

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

January 23, 2012

City of Richardson, Texas

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, January 23, 2012 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
Pamela Schmidt	City Secretary
Michael Spicer	Director of Development Services
Susan Smith	Asst. Director of Development Services – Engineering
Kyle Potaniec	CMO Intern

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1. **INVOCATION – LAURA MACZKA**
 2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – TROOP 778 FROM FIRST UNITED METHODIST CHURCH**
 3. **MINUTES OF THE JANUARY 9, 2012 MEETING**

ACTION TAKEN: Mr. Omar moved approval of the minutes; second by Mr. Harley 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.)

Ms. Schmidt called on Leslie Wieler, 547 Town House Lane, who had previously submitted a speaker appearance card; Ms. Wieler was not present.

ACTION ITEMS:

5. A REQUEST BY CHRIS RAY, REPRESENTING CENTENNIAL PARK RICHARDSON, LTD., FOR APPROVAL OF A CONCEPT PLAN AND EXCEPTIONS TO THE AREA REGULATIONS AND VARIOUS STANDARDS FOR MULTI-FAMILY DEVELOPMENT FOR 77 APARTMENT UNITS IN MULTI-FAMILY BUILDINGS D AND E AT BRICK ROW. THE 3.3-ACRE SITE IS LOCATED ON THE NORTH SIDE OF BRICK ROW AT MCKAMY PARK CIRCLE AND IS CURRENTLY ZONED PD PLANNED DEVELOPMENT.

Mr. Keffler noted that Council had previously approved zoning for the 77 apartment unit at Brick Row and the item before the Council was with regard to approval of the concept plan. He advised that the Plan Commission recommended approval of the request during the December 20, 2011 meeting. He asked Michael Spicer, Director of Development Services, to brief the Council.

Mr. Spicer stated that Items 5, 6 and 7 all pertain to the Brick Row development and began with a general overview of the development. He explained that the concept plan includes two building, Building D and E. Building D would be four stories in height with 59 units and Building E would be three stories in height consisting of 18 units and would have 100% surface parking. With regard to the requested exceptions, he explained that most are in response to the cul-de-sac configuration and existing conditions. The exceptions are as follows.

Exceptions:

1. Not require building E to have a primary entrance oriented towards the street.
2. Allow the pool/cabana points to count towards the required 40 on-site amenity points as it will serve the entire development.
3. Allow the tree well openings to be planted with landscaping instead of the required metal tree grate.

Building E Exceptions:

1. Increase the width of the amenity zone from 16' to 24'
2. Increase the maximum yard area along the north side of McKamy Park Circle from 12' to 38'
3. Increase the maximum yard area along the cul-de-sac from 12' to 29'
4. Increase the maximum build-to line along north side of McKamy Park Circle from 28' to 62'
5. Increase maximum build-to line along the cul-de-sac from 28' to 35'

McKamy Park Circle Cul-De-Sac Exceptions

1. Allow the amenity zone to be landscaped instead of paved
2. Allow a minimum 6' amenity zone instead of the required 16' (no on-street parking)
3. Not require a 6' sidewalk

Mr. Spicer concluded the presentation referring to conceptual building elevations and photos of the site.

Mr. Omar asked about the timeframe for receiving information about the trees as well as further Council review. Mr. Spicer stated the tree inventory information would be provided with the development plan and would be submitted to the City Plan Commission for review. He explained that the development plan will require that all trees that have a caliper of 6" or greater to be identified on the plan; and if they are to be removed, the justification must be provided.

Mr. Dunn asked if the sidewalk could be wider and Mr. Spicer stated 6 ft is the minimum requirement in the zoning district. In response to Mr. Solomon, Mr. Spicer stated the sidewalks in the development were in compliance with the 6 ft minimum. Mr. Solomon asked if there would be a crosswalk to provide for safe crossing from the new buildings to the pool and Mr. Spicer stated it could be included. In response to Mr. Solomon, Mr. Spicer explained that there would be dumpsters on site serving Buildings D and E behind the building line.

Mayor Townsend announced that this was not a public hearing and invited the applicant to the podium.

Chris Ray, 744 Brick Row, stated the tree removal plan is part of development plan submittal and is not really a time when changes can be made. He stated that the nature of the PD is to remove all existing trees on site because it is an urban development. He advised that most of the existing vegetation would be removed. With regard to the sidewalk, he noted that there was a three foot difference in grade between the end of the sidewalk at Brick Row and its connection with the trail, and therefore the finished product would look different from the plan. Mr. Ray talked about the location of the creek and the retaining wall and he stated that the parking for the site will be up against the property line. He advised that there would be a fence at the line to prohibit vehicles from rolling off into the creek and also to keep the area secure from someone entering from the creek. He stated the property would be replatted and the creek taken out of it. The trees that might be saved would likely be at very tip of the triangle and stated anything in the creek would be left natural.

Mayor Townsend opened the floor for comments from the audience and there were no speakers.

Mr. Omar stated that if there are trees to be cleared, he would like to see effort by the developer to save as many as possible and to find ways to add to the minimum requirement of trees in the other part of the development to offset the loss.

ACTION TAKEN: Mr. Mitchell moved approval of Item 5; second by Mr. Dunn and the motion was approved with a unanimous vote.

6. A REQUEST BY CHRIS RAY, REPRESENTING CENTENNIAL PARK RICHARDSON, LTD, FOR APPROVAL OF A CONCEPT PLAN AND EXCEPTIONS TO THE AREA REGULATIONS FOR A POOL AND CABANA AT BRICK ROW. THE 0.24-ACRE SITE IS LOCATED ON THE SOUTH SIDE OF BRICK ROW AT MCKAMY PARK CIRCLE AND IS CURRENTLY ZONED PD PLANNED DEVELOPMENT.

Mr. Keffler stated this case was also a point of discussion in the latter part of 2011. He stated that the Plan Commission recommended approval of the concept plan with a unanimous vote at is December 20th meeting.

Mr. Spicer reviewed the following exceptions being requested:

1. Not require the cabana to have a primary entrance oriented towards the street
2. Not require the 16' amenity zone (no on-street parking)
3. Allow a minimum 20' build-to line instead of 24', and
4. Allow a maximum 22' yard instead of 12'

Mr. Spicer provided photos of the subject area within the development and reviewed the building elevations and associated materials.

Mr. Solomon stated he would like to see some type of markings or different brick to act as a cross walk and asked about a key entry for security purposes. Mr. Ray replied affirmatively.

Chris Ray, 744 Brick Row, stated the area was a very difficult site because of the slope of the property and was the reason for the request of the removal of the amenity zone. He asked the Council to allow the townhome owners to speak regarding the request even though it is not a public hearing. He stated that David Weekley Homes and the current townhome builder have advocated in favor of the pool and cabana amenity, and further noted that the current townhome owners don't want to use the pool. He stated the development would be paid for by the developer and the maintenance would be financed by the renters and townhome owners who want to use the amenity. He stated that the faster the townhome lots can be sold, the faster the development can be stabilized and the faster the HOA dues will be reduced because there are more homeowners paying into it.

Kevin Williams, 748 Matthew Place, stated he moved into Brick Row because there were minimal amenities and because he did not want to pay to maintain a pool or any other amenity. He stated he could not support the pool because he does not know the impact to his HOA dues. He stated that the homeowners feel it should be pay-as-you-go and homeowners should not be forced to pay.

Mr. Omar noted the desire to sell the other townhome lots as quickly as possible and felt it would be a benefit to the development.

Mr. Mitchell asked about the cost to the homeowners and Mr. Ray stated he did not have the draft operating budget and suggested he meet with the homeowners. He stated it was in everyone's best interest to keep the HOA dues as low as possible. He stated that with an approval, they would be able to move forward with developing the operating budget. A lengthy discussion was held with regard to the division of the maintenance costs and the ability of the townhome HOA to secede from the pool amenity. Mr. Ray stated there would not be any lifeguards on duty and apologized for not getting the information to the homeowners prior to the meeting. In response to Mr. Mitchell, Mr. Williams stated he could not support the request until he knows the impact on the HOA dues.

ACTION TAKEN: Mr. Omar moved to approve the request; second by Mr. Solomon and the motion was approved with a 5-2 vote with Mr. Townsend and Mr. Mitchell opposed.

7. A REQUEST BY BRUNO PASQUINELLI, REPRESENTING CB JENI HOMES, FOR APPROVAL OF REVISED BUILDING ELEVATIONS AND AN EXCEPTION TO THE MINIMUM FLOOR AREA FOR THE REMAINING UNDEVELOPED TOWNHOME LOTS WITHIN BRICK ROW. THE 9.46-ACRE SITE IS LOCATED ON THE WEST SIDE OF GREENVILLE AVENUE, NORTH OF SPRING VALLEY ROAD AND IS CURRENTLY ZONED PD PLANNED DEVELOPMENT.

Mr. Keffler advised the Council that the applicant is requesting a reduction in the minimum square foot home from 1,500 to 1,300 sq ft., which is the typical minimum floor area in the townhome zoning district and he noted that only one of the floor plans was below 1,500 sq. ft. He also explained the applicant was also requesting relief from the David Weekly Healthy Home

Program and would provide a similar program. He advised that the Plan Commission recommended unanimous approval of the request.

Mr. Spicer reiterated that 1,300 sq ft is the minimum townhome floor area requirement in the Comprehensive Zoning ordinance. He reviewed the exceptions requested by the applicant for reduction in the minimum floor area and the release from the David Weekley Healthy Homes Program and the Centennial Park Green Building – LEED Memorandum. The noted elements are requirements of the developer and not the builder. He provided proposed front and rear elevations as well as building materials. He stated the proposed materials and color palate are comparable to the existing David Weekley homes.

Mr. Omar asked about the LEED Memorandum and Mr. Spicer replied that the memorandum speaks to pavement, the layout of the neighborhood, connectivity, walkability and reference to the David Weekley Health Homes Program. He stated that City's Building Inspection Department determined that the program presented by the applicant is a superior program. He further stated that the other elements of the Memorandum already exist. Mr. Solomon asked for confirmation that the new buildings would be 2-story and Susan Smith, Asst. Director of Development Services, replied affirmatively as did Mr. Spicer.

Mayor Townsend invited the applicant to make a presentation.

Bruno Pasquinelli, owner of CB Jeni Homes, 107 Suncreek Drive, Allen, Texas, felt that the reasons the property was not successful was the size of the homes; the product was too expensive; and felt the school district building to the north of the property was problematic. His plan was to offer homes between 1,370 sq ft to 2,000 sq ft and felt it matched the market for the homes; which are young singles with most being single females. He felt great finishes, a wall at the north end of the property and the pool amenity would help sell the property. He stated that the proposed building materials substantially conform to the existing buildings; felt their product meets or exceeds the David Weekley Healthy Home program, and asked for release from the memorandum because the product is already on the ground and established.

In response to Mr. Mitchell, the applicant stated that the price point would be close to the adjusted David Weekley price and felt the interior lots would sell at a higher price point. Mr. Pasquinelli stated he wants to sell a better house than the product that was being offered and stated the clusters would include various sizes of units, with approximately 20% being the smallest units. Mr. Pasquinelli felt that the lots facing the maintenance shed would be the toughest lots to sell and would cost approximately \$150,000 followed by those along Greenville Avenue. He also felt that the materials selected for the homes would be very comparable to the existing homes.

In response to Mr. Omar with regard to the LEED Memorandum, Ms. Smith stated that all of the elements have been incorporated except for references to David Weekley homes. Mr. Omar suggested amending the Memorandum to include reference to the applicant. Mr. Pasquinelli stated it is just good business to remove things that they have no control over. Mr. Omar noted the positives of the proposal and stated he was pleased with the proposal.

Kevin Williams, 748 Matthew Place, spoke in opposition to the minimum square footage being decreased and stated he does not want the applicant to go below 1,500 sq ft. He noted that the final sales prices were lowered by David Weekley, but they did not include laminate finishes. He felt the community was building momentum when David Weekley Homes pulled out. He

asked about the required sidewalk and benches between the buildings and voiced the desire to maintain the vision for Brick Row.

Mr. Omar asked Mr. Williams if he would have a problem with the smaller units being allowed at the north end of the property closer to the maintenance buildings and Mr. Williams replied that it could still be built at 1,500 sq ft with a price adjustment on that building, but was opposed to a smaller unit. Discussion was held regarding the price per foot. Mr. Williams felt the builder has given up before starting and reiterated that he was not in favor of the smaller units.

Mr. Pasquinelli stated he would be signing personally on loans and needs the flexibility to build a home that meets the market which he felt is 1,300 sq ft with a higher price per square foot. He noted the smaller home would be built to the same standard as the larger home and the difference would be invisible from the street. He did not feel that a smaller unit would detract from the community and it would meet the demand in the market.

Mayor Townsend asked about the total number of townhomes and Mr. Ray replied that under the PD, 150 were allowed but some lots have not been platted. In response to Ms. Maczka, Mr. Pasquinelli advised that the house would be smaller rather than a reduction in finishes. He also explained that the homes would be in clusters meaning a cluster of 4 or 5 homes would include on 1,300 sq ft home. He stated he believes in the location and stated he would raise the price with success. In response to Mr. Solomon regarding walkability, Mr. Pasquinelli advised that the site plans with David Weekley Homes provided for a sidewalk and bench between the buildings. It was his understanding that those walks had not been constructed and he felt benches and sidewalks encouraged strangers between buildings which he felt was a safety concern, particularly for the single female market. The spacing between the buildings is pursuant to the plat and would include sod and landscaping as well as irrigation.

Mr. Ray stated that Mr. Pasquinelli is very positive and acknowledged they were very lucky to get a second chance with a new builder. He felt that Bruno was the most enthusiastic and best equipped to succeed. He spoke in favor of Mr. Pasquinelli, the request and encouraged the Council to approve the proposal.

Mr. Dunn asked about the enforceability of the number of 1,300 sq ft units per building and Mr. Spicer stated it would be enforce during the permitting process. Mr. Pasquinelli stated the only reason he would add more 1,300 sq ft units would be if the larger units were not selling. He stated he makes more revenue selling the larger homes. Therefore it is not in his best interest to add more small homes unless the homes are not selling.

Mr. Mitchell asked about the building plan. Mr. Pasquinelli responded that momentum is critical; therefore he would start a model building on Matthew Place and a spec home at the school property without buyers to create the momentum. The model would be one of the largest buildings.

ACTION TAKEN: Mr. Solomon moved approval of Item 7 to approve the request of Bruno Pasquinelli representing CB Jeni Homes for approval of revised building elevations and exceptions to the minimum floor areas for the remaining undeveloped townhome lots within Brick Row, with the amendment to the LEED Memorandum to remove reference to David Weekley and insert the name Jeni Homes; second by Ms. Maczka and the motion was approved with a 6-1 vote; Mr. Dunn opposed.

8. **VARIANCE 11-12: A REQUEST BY ATIF RIFIQUE, REPRESENTING BLACKSTONE CONSTRUCTION, FOR APPROVAL OF AN ALLEY WAIVER FOR SINGLE-FAMILY LOTS BACKING UP TO A DEDICATED PUBLIC RIGHT-OF-WAY. THE 1.78-ACRE SITE IS LOCATED AT THE SOUTHWEST CORNER OF BUCKINGHAM ROAD AND ABRAMS ROAD AND IS CURRENTLY ZONED R-1250-M RESIDENTIAL DISTRICT.**

Mr. Keffler stated the request was reviewed by the Plan Commission on December 20 and the Plan Commission recommended approval.

Mr. Spicer stated the site is approximately 1.8 acres in area and the applicant is seeking relief from the alley requirement. He explained that the applicant proposes to develop the acreage into seven single family lots. He noted that a similar waiver was previously granted to the Rose Hill Addition on the north side of Buckingham Road and provided an image depicting the loss with inclusion of the alley.

Mr. Mitchell stated Rose Hill development was a lot different from the proposed development.

In response to Mr. Solomon, Mr. Spicer advised that the minimum dwelling unit would be 1,250 sq ft. and the maximum would depend on the amount of lot coverage allowed, which is 30% with 2-story units. He noted that requiring the alley reduces the buildable area of the lots.

Atif Rifique, owner of Blackstone Construction, 1930 LBJ, Suite 900, Dallas, stated the property has a unique shape and after working with the City staff, developed the plan before the Council. The alley would eliminate Lot 7 and make the development unviable. The price per lot would be approximately \$130,000 - \$160,000 per lot and the size of the home would be between 4,000 and 6,000 sq ft, dependent on the homebuyer.

Mr. Mitchell felt rear entry garages were more appealing and preferable for Richardson. He felt rear entry creates a cleaner look. Mr. Rifique stated his study shows that owners don't like the alley based on safety concerns with rear entry homes.

Mr. Omar stated he likes the idea of lots being sold at the stated price and liked the proposed size of the homes.

ACTION TAKEN: Mr. Omar moved approval as requested; second by Mr. Solomon and the motion was approved with a 6-1 vote, with Mr. Mitchell voting in opposition.

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. Mitchell moved approval of the Consent agenda; second by Mr. Omar and the motion was approved with a unanimous vote.

A. Approve advertisement of the following Bids:

1. Bid #25-12 – Street Rehabilitation Phase III Project (Melrose/Meadow View Court). Bids to be received by Wednesday, February 15, 2012 at 2:00 p.m.
2. Bid #26-12 – Wash Bay Rehabilitation Project. Bids to be received by Tuesday, February 14, 2012 at 2:00 p.m.
3. Bid #27-12 – Hunt Branch Sanitary Sewer & 200 West Shore Drive Erosion Control. Bids to be received by Thursday, February 16, 2012 at 2:00 p.m.

B. Approve Award of the following Bids:

1. Bid #02-12 – award to Humphrey & Morton Construction Company, Inc. for the Hunt Branch Erosion Repair at Regal Drive in the amount of \$265,596.40.
2. Bid #12-12 – authorization to issue a Cooperative Annual Requirements contract to APAC Texas, Inc. and Austin Asphalt, LP, for TxDOT Item 340, Type D asphalt and high performance cold mix through the Dallas County Bid #2011-102-5731 pursuant to unit prices.
3. Bid #16-12 – award to Denali Construction Services for the 2012 City Hall Cooling Tower Replacement in the amount of \$169,146.
4. Bid #17-12 – award to Jim Bowman Construction Company, LP, for the 2010 Sidewalk Repair Program Phase III (Regions 5 & 6) in the amount of \$919,497.61.
5. Bid #18-12 – authorization to issue an Annual Requirements contract to Showmasters Production Logistics, Inc., for stage labor and technical services for the Charles W. Eisemann Center pursuant to cost per hourly rates.
6. Bid #19-12 – authorization to issue a Cooperative Annual contract to O'Reilly Auto Parts for automotive parts, supplies and equipment through the Texas Local Government Purchasing Cooperative (Buyboard) Contract #387-11 in the estimated amount of \$72,000.
7. Bid #20-12 – authorization to issue a Cooperative Annual contract to Southern Tire Mart, LLC for automotive tires and tubes through the Texas Local Government Purchasing Cooperative (Buyboard) Contract #387-11 in the estimated amount of \$160,000.
8. Bid #28-12 – award to Pictometry International Corporation Software for the upgrade of the GIS imagery and software in the amount of \$59,945.
9. Bid #29-12 – authorization to issue a purchase order to Portable Computer systems, Inc., for the 2011-12 Public Safety Mobile Data Computer Refresh through the State of Texas Department of Information Services Contract #DIR-SDD-1365 in the amount of \$380,952.19.
10. Bid #30-12 – authorization to issue a Cooperative Purchase Order to Synetra, Inc., for the 2011-12 network and radio security equipment upgrade/addition

through the Department of Information Resources Contract #DIR-SDD-1385 in the amount of \$298,314.32.

- C. Authorize the City Manager to execute Change Order to decrease and close out Purchase Order 090491 to Bluegrass Maintenance, Inc. for Fine Grading – Field Construction – Seeding of Huffhines/Breckinridge Ballfields in the amount of \$83,967.85.

10. RECEIVE SIGN CONTROL BOARD MINUTES OF THE JANUARY 11, 2012, MEETING.

Objections were raised regarding the proposed signs and several members requested the item be brought forward. Mayor Townsend stated that SCB Case 12-01, request by Harrington Chiropractic, 1980 Nantucket Drive, Suite 104, would be brought forward for consideration by Council.

ACTION TAKEN: No action taken.

Mr. Keffler introduced Kyle Potaniec, Austin College, who Richardson for his one month internship and welcomed him to the City.

Mayor Townsend announced at 10:15 p.m. that Council would convene in Executive Session as follows after a brief recess.

EXECUTIVE SESSION

- In compliance with Section 551.087 of the Texas Government Code, Council convened into a closed session at 10:20 p.m. to discuss the following:
 - Deliberation Regarding Economic Development Negotiations
 - Commercial Development – Greenville Ave./Glenville Dr. Area
- Council reconvened into open session at 11:10 p.m. to take action, if any, on matters discussed in executive session.

ACTION TAKEN: No action taken.

There being no further business, Mayor Townsend adjourned the meeting at 11:10 p.m.


MAYOR

ATTEST:


CITY SECRETARY

