

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

November 22, 2010

City of Richardson, Texas

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, November 22, 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
Vickie Schmid	Deputy City Secretary
Jerry Ortega	Director of Public Services
Travis Switzer	Assistant Director of Public Services

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1. **INVOCATION**
 2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS**
 3. **MINUTES OF THE NOVEMBER 8, 2010 MEETING**

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

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4. **VISITORS** – None.

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5. **PUBLIC INPUT AND CONSIDER RESOLUTION NO. 10-28, AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) ON BEHALF OF THE CITY OF RICHARDSON, TEXAS, WITH NORTH TEXAS MUNICIPAL WATER DISTRICT (NTMWD), THE NEIGHBORHOOD PROTECTION ALLIANCE OF RICHARDSON (NPAR), AND OTHER PARTIES TO BE IDENTIFIED IN THE MEMORANDUM OF UNDERSTANDING REGARDING THE CONSTRUCTION AND OPERATION OF THE NORTH TEXAS MUNICIPAL WATER DISTRICT NEW LOOKOUT DRIVE TRANSFER STATION FACILITY.**

Mr. Keffler stated that over the past 18 months City Council, staff, North Texas Municipal Water District (NTMWD) and the Neighborhood Protection Alliance of Richardson (NPAR) had met numerous times to discuss and resolve issues relative to the Lookout Transfer Station. He asked Assistant City Manager Cliff Miller to brief the council on the 16 primary issues that were the basis of the agreement.

Mr. Miller noted that the Memorandum of Understanding before the council identified a 2-step process including support of NTMWD's initial application to TCEQ and modified future capacities to an annual average of 625 tons per day and a maximum through-put of 1,500 tons per day. The 16 issues include through-put, Plano Parkway Station utilization, waste diversion initiatives, wind-blown litter, re-route trash truck traffic, walking/bike trail, oversight committee, adjacent 23-acre property, storm water, Lookout Drive repairs, odor control, pest control, garbage storage and floor washing, sound walls, vegetation; and vehicle back-up alarms.

Mr. Miller noted that the Memorandum of Understanding was a highly interactive agreement, designed to monitor station performance, report findings to council, and keep neighborhoods informed. He showed an aerial map of the site and identified the location of the proposed facility and access drives. Mr. Miller also noted that once the new transfer station facility is complete, the old facility would be demolished and the new Fire Training Facilities, Fire Classroom Facilities, and construction materials storage would be built on the old site. He stated that the operational footprint of the new indoor facility would be less than the current indoor/outdoor facility. Mr. Miller confirmed that the City would be mindful of the agreement reached, be aware of the adjacent landowners, and be diligent in the operation of any programs to avoid creating further nuisances. He also confirmed that no environmental issues had been identified relative to the new site or the current transfer station facility.

Ms. Miatri Smithhisler, NPAR representative, stated that the agreement presented for council consideration was the result of 18 months of hard work of all parties that contains 16 protections for the neighborhood, which NPAR feels are reasonable given the sensitive surroundings of the location. She stated that the affect of the transfer station on their neighborhood remains a quality of life issue, impacting property values, parks and recreational areas, and the watershed creek directly adjacent to the station. Ms. Smithhisler felt that the most stringent protections must be put in place to insure the facility acts as a good neighbor. She advised that NPAR believes this agreement moves toward "best management" practices and fits within the values of the City of Richardson.

Mr. John Wallberg, NPAR representative, further clarified NPAR's position on the need for the various protections and underscored the need for the oversight committee. He felt that the oversight committee, consisting of the City's ombudsman and neighborhood representatives, was paramount to holding NTMWD accountable to comply with each of the protections included in the agreement. Mr. Wallberg noted that many of the Council goals have been focused on transparency and good steps have been taken. He felt that, in this instance, transparency was a means to an end, but accountability should be the ultimate end goal. Mr. Wallberg thanked Mayor Slagel and Mr. Keffler for the help and attention they gave to move this Memorandum of Understanding forward. He concluded by stating that Mr. Stankiewicz had been quoted in the Dallas Morning News as saying "District staff could apply for a capacity increase after 2018", disregarding the capacity limits "through 2018 and beyond" as agreed upon in the Memorandum of Understanding and asked the City's NTMWD Board Members to hold NTMWD accountable to the agreement.

Martin Brady, 2316 Owens Blvd., inquired about the plans for the lot once the existing transfer station facility was torn down and constructed on the adjacent lot.

Sherrill Bodie, 2315 Windsor Drive, questioned when the third-party reviews would take place and she also felt the environmental issues from the existing transfer center had not been adequately addressed. Mr. Miller noted that the third-party review would begin during the design process, prior to issuance of building permits and that plans must comply with current zoning regulations.

Jeffrey Jacoby, 3303 Lee Parkway, Dallas, expressed thanks to the citizens for their attendance and concern for their neighborhood. He felt citizen involvement was the best way to insure the 16 protections were adhered to by the NTMWD. Mr. Jacoby said the next step was to implement programs to encourage residential and corporate citizens to reduce, recycle, divert and eliminate waste. He suggested reducing trash pick-up to once a week, allowing grass clippings in BABIC pick-ups, and instituting mandatory recycling.

Darrell Day, 1303 Chickasaw, felt the Memorandum of Understanding was a great start and that oversight of the facility was crucial.

Mark Smithhisler, 2201 Victoria Lane, questioned if the Resolution limiting future capacity would be honored by future councils and expressed the need for a legally binding document to insure each of the protections discussed. Mayor Slagel stated that approval of the Resolutions and signing of the Memorandum of Understanding by all parties would send a clear message to future councils of the commitment to quality of life for Richardson residents made by this Council. Mr. Keffler noted that any zoning change would require a public process and opportunity for review by Council and he also noted that the Memorandum of Understanding was built on maintaining a dialogue among all parties.

Diana Clawson, 800 Westminister Drive, President of Duck Creek Homeowners Association, advised that her HOA supported the proposal to protect the neighborhoods and urged Council to hold the NTMWD accountable to abide by the provisions of the agreement.

Patty Abney, 1608 Pickwick, stated that the Plano facility smelled horrible and asked for assurances that odor control was properly addressed at this facility. Mayor Slagel noted that the Council was sensitive to the issue of odor control, which would be addressed through a variety of means. She stated that she did not want to see, smell or hear the Transfer Station and emphasized the need to hold NTMWD accountable for noise, odor, and rodent control at the facility. Mr. Keffler advised that NTMWD was not required to seek Council approval for a project of this level and that during the past 18 months of discussions, NTMWD had demonstrated their commitment to providing a quality facility, featuring an indoor dumping area.

Theodore Foster, 2606 Foxcreek, questioned the location of the facility and asked if alternate sites had been considered or if studies had been performed to determine the proper location for the site. He felt the facility would be restricted under the Texas Nuisance Law and that the new facility did not qualify as a "grandfathered" site because it was being built on a different lot.

Andrew Laska, 502 Hyde Park, stated he appreciated the neighborhood leadership on this issue and felt that accountability of TCEQ as it relates to this site affects quality of life and should be made a legislative issue during the next legislative session.

Doris Carpenter, 3212 Foxcreek Drive; Shelley Fisk, 1820 Vassar; and Victor Garza were in support of limiting future capacity of the facility, but did not wish to speak. Richard Welch, 1507 Margate Lane, withdrew his request to speak and noted his concern regarding noise for the record.

Mayor Slagel called on Council for their comments regarding Resolution 10-28 and 10-29. Mr. Murphy stated that the combined efforts of all parties involved resulted in an agreement that met the needs of the city; he felt he could support the Resolutions. Mr. Omar felt the City had a great opportunity to address neighborhood concerns at the design phase of the facility and that onus was on the City Council to implement additional recycling initiatives to reduce the amount of trash going to the transfer center. Mr. Solomon said that in addition to building design improvements for the proposed facility, trail connections, additional landscaping, and park improvements were important to the success of the project. Mr. Mitchell felt that the compromises reached had resulted in a less-invasive facility and that accountability to the agreement reached was key. Mr. Macy felt the agreement was indicative of good government in action and he felt all parties must continue to work together through all phases of the project. Mr. Townsend felt that moving the facility to the adjacent lot allowed for a facility to be built that could address many of the issues identified by the neighborhood groups and he felt the resulting agreement was reasonable. Mayor Slagel thanked everyone for their comments and noted that approval of the Resolution would authorize signing of the Memorandum of Understanding by himself and the City Manager, and ultimately by NPAR and NTMWD representatives.

ACTION TAKEN: Mr. Solomon moved approval of Resolution 10-28 as presented; second by Mr. Murphy. The motion was approved with a unanimous vote.

6. CONSIDER RESOLUTION NO. 10-29, OPPOSING ANY INCREASE IN CAPACITY AT THE NORTH TEXAS MUNICIPAL WATER DISTRICT SOLID WASTE TRANSFER STATION LOCATED AT 1601 E. LOOKOUT DRIVE BEYOND THE ANNUAL AVERAGE AND MAXIMUM DAILY THROUGH-PUT OF 625/1,500 TONS PER DAY AS OUTLINED IN THE FINALIZED MEMORANDUM OF UNDERSTANDING.

Mr. Keffler stated that Resolution 10-29, revised to be consistent with the Mayor's letter dated November 12, 2010, was provided to Council. He noted that the Memorandum of Understanding allows for through-put of 625/1,500 tons per day and that Resolution 10-29 affirms that this Council would not support additional capacities.

ACTION TAKEN: Mr. Townsend moved approval of Resolution 10-29 as revised to be in concert with the Mayor's letter of November 12, 2010; second by Mr. Solomon. The motion was approved with a unanimous vote.

ALL ITEMS LISTED UNDER ITEM 7 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. Mitchell moved approval of the Consent Agenda; second by Mr. Omar. The motion was approved with a unanimous vote.

A. Consider the following Ordinances:

1. Ordinance No. 3796, amending the Comprehensive Zoning Ordinance and Zoning Map to grant a change in zoning for an 11.3-acre tract of land from I-M(1) Industrial District with Special Conditions to PD Planned Development District for the R-1100-M Residential District Uses, and providing for the approval of a Concept Plan and Detailed Concept Plan.
2. Ordinance No. 3797, amending the Comprehensive Zoning Ordinance and Zoning Map to grant a change in zoning for a 3.99-ACRE tract of land from I-M(1) Industrial District to I-M(1) Industrial District with Special Conditions to allow a pharmacy to be located in Suite 120 at 3005 E. Renner Rd, said tract being described as Lot 3, Block A, Shiloh Renner Addition in Collin County, Texas.
3. Ordinance No. 3798, amending the Comprehensive Zoning Ordinance and Zoning Map to grant a change in zoning to grant a Special Permit for a drive-thru restaurant with Special Conditions on a 0.71-acre tract of land zoned C-M Commercial District, said tract being described as Part of Lot 4, Northrich Village Number 2 Addition, in Dallas County, Texas, and providing for the approval of a Concept Plan.
4. Ordinance No. 3799, amending the Comprehensive Zoning Ordinance and Zoning Map to grant a change in zoning to grant a Special Permit for a fifth antenna platform and equipment shelter on an existing 120-foot monopole with Special Conditions on a 0.69-acre tract of land zoned I-M(2) Industrial, said tract being described as Lot 2, Southwestern Bell Addition in Collin County, Texas.

B. Consider Resolution No. 10-27, authorizing the City Manager to enter into an Inter-Local Cooperation Agreement on behalf of the City of Richardson, Texas with Dallas County for tax collection services, and to enter into an Inter-Local Cooperation Agreement on behalf of the City of Richardson, Texas with Collin County for tax collection services.

C. Receive from the City Plan Commission:

1. Amending Plat of Lot 8B, Block B of the Technology Business Campus Addition.
2. Replat for Richardson Square Addition, Lots 4E and 9.
3. Replat for Breckinridge Commons Addition, Lots 1A and 3, Block A.

D. Consider award of the following Bids:

1. Bid #02-11 – We request authorization to issue a Purchase Order to Qwest Communications Company, LLC, for the 2010-11 Network Router Replacement through the State of Texas Department of Information Services Contract #DIR-SDD-1376-TX in the amount of \$86,999.41.

2. Bid #11-11 – We request authorization to issue a Co-op Purchase Order to TYMCO Incorporated for a Street Sweeper for the Parks Department through the Houston-Galveston Area Council of Governments Contract #SW04-10 in the amount of \$123,265.
3. Bid #12-11 – We request authorization to issue a Co-op Purchase Order to Hi-Way Equipment Company for a loader/backhoe in the amount of \$88,574 and mini-excavator in the amount of \$44,280 for the Parks Department through the Houston-Galveston Area Council of Governments Contract #EM06-09 for a total expenditure of \$132,854.
4. Bid #13-11 – We request authorization to issue a co-op Purchase Order to Caldwell Country Chevrolet for the purchase of two (2) Chevrolet pursuit rated Police Tahoes for the Police Department in the amount of \$53,345.72 and one (1) Chevrolet 3/4-ton Suburban for the Fire Department in the amount of \$40,404.73 through the Houston-Galveston Area Council of Governments Contract #VE03-06 for a total expenditure of \$93,750.45.

Mayor Slagel stated that Council would reconvene in Work Session and adjourned the Regular Meeting at 9:19 p.m.



MAYOR

ATTEST:

Vickie Schmid
DEPUTY CITY SECRETARY