MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
November 8, 2010
City of Richardson, Texas

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, November 8, 2010 with a quorum of said Council present, to-wit:

Gary Slagel	Mayor
Bob Townsend	Mayor Pro Tem
Mark Solomon	Council member
John Murphy	Council member
Bob Macy	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
EA Hoppe	Assistant to the City Manager
Pamela Schmidt	City Secretary

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1. INVOCATION

2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS

3. MINUTES OF THE OCTOBER 25, 2010 MEETING

ACTION TAKEN: Mr. Macy moved approval of the minutes as presented; second by Mr. Mitchell and the motion was approved with a unanimous vote.

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4. VISITORS.

Steve Lewis, 1105 Pawnee Drive, spoke against naming the homeowner association of Richardson Heights Estates North as "The Reservation" stating he finds the use of the name "Reservation" offensive and demeaning to some American Indians. He spoke in favor of the capital funding request with the caveat that it not include the name "Reservation."

Jerry Silverman, 1006 Dunbarton, Richardson, stated he bought his first of three homes in Richardson in 1969. He asked that the Council keep in mind the attrition rate of seniors when considering implementing a senior tax ceiling, and also asked the Council to remember that they are talking about people's lives as well as the integrity of Richardson.

Jay Dalehite, 315 Meadowlark Drive, felt the City would be revenue neutral if the Council implemented a senior tax ceiling. He felt the tax freeze and the exemption are both permanent.

Jim Mallett, 1623 Greenhaven Drive, stated he was encouraged with a senior tax ceiling that would end up being revenue neutral and encouraged the Council to continue to review the issue and consider holding a public hearing. He stated that he would not be in favor of a senior tax freeze if it negatively impacted younger tax payers because he did not think that would be fair.

Jeffrey Sturat Katz, 9400 MacArthur Blvd., Irving, addressed the Council about a friend of his, Mark Alan Cocker, who is currently being held in the Richardson jail and referred to his legal research he provided to the City Manager's office for the City Council.

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5. PUBLIC HEARING, ZONING FILE 10-10: A REQUEST BY RICHARD FERRARA, REPRESENTING ABDUL KHAN, TO REZONE APPROXIMATELY 11.3 ACRES FROM I-M(1) INDUSTRIAL TO PD PLANNED DEVELOPMENT FOR R-1100-M USES AT THE SOUTHWEST QUADRANT OF HOLFORD ROAD AND CHAINHURST DRIVE. THE PROPERTY IS CURRENTLY ZONED I-M(1) INDUSTRIAL.

Mr. Keffler advised that the Plan Commission first heard the application on July 20, 2010 when it was continued to allow the applicant more time to meet with the adjacent neighborhood residents. He stated that a revised application was heard by the Plan Commission on October 19, 2010 and the Plan Commission recommended approval with a unanimous approval. He asked Sam Chavez, Asst. Director of Development Services – Planning, to brief the Council.

Mr. Chavez stated that the request is to rezone 11.3 acres located at the southwest quadrant of Holford Road and Chainhurst Drive from I-M Industrial to PD for the R-1100-M Residential District with modified development standards to accommodate a 35 lot single family subdivision and an existing 120 ft. monopole antenna tower. He advised that the antenna tower has been in place since 1997. The future land use plan designates the site as office and industrial. He explained that the request heard on July 20 was continued by the Commission to allow the applicant and adjacent homeowners to meet to work on a development plan that would be conducive to both. The plan that was developed depicts a 35-lot single family subdivision with access from Holford Road that utilizes a screening wall and wrought iron fencing along the north and west boundaries of the site; common area lots to be landscaped and maintained by the HOA, and a requirement for a tree maintenance easement located in the northwest portion of the site. He referred to the development standards, traffic impact analysis, and drainage study. He advised that the Plan Commission recommended approval on a vote of 7-0 subject to the conditions found on exhibit C.

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

Richard Ferrara, 405 N. Waterview, stated the application was the third or fourth iteration of the plan for the site and the second since he was retained. He talked about the drainage on the property and the requirement to retain all 3" caliber trees. He also referred to the requirement that each lot be developed with three trees. He referred to a proposed wrought iron fence to assist with tree maintenance and also referred to masonry walls at three separate locations on the site. The alley was proposed to provide a permanent public maintenance and access to the existing wooden fence of an existing property owner. He stated the preference for the absence of alleys was to reduce runoff and he noted his personal dislike of alleys. He advised that the main entrance was widened so that it qualifies as two points of access and can accommodate emergency vehicles. The average minimum lot size is 9,350 sq. ft. and the minimum lot size is 8,175 sq. ft. He explained that the plan provides a tier of house sizes and noted that the

photographs provided are intended to reflect the minimum standards. He felt there was more concern about the capability of the developer than the proposed plan. He stated he represents the land owner who is not the developer.

Mr. Murphy asked about the "creek" and Mr. Ferrara stated that by his definition it was a drainage way that does not flow all of the time and stated he has seen nothing that designates the area as a creek. He stated that the north end of the area is too deep to be called a ditch, but the area to the south end could be walked over. He felt that most of its existence was water coming from the pipe.

Mr. Mitchell noted there are other subdivisions with lots that have front entry garages and voiced his concern with the sustainability of subdivisions that don't have alleys and also questioned the lack of brick on chimineys. Mr. Ferrara stated the photos of homes he provided were submitted to establish minimum quality standards. With regard to chimneys, he stated he was not trying to circumvent or overwrite existing ordinances and it would be okay if a plan is submitted without a brick chimney and the building official denies it. He noted that the proposed alley addresses a concern of the existing homeowner and helps to enhance the view from the east looking to the west so that you are not looking through wrought iron and the neighbor's yard. Mayor Slagel noted that the Council began requiring brick chimneys after Creek Hollow was built and is why some of the homes don't have brick chimneys.

Mr. Solomon asked about the entrance to the neighborhood and Mr. Chavez stated it satisfies the City's requirements in regard to emergency access. Mr. Ferrara stated he is unaware of any concerns regarding solid waste. With regard to Lot 1, he stated it might be better to have a smaller home there to address privacy concerns.

Mr. Omar questioned the alley and spoke in favor of no alley. Discussion was held on how the area would be developed if the plan did not include the alley. Mr. Ferrara reiterated that the alley was an important part of the compromises reached between the residents and the owner.

In response to Mr. Murphy, Mr. Ferrara stated he did not bring any building material because it is a residential property and the photographs he provided reflects the minimum standards. Mr. Murphy stated his concern regarding trees was relieved based on the reading of the deed restrictions. Mr. Ferrara explained that while the developer is required to keep all trees with a 3" caliber size and provide at least three trees per lot, the homeowner would not be prohibited from cutting down unwanted trees.

Mr. Mitchell asked how the property would be developed. Mr. Ferrara stated the plan is to open up lot sales to general builders and he underscored that if a builder purchases several or all of the lots, the standards placed in the ordinance still must be honored. He stated he his not concerned that the property would not be completed as proposed. He emphasized that there is no single path to the construction of a house.

Mr. Townsend asked about the existing cell tower and Mr. Ferrara stated the area would be landscaped and the current owner plans to retain ownership of the site and is in conversation with the lessee about early vacation of the lease or relocation of the site, and would ultimately be developed with a single family residence.

Mayor Slagel noted there were speakers present to address the Council regarding the request and asked the City Secretary to proceed. Ms. Schmidt advised that nine individuals submitted appearance cards in opposition to the request, but did not wish to speak, and one individual

submitted a card in favor of the request, but did not wish to speak. The following speakers were invited to speak regarding the request.

Leroy Brunner, 4152 Binley Drive, stated he is concerned about the development of the property and the drainage of the property. He talked about the ditch adjacent to the Bank of America property and about the flow of water on the site. He voiced a concern that the water flow would have a negative impact on the city of Garland. He felt the expense to develop the property would make the development unfeasible.

Tony Hall, 4005 Chainhurst, stated that his home is located within the 200' distance for required notification and that he would be impacted by the development. He noted the inconsistencies of and untruthfulness of the information first provided to the residents and stated that he appreciated the assistance and explanations provided by working with Mr. Ferrara on the development of the project. He voiced drainage concerns and stated the proposed alley serves the purpose of maintaining the current fence of the existing homeowner and to maintain the original development standards to buffer the area. He stated there are still a lot of concerns such as whether or not it is a viable development, and encouraged the City to monitor the developer. He also encouraged the Council to review the current zoning prior to making a decision. Mayor Slagel clarified that the applicant would like to develop a subdivision that is like the area around it and stated the City's job is to insure that the property is developed as defined. Mr. Hall stated that notwithstanding knowing who the developer will be, he still had concerns and questions regarding drainage and viability of the development as proposed. In response to Mr. Mitchell, Mr. Hall stated that if an alley were not approved, he would request a greenbelt to provide the buffer as required in the current zoning. Mr. Hall clarified that he stands opposed to the proposal and stated the major concern is the risk and time it would take to develop the property. Mr. Omar reiterated his preference for a greenbelt rather than an alley and Mr. Hall stated his preference for the alley.

Mayor Slagel provided rebuttal time to Mr. Ferrera. Mr. Ferrara stated that one of the things included in the application are buffers between Creek Hollow and Crystal Creek. He noted that there will be no structure any closer to the fence than there would be in the industrial zoning. He talked about the history of the zoning on the property and reiterated that there is no developer; only a land owner. He acknowledged there was a huge amount of misinformation and miscommunication in the beginning, all of which he hoped was off the table with the proposed plan. With regard to drainage, Mr. Chavez explained that the actual drainage study will occur after the engineering drawings are prepared and nothing will occur until the drainage study is completed, submitted and approved. Based on the preliminary study area, the existing drainage system can handle the drainage.

Mr. Solomon moved to close the public hearing; second by Mr. Omar and the motion was approved with a unanimous vote.

Mayor Slagel opened the floor for discussion by Council. Mr. Murphy stated in general he likes the proposal. He stated that the quality of the homes does matter to the buyers and quality does last. He voiced encouragement for the developer to go as far as possible to make it a top quality area, particularly using brick chimneys. Mr. Omar stated he can sympathize with Mr. Hall due to the confusion in the beginning, but was also in favor of the proposal and encouraged a high quality development. He stated he would be in favor of eliminating the one alley and adding more green space. Mr. Solomon felt the photos submitted establishes a standard of quality. He spoke in favor of not having a cookie cutter subdivision and favored individuality. He felt residential would be a better use than the current industrial zoning. Mr. Mitchell agreed

with the change in zoning to residential from industrial. He spoke in favor of more alleys and felt there were safeguards in the proposal that would protect the adjacent neighborhoods. Mr. Macy applauded the work of Mr. Ferrara with the residents and spoke in favor of the proposal. Mr. Townsend stated he would support the request and felt the alley needed to remain as proposed for buffer purposes. He felt Mr. Ferrara would secure a good developer for the property.

ACTION TAKEN: Mr. Murphy moved approval of ZF 10-10 as presented by the Plan Commission; second by Mr. Macy. Discussion continued on the need for the alley. The motion was approved with a unanimous vote.

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6. PUBLIC HEARING, ZONING FILE 10-15: A REQUEST BY HOANG NGUYEN TO ADD A SPECIAL CONDITION TO ALLOW A PHARMACY IN AN I-M(1) INDUSTRIAL DISTRICT LOCATED AT 3005 E. RENNER ROAD. THE PROPERTY IS CURRENTLY ZONED I-M(1) INDUSTRIAL.

Mr. Keffler stated the request was heard by the Plan Commission on September 21, 2010 resulting in a recommendation of approval of the request. He asked Mr. Chavez to brief the Council.

Mr. Chavez stated the request was to allow a 2,200 sq. ft. pharmacy within an existing 6,600 sq. ft. medical office building as a special condition within the current zoning designation. As proposed, the request would not change the zoning on the property, but would allow a pharmacy under specific conditions. The site is at the northeast corner of Renner Road and Shiloh Road, and consists of six separate medical office buildings with a combined total of 37,000 sq. ft. He explained that the Industrial district allows incidental retail uses to occupy 10% of a minimum 30,000 sq. ft. building; therefore without the amendment, the requested use would not be allowed since it would occupy a 6,600 sq ft. building. He advised that the site has sufficient parking and the pharmacy would be restricted to the sell of prescription and non-prescription pharmaceutical drugs; and would be quite different from a typical Walgreens or CVS Pharmacy. He referred to letters received in favor of the request and advised that the Plan Commission recommended approval on a vote of 7-0.

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

Houng Nguyen, 3316 Haley Court, Richardson, stated he was representing a company that recently developed medial/dental office complexes in 2009 and noted the need for a prescription pharmacy for the patients in the area, especially with the Methodist Richardson Medical Center moving into the area. He stated they would strictly provide prescription medications and medical supplies and related equipment. He agreed with the statement by Mr. Chavez that they would not provide the type of service provided by CVS.

Mr. Murphy asked the applicant to confirm that they have no desire to sell anything other than a medicine, non-prescription medication or medical related products and Mr. Nguyen stated they have no interest in selling non-medical items. Mr. Macy asked if they had formed an agreement with Methodist Richardson Medical Center and Mr. Nguyen replied they do not have a relationship with MRMC.

Mr. Solomon moved to close the public hearing; second by Mr. Omar and the motion was approved with a unanimous vote.

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

7. PUBLIC HEARING, ZONING FILE 10-16: A REQUEST BY MANNU MEHTA, MANNAT FOOD INC., REPRESENTING JACK IN THE BOX, FOR A SPECIAL PERMIT FOR A DRIVE-THRU RESTAURANT AT 510 W. ARAPAHO ROAD. THE PROPERTY IS CURRENTLY ZONED C-M COMMERCIAL.

Mr. Keffler stated the area was a 0.71-acre site located at the south end of the Northrich Village Shopping Center. He noted that the previous restaurant on the site was demolished in 2008. The Plan Commission considered the request on October 5, 2010 and recommended approval of the request with the condition that the above ground utilities be relocated to the east side of the building and screened. He asked Mr. Chavez to brief the Council.

Mr. Chavez stated the request is for a special permit for a 2,300 sq. ft. drive-through restaurant located on the north side of Arapaho Road just west of Custer Road, zoned C-M Commercial. The proposed Jack in the Box is a 100% masonry structure and as proposed, the site conforms to all City codes and ordinances. He explained that as part of the development, the cross access on the site will be eliminated. He noted that the site to the south of the subject site currently accesses through a median opening on Arapaho Road and cutting across the subject site to the adjacent site. He noted there is no mutual access easement on the property and the cross access has occurred simply as a matter of practice. He explained that the proposal would improve some of the traffic circulation at the intersection of the driveway and Arapaho Road. The applicant has provided ample internal storage and increased the amount of landscape buffer along Arapaho Road. He reported that the Plan Commission considered the request on October 5 and recommended approval with a condition that the above ground utility equipment be moved to the east side of the building. He provided elevations of the building to illustrate the location of the equipment.

Mr. Solomon asked about landscaping requirements and Mr. Chavez stated the green area would include shrubs and ornamental trees, and explained that the next phase in the development process would include the plat, site plan and building elevations. He noted that the fireplace on the outside of the building in the photo would not be included. Mr. Omar asked about the design elements and Mr. Chavez stated he believes they have added some dimensional depth to the building referring to the canopies. Mr. Murphy voiced a concern about patrons being able to access the adjacent property and asked about the ability for drivers to make a U-turn at the intersection of Custer and Arapaho and if not, was there any other remedy. Mr. Chavez stated that without eliminating internal storage, there was no other means of providing access and reiterated that there was no legal right to access through the Jack in the Box property.

David Gregory, 250 W. Southlake Blvd., #117, Southlake, representing Icon Consulting Engineers for Mannat Foods, stated they have worked diligently with staff to develop the proposed site plan. He stated that the existing median opening for Arapaho is extremely wide and they have committed to trying to remedy the situation. To address it, he stated that they have increased the landscape buffer along the front to bring it into compliance with City standards and will provide a minimum 20' radius to allow a much better circulation for the entire shopping center. He stated that one of the things he likes about the layout is that people would move in from Arapaho and would allow for stacking that would provide a safer and more efficient traffic flow.

Mr. Solomon stated he really likes the design that provides for outdoor seating and asked what would preclude some type of outdoor area from being provided. Mr. Gregory stated they have found that outdoor seating is not used very much, especially in Texas, due to the heat. He also noted that the proposed site did not have enough space to allow for outdoor seating. He stated that the fireplace is no longer an element at any of the Jack in the Box locations. With regard to architectural features, he referred to the awnings, canopies, marquee advertising board, windows, a small building offset and elevation changes along with an accent panel on top. He also noted the different brick color. In response to Mr. Omar, Mr. Gregory referred to the proposed elevations to bring attention to the elements and features of the building. In answer to Mr. Murphy, Mr. Gregory advised that the property was currently under contract for purchase.

Mr. Solomon moved to close the public hearing; second by Mr. Omar and the motion was approved with a unanimous vote.

ACTION TAKEN: Mr. Murphy moved approval of ZF 10-16 as presented by the Plan Commission; second by Mr. Macy and the motion was approved with a unanimous vote.

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8. PUBLIC HEARING, ZONING FILE 10-17: A REQUEST BY BETH MARTINDALE, REPRESENTING CLEAR WIRELESS, LLC, TO AMEND A SPECIAL PERMIT TO ALLOW A FIFTH ANTENNA AND EQUIPMENT SHELTER ON AN EXISTING MONOPOLE AT 3205 E. RENNER ROAD (NORTH SIDE OF RENNER RD, EAST OF SHILOH RD). THE PROPERTY IS CURRENTLY ZONED I-M(2) INDUSTRIAL.

Mr. Keffler stated the Special Permit was initially granted in 2006 to allow a 4th antenna platform at that time. The City Plan Commission voted 6-0 to recommend approval of the request and asked Mr. Chavez to brief the Council.

Mr. Chavez stated the request was for a Special Permit to allow a 5th antenna platform and equipment shelter on the existing 125' high freestanding monopole. The site is located at the northwest corner of Renner Road and Spectrum Boulevard. ClearWireless would be the fifth antenna platform and would be installed at a height of approximately 93 feet. He advised that as part of the application, the applicant plans to install a stainless steel cover system to hide the coax cable and noted that the system allows them to remove each 8' section for maintenance. He advised that the Plan Commission heard the request on October 19, 2010 and recommended approval with a 6-0 vote.

Mr. Macy asked about wind velocity and Mr. Chavez stated part of the permitting process will include a requirement for the applicant to submit the engineering study to show the structure of the facility. In response to Mr. Solomon, Mr. Chavez stated that staff strongly encourages that all coax cables be enclosed inside the monopole. Mr. Solomon suggested that staff should work diligently to that end on all towers and poles.

Mayor Slagel opened the public hearing and invited the applicant to the podium.

Beth Martindale, 1141 Powell Road, Lantana, Texas, representing Clear Wireless, LLC, explained the request and stated that the coax cover is made by Belmont Industries, which has been in business for a long time manufacturing parts for cell towers. She advised that she has a letter from the structural engineer stating that even with the coax cover the monopole would still meet the wind speed requirement.

Mr. Solomon moved to close the public hearing; second by Mr. Mitchell and the motion was approved with a unanimous vote.

ACTION TAKEN: Mr. Townsend moved approval of ZF 10-17; second by Mr. Omar and the motion was approved with a unanimous vote.

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. Townsend and the motion was approved with a unanimous vote.

A. Approve advertisement of Bid #05-11 – 800 Block of James Drive Storm Sewer Improvements. Bids to be received by Tuesday, November 30, 2010 at 2:00 p.m.

B. Award Bid #09-11 – authorization to initiate a 36-month lease purchase agreement with Dell Financial Services for the 2010-2011 personal computer lease purchase in the amount of $1,172,154.80 at zero percent financing for three years.

C. Award of Request for Proposal #703-10 – award to Vision Internet Providers, Inc. for the redesign of the City's website in the amount of $97,615.

Mayor Slagel stated that Council would reconvene in Work Session and adjourned the Regular Meeting at 10:04 p.m.

MAYOR

ATTEST:

Pamela Schmidt

CITY SECRETARY