. Keffler advised that Chapter 4 of the City Code of Ordinances includes a provision regarding schools within 300 feet of an establishment wishing to sell alcoholic beverages. He advised that the Holiday Inn has been in operation since 1982 and held a private club membership permit until 2005. After the local option election held in 2004, the hotel obtained the current RM permit. He advised that the hotel is currently in receivership and the management company is in the process of applying for a new TABC permit. He advised that Winfree Academy is located with 300 feet of the hotel causing the Hotel to request a variance to the ordinance. He asked David Morgan to brief the Council.

Mr. Morgan stated that the item before the Council was a request for a variance requested by John Bailey, representing Holiday Inn, to allow the sale of mixed beverages by a food and beverage certificate holder when 300 feet of a public school, specifically Winfree Academy. He advised that the item was continued from the March 22nd meeting upon the request of the applicant to allow for further discussions with Winfree Academy. He provided a location map illustrating the location of the two sites, noted that the Holiday Inn received its Certificate of Occupancy in 1992 and its initial TABC RM permit in 2005. He advised that the hotel is currently in receivership and being managed by Prism Hospitality and therefore Prism Hospitality has applied to have the TABC permit in its name. Mr. Morgan advised that Winfree Academy is located at 1661 Gateway, is a State Charter School that has been operating at the location since 2004 and is located within 300 feet of the Holiday Inn. He reviewed the reasons that the Council could grant the variance as provided in State law.

Mr. Murphy noted that there were other businesses in the area that offer alcoholic beverages such as Humpertinks and Mr. Morgan confirmed the location.

Mayor Slagel invited the applicant to present the request.

Kyle Green, Prism Hotel and Resorts, 13760 Noel Road #610, Dallas, advised that Prism Hotel is the court appointed receiver for the Holiday Inn. He stated that although Prism could continue to operate under the current license, they are requesting that the license be transferred to their name since Prism is the new operator. He confirmed that the permit prior to 2005 was a private club permit. He noted that the Double Tree hotel just north of the property also holds a permit to sell alcoholic beverages. He acknowledged the opposition of Winfree Academy and was not aware of any problems in the past. He asked the Council to approve the request.

Robert Schulman, 6221 Riverside Drive, Irving, attorney representing Winfree Academy, distributed a packet of information to the City Council members. He described the packet of information he distributed bringing specific attention to the School's request for a school zone around the school. He stated there is a relationship between the school zone requested and the permit. He reminded Council of their need to consider the public health and safety of the community in making its determination regarding the variance. The packet included letters

supporting the request for the school zone or crosswalk and noted that the school zone requested was not for an off-site school zone stating that the zone requested would encompass the streets surrounding the school. In referring to an email by Asst. City Manager David Morgan to Ms. Chalkley (Winfree Academy Superintendent) regarding the number of students, he stated that they would show that there are many more than reflected by the City. Lastly he advised the Council that had they been notified about the Hotel's request in 2005, they would have been before the Council at that time.

Mr. Mitchell noted the School's request for a school zone and asked Mr. Schulman to explain the relationship to the variance request. Mr. Schulman felt that alcohol being sold within 300 feet of a school deserved deep consideration and stated that they would withdraw their opposition if a school zone is approved. Mr. Solomon questioned the school's decision to locate within close proximity to a hotel if they thought it would be problem and Mr. Schulman stated he would defer to Ms. Chalkley on that question. He stated that the school locates in areas that address a need for students and he stated that they thought a school zone would be provided. Mr. Murphy asked if they had ever brought forth a formal request for a school zone and Mr. Schulman stated it had not, but it should have been requested formally and he would be happy to do so.

Deirdre Staples, 6221 Riverside Drive, Irving, distributed information to the Council. She stated that Winfree Academy has been located in Richardson for 10 years and was first located on Lockwood Drive. She noted the mission of Winfree Academy and focused her comments on the safety of the students. She talked about an automobile accident that occurred in 2005 at the intersection of Omni and N. Collins Blvd and the injuries sustained by the students. She described the various ways that students travel to and from school. She referred to statements from staff and students requesting a school zone noting the different school hours and stating that student cross at 12:00 and at 4:40 p.m., and that there are 53 students that cross Collins Boulevard. She also stated that she has not noticed a radar trailer while she was there on Friday and today to address speeding concerns. She asked Council to grant a school zone to take into consideration the health, safety and well being of the students.

Mayor Slagel stated that from the comments, it seemed that Collins Boulevard was the area of their biggest concern and asked Ms. Staples if he understood correctly to which she responded that their video, which they were not able to produce, showed great traffic on Omni Drive and Gateway Boulevard. Mayor Slagel noted that his office is located at Central and Collins and he has not noticed students crossing either Gateway or Omni. He felt that the major problem was the DART bus stop on Collins Boulevard. Mr. Townsend asked if the accident referred to was associated with the Holiday Inn and Ms. Staples stated she did not know, but felt it was an example of their situation. Mr. Mitchell felt the variance was a separate issue from the request for a school zone. He acknowledged that the City has offered a crosswalk and asked if that was acceptable. Ms. Staples felt a crosswalk was not a viable solution because there was no requirement for drivers to reduce their speed. She stated that they are looking for a way to protect the students crossing the street. In response to Mr. Murphy, she advised that school hours are 7:50 a.m. to noon and 12:30 to 4:40 p.m. Mr. Murphy noted the City's position to standardize school zones in an effort to assist drivers and acknowledged Mr. Schulman's request for a review for a school zone for Winfree Academy. Mr. Mitchell asked about other options that would be available for traffic calming and Mr. Morgan advised that Dave Carter is the City Traffic Engineer and he would defer to Mr. Carter for his opinion. He stated staff would be happy to meet with the school and work within the policies and guidelines to address the needs.

Melody Chalkley, 6221 Riverside Drive, Superintendent of Winfree Academy and founder of the school, stated they searched a long time to find a location for the school within the resources they had available. She stated she would not have imagined the obstacles she has faced to get a school zone for the school and was not informed of a formal school zone request process. She felt the request for a school zone was connected to the request for a TABC permit because it is a safety concern. She stated that they joined the community as advocates for young people to help the community with students in at-risk situations that have been underserved by existing schools, entities and agencies. She commented on the cost of dropouts on the community and stated the school helps the students to be successful.

Mr. Omar stated while there is merit to the request, he does not feel the school zone is related to the variance request before the Council. He noted the lack of examples of the establishment doing anything that caused any concern. Ms. Chalkley felt it was related because she felt that drivers leaving the Holiday Inn will behave differently if they see a school zone and be more considerate of the safety of the students. She reiterated that a formal request was not made because she was told that the City would not implement a school zone and she was not made aware that there was a process to formally request a school zone.

Mr. Macy noted that the Council members take their responsibility for the citizens very seriously. He stated that he did not think the items were related and asked Ms. Chalkley if they considered the hotel when it decided to purchase the office building. Ms. Chalkley responded that she did not think that getting a school zone would be a problem. Mr. Murphy underscored the need to work together; commented how the City works closely with school officials on many different issues such as traffic and school zones; and felt that if the relationship had been established there wouldn't be a need for the current dialogue. He also noted that crosswalks and school zones are not cure-alls because students often ignore or fail to understand the lights and lines. He asked Ms. Chalkley if she was willing to remove the protest if the City agreed to work with Winfree Academy. Ms. Chalkley responded that they serve 52 school districts over thousands of square miles and although she has met with opposition when she has approached businesses, she promised to do better. She stated that she would be happy to separate the issues if the Council would assist with their request for a school zone.

Mayor Slagel noted it was not a public hearing and opened the floor for discussion by the Council. Mr. Murphy stated he would like to disassociate the two requests. Mr. Mitchell expressed his appreciation for the comments by Winfree Academy Staff and stated the City is committed to resolving the traffic issue separate from the request from the Holiday Inn. Mr. Townsend agreed with the previous comments about the request for a school zone being a separate issue from the request by Holiday Inn, and stated he would support the variance request. Mr. Keffler stated staff will enhance its engagement with Winfree Academy regarding its concerns, but noted that the City doesn't honor every request and uses its policies and guidelines to find a balance. He stated the staff has taken the request seriously and noted the significant amount of cars and students at the other high schools. He underscored that the staff has not make a flippant assessment, but would review the request again.

ACTION TAKEN: Mr. Solomon moved approval of the variance requested by John Bailey and the Holiday Inn of Richardson granting a variance to allow the sale of mixed beverages by a food and beverage certificate holder within 300 feet of a school. Second by Mr. Macy and the motion was approved with a unanimous vote.

7. VARIANCE 10-01: A REQUEST BY NORMAN PATTON, REPRESENTING FIRST INTERNATIONAL BIBLE CHURCH, FOR APPROVAL OF VARIANCES FROM ARTICLE III, SECTION 21-46(B) LOTS AND BLOCKS; ARTICLE III, SECTION 21-47(D) SCREENING AND OPEN SPACE; AND ARTICLE III, SECTION 21-52(A) OFF-STREET PARKING OF CHAPTER 21 OF THE CITY OF RICHARDSON CODE OF ORDINANCES FOR A 1.75-ACRE SITE LOCATED AT 1233 E. BELT LINE ROAD, WEST OF PLANO ROAD.

Mr. Keffler stated the three requests pertain to First International Bible Church that is designed to utilize this isolated tract. He asked John Webb, Director of Development Services, to brief the Council.

Mr. Webb stated the subject tract, for the most part, was land locked and bisects a couple of zoning districts and several lots that were subdivided without City approval. He advised that the Church was requesting to develop a 11,335 sq. ft. facility that would accommodate 216 seats. Because they want to develop the lot without frontage on a public street, they have requested a mutual access easement that can accommodate sanitation and fire service to the back of the property. The second request is for a waiver from constructing a 6-foot high masonry screening wall along the northern property line and in lieu of the masonry wall, they would develop a natural living screen. He advised that the Plan Commission recommended that should use change, the wall requirement would have to be reviewed by the City Council. The third request is to permit required parking on a separate lot from the main use. He advised that the City Plan Commission recommended approval of the requests.

Mr. Murphy asked how the property ended up in the position that it is in and Mr. Webb stated that at some point there was an ownership transfer that split the property from the lot of record. He asked if the shared parking was considered with the professional building and Mr. Webb clarified that they were asking for parking to the south and the letter of opposition was from the property owner to the east because they thought part of their property was in the request, but it is not.

Mr. Townsend asked if there would be any parking on the new property and Mr. Webb replied affirmatively and described the proposed site. Mr. Solomon asked if a change in use would require a review. Mr. Webb advised that the Plan Commission asked that the variance include a provision that if the use changes, that the City would have the ability to re-evaluate the need for a masonry screening wall. He also explained that the parking agreement would be for a church so if the use changes, they have to come back for reassessment because a different use might require more parking.

ACTION TAKEN: Mr. Townsend moved approval of Variance 10-01; second by Mr. Murphy and motion was approved with a vote of 6-1 (Mr. Solomon against).

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:

8. CONSENT AGENDA:

Mr. Murphy asked that Item 8B2 be removed for separate action.

ACTION TAKEN: Mr. Mitchell moved to approve the balance of the agenda; second by Mr. Murphy and the motion was approved with a unanimous vote.

A. Receive from the City Plan Commission:

1. Replat – Canyon Creek Presbyterian Church Addition, Lots 2A and 3, Block A.

B. Award of the following bids:

1. Bid #03-10 – award to RKM Utility Services, Inc., for the Waterline Rehabilitation Project (500 & 600 Blocks of Devonshire Drive) in the amount of \$277,940.50.
2. Bid #18-10 – award to Southern Botanical for the Discovery Point at Prairie Creek Park in the amount of \$125,629.63.
3. Bid #23-10 – award to Hencie International, Inc., for the 2010 Street & Utility Pavement Repair Contract in the amount of \$500,000.
4. Bid #38-10 – authorization to issue a Cooperative Annual Requirements Contract with Martin Eagle Oil Company (primary) and Douglass Distributing Company (secondary) for regular unleaded, TXLED diesel, and B20 biodiesel fuel pursuant to unit prices from the oil price information service index through the Tarrant County Cooperative Purchasing Program and confirming final quantity terms with Douglass Distributing Company in the amount of \$63,103.58.
5. Bid #40-10 – authorization to issue a Cooperative Annual Requirements contract to APAC Texas, Inc., and Austin Asphalt, LP for TxDOT Item 340, Type D Asphalt through the Dallas County Bid #2010-014-4736 pursuant to unit prices.

C. Authorize the City Manager to execute Change Order #1 to Purchase Order #091042 in the amount of \$70,000 to Jim Bowman Construction Company.

ITEMS REMOVED FROM THE CONSENT AGENDA

8B2. Bid #18-10 – We recommend the award to Southern Botanical for the Discovery Point at Prairie Creek Park in the amount of \$125,629.63.

Mr. Murphy commended the citizens who have taken on the task to develop the project. He stated the City's assistance doesn't match the effort and work that has already gone into the project.

ACTION TAKEN: Mr. Murphy moved approval of Item 8B2; second by Mr. Solomon and the motion was approved with a unanimous vote.

Mayor Slagel advised that Council would convene in Executive Session in the Richardson Room pursuant the following posting and called a recess at 9:15 p.m.

EXECUTIVE SESSION

- In compliance with Section 551.074 of the Texas Government Code, Council convened into a closed session at 9:20 p.m. to discuss the following:
 - Personnel

- Boards and Commissions
 - City Plan Commission
 - North Texas Municipal Water District
 - DART Board of Directors
 - Municipal Court Judges
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- Council reconvened into open session at 10:00 p.m. to take action, if any, on matters discussed in executive session.

ACTION TAKEN: None

Mayor Slagel adjourned the meeting at 10:00 p.m.



MAYOR

ATTEST:



CITY SECRETARY

