

MINUTES
RICHARDSON CITY COUNCIL
WORK SESSION AND CITY COUNCIL MEETING
JUNE 22, 2015

WORK SESSION – 6:00 P.M.:

• **Call to Order**

Mayor Voelker called the meeting to order at 6:01 p.m. with the following Council members present:

Paul Voelker	Mayor
Mark Solomon	Mayor Pro Tem
Bob Townsend	Councilmember
Scott Dunn	Councilmember
Mabel Simpson	Councilmember
Marta Gomez Frey	Councilmember
Steve Mitchell	Councilmember

The following staff members were also present:

Dan Johnson	City Manager
Don Magner	First Assistant City Manager
Kent Pfeil	Chief Financial Officer
Cliff Miller	Assistant City Manager Development Services
Shanna Sims-Bradish	Assistant City Manager Admin/Leisure Services
Aimee Nemer	City Secretary
Taylor Paton	Management Analyst
Michael Spicer	Director of Development Services
Pete Smith	City Attorney

Consultants:

Meridith McKinley, Via Partnerships

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

Michael Spicer, Director of Development Services, reviewed Zoning File 15-08 and Variance 15-11 for Council. Don Magner, First Assistant City Manager, reviewed the proposed economic development agreement with RealPage, Inc.

B. REVIEW AND DISCUSS EASTSIDE PHASE TWO PUBLIC ART PROPOSAL

Shanna Sims-Bradish, Assistant City Manager, and Meridith McKinley, Via Partnerships, reviewed this proposal for Council:

- Eastside Phase Two is a 13-acre mixed use development near Central Expressway and Campbell Road.
- The southern end is triangular in shape. The developer would like this area to be a focal point and is supportive of the City's efforts in regard to public art. This area is planned to be an open greenspace with a large-scale public art installation.
- The developer expressed interest in working with the City on the commissioning of a public art piece at Eastside Phase Two.

- The developer would provide the land and the City would enter into an agreement with the developer that would grant an easement to allow access to the public art.
- The developer would contribute \$200,000 for a public art piece.
- The developer would work with the City to coordinate these efforts and is supportive of using a public selection process for the art piece.
- The City would own and maintain the public art piece.
- Based on the importance of the location and the need to have a large scale art piece, City staff and the City's consultant are recommending that the City supplement the developer's funding from two sources.
 - ◆ Hotel/Motel Fund – Additional funding for the acquisition of an art piece to promote tourism
 - ◆ TIF #1 – Contingent funding for the art piece and funding for any site work needed
- Estimated Project Budget:

\$200,000 – Developer Contribution
\$200,000 – Hotel/Motel Fund Contribution
<u>\$200,000 – TIF #1 Contribution</u>
\$600,000 – Total Project
- ▶ Artist Selection Process

C. REVIEW AND DISCUSS PROPOSED ORDINANCE FOR CAPITAL FUNDS FOR PUBLIC ART

Shanna Sims-Bradish, Assistant City Manager, reviewed this item for Council:

- Included in the Public Art Master Plan was the identification of a variety of funding sources for a public art program.
- One of the recommendations was to establish a “Percent for Art Fund”. Cities such as Dallas, Fort Worth, Frisco, Allen, Mesquite and Denton use this funding method.
- City Council provided direction that the Public Art Master Plan include a recommendation that in future bond programs:
 - ◆ Setting aside up to 2% for public art related to parks and recreation projects
 - ◆ Setting aside up to 2% for public art related to public buildings that includes community use of the facility
- City staff has worked with the Chief Financial Officer, City's Bond Counsel and the City Attorney to draft an ordinance that confirms this direction and establishes a public art program that defines how funding would be determined and managed for each project.
- Funding for public art is for up to 2% of general obligation funding authorized and approved by voters for the following projects
 - ◆ City facility projects that includes interaction with the public
 - ◆ Parks and recreation projects
- The allocation is calculated based on total construction costs, excluding demolition costs and real property acquisition.
- Public art funding shall be used for artist fees and costs related to the production and installation of artwork.

D. REVIEW AND DISCUSS RECOMMENDATIONS FROM THE CHARTER REVIEW COMMISSION

Mayor Voelker thanked the Charter Review Commission and explained that the review was completed in accordance with state, federal, and case law. He requested Council to identify any recommendations that they would like to discuss.

Councilmember Mitchell requested that Council consider that all council vacancies should be filled by election in Section 3.07. The remaining councilmembers were in favor of leaving the recommendation as is from the Charter Review Commission which allows for appointment for a vacancy when there one council seat vacant and requires special election for two or more vacancies.

Councilmember Simpson requested clarification of Section 3.11 and the calculation of a quorum. Pete Smith, City Attorney, explained that a quorum is five members of council with a majority required for approval of a vote except in certain cases where a super majority would be required.

Councilmember Mitchell inquired about the recommendation to increase council compensation from \$50.00 per meeting to \$100.00 per meeting. He commented that he had no comparison with other cities and questioned how the proposition would be worded on the ballot. Council discussed various options for changing city council compensation including taking this provision out of the Charter and doing it by ordinance. Council determined to keep the recommendation as is and allow the voters to decide.

Councilmember Simpson asked the City Attorney how the proposed recommendation for Section 7.01 affects the City Attorney's office. Mr. Smith explained that the proposed changes are consistent with current practice.

Councilmember Townsend requested that the wording in Section 9.07, "at large districts" be changed to be consistent with the other board and commission sections that specify representation from districts 1-4.

Mayor Voelker inquired what would happen if a future council did not comply with the recommendation to appoint a commission to review the Charter at least every ten years as recommended for Section 19.05 Mr. Smith explained that the City would not be in compliance and a complaint could be filed to compel the City to follow the Charter.

Mr. Smith explained that the next steps are to draft the propositions for each recommendation as they will appear on the ballot. Council directed that any significant changes to the Commission recommendations go back to the Commission for review.

E. REVIEW AND DISCUSS CITIZEN COMMUNICATION ENHANCEMENTS

Don Magner, First Assistant City Manager, reviewed this item for Council giving an overview of the primary options available to citizens when interacting the City:

Response Center

- Staffed 24 hours a day, 365 days a year
- Allows citizens to express a concern or request service by calling 972-744-4111
- The issue is then forwarded to the appropriate department for follow up
 - 35,000 calls per year

- 12,000 issues per year
- 43,000 BABIC requests per year

Online Issue System

- Reporting system on the City's website
- Allows citizens to report and track issues

My Richardson App

- Portable reporting system that can be used with mobile devices
- Allows citizens to report and track issues, and view watering, trash, and recycle schedules associated with their address

City Council Email

- The Mayor and City Council have email addresses through the City's server

F. REVIEW AND DISCUSS THE CITY COUNCIL COMMITTEE AND BOARD LIAISON APPOINTMENTS

Mayor Voelker requested Council to complete their preferences for committee service and return it to him by the end of June.

G. REPORT ON ITEMS OF COMMUNITY INTEREST

Mayor Pro Tem Solomon reported on the City's recent Celebrating Leadership in Development Excellence Award (CLIDE). He explained that the City received the award for the acquisition and expansion of the Spring Creek Nature Area.

Mr. Johnson reminded Council of the summer break schedule of the fifth Monday in June and the Monday following Independence Day. He stated the next meeting would be July 13.

Mayor Voelker reminded Council of the various events coming up such as parades, fireworks celebrations, and the Miss Texas Pageant.

COUNCIL MEETING – 7:00 PM, COUNCIL CHAMBERS

1. **INVOCATION – MARK SOLOMON**
2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – MARK SOLOMON**
3. **MINUTES OF THE JUNE 8, 2015, JUNE 10, 2015, AND JUNE 15, 2015 MEETINGS**

Council Action

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

4. VISITORS

Mr. Roy Matheny, 13811 Little Rd., Kingston, OK, addressed Council regarding the City's retirement benefits and requested the Council to consider cost of living increases for the City's retirees.

Mayor Voelker recognized Mr. Matheny for his years of service for the City of Richardson and Mr. Johnson, City Manager, directed Assistant City Manager Shanna Sims-Bradish to speak with Mr. Matheny regarding his benefits.

PUBLIC HEARING ITEM:

5. **CONTINUED CONSIDERATION OF PUBLIC HEARING, ZONING FILE 15-08 AND CONSIDER ADOPTION OF ORDINANCE NO. 4119, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO APPROVE A CHANGE IN ZONING TO GRANT A SPECIAL PERMIT FOR A PRIVATE RECREATION CLUB IN CONJUNCTION WITH A FRATERNAL ORGANIZATION ON A 0.57-ACRE TRACT OF LAND ZONED I-M(1) INDUSTRIAL LOCATED ON THE NORTH SIDE OF APOLLO ROAD, EAST OF GLENVILLE DRIVE, RICHARDSON, TEXAS. (CONTINUED FROM JUNE 8, 2015, CITY COUNCIL MEETING, AND APPLICANT IS REQUESTING TO CONTINUE THE CASE TO JULY 13, 2015).**

Public Hearing

Mr. Spicer, Director of Development Services, explained that the applicant was requesting Council to consider another continuance until July 13, 2015. Mayor Voelker requested if there was anyone present to speak on this item. There were no public comments submitted.

Council Action

Councilmember Townsend moved to continue the Public Hearing for Zoning Case 15-08 to July 13, 2015. Mayor Pro Tem Solomon seconded the motion. A vote was taken and passed, 7-0.

ACTION ITEMS:

6. **VARIANCE NO. 15-11: A REQUEST FOR A VARIANCE FROM CHAPTER 21, SUBDIVISION AND DEVELOPMENT CODE, FOR A REDUCED PARKING RATIO FOR A MARTIAL ARTS FACILITY. THE SITE IS LOCATED AT 1600 N. PLANO ROAD. APPLICANT: BAQASH WILSON, REPRESENTING DFC DOMINION GYM.**

Council Action

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

7. **CONSENT AGENDA:**

A. CONSIDER ADOPTION OF THE FOLLOWING ORDINANCES:

1. **ORDINANCE NO. 4121, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP BY REPEALING ORDINANCE 3858; SO AS TO GRANT A CHANGE IN ZONING FROM I-M(1) INDUSTRIAL WITH SPECIAL CONDITIONS AND C-M COMMERCIAL TO PD PLANNED DEVELOPMENT FOR C-M COMMERCIAL DISTRICT AND TO GRANT A SPECIAL PERMIT FOR A SELF-SERVICE WAREHOUSE ON A 4.71-ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE**

OF ARAPAHO ROAD, WEST OF CUSTER ROAD, RICHARDSON, TEXAS.

2. **ORDINANCE NO. 4122, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP BY AMENDING AND RESTATING ORDINANCE NO. 4055 TO MODIFY THE PLANNED DEVELOPMENT STANDARDS TO PERMIT ADDITIONAL ACCESSORY STRUCTURES ON 1.763 ACRES LOCATED AT THE NORTHEAST QUADRANT OF OLD CAMPBELL ROAD AND NANTUCKET DRIVE.**

B. CONSIDER THE FOLLOWING RESOLUTIONS:

1. **RESOLUTION NO. 15-18, DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE APPLICANT IN DEALING WITH THE COLLIN COUNTY PARKS AND OPEN SPACE BOARD (HEREINAFTER REFERRED TO AS "BOARD") FOR THE PURPOSE OF PARTICIPATING IN THE 2015 COLLIN COUNTY PARKS AND OPEN SPACE FUNDING ASSISTANCE PROGRAM (HEREINAFTER REFERRED TO AS THE "PROGRAM") CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANT MATCHING SHARE IS READILY AVAILABLE; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO SUBMIT AN APPLICATION FOR A GRANT FOR THE SPRING CREEK NATURE AREA TRAIL OUTSIDE LOOP CONNECTION.**
2. **RESOLUTION NO. 15-19, DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE APPLICANT IN DEALING WITH THE COLLIN COUNTY PARKS AND OPEN SPACE BOARD (HEREINAFTER REFERRED TO AS "BOARD") FOR THE PURPOSE OF PARTICIPATING IN THE 2015 COLLIN COUNTY PARKS AND OPEN SPACE FUNDING ASSISTANCE PROGRAM (HEREINAFTER REFERRED TO AS THE "PROGRAM") CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANT MATCHING SHARE IS READILY AVAILABLE; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO SUBMIT AN APPLICATION FOR A GRANT FOR THE UNIVERSITY TRAIL PHASE II CONNECTION.**
3. **RESOLUTION NO. 15-20, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 380, TEXAS LOCAL GOVERNMENT CODE, BY AND BETWEEN THE CITY OF RICHARDSON, TEXAS, AND REALPAGE, INC., A DELAWARE CORPORATION (AND ITS AFFILIATED AND RELATED ENTITIES) ("COMPANY").**

4. **RESOLUTION NO. 15-21, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2014 AND 2015 RATE REVIEW MECHANISM FILINGS; APPROVING A SETTLEMENT AGREEMENT WITH ATTACHED RATE TARIFFS AND PROOF OF REVENUES; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.**

C. AUTHORIZE THE ADVERTISEMENT OF BID #73-15 – 2010 STREET & ALLEY PAVING, DRAINAGE AND UTILITY REHABILITATION – PHASE VII (LAUREL LANE, SHENANDOAH PLACE, AND MISC. ALLEYS). BIDS TO BE RECEIVED BY WEDNESDAY, JULY 15, 2015 AT 2:00 P.M.

D. CONSIDER AWARD OF THE FOLLOWING BIDS:

1. **BID #62-15 – WE RECOMMEND THE AWARD TO 3D PAVING AND CONTRACTING, LLC, FOR THE 2010 ALLEY RECONSTRUCTION PHASE VI (300, 400 & 700 BLOCKS OF WEATHERED DRIVE, 700 BLOCK OF PALMER DRIVE, 400-420 BLOCK OF TIFFANY TRAIL) IN THE AMOUNT OF \$539,010.50.**
2. **BID #74-15 – WE REQUEST AUTHORIZATION TO ISSUE PURCHASE ORDERS FOR THE 2014-15 CELLULAR COMMUNICATION SERVICES TO AT&T (\$180,000) THROUGH THE STATE OF TEXAS DEPARTMENT OF INFORMATION SERVICES CONTRACT #DIR-SDD-1777 AND TO VERIZON WIRELESS (\$80,000) CONTRACT #DIR-SDD-1779 FOR AN ESTIMATED TOTAL AMOUNT OF \$260,000.**

E. AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 TO INCREASE PURCHASE ORDER NO. 150985 TO MARIO SINACOLA & SONS FOR THE CITYLINE EXTENSION PROJECT IN THE AMOUNT OF \$479,314.

Council Action

Councilmember Mitchell requested to remove Item 7A1 from the Consent Agenda to be considered individually. Councilmember Mitchell moved to approve the remaining Consent Agenda items as presented. Councilmember Dunn seconded the motion. A vote was taken and passed, 7-0.

Item 7A1

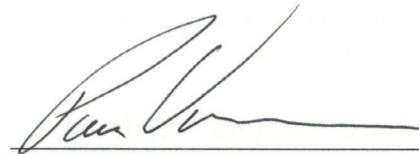
Council Action

Councilmember Mitchell explained that he requested to remove this item from the Consent Agenda so he could vote in opposition to the ordinance in order to be consistent with his opposing vote to the zoning request for this item.

Councilmember Dunn moved to approve Item 7A1 as presented. Mayor Pro Tem Solomon seconded the motion. A vote was taken and passed, 6-1, with Councilmember Mitchell voting in opposition.

ADJOURNMENT

With no further business, the meeting was adjourned at 8:58 p.m.



MAYOR

ATTEST:



CITY SECRETARY