

MINUTES
RICHARDSON CITY COUNCIL
WORK SESSION AND MEETING
MONDAY, OCTOBER 8, 2012

• **Call to Order**

Mayor Townsend called the Work Session to order at 6:02 p.m. with the following Council members present:

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|----------------|----------------|
| 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:

| | |
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| David Morgan | Deputy City Manager |
| Cliff Miller | Assistant City Manager Development Services |
| Samantha Woodmancy | Management Analyst |
| Aimee Nemer | City Secretary |
| Michael Spicer | Director of Development Services |
| Mick Massey | Director of Parks & Recreation |
| Don Magner | Director of Community Services |
| Dave Carter | Assistant Director of Development Services |

WORK SESSION – 6:00 P.M.

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

Item 6 – ZF 12-07

Staff Comments

Michael Spicer, Director of Development Services, addressed this item explaining that the applicant, Fahim U. Khan, representing DIBA Petroleum, is requesting approval of a Special Permit for a motor vehicle service station with modified development standards on a 0.58-acre lot located at the northeast corner of Belt Line Road and Plano Road. He explained that the property is currently developed as a motor vehicle service station comprising a convenience store 750 square feet in area, three (3) double-sided gas pumps and a canopy. Mr. Spicer said the Special Permit is being requested to provide for the construction of a new convenience store, 2,985 square feet in area, at the northeast corner of the property and reconfiguration of the gas canopy and pumps. Mr. Spicer reviewed the zoning exhibits. He stated that the City Plan Commission unanimously approved the zoning change as presented.

Council Discussion

Councilmember Mitchell asked about the current zoning and zoning surrounding the property. He also asked if there would be any motor vehicle servicing other than gas. Mr. Spicer replied

that the property is currently zoned LR and the surrounding property is CM. He stated that there would be no vehicle servicing; only gas and a convenience store.

Councilmember Solomon inquired about the landscaping stating that it is being increased substantially. He asked if there would be trees and commented on an issue with birds. Mr. Spicer replied that a full landscape plan would be submitted by the applicant that would include trees. Staff explained that the birds are a temporary issue.

Item 7 – ZF 12-16

Staff Comments

Michael Spicer, Director of Development Services, addressed Council on this item explaining that Duncan Kim, representing Bear Design-Build, is requesting approval of a Special Permit for a karaoke bar to be located in a 2,820-square foot lease space in the Lennox Shopping Center at the northeast corner of Campbell Road and Coit Road and is zoned LR-M (2) Local Retail with special conditions. Mr. Spicer stated that the proposed use is not listed in the Comprehensive Zoning Ordinance and therefore requires a Special Permit. He explained the difference between a bar that provides karaoke and the proposed karaoke bar. Mr. Spicer said the proposed karaoke bar would provide customers with small, private settings to perform karaoke. He reviewed the proposed layout of the facility which he stated contains eight (8) separate rooms, each furnished with tables, seating, and a television for karaoke; and a kitchen where food and drinks would be prepared for patrons. Mr. Spicer stated that the applicant intends for the facility to be family-oriented; therefore, no age limits are proposed and the applicant has stated that alcohol would likely be served, which could be accomplished with a private club permit. He stated the proposed hours of operation are 5pm to 2am. Mr. Spicer said the City Plan Commission approved the Special Permit as presented by a vote of 6-1.

Council Comments

Mayor Townsend inquired if the rooms would be sound-proofed. Mr. Spicer replied that there would be sound-proofing.

Item 9 – Sign Control Board Minutes

Staff Comments

Don Magner, Community Services Director, addressed Council on this item reviewing the Sign Control Board case number 12-12, 3030 Waterview Parkway. He explained that the applicant was requesting a variance to allow a second attached sign on the building elevation facing Stewart Drive which would provide for a total of three signs instead of only two as permitted. Mr. Magner explained the reason for the request is the uniqueness of the building footprint and mature vegetation limits visibility of existing signage on the building. He stated that the additional sign will increase visibility of traffic traveling northbound on Waterview Parkway. Mr. Magner stated that the Sign Control Board approved this request unanimously.

B. Review and Discuss the Bike Transportation Program

Staff Comments

Dave Carter, Assistant Director of Development Services, reviewed this item with Council. Mr. Carter stated that this is number 29 on City Council's Near Term Action Items – to evaluate the expansion of the City's bike lane system and enhancing pavement markings and signage.

Mr. Carter reviewed the US Department of Transportation (USDOT) and Texas Department of Transportation (TxDOT) Policies on Bicycle and Pedestrian Accommodation; and the NCTCOG Regional Bicycle and Pedestrian Program.

Mr. Carter reviewed Richardson's Bicycle Transportation Program including an explanation of the following:

- 10 of the planned 20 miles of bike lanes are already installed
 - Custer Parkway (2009)
 - Grove Road (2009)
 - Waterview Drive (2010)
 - Collins Blvd (Renner to Palisades) 2010
 - Yale Blvd (Belt Line to Arapaho) 2011
 - Apollo Road (Plano Rd to Jupiter) 2011
 - Canyon Creek Blvd 2012
- Routes, Lanes, Trails
- Bike Lane Standards
- Future Plans
 - Funded Implementations
 - Safe Routes to School Grant
 - Collins Blvd (Plano Rd to Jupiter) 2013
 - Yale Blvd (Arapaho to Campbell) 2013
 - Owens Blvd (Woodoak to Campbell) 2013
 - Duck Creek Trail Extension
 - Collins Blvd (Plano Rd to US75) 2014
 - Future Implementations as funding is available
 - Collins Blvd (Palisades to US75)
 - Yale Blvd (Belt Line to Spring Valley)
 - Lookout (Floyd to Palisades Creek)
 - Owens (Renner to Breaburn)

Council Discussion

Councilmember Dunn commended Mr. Carter on the report and the City and staff on being bike friendly.

Mayor Pro Tem Maczka asked what the City is doing about aggressive riders. Mr. Carter replied that the Police Department enforces the laws for both bike-riders and vehicles. Ms. Maczka also asked why the City doesn't provide permanent barriers for the bike lanes. She explained that

both of these issues are questions she hears often. Mr. Carter replied that a permanent structure is costly and requires right-of-way.

Councilmember Omar asked for clarification between a bike lane and bike trail and there was some discussion about the width requirements of sidewalks and trails.

Mayor Pro Tem Maczka asked how the locations of bike lanes are prioritized. Mr. Carter explained that it is determined by available funding, connectivity, and neighborhood support.

There was continued discussion regarding safety, funding, connectivity, and completion of the bike plan throughout the City.

Councilmember Omar asked how much of the bike plan is left to complete and what is the cost to fund. Mr. Carter explained that there is approximately 4-5 miles that is currently unfunded. He stated the cost is \$20,000 per mile which includes striping and signage. Councilmember Omar stated he would love to have the City consider accelerating the initiative to complete the bike plan and position the City to be more focused and competitive with regards to being a bike-friendly city.

There was a consensus of Council to efficiently, effectively, and aggressively proceed with completing the bike plan and expanding where possible. There was some discussion as to whether to mark this item complete on the Near Term Action Items.

Assistant City Manager Morgan summarized the consensus of Council stating that staff understands that this is a priority for Council and will work diligently to seek funding opportunities and keep Council updated on the progress.

Councilmember Mitchell requested another briefing on this item in six months.

C. Review and Discuss the New Park on Weathered Drive

D. Review and Discuss the Central Trail Update

Staff Comments

David Morgan, Deputy City Manager, recommended postponing Items C and D to the October 22 Meeting when these items are scheduled for bid authorization. He explained that the briefing was just an update and the design on both projects is consistent with what has previously been presented. Council accepted the postponement.

E. Report on Items of Community Interest

Council Discussion

There were no reports given on items of community interest.

ADJOURN WORK SESSION AND CONVENE MEETING – 7:30 P.M.

Mayor Townsend adjourned the Work Session at 7:27 and convened the Council Meeting at 7:34 p.m.

1. **INVOCATION – MARK SOLOMON**
2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – MARK SOLOMON**
3. **MINUTES OF THE SEPTEMBER 24, 2012 AND OCTOBER 1, 2012 MEETINGS**

Council Action

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

4. VISITORS

Mr. Rusty Williams addressed Council with concerns about the location of dumpsters near the Richardson Church of the Nazarene. Deputy City Manager David Morgan responded that the location is temporary during construction and stated that staff would meet with the church to address any specific concerns.

5. PRESENTATION OF PROCLAMATION FOR UNITED WAY TO RECOGNIZE LIVE UNITED DAY.

Presentation

Mayor Townsend read the proclamation and presented it to representatives from Texas Instruments, Inc. and United Way.

PUBLIC HEARING ITEMS:

6. **PUBLIC HEARING, ZONING FILE 12-07: A REQUEST BY FAHIM U. KHAN, REPRESENTING DIBA PETROLEUM, INC., FOR A SPECIAL PERMIT FOR A MOTOR VEHICLE SERVICE STATION WITH MODIFIED DEVELOPMENT STANDARDS TO BE LOCATED AT 1401 E. BELT LINE ROAD (NORTHEAST CORNER OF BELT LINE ROAD AND PLANO ROAD). THE PROPERTY IS CURRENTLY ZONED LR-M(2) LOCAL RETAIL.**

Staff Comments

Michael Spicer, Director of Development Services reviewed this item.

Council Comments

Councilmember Dunn asked if there would be a parkway on the future right-of-way. Mr. Spicer stated that there would be a parkway along the sidewalk.

Councilmember Mitchell asked if the requested use is non-conforming. Mr. Spicer explained that the use requires Council approval through a Specific Use Permit.

Mayor Pro Tem Maczka referenced the proposed square footage of 3000 ft. and asked the square footage of the current building. Mr. Spicer stated the current building is 750 sq. ft.

Public Hearing

Mayor Townsend opened the public hearing at 7:57.

Mr. Fahim Khan, the applicant, was present to address questions from Council.

Councilmember Solomon inquired what kind of convenience store it was going to be. The applicant replied that it would be a Texaco and Subway.

Councilmember Hartley moved to close the public hearing at 7:59, seconded by Councilmember Mitchell. A vote was taken and passed, unanimously.

Mayor Pro Tem Maczka stated that this development would be a great improvement over what is currently there.

Council Action

Mayor Pro Tem Maczka moved to approve ZF 12-07 as presented. Councilmember Hartley seconded the motion. A vote was taken and passed, 7-0.

7. **PUBLIC HEARING, ZONING FILE 12-16: A REQUEST BY DUNCAN KIM, REPRESENTING BEAR DESIGN-BUILD, FOR A SPECIAL PERMIT FOR A KARAOKE BAR FOR A PROPERTY LOCATED AT 1310 W. CAMPBELL ROAD (NORTHEAST CORNER OF CAMPBELL ROAD AND COIT ROAD). THE PROPERTY IS CURRENTLY ZONED LR-M(2) LOCAL RETAIL.**

Staff Comments

Michael Spicer, Director of Development Services reviewed this item.

Council Discussion

Councilmember Solomon asked what the maximum occupancy would be. Mr. Spicer stated with the square footage, the maximum occupancy would be 138; but due to the configuration, it would be reduced to 74.

Councilmember Mitchell asked if there are any other establishments in the shopping center with hours until 2 a.m. Mr. Spicer stated that there are none with similar uses.

Councilmember Dunn asked if the current zoning would allow for a bar. Mr. Spicer stated that a bar with a private club designation is a valid use.

Councilmember Solomon asked if there would be limitation on hours for a bar. Mr. Spicer stated there would not.

Public Hearing

Mayor Townsend opened the public hearing at 8:10 p.m.

The applicant, Mr. Chi Chen addressed Council and answered questions from Council with assistance from a translator, Alfred Goh.

The Council asked the applicant various questions regarding soundproofing, seeking other locations, and corresponding with residents.

Mr. Chen explained that the facility would be sound proofed. He stated that he had not corresponded with any residents regarding the zoning request. Mr. Chen also explained that he was not successful in finding an alternative location.

Mr. Charles Burgess and Ms. Carol Kelly spoke in opposition of the request. Additionally, the following citizens submitted their opposition in writing:

Mary Smith
Frank Smith
Donald Heaton
Berkley Shofner
Virginia Bryant
Larry Bryant
Jean McMillion

Mr. Alan Sandgarten, property manager with Quine and Associates, Inc., spoke in favor of the request.

Council addressed some questions to Mr. Sandgarten regarding the request and maintaining a high level of quality for the development.

Mayor Pro Tem Maczka asked about serving and selling alcohol. Mr. Sandgarten stated that the applicant would be applying for a TABC permit to sell alcohol but alcohol service would not be the primary focus. Ms. Maczka asked if "BYOB" would be allowed during the permitting process. Mr. Sandgarten stated that Mr. Chen would be applying for the TABC permit as soon as possible and there should not be a long process between obtaining the permit and opening the facility. Ms. Maczka commented that she would rather alcohol be sold so it can be controlled.

Mayor Townsend stated that he hoped the applicant was aware that if approved, this would be approved by a Special Use Permit which can be removed at any time.

With no further public comments, Councilmember Omar moved to close the public hearing at 8:51 p.m., seconded by Councilmember Solomon. A vote was taken and passed unanimously.

Council Action

Councilmember Omar moved to approve the request as presented. Councilmember Solomon seconded the motion. Prior to the vote, Councilmember Dunn requested to amend the motion to limit the hours of operation to 5 p.m. to 12 a.m. Councilmember Omar did not accept the amendment stating he did not think it was necessary to adjust the hours and noted that alcohol cannot be served after 12 a.m.

Councilmember Mitchell stated he would not be supporting the request due to the location. He said it is an interesting venue, but he is unfamiliar with the type of issues that may arise with this venue and he feels the use would be better suited in a different location.

Councilmember Omar clarified that a regular bar can be developed at this location by right, without Council approval.

Councilmember Dunn stated that he is supportive but not as presented with operating hours until 2 a.m.

Mayor Pro Tem Maczka stated she had heard a lot of concerns from residents. She said she liked the idea, but not the location.

Councilmember Omar asked Council if they would be supportive if the operating hours were limited to 12 a.m.

Mayor Pro Tem Maczka stated the location was the issue.

Mayor Townsend stated he is supportive because the request would be granted by Special Use Permit.

Councilmember Hartley stated he would be more inclined to support with limited hours.

Amended Motion

Councilmember Omar agreed to the amended motion by Councilmember Dunn to limit the hours of operation to 5 p.m. - 12 a.m. Councilmember Solomon agreed to second the amended motion. A vote was taken and the motion passed as amended, 5-2 with Mayor Pro Tem Maczka and Councilmember Mitchell opposed.

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. CONSIDER REJECTION OF BID #54-12 AND AUTHORIZE THE ADVERTISEMENT AND REBID OF BID #02-13 FOR DEBRIS REMOVAL AND VEGETATION MANAGEMENT WEST FORK OF COTTONWOOD CREEK PROJECT. BIDS TO BE RECEIVED BY THURSDAY, NOVEMBER 8, 2012 AT 2:00 P.M.

B. CONSIDER AWARD OF THE FOLLOWING BIDS:

1. BID #48-12 – WE RECOMMEND THE AWARD TO TRIVAN TRUCK BODY FOR THE EMERGENCY DRIVING SIMULATOR SYSTEM TRAILER FOR THE FIRE DEPARTMENT IN THE AMOUNT OF \$89,497.

2. **BID #57-12 – WE RECOMMEND THE AWARD TO ENVIRONMENTAL SAFETY SERVICES, INC. (ESSI) FOR THE WOOD CREEK AND FOX CREEK EROSION CONTROL PROJECTS (TIMBERWAY/BRAEBURN) IN THE AMOUNT OF \$233,565.**
3. **BID #03-13 – WE REQUEST AUTHORIZATION TO ISSUE A CO-OP PURCHASE ORDER TO DORON PRECISION SYSTEMS, INC. FOR AN EMERGENCY DRIVING SIMULATOR SYSTEM FOR THE FIRE DEPARTMENT THROUGH THE TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) CONTRACT #TXMAS-12-874070 IN THE AMOUNT OF \$329,981.50.**
4. **BID #04-13 – WE RECOMMEND THE AWARD TO SUNGARD PUBLIC SECTOR FOR THE ANNUAL MAINTENANCE OF THE EXISTING HTE OPERATING FINANCIAL SOFTWARE IN THE AMOUNT OF \$131,404.80.**
5. **BID #05-13 – WE RECOMMEND THE AWARD TO AT&T FOR CELLULAR COMMUNICATIONS SERVICES THROUGH THE STATE OF TEXAS DEPARTMENT OF INFORMATION SERVICES CONTRACT #DIR-SDD-1777 IN THE AMOUNT OF \$136,500 AND TO VERIZON WIRELESS THROUGH THE STATE OF TEXAS DEPARTMENT OF INFORMATION SERVICES CONTRACT #DIR-SDD-1779 IN THE AMOUNT OF \$63,250 FOR AN ESTIMATED TOTAL AMOUNT OF \$199,750.**

Council Action

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

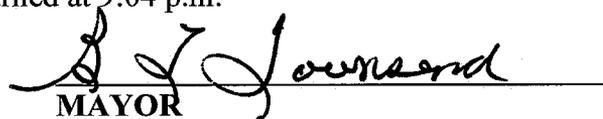
9. **RECEIVE THE SIGN CONTROL BOARD MINUTES OF THE OCTOBER 3, 2012 MEETING.**

Council Action

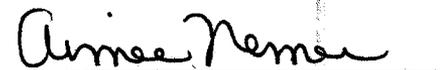
Councilmember Solomon moved to receive the Sign Control Board Minutes as presented. Councilmember Mitchell seconded the motion. A vote was taken and passed, 7-0.

ADJOURNMENT

With no further business, the meeting was adjourned at 9:04 p.m.


MAYOR

ATTEST:


CITY SECRETARY

