

**MINUTES**  
**RICHARDSON CITY COUNCIL**  
**WORK SESSION AND MEETING**  
**MONDAY, AUGUST 27, 2012**

**WORK SESSION – 6:00 P.M.:**

**• Call to Order**

Mayor Townsend called the Work Session meeting to order at 6:03 p.m. with the following Council members present:

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

The following staff members were also present:

Dan Johnson	City Manager
David Morgan	Deputy City Manager
Michelle Thames	Assistant City Manager Administrative Services
Cliff Miller	Assistant City Manager Development Services
Samantha Woodmancy	Management Analyst
Aimee Nemer	City Secretary
Kent Pfeil	Finance Director
Gary Beane	Budget Officer
Michael Spicer	Development Services Director
Don Magner	Community Services Director

**A. Review and Discuss Items Listed on the City Council Meeting Agenda**

**Item 5**

**Staff Comments**

Development Services Director Michael Spicer reviewed Item 5, Zoning File 12-12, informing Council that the zoning request was submitted by Sydney B. Thompson who is requesting to change the zoning from R-1100 Residential to O-M Office for property located at the Southwest corner of Campbell and Custer. Mr. Spicer explained that the lots were developed in 1960 with the two easternmost lots being single-family homes and the three remaining lots undeveloped. Mr. Spicer stated that the applicant does not intend to develop the property, but only secure the appropriate zoning for future development. He explained that the zoning request is consistent with the 2009 Comprehensive Plan which recommends Neighborhood Services as appropriate zoning for the properties. Mr. Spicer reviewed two conceptual plans for developing the property but explained that the concepts were strictly to demonstrate how the property could potentially be developed for office use. Mr. Spicer stated the City Plan Commission voted 7-0 to approve.

City Manager Johnson reiterated that the two concept plans are only a demonstration of how the property could be developed and stated that the concept plans would not be tied to the ordinance.

### **Council Discussion**

Councilmember Mitchell asked if the applicant owns the two homes currently on the property. Mr. Spicer clarified that the requestor does not own the two homes but the property owners support the zoning change request.

Councilmember Hartley asked if the thirty foot setback would take out the sidewalks. Mr. Spicer stated it would not. Mr. Hartley also inquired about the screening of the back of the property. Mr. Spicer explained that a six foot masonry wall would be required for the back of the property.

### **Item 6**

#### **Staff Comments**

Development Services Director Michael Spicer reviewed Item 6, Variance 12-06, informing Council that the applicant is requesting a variance to allow for the removal of a six-foot wrought iron fence that bisects the apartment property. He explained that the Subdivision and Development Code requires apartment communities to be limited to 250 units that share common access, circulation, common areas, and parking. Mr. Spicer explained that both properties are owned and managed by the same property owner with office and recreational facilities being shared by both properties. Mr. Spicer stated that the City Plan Commission voted 7-0 to approve.

#### **Council Discussion**

Mayor Pro Tem Maczka asked why the fence was a requirement. Mr. Spicer explained that he understood the apartment regulations were developed in 1995 to address crime prevention and safety issues which were a concern of the Police Chief at the time.

Councilmember Omar asked if the applicant wanted an opening in the fence or the entire fence removed. Mr. Spicer stated that currently, the fence has a gate with a sign that marked "No thru Access." He explained that the applicant has requested a variance to remove the fence and has indicated they would work with staff to provide a vehicular connection.

There was continued discussion on the reason for the development requirement of the fence. Mayor Townsend suggested that the fence requirement be reviewed in the future.

### **Item 7**

#### **Staff Comments**

City Manager Johnson informed Council that the second of two public hearings on the tax rate is scheduled on the agenda as required by state law.

## **B. Review and Discuss the Regulation of Community and Group Homes**

### **Staff Comments**

City Manager Johnson introduced this item stating that staff has been diligent in addressing concerns of residents, understanding regulations that can be enforced, and informing Council of issues related to the regulation of Community and Group Homes. Mr. Johnson stated that Pete Smith, City Attorney, would review the regulations; and Don Magner, Director of Community Services, would review staff's recommendation.

City Attorney Pete Smith reviewed the definitions and regulations for a Community Home, The Texas Community Home Act, Group Home, and the Federal Fair Housing Act as defined by state and federal law. Mr. Smith also reviewed the definition of "handicapped" as defined by the Federal Fair Housing Act and Fair Housing Act amendments of 1988. Mr. Smith reviewed the legislative history of the regulations as well as case law.

In summary, Mr. Smith explained that cities must be flexible when applying zoning restrictions to handicapped persons living in group homes; cities are required to tailor zoning to the needs of the handicapped and the establishment of group homes; a group home owner or a handicapped individual may request a "reasonable accommodation"; and a refusal by the city to make a reasonable accommodation may lead to a finding of illegal discrimination.

Community Services Director Don Magner reviewed staff's recommendation as listed below:

1. Adopt the Texas Community Homes for Disabled Persons Location Act
2. Require all group homes to obtain a certificate of occupancy prior to operating / occupying a residence
  - a. Conduct an administrative reasonable accommodations hearing prior to approving any certificate of occupancy
  - b. Conduct an interior and exterior inspection of the property prior to approving any certificate of occupancy
  - c. Require an annual inspection as a condition of the certificate of occupancy

Mr. Magner reviewed what the City is currently doing to address issues as well as surrounding city regulations regarding group homes.

Mr. Magner explained that the next steps would be to place an ordinance adopting the Texas Community Homes for Disabled Persons Location Act on a future agenda for Council consideration. Upon approval, Mr. Magner explained that the City would begin requiring all group and community homes to obtain a certificate of occupancy (CO) immediately. He said that a notice would be sent to all existing group and community homes directing them to apply for a CO and schedule an inspection which would be conducted annually.

### **Council Discussion**

Council clarified that the staff recommendation would address both Community and Group Homes. Mr. Magner confirmed that the recommendation addresses both types of homes within state and federal regulations.

There was some Council discussion regarding occupancy standards and what defines a bedroom and if the measurements of a closet are included in the bedroom measurements. Mr. Magner clarified that the closet would not be included in the measurement.

Council inquired how quickly the ordinance would be on the agenda and the time frame for CO's to be issued. Mr. Magner responded that the ordinance could be ready for the next agenda and it would take approximately 60 days to issue the notices and CO's.

Council also inquired about the amount of staff time and if additional staff would be needed. Mr. Magner reported that the process would be labor intensive initially, but once procedures are in place, the current rental regulation staff can handle.

Council asked about the cost of a CO, what happens if it is denied, and litigation costs. Mr. Magner stated that a CO is \$100. Mr. Smith explained that if a CO is denied, the applicant could potentially file a discrimination lawsuit which could be very costly in litigation.

**C. Review and Discuss the Feasibility Study for a Multi-Agency Recreation Center in Breckinridge Park**

**Staff Comments**

Michael Massey, Director of Parks and Recreation, addressed Council on this item. Mr. Massey explained that the City of Murphy decided not to move forward with the partnership at this time due to such a large investment being outside of their city limits. Mr. Massey also explained that Phase 1 of the study is a good preliminary study and achieved its purpose. He stated that the City would continue to examine plans for developing a full service recreation center in the Breckinridge area and continue to seek any private or public partners for a Multi-Agency Recreation Center.

**Council Discussion**

Council commended staff on the efforts and stated that the process was successful by validating what the citizens want. Council was appreciative of the City of Murphy's participation and consideration.

**D. Report on Items of Community Interest**

**Council Comments**

Mayor Pro Tem Maczka invited everyone to the J.J. Pearce High School Kick-off Cookout.

**ADJOURN WORK SESSION AND CONVENE REGULAR MEETING**

Mayor Townsend adjourned the Work Session at 7:26 and convened the Council Meeting at 7:32 p.m.

**CITY COUNCIL MEETING – 7:30 P.M.:**

**1. INVOCATION – KENDAL HARTLEY**

**2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – KENDAL HARTLEY**

**3. MINUTES OF THE AUGUST 6, 2012 AND AUGUST 20, 2012 MEETINGS**

**4. VISITORS**

No visitors submitted comments.

**PUBLIC HEARING ITEMS:**

**5. PUBLIC HEARING, ZONING FILE 12-12: A REQUEST BY SIDNEY B. THOMPSON FOR A CHANGE IN ZONING FROM R-1100-M RESIDENTIAL TO O-M OFFICE FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CAMPBELL ROAD AND CUSTER ROAD. THE PROPERTY IS CURRENTLY ZONED R-1100-M RESIDENTIAL.**

**Staff Comments**

Development Services Director Michael Spicer reviewed Item 5, Zoning File 12-12.

**Public Hearing**

The public hearing was opened with the applicant, Mr. Sydney Thompson, addressing Council and responding to questions.

**Council Discussion**

Council discussed the proposed curb cut on Campbell Road for the proposed property and asked if the property could be developed without that curb cut. The applicant stated it would be difficult.

Council also discussed the back of the property and asked if there would be shared access with the property owners behind the property. Mr. Spicer stated that a masonry wall would be required.

Council inquired about the size of the buildings and what type of businesses could go on the property. Mr. Spicer stated that the buildings were one-story, 2000 sq. ft. He said the proposed zoning is the most restrictive for the property configuration and listed office, medical, real estate, and insurance.

**Council Action**

Councilmember Mitchell moved to close the public hearing, seconded by Councilmember Dunn. The motion passed unanimously. Councilmember Maczka moved to approve as presented. Councilmember Hartley seconded the motion. A vote was taken and passed, 7-0.

**ACTION ITEMS:**

**6. VARIANCE 12-06: A REQUEST BY JOHN MCKEE, REPRESENTING JRK PROPERTY HOLDINGS, FOR APPROVAL OF A VARIANCE TO THE SUBDIVISION AND DEVELOPMENT CODE, ARTICLE III, SUBSECTION 21-58(E) TO GRANT A WAIVER TO THE REQUIREMENT FOR A FENCE TO SEPARATE APARTMENT**

**DEVELOPMENTS OF MORE THAN 250 UNITS INTO SEPARATE COMMUNITIES AT THE SOUTHEAST CORNER OF RENNER ROAD AND NORTH STAR ROAD.**

**Staff Comments**

Development Services Director Michael Spicer reviewed Item 6, Variance 12-06.

**Council Discussion**

Councilmember Omar asked the opinion of the Police Department regarding the removal of the fence. Mr. Spicer stated that both the Police and Fire Department had no reservations regarding the removal of the fence. Mr. Omar asked if the applicant is proposing driveway access. Mr. Spicer stated that the applicant indicated they would propose a driveway.

**Council Action**

Councilmember Solomon moved to approve as presented. Councilmember Dunn seconded the motion. A vote was taken and passed, 6-1, with Councilmember Omar opposed.

Mayor Pro Tem Maczka and Councilmember Mitchell both stated that they would like to see this requirement reviewed to determine if it should be amended. Councilmember Omar stated that he was opposed because he needed more information to determine if there are other ways this issue could be solved and if there are valid reasons for the requirement of the fence.

**PUBLIC HEARING ITEMS:**

**7. SECOND PUBLIC HEARING FOR PROPOSED TAX RATE OF \$0.63516 PER \$100 VALUATION FOR FISCAL YEAR 2012 – 2013.**

**Staff Comments**

City Manager Dan Johnson addressed Council on this item and reviewed the tax rate stating that the proposed FY 2012-2013 budget proposes no new property tax. Mr. Johnson stated that the adoption of the budget is scheduled for September 10, 2012. Mayor Townsend asked Mr. Johnson to clarify the rollback rate versus effective rate. Mr. Johnson explained that the effective tax rate is a rate that the City calculates in order to achieve the very same revenue as the previous year. He explained that the rate is determined by a formulated calculation mandated by the state which yields the effective rate. Mr. Johnson further explained that if the rate is higher than the effective rate; that would trigger specific additional public notices and hearings. Mr. Johnson explained that the rollback rate is a buffered amount above the current rate, which if achieved, would allow the public a method to roll back the rate to the lower rate. Mr. Johnson explained that the City is not above the rollback rate.

**Public Hearing**

The public hearing was opened at 7:28 p.m. No public comments were submitted. Councilmember Mitchell moved to close the public hearing, seconded by Councilmember Hartley. The motion carried unanimously.

**Council Discussion**

Councilmember Mitchell commended Mr. Johnson and staff on the budget specifically noting that Richardson is 1 of 5 cities to hold the AAA Bond Rating, that the Maintenance and

Operation (M&O) rate has not increased in ten years, and that the City is very pro-business and fortunate to have a 54% commercial and 46% residential tax base.

**Council Action**

The only action required on this item was to hold the public hearing.

**8. CONSENT AGENDA:**

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:

**A. ADOPTION OF ORDINANCE NO. 3875, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO GRANT A CHANGE IN ZONING TO GRANT A SPECIAL PERMIT FOR A MOTOR VEHICLE SERVICE STATION WITH SPECIAL CONDITIONS ON A 1.25-ACRE TRACT OF LAND ZONED C-M COMMERCIAL LOCATED AT 2750 E. PRESIDENT GEORGE BUSH TURNPIKE.**

**B. AUTHORIZE THE ADVERTISEMENT OF BID #57-12 – WOOD CREEK AND FOX CREEK EROSION CONTROL PROJECTS (TIMBERWAY/BRAEBURN). BIDS TO BE RECEIVED BY THURSDAY, SEPTEMBER 13, 2012 AT 3:00 P.M.**

**C. CONSIDER AWARD OF THE FOLLOWING BIDS:**

**1. BID #50-12 – WE RECOMMEND THE AWARD TO JIM BOWMAN CONSTRUCTION COMPANY FOR THE PEDESTRIAN BRIDGE AT BRECKINRIDGE PARK (BECK BRANCH) IN THE AMOUNT OF \$263,800.50.**

**2. BID #52-12 – WE RECOMMEND THE AWARD TO ESTRADA CONCRETE COMPANY FOR THE 2010 ALLEY RECONSTRUCTION PHASE IV (MERRIE/SHANNON/ARVADA) IN THE AMOUNT OF \$229,579.**

**3. BID #58-12 – WE REQUEST AUTHORIZATION TO ISSUE A COOPERATIVE CONTRACT TO NORTEX CONCRETE LIFT & STABILIZATION, INC. FOR PAVEMENT LEVELING SERVICES THROUGH THE CITY OF GRAND PRAIRIE BID #12001 IN THE AMOUNT OF \$266,935.**

**4. BID #59-12 – WE REQUEST AUTHORIZATION TO ISSUE AN ANNUAL REQUIREMENTS CONTRACT TO CEN-TEX UNIFORM SALES FOR WORK UNIFORMS FOR VARIOUS DEPARTMENTS PURSUANT TO UNIT PRICES AND FIXED DISCOUNTS FROM LIST PRICE THROUGH TARRANT COUNTY.**

**D. AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER TO DECREASE AND CLOSE OUT PURCHASE ORDER 110798 TO TMI COATINGS, INC. FOR THE EASTSIDE GROUND STORAGE TANK IN THE AMOUNT OF \$142,200.**

**E. AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER TO DECREASE AND CLOSE OUT PURCHASE ORDER 111206 TO JIM BOWMAN CONSTRUCTION COMPANY FOR THE 2010 SIDEWALK REPAIR PROJECT PHASE II (REGIONS 3 & 4) IN THE AMOUNT OF \$73,911.34.**

**F. CONSIDER CANCELLATION OF THE MONDAY, SEPTEMBER 3, 2012 CITY COUNCIL MEETING FOR THE LABOR DAY HOLIDAY.**

**Council Action**

Councilmember Solomon moved to approve the Consent Agenda as presented and noted that Items D and E were a cost-savings to the City. 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 N. Glenville Dr./E. Lookout Dr. Area**

**• Deliberation of Personnel**

**• Boards and Commissions**

- City Plan Commission**
- Civil Service Board/Appeals Board**
- Zoning Board of Adjustment/Building & Standards Commission**

**RECONVENE EXECUTIVE SESSION**

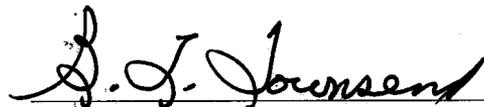
**• Council will reconvene into open session, and take action, if any, on matters discussed in executive session.**

**Council Action**

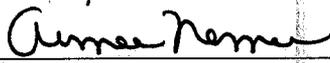
Councilmember Solomon moved to authorize the City Manager to negotiate and execute an agreement on behalf of the City of Richardson, Texas with Galatyn Park Corporation to purchase approximately 4.7 acres of land, and to sign such other agreements, documents, and any amendments thereto, as the City Manager, in consultation with the City Attorney, deems reasonable and necessary with respect to the closing of said transaction. Councilmember Dunn seconded the motion. A vote was taken and passed, 7-0.

**ADJOURNMENT**

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

  
MAYOR

ATTEST:

  
CITY SECRETARY

