

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL**  
**May 14, 2012**  
**City of Richardson, Texas**

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, May 14, 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
Vickie Schmid	Deputy City Secretary
Greg Sowell	Director of Communications
Michael Spicer	Director of Development Services
Don Magner	Director of Community Services
Gary Beane	Budget Officer
Michael Massey	Director of Parks & Recreation
Geoff Fairchild	Community Events Manager
Geoff Wright	Director of Convention & Visitors Bureau

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1. **INVOCATION – KENDAL HARTLEY**
  2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – JERRY BARRICK, LAKE HIGHLANDS TROOP 890 OF LAKE HIGHLANDS UNITED METHODIST CHURCH**
  3. **MINUTES OF THE APRIL 23, 2012 AND MAY 7, 2012 MEETINGS**

ACTION TAKEN: Mr. Omar moved approval of the minutes as presented; second by Mr. Hartley 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.)

None.

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5. **CONSIDER APPOINTMENTS TO THE ARTS COMMISSION, ANIMAL SERVICES ADVISORY COMMISSION, CIVIL SERVICE BOARD, LIBRARY BOARD, NORTH TEXAS MUNICIPAL WATER DISTRICT, AND ZONING BOARD OF ADJUSTMENT/BUILDING & STANDARDS COMMISSION.**

ACTION TAKEN: Mr. Solomon moved approval of the following appointments and reappointments; second by Mr. Omar and the motion was approved with a unanimous vote.

**Arts Commission**

Reappoint Abby Kratz (Dist 4), Chair– term expiring January 31, 2014;  
Reappoint Richard Luttrell (Dist 4), Vice Chair– term expiring January 31, 2014;  
Reappoint Betty Peck (Dist 2) – term expiring January 31, 2014;  
Appoint Curtis Dorian (Dist 1) – term expiring January 31, 2014.

**Animal Services Advisory Commission**

Reappoint Dana Huffman (Dist 2) (*citizen*) - term expiring March 31, 2014;  
Reappoint Paula Carlson (Dist 2) (*citizen*) – term expiring March 31, 2014;  
Reappoint Elise Bissell (Dist 4) (*citizen*) – term expiring March 31, 2014.

**Civil Service Board/Appeals Board**

Appoint Keith Hileman (Dist 1), Vice Chair– term expiring August 31, 2013;  
Appoint David Stephan (Dist 2) – term expiring August 31, 2014.

**Library Board**

Appoint Charles Gillis (Dist 1) – to an unexpired term expiring January 1, 2014.

**NTMWD**

Reappoint Ken Bell (Dist 4) – term expiring May 31, 2014.

**Zoning Board of Adjustments/Building & Standards Commission**

Appoint Mike Walker (Dist 3) – Chair – term expiring April 1, 2013;  
Appoint Will Kidd (Dist 4) – Vice Chair – term expiring April 1, 2013;  
Reappoint Larry Menke (Dist 1) – term expiring April 1, 2014;  
Reappoint Chip Pratt III (Dist 4) – term expiring April 1, 2014;  
Reappoint John Veatch, (Dist 1) Odd Year Alternate – term expiring April 1, 2014;  
Appoint Paul Voelker (Dist 2) – to an unexpired term expiring April 1, 2014.

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**PUBLIC HEARING ITEMS:**

6. **PUBLIC HEARING, ZONING FILE 12-06: A REQUEST BY TYLER ISBELL, REPRESENTING HARTMAN RICHARDSON HEIGHTS PROPERTIES, LLC, FOR A CHANGE IN ZONING FROM C-M COMMERCIAL WITH SPECIAL CONDITIONS TO PD PLANNED DEVELOPMENT TO ACCOMMODATE THE CONSTRUCTION OF A MOVIE THEATER ON A PROPERTY LOCATED AT 100 S. CENTRAL EXPRESSWAY. THE PROPERTY IS CURRENTLY ZONED C-M COMMERCIAL.**

Mr. Keffler noted that the City Plan Commission unanimously approved Zoning File 12-06, exclusive of the building elevations, on May 1 and stated that the applicant had provided new elevations in response to the Plan Commission's comments. He asked Michael Spicer to brief the Council.

Mr. Spicer explained that the subject property was a 17-acre site at the southwest corner of Belt Line and US75 frontage road, in the Richardson Heights Shopping Center, with Commercial uses to the north, Central Expressway to the east, and Residential to the south and west. He noted that the proposed movie theater would occupy approximately 35,350 square feet of the existing building. The applicant's request included a reduced setback of 35' (20' building setback + 15' alley easement); 14% reduction in required parking spaces for the overall site; increased building height to allow for a 35' roof height and up to 63' for signage (the current parapet height is 48'); and a custom sign package unique to the Alamo Drafthouse movie theater that includes a pole sign along the frontage road with an electronic board announcing movies. Mr. Spicer advised that Movie Theater use is allowed under Commercial and Planned Development Districts by right. He advised that the plan indicates seven theaters with seating from 50 to over 200, resulting in a total of 744 seats for the entire complex. Mr. Spicer stated that the applicant provided revised building elevations reflecting a mid-century modern architecture in response to comments received from the Plan Commission. He stated that proposed exterior materials include painted tilt-wall concrete panels, stone veneer, stucco, and metal panels. Mr. Spicer reiterated that the City Plan Commission unanimously approved the request as presented with the exception of the original elevation drawings; he stated that one letter in opposition was received and that nine people spoke at the Plan Commission public hearing in favor of the request, two in opposition.

In response to Mr. Mitchell's question, Mr. Spicer stated that staff was not prepared to require any specific traffic mitigation measures at this time, such as closing Devonshire to shopping center traffic; however, staff would monitor traffic and parking closely and would address any issues that might arise. He also noted that the proposed movie theater use complimented other shopping center uses with regard to peak parking demands. Mr. Mitchell suggested tying the revised elevations and signage to this applicant and this project.

Mayor Townsend opened the public hearing and invited the applicant to present the request.

Frank Bullock, Managing Partner of SRS Real Estate Partners, 3620 Bryn Mawr, Dallas, stated that Hartman Real Estate Development Trust hired SRS to reposition the Richardson Heights Shopping Center long term for the good of the City, the citizens, and the shopping center. He stated that his associate Tyler Isbell had worked with Alamo Drafthouse for the past eight months on a lease document which is now ready for execution pending the outcome of the public hearing. He thanked staff for being cooperative and for their interest in making the project work.

Bill DiGaetano, Alamo Drafthouse, 3913 Woodstock Drive, Colleyville, expressed his excitement for this project and his thanks to the community for their support. Mr. DiGaetano stated that the things that make Alamo Drafthouse unique include no advertisements before movies, custom pre-shows (i.e. blooper reels, famous movie moments), no unaccompanied minors, strict no talking/no texting rules, and culinary trained chefs. He said the revised elevations are more in keeping with the neighborhood, offering a mid-century modern design, along with matching colored stone to complement the existing center.

In response to Mr. Omar's question, Mr. DiGaetano stated he would like to partner with the community on current festivals and anticipates bringing film festivals, movies in the park, and foreign/international films to this location. Mr. DiGaetano advised that the proposed signage allows for a small marquee sign showing four digitally projected movie stills, changing every 6-8 seconds. In response to Mr. Mitchell, he was unsure at this time if some of the elements would be metal or aluminum, but he would like the architectural elements to have a futuristic edge. In

response to Mr. Solomon's question regarding outdoor seating, Mr. DiGaetano stated that he might consider an outdoor theater later depending on parking demands.

Andrew Laska, 502 Hyde Park, President of the Richardson Heights Neighborhood Association, thanked Mr. DiGaetano for working with the Association and stated they were in favor of the request. Mr. Laska felt Alamo Drafthouse would help to revitalize the area and serve as a catalyst project. He noted that parking was a concern, but felt the issue was solvable with the applicant's willingness to work with staff. Mr. Laska also indicated support of the proposed signage. He asked Council to approve the request.

Farah White, 3902 Elm Street, Dallas, stated she was a professional actor/producer and felt the Alamo Theater would be beneficial and important for Richardson. She noted that the Richardson Heights Shopping Center was in a unique position to draw people from a number of surrounding cities to a cutting edge theater such as Alamo Drafthouse. Ms. White stated that signage was important to any business and that Alamo's signage was quite unique and attractive. She congratulated Richardson on attracting such a great icon as Alamo Drafthouse to the City.

Michael Cain, 5642 Dyer Street, Dallas, co-founder of the Dallas Film Society and sponsor of the annual Dallas Film Festival, said he was happy to support Alamo Drafthouse and felt it would be good for the City. He said there was a strong independent film movement coming from Richardson, which would benefit from Alamo Drafthouse's experience in promoting film festivals and hosting premieres. Mr. Cain urged the Council to give Alamo every tool possible to make it a successful business, including the proposed signage. He felt that film makers, distribution houses, and exhibitors would look to the Alamo Drafthouse in Richardson as a strong venue.

Reid Robinson, 600 Nottingham Drive, stated that as a radio and film professional, he was excited to see Alamo Drafthouse come to Richardson. He felt the applicant had taken a lot of care to blend into the neighborhood. Mr. Robinson also felt Alamo would be great for the community and the City.

Marian Main/Shirley Stroud, 201 S. Lindale Lane, stated that their home was directly behind the center and were concerned about traffic, but were in favor of the request.

Chip Pratt, 2700 W. Prairie Creek, representing the Canyon Creek Homeowners Association, stated that they supported Richardson Heights N.A. and supported the request. He felt that a key project like Alamo Drafthouse would not only benefit Richardson Heights, but would benefit the City as a whole. Mr. Pratt also felt this project would send a strong message to the development community that Richardson is interested in quality development.

Janet DePuy, 633 Parkview Lane, representing Heights Park N.A., stated that the recently opened QT Station was a catalyst project which revitalized the area and felt that Alamo Drafthouse would bring the same high quality development to the shopping center. She felt that neighboring property owners were a mix of original owners and young professionals with disposable income and sophisticated shopping habits who want and deserve a quality shopping/dining/entertainment experience. Ms. DePuy urged Council to approve the request.

Kateryna Gaponenko, 205 S. Lindale, expressed concern regarding trash/garbage disposal and the possibility of intoxicated people driving through their neighborhood after the movie. Ms. Gaponenko provided pictures of problems experienced when Pep Boys occupied the property.

Jessica Oram, 600 Sherwood Drive, said she was in favor of this project. She advised that, while living in Austin, she used Alamo Drafthouse for a business event and had a positive experience. She expressed concern with traffic from the theater traveling through the neighborhood, but stated that she was in favor of Alamo Drafthouse coming to Richardson.

David Knepper, 101 Shadywood Lane, reiterated the concerns regarding traffic along Devonshire and said he was happy to see Alamo come here.

Richard Dotson, 733 Nottingham, stated that Richardson is uniquely situated at the heart of Dallas and Collin County expansion. He said Central Expressway used to be a way to get to the cool things to do in Dallas; once Alamo Drafthouse is built, Central Expressway will become a way to get to the cool things to do in Richardson. He challenged the Council to dare to dream big.

Christina Stock, 819 Sherwood Drive, stated she had lived in Richardson for four years and that she and her husband represented the demographics that the City of Richardson is trying to attract – young computer and creative professionals. She said the Alamo Drafthouse had statewide recognition and a great reputation and Alamo was one of the things she missed most about living near Austin. Ms. Stock felt that Alamo Drafthouse would become a place where UTD students and vibrant young families could feel at home.

James Nelms, 205 S. Weatherred, was in favor of Alamo Drafthouse, but expressed concern about parking for the remaining center once it begins to redevelop.

Homer Alexander, Jeran Alexander, Pam Baustian, Cheryl Blackwell, Becky Chaez, Marlys Damman, Kevin, de Miranda, Michele de Miranda, Randy Deeds, Sonja Deeds, Ricki Elkinton, Larry Epperson, Mary L. Esparza, Ralph Esparza, Russell Fincher, Jan Galloway, John Galloway, David Gipson, Sarah Gipson, Brian Golden, Kitty Goddard, Melissa Gorman, Sandy Hanne, Destiny Herndon-DeLaRosa Laura Hill, Sandra Hoffer, Jeanice Janes, Paul Johnson, Sarah Johnson, Suzanne Kirklin, Maria Loftin, Mike, McCrea, Pam McCrea, Sharon McTaggart, Deborah Neuts, Daniel Reed, Tania Reed, David Reingold, Jo Reingold, Christopher Roberts, Diane Simmons, Mack Simpson, Beatriz Soares, Kelly Sons, Jennifer Steele, Bruce Turner, Candace Wallner, Cary Welch, Kent Whitefield, and Pamela Wren were in favor of the request but did not wish to speak.

Ramona Powers, 303 S. Lindale Lane, said she was a fan of international/foreign films and was in favor of Alamo, but expressed concern about light from the signs bleeding into her residential neighborhood, the possibility of increased litter, and the use of Devonshire to exit the theater property through the neighborhood. In response to Ms. Powers question, Mr. Spicer indicated that the 50' pole sign would be located along US75 and would utilize LED lights. She noted that the proposed Alamo sign was closer to her home than the AutoFlex sign which caused lighting problems in the past. She also noted concern regarding additional noise from the movie theater site.

Beverly Whittington, 304 S. Lindale, stated she had been a Richardson resident since 1965, lived directly behind the proposed movie theater, and was opposed to the request. She stated that she would like to see a brick wall between the residential neighborhood and the proposed theater and Devonshire closed to theater traffic. She also felt that a theater use would bring to many people to this small area. Ms. Whittington agreed that lighting would be problem and that parking may become a problem for the other tenants of the shopping center. She asked Council to think about the people who live along Lindale when they make their decision.

Helen M. Connelly, Norma Madrid and Belle Vestal were in opposition but did not wish to speak.

Mr. DiGaetano responded to comments made stating that the dumpster is anticipated at the south end of the property, between the buildings, and would be locked at all times; he added that the dumpster could be fenced if needed. He stated that down lighting could be utilized along the fence and low lighting under the building eaves to mitigate lighting issues. Mr. DiGaetano stated that most traffic is anticipated to access the site from Belt Line and the US75 frontage road. He also advised that “last call” occurs approximately 45 minutes before the show time ends and two drinks per person was typical for movie-goers. Mr. DiGaetano felt the use of LED lighting and the height of the building would shield the neighborhood from most of the light from the pole sign. He also noted that a traffic study was prepared for the site assuming that all spaces were occupied as currently zoned and the study determined that 910 spaces would adequately serve the site.

Mr. Tyler Isbell, 4219 Somerville Ave., Dallas, stated that it was Sue Walker with the Richardson Chamber of Commerce who first suggested contacting Alamo Drafthouse and the last eight months has been a great team effort resulting in tonight’s proposal. Mr. Isbell stated that the parking study currently indicates 988 spaces available and 910 spaces needed for the shopping center at full occupancy. He said he was happy to partner with Alamo and he was excited to work with the City and existing retailers.

Ms. Maczka made a motion to close the Public Hearing; second by Mr. Dunn and the motion was approved with a unanimous vote.

Mr. Omar felt Alamo Drafthouse would appeal to younger residents and provide an intense focus on the arts; he said he was in favor of the request. Mr. Solomon felt that this was a great arts and entertainment opportunity and that the concerns expressed regarding lighting, traffic, and trash could be addressed by close monitoring by staff. Mr. Mitchell felt this development would be a great catalyst for redevelopment of the area and an exciting project for the City. Mr. Mitchell stated that he favored the signature signage proposed by the applicant. Mr. Dunn requested that staff look into the traffic and sanitation issues on Devonshire; and felt signature signage was appropriate, but questioned the use of LED lights. He stated he would support the request. Mr. Hartley also felt that issues concerning trash could be addressed by staff monitoring the area and by locking the dumpster as suggested by Mr. DiGaetano. Mr. Hartley stated he was in support of the request. Ms. Maczka agreed with the applicant that this project will reposition this asset. She concurred with her peers that staff needs to stay on top of any traffic, trash and lighting issues that arise and noted that once the project develops the undesirable elements may go away. Ms. Maczka quoted a friend, saying: “This project will add a measure of the hip and modern culture that I believe we have been striving to move toward in our City’s image while preserving our historical roots”.

**ACTION TAKEN:** Ms. Maczka moved approval of ZF 12-06; second by Mr. Dunn. Mr. Solomon requested that the motion be amended to tie the sign specifications and building elevations to this case. Ms. Maczka agreed to amend the motion; Mr. Dunn seconded the motion as amended and the motion was approved with a unanimous vote.

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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:

**7. CONSENT AGENDA:**

ACTION TAKEN: Mr. Solomon moved approval of the Consent Agenda as presented; second by Mr. Hartley and the motion was approved with a unanimous vote.

**A. Consider the following ordinances:**

1. Ordinance No. 3866, amending the Comprehensive Zoning Ordinance and Zoning Map to amend the Planned Development District for Townhome Development, Ordinance No. 3505, by allowing a reduced minimum lot area on eight (8) lots, allowing one (1) 7-unit townhome building and approval of building elevations for the 8.76-acres zoned PD Planned Development located on the north side of Lake Park Way, east of Coit Road.
2. Ordinance No. 3867, amending the Code of Ordinances by amending Section 23-98 to establish rates to be charged for Water Services furnished by the City.
3. Ordinance No. 3868, amending the Code of Ordinances by amending Section 23-168 to establish rates to be charged for Sewer Services furnished by the City.

**B. Consider the following resolutions:**

1. Resolution No. 12-05, approving the terms and conditions of the 2012 Byrne Justice Assistance Grant (JAG) Program Funds Sharing and Fiscal Agency Agreement; and authorizing the City Manager to execute said agreement.
2. Resolution No. 12-06, appointing Mayor Pro Tem Laura Maczka to the aggregated position of Primary Voting Representative to the Regional Transportation Council of the North Central Texas Council of Governments, which fractional allocation membership is shared with the Town of Addison, and the Cities of Murphy, Sachse, and Wylie.
3. Resolution No. 12-07, approving the Guaranteed Maximum Price (GMP) proposal of \$13,575,343.00 submitted by Construction Manager-At-Risk Hill & Wilkinson Construction Group, Ltd for the total estimated cost of construction of the Heights Recreation Center, Heights Aquatics Center, and Gymnastic Center, including submitted conditions and exclusions, conditioned upon execution of the First Amendment to the Construction Manager-At-Risk Agreement; authorizing the City Manager to execute the First Amendment to Construction Manager-At-Risk Agreement between the City and Hill & Wilkinson revising the total cost of estimated construction to \$13,575,343.00.

**C. Consider advertisement of Bid #43-12 – 2012 Public Buildings Energy Reduction Initiatives. Bids to be received by Thursday, May 31, 2012 at 2:00 p.m.****D. Consider award of the following bids:**

1. Bid #37-12 – we recommend the award to Intercon Construction Company for the Demolition of the Former 36-Unit Apartment Complex Known as the Willows in the amount of \$193,300.

2. Bid #39-12 – we recommend the award to Jim Bowman Construction Company, LP for the 2010 Bond Project for the Dumont Drive Rehabilitation Paving, Waterline and Drainage Project in the amount of \$1,337,061.80.
3. Bid #42-12 – we request authorization to issue an Annual Contract Purchase Order to Sunbelt Pools, Inc. for swimming pool water management services per a fixed monthly maintenance fee of \$8,950 for Canyon Creek, Cottonwood, Glenville, and Terrace Pools and a fixed monthly maintenance fee of \$11,950 for all five pools plus Arapaho Aquatics Center when completed.

**8. RECEIVE THE SIGN CONTROL BOARD MINUTES OF THE MAY 9, 2012, MEETING.**

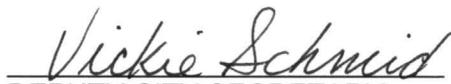
ACTION TAKEN: Mr. Mitchell moved acceptance of the Sign Control Board minutes as presented; second by Mr. Omar and the motion was approved with a unanimous vote.

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Mayor Townsend announced that Council would reconvene in Work Session after a short break and adjourned the meeting at 9:32 p.m.

  
MAYOR

ATTEST:

  
DEPUTY CITY SECRETARY