

**MINUTES**  
**RICHARDSON CITY COUNCIL**  
**WORK SESSION MEETING**  
**JANUARY 14, 2013**

**WORK SESSION – 6:00 P.M.:**

• **Call to Order**

Mayor Townsend called the meeting to order at 6:00 p.m. with the following Council members present:

Bob Townsend	Mayor
Laura Maczka	Mayor Pro Tem
Mark Solomon	Councilmember
Scott Dunn	Councilmember
Kendal Hartley	Councilmember
Steve Mitchell	Councilmember
Amir Omar	Councilmember

The following staff members were also present:

Dan Johnson	City Manager
David Morgan	Deputy City Manager
Cliff Miller	Assistant City Manager Development Services
Don Magnier	Assistant City Manager Community Services
Shanna Sims-Bradish	Assistant City Manager Admin/Leisure Services
Samantha Woodmancy	Management Analyst
Aimee Nemer	City Secretary
Steve Spanos	Director of Engineering
Jim Lockart	Assistant Director of Engineering

The following special guests were also in attendance:

Dr. David Daniel, President, UTD  
Calvin Jamison, VP for Administration, UTD  
Amanda Rockow, VP for Public Affairs, UTD

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

**Staff Comments**

Don Magnier, Assistant City Manager reviewed three Sign Control Board cases:

- 13-01 Warming Hut, 331 N. Central Expressway requesting variance for a pole sign to be located twelve feet from the adjoining property
- 13-02 Texas Instruments, 300 W. Renner Road requesting variance to allow an eight foot, six inch tall, fifty-five square foot monument sign at the northwest corner of Alma and W. Renner; and to allow a seven foot tall monument sign at the entrance off of W. Renner
- 13-03 Golf Cars of Dallas, 2100 Alamo Road requesting a variance to allow a multi-tenant pole sign that is forty feet in height and one-hundred twelve square feet in area

**B. Review and Discuss the State of the University of Texas at Dallas**

Dr. David Daniel, President, UTD, reviewed the State of the University of Texas at Dallas:

- Goal to be a Tier One, nationally competitive, research university
- 43 year old university with 19,750 total students and 3560 living on campus
- 1200 university employees are Richardson residents
- Ranked 3<sup>rd</sup> public university in Texas
- Review of campus enhancements and new construction
- Community outreach programs
- City of Richardson partnerships
- Economic impact
- Request assistance from the City in developing property north of main campus

**C. Review and Discuss the Sidewalk Continuity Survey**

Jim Lockhart, Assistant Director of Engineering, addressed this item with Council.

- Review of recent City projects that include new sidewalk construction
- Survey of public sidewalks – approximately 60 miles of public street parkway does not have a public sidewalk and are categorized as follows:
  - Undeveloped tracts – approximately 24 miles
  - Developed residential – approximately 15 miles
  - Developed commercial – approximately 10 miles
  - City – approximately 7 miles
  - School – less than 2 miles
  - Rail Road – less than 2 miles
- Review of construction candidate sites estimated to cost \$4,000,000
  - UT Dallas Trail Phase 2
  - SH190 west of Alma
  - North Stat – Otto Middle School Route
  - E. Renner – Schell Elementary School Route
  - Canyon Creek Drive east of Custer
  - Collins Overpass
  - Plano at Greenville
  - Centennial at KCS
- Next steps:
  - Proceed with funded City projects that include sidewalk construction
  - Continue to seek funding sources for construction of candidate sites
  - Construct network improvements in conjunction with other adjacent City projects where possible
  - Update Capital Project database to include the results of the survey and Council direction on priority locations

**Council Discussion**

Council discussed some possible locations that were not included in the survey. City Manager Johnson requested Council to review the location map and report any missing areas to Staff. Mr. Johnson stated that he would provide Council with a list of locations and a larger map. Council requested that the list include cost estimates and potential funding for each location.

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

There were no Items of Community Interest Reported.

1. **INVOCATION – AMIR OMAR**
2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – AMIR OMAR**
3. **MINUTES OF THE DECEMBER 10, 2012 COUNCIL MEETING, DECEMBER 17, 2012 SPECIAL MEETING, AND JANUARY 7, 2013 WORK SESSION.**

**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**

The following visitors submitted comments in opposition of Ordinance No. 3847 regarding rental registrations and inspections and requested a review of the ordinance.

David Farnham  
Joshua Callahan  
Mitzi Armado  
Peter Balbus  
Robert Pittana

Mayor Townsend asked City Manager Dan Johnson to briefly address the comments. Mr. Johnson stated that the ordinance was developed with consultation with the City Attorney and staff is competent in its legal structure. He explained that in regards to the Municipal Court proceedings, procedures were followed in accordance with the law. Mr. Johnson stated that Council and staff will reflect on the points of view from tonight's comments as well as previous points of view raised during the development of the ordinance. Mr. Johnson explained that staff will take direction from Council on further review of the ordinance.

5. **CONSIDER RESOLUTION NO. 13-03, DESIGNATING THE REAL PROPERTY LOCATED AT THE 400 BLOCK OF WEATHERRED DRIVE RICHARDSON, TEXAS AS A NEIGHBORHOOD PARK; NAMING THE HEIGHTS NEIGHBORHOOD SMALL PARK "DURHAM PARK".**

**Council Action**

Councilmember Solomon moved to approve a resolution designating the park on Weatherred Drive as "Durham Park". Mayor Pro Tem Maczka seconded the motion. A vote was taken and passed, 7-0.

**Public Comments**

The Durham family was present and thanked the City Council for recognizing their family.

**6. CONSENT AGENDA**

ALL ITEMS LISTED UNDER ITEM 6 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. 3895, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES BY AMENDING SECTION 4-7(A) TO ALLOW THE SALE OR SERVING OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION UPON APPROVAL OF A SPECIAL PERMIT IN ACCORDANCE WITH ARTICLE XXII-A OF THE COMPREHENSIVE ZONING ORDINANCE GRANTED AFTER OCTOBER 1, 2011, FOR A RESTAURANT WITHOUT DRIVE-THROUGH OR CURB SERVICE IN ANY O-M, TO-M OR INDUSTRIAL DISTRICT OR FOR A RESTAURANT WITHOUT DRIVE-THROUGH OR CURB SERVICE WITH A SPECIAL PERMIT FOR A PRIVATE CLUB IN ANY INDUSTRIAL DISTRICT.**

**B. CONSIDER THE FOLLOWING RESOLUTIONS:**

- 1. RESOLUTION NO. 13-01, PROVIDING FOR THE REDEMPTION OF A PORTION OF THE OUTSTANDING "CITY OF RICHARDSON, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, TAXABLE SERIES 2004"; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE REDEMPTION OF SUCH OBLIGATIONS.**
- 2. RESOLUTION NO. 13-02, APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.**
- 3. RESOLUTION NO. 13-04, ESTABLISHING FEES AND CHARGES FOR THE USAGE OF CERTAIN PARK AND RECREATION FACILITIES IN THE CITY OF RICHARDSON BY RESIDENTS AND NON-RESIDENTS.**

**C. AUTHORIZE THE ADVERTISEMENT BID #26-13 - 2010 ALLEY RECONSTRUCTION PHASE II WITH SANITARY SEWER REPLACEMENT (GREENLEAF/RIDGEDALE/ LOCKWOOD). BIDS TO BE RECEIVED BY THURSDAY, JANUARY 31, 2013 AT 2:00 P.M.**

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

- 1. BID #16-13 - WE RECOMMEND THE AWARD TO INTEGRITY TEXAS CONSTRUCTION FOR THE COMMUNICATIONS HVAC PHASE 2 IN THE AMOUNT OF \$152,700.00 AND TO FEDERAL MECHANICAL SYSTEMS, INC., FOR THE LIBRARY COOLING TOWER IN THE AMOUNT OF \$180,500 FOR A TOTAL AMOUNT OF \$333,200.00.**
- 2. BID #27-13 - WE REQUEST AUTHORIZATION TO ISSUE A CO-OP PURCHASE ORDER TO HEIL OF TEXAS FOR FIVE (5) REAR**

LOADER REFUSE BODIES FOR SOLID WASTE SERVICES THROUGH THE TEXAS LOCAL GOVERNMENT STATEWIDE PURCHASING COOPERATIVE BUYBOARD CONTRACT #357-10 IN THE AMOUNT OF \$269,150.

3. BID #28-13 – WE REQUEST AUTHORIZATION TO ISSUE A CO-OP PURCHASE ORDER TO SUNBELT POOLS FOR SWIMMING POOL REPLACEMENT FILTERS FOR COTTONWOOD POOL (\$44,750) AND GLENVILLE POOL (\$31,200) THROUGH THE TEXAS LOCAL GOVERNMENT STATEWIDE PURCHASING COOPERATIVE BUYBOARD CONTRACT #367-10 FOR A TOTAL EXPENDITURE OF \$75,950.

E. CONSIDER REJECTION OF BID #43-12 – WE RECOMMEND REJECTING ALL BIDS RECEIVED FOR THE 2012 PUBLIC BUILDINGS ENERGY REDUCTION INITIATIVES PROJECT.

F. AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 4 TO PURCHASE ORDER NO. 120797 TO CAMINO CONSTRUCTION FOR THE STREET REHAB PHASE III – MELROSE (COIT TO WEST SHORE) & MEADOWVIEW COURT IN THE AMOUNT OF \$185,000.00.

Council Action

Councilmember Mitchell moved to approve the Consent Agenda as presented. Councilmember Hartley seconded the motion. A vote was taken and passed 7-0.

7. RECEIVE THE SIGN CONTROL BOARD MINUTES OF THE JANUARY 9, 2013 MEETING.

Council Discussion

Councilmember Omar requested that Council separately review the sign cases on Case 13-01 and 13-02 which are both located on U.S. 75.

Council Action

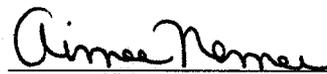
Mayor Pro Tem Maczka moved to approve Sign Case 13-02 and review Sign Case 13-01 and 13-02 separately. Councilmember Dunn seconded the motion. A vote was taken and passed 7-0.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 7:07 p.m.

  
MAYOR

ATTEST:

  
CITY SECRETARY



Good evening, and thank you for this opportunity to speak before the council.

My name is Peter Balbus, and I am a tenant who has rented a private single family home in Richardson for the last 6 years. The economics of home ownership in this area made renting a better choice for me than buying -- but somehow that choice has now set me apart as a different class of resident subject to an ordinance that only applies to those who rent single family homes. My next-door neighbors who live in essentially identical single family homes -- are not subject to this ordinance. I find that odd. But the unoccupied bank foreclosures in my neighborhood sit there, with their unsightly dead lawns and overgrown bushes and shrubs ... falling into ruin.

While I currently rent, I have also owned multiple homes in the past -- 4 of them since 1986. The last property I owned was a vintage 1904 residence where I lived for 10 years and sold it in 2006 for \$525,000. I acted as the general contractor in restoring the house to its original design and finishes... So I also know something about residential housing codes and can tell whether my heating system and toilets are working properly.

As a renter now, I have the greatest landlords I could hope for -- responsive, caring and conscientious. The home I lease was immaculate and fully updated when I moved in, with 20 amp electrical circuits, smoke and carbon monoxide detectors, new kitchen exhaust and HVAC filters, and yes, every wall switch and electrical outlet has a UL-approved cover on it.

Since I moved into the house, my landlords have further invested tens of thousands of dollars to upgrade the property, installing marble floors in the bathrooms, quarry tiles in the eat-in kitchen and new carpet and padding throughout the rest of the house.

They replaced the outdoor heater for the backyard swimming pool and installed a new insulated garage door. They have the home and grounds inspected and treated every year for insects and rodents by a licensed pest inspector and have a licensed HVAC engineer inspect the heating and air conditioning system twice a year. Any time I have ever needed a repair they have responded immediately and taken care of it without delay -- and without costing me a penny.

And last week in Richardson municipal court, the conscientious wife of the couple I rent from was convicted of criminal charges under your rental inspection ordinance -- because I didn't want my home invaded and searched against my will. By your own published data, 643 out of the 644 homes searched in 2012 passed their inspections. So what exactly is the clear and present danger that this inspection program is intended to save us from?

The ordinance clearly states that entry is to be obtained "only with the permission of the tenant" -- and I did not grant my permission. I have serious issues with an unlicensed administrator of the city conducting an invasive, forcible search of my home, rooting through my kitchen, my bedrooms, my closets and personal possessions, all to tell me whether my home is fit to live in. I'm perfectly capable of making that determination myself, thank you!

It costs the city hundreds of thousands of dollars a year to administer and enforce this program -- money that could be better spent in other ways --perhaps to actually improve the quality of life for the residents of Richardson.

I'm not sure why renters of single-family homes are being singled out for these forced inspections if the stated purpose is to protect the health and safety of the public. The public doesn't come into my home. I do not understand the rationale for why my basic rights to be secure in my home and free from government searches without probable cause are being violated.

I am sure that the council only has the interests of the electorate at heart with this ordinance, and yes, renters vote too. In fact, this ordinance is likely to bring out landlords and tenants in much larger numbers than ordinary homeowners in the next election given the manner in which it is being enforced -- with innocent citizen-landlords being convicted on manufactured criminal offenses.

We don't have to go the way of Garland with all of its conflicts, entanglements and costs. We can do better than that. I ask that the council place this ordinance on the agenda so the public can express their views on it -- and with the intent to find common ground so that all parties involved are comfortable with its provisions.

1) By way of introduction, my name is David Farnham. I own two rental properties in Richardson, on which I spent \$45,000 to improve and upgrade.

I've also spent \$30,000 on improvements to my own home in the city, which was distressed when I bought it. I also spent \$40,000 on rehabbing a distressed home on Elizabeth Street, just south of Beltline.

I pay over \$12,000 a year in property taxes for the two rental properties and my own home. So, I'm not a corporation with large real-estate holdings, just a private citizen making investments in my community and managing a small number of rental properties.

2) Tonight I'd like to offer some observations on how the City of Richardson rental registration and inspection ordinance is adversely affecting me, my tenants and ultimately putting you and the city at high risk of potential pushback by the community and other negative consequences.

My fellow landlord Robert, in the audience tonight, spent thousands of dollars upgrading three distressed properties in Richardson for rental. He's still investing, but not in Richardson, because of this inspection program.

You may or may not be aware that how your city inspectors are implementing the ordinance and how your courts are prosecuting landlords for non-compliance raises many questions.

When an ordinary citizen begins to feel that he can't get a fair hearing with the city, then something is definitely wrong.

3) In case you are not aware of it, your ordinance provides for the following: The landlord is required to schedule an inspection and make the property available. Then your inspectors can go to the property and ask the occupants, the tenants, for permission to enter. If the tenants say no, then the inspectors can get an administrative warrant to gain entry.

But that is not what is happening.

First of all, your inspectors are attempting to coerce tenants into allowing the inspections against their will. And they are telling landlords to go there when the tenants aren't home to let the inspectors in, which would appear to be a serious violation of those tenant's rights.

Second, when landlords refuse to trample on the rights of their tenants, the inspectors are filing criminal citations against those landlords. I was taken to court over this property (Maryland photos)

Third, your municipal judges are barring the juries from seeing copies of the complete ordinance in a flagrant effort to ensure convictions.

4) As a landlord, I can appreciate the city's intent to ensure the health and safety of its citizens. I pride myself on maintaining my properties because it's the right thing to do, but it also helps ensure that my properties remain rented! But with 644 city inspections now completed, and exactly one property found to fail inspection, this is obviously a program attempting to solve a problem that does not exist.

This program was implemented without consultation and advice from landlords in your city. I believe it's time to correct that. I respectfully request that your place the registration/inspection ordinance back on the agenda so it can be made workable for the people most directly affected by it -- the landlords of Richardson -- and their tenants.



Today I'd like to make a comment and a suggestion on the city's rental registration program.

1) I have a rental property in Richardson. When I bought it in 2007, I spent \$30K putting a new roof, a new driveway and new flooring, and a new fence in 2010. I pay \$5K in property taxes on it in addition to \$5K on my primary residence in Richardson. I registered this rental property with the city in 2009 and have been paying the reg. fees ever since.

I recently found that some landlords weren't even requested to register their rental properties or pay the registration fee until 2012. My understanding is that quite a few rentals aren't registered yet.

At the council meeting of Nov 28, 2011, some council members said that they wanted to reward good landlords. It looks to me like good landlords are being punished instead of being rewarded.

I'd like to know how the city is going to address this unfair practice, charging only some of us, for 4 yrs. I urge the city to at least suspend the program until every rental in the city is identified. This is NOT fair.

2) Punishing good landlords is exactly what happened in Garland in 2005. When Garland started a rental registration program in 2005, good landlords incl. myself came forward and registered their rentals. Then their rentals were inspected and they were cited for every little thing, including bathroom carpet and flies in the house. In the following year, the registrations dropped by 40%. Some landlords were so upset that they sold their rentals. Others sued the city.

Initially, Garland was inspecting occupied homes (yellow card), but Garland did NOT enter rentals when tenants objected. So what Richardson is doing is worse, trying to enter homes even when the residents object.

The Richardson ordinance says "an inspector may enter any unit with the occupant's permission", but the city is NOT taking no for an answer from occupants. And a landlord was punished for that and found guilty and fined at the trial last week. The judge did NOT allow the jury to see that part of the ordinance that an inspection requires an occupant's permission.

At a public hearing in Garland a few yrs ago, a landlord originally from Poland said, "I came to this country to escape from this type of government oppression. I cannot believe this is happening here." Does Richardson want this kind of reputation?

After Garland lost the lawsuit and paid \$90K legal fees for the plaintiff, the city revised the ordinance. Now they reward good landlords. We landlords take a class provided by the city and the city certifies us, exempting us from inspections, while allowing the city to focus its efforts and resources to go after slumlords or properties that really need attention. Also, we pay only \$55 for 3 years, NOT every year, for the registration.

By rewarding good landlords, Garland was able to motivate landlords to register their rentals with the city. Their rental registrations went up. If you want landlords to register their properties, I suggest you use positive reinforcement instead of negative reinforcement. If you treat every landlord as if they are slumlords or criminals, you will agitate good landlords and the outcome could be ugly.

I believe, in order for the rental registration program to succeed, you need input and cooperation from the landlord/renter community. As a landlord, I'm willing to work with the city on that front.

As a taxpayer, I'd like to see the city expend its financial and human resources more efficiently. It's more efficient to focus your resources on going after properties that really need attention. Trying to inspect all the rentals in the city is not a good way to spend city resources, esp. when only one of 644 inspections fails. That's .1%.

I ask that the council revisit Ordinance 3847.