

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL**  
**May 9, 2011**  
**City of Richardson, Texas**

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, May 9, 2011 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
Don Magner	Director of Community Services
Monica Heid	Community Projects Manager
Sam Chavez	Asst. Dir. of Development Services – Planning
Dave Carter	Asst. Dir. of Development Services – Transportation

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1. **INVOCATION**
  2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS**
  3. **MINUTES OF THE MAY 2, 2011 MEETING**

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

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4. **VISITORS.** (THE CITY COUNCIL INVITES CITIZENS TO ADDRESS THE COUNCIL ON ANY TOPIC NOT ALREADY SCHEDULED FOR PUBLIC HEARING. PRIOR TO THE MEETING, PLEASE COMPLETE A "CITY COUNCIL APPEARANCE CARD" AND PRESENT IT TO THE CITY SECRETARY. THE TIME LIMIT IS FIVE MINUTES PER SPEAKER.)

Sandy Daniels, 1902 Prairie Creek, Garland, thanked the Mayor for the Motorcycle Safety proclamation. She asked the City to consider purchasing and posting "share the road" signs to raise awareness about motorcycle travelers. Mayor Slagel noted that he noticed several signs in Austin.

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**5. CONSIDER APPOINTMENT TO THE NORTH TEXAS MUNICIPAL WATER DISTRICT.**

ACTION TAKEN: Mr. Mitchell moved approval of reappointing John Sweeden for a two year term expiring May 31, 2013; second by Mr. Solomon, and the motion was approved with a unanimous vote.

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Mayor Slagel changed the Order of the Agenda to consider action on the Consent Agenda prior to the Public Hearing items.

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:

**8. CONSENT AGENDA:**

ACTION TAKEN: Mr. Murphy requested that Item B1 be removed from the Consent Agenda for separate discussion and action; and moved approval of the remainder of the Consent agenda; second by Mr. Solomon and the motion was approved with a unanimous vote.

A. Ordinance No. 3821 authorizing the City Manager of the City of Richardson to execute the necessary agreements and instruments for the sale of the real property depicted in Exhibit "A" (approximately 2.28 acres southern segment at 300 E. Arapaho Road) to the Richardson Improvement Corporation for the subsequent resale of the property by the Richardson Improvement Corporation to English Color and Supply, Inc.

B. Approve the following Resolutions:

1. Resolution No. 11-15 appointing Kimberly Lay to the aggregated position of Representative to the Regional Transportation Council of the North Central Texas Council of Governments, which fractional allocation membership is shared with the Town of Addison, and the cities of Murphy, Sachse, and Wylie.

Removed from the Consent Agenda for separate action.

2. Resolution No. 11-16 authorizing the City Manager to negotiate and execute Economic Development Agreement(s) pursuant to Chapter 380, Texas Local Government Code, by and between the City of Richardson and Fossil, Inc., a Delaware Corporation ("Fossil").

C. Approval of the Richardson East Church of Christ as a participant in the City of Richardson Community Garden Partnership Program.

D. Approval of the Creekside Baptist Church as a participant in the City of Richardson Community Garden Partnership program.

- E. Authorize the city manager to execute an Interlocal Cooperation and License Agreement by and between the City of Richardson and the Richardson Independent School District for the Fire Station 4 and site improvement project.
- F. Approve advertisement of competitive sealed proposal #903-11 – Fire Station No. 4. Competitive sealed proposals to be received by Tuesday, June 7, 2011 at 2:00 p.m.
- G. Award of the following bids:
  - 1. Bid #19-11 – authorization to issue an annual requirements contract for medical supplies to Bound Tree Medical, LLC. pursuant to unit prices.
  - 2. Bid #22-11 – award to Jim Bowman Construction Co. for the Waterline and Pavement Replacement Project (Meadowgate/Allison/Piper/Drake) in the amount of \$673,717.65.
  - 3. Re-bid #34-11 – award to RKM Utility Services, Inc., for the 800 Block of James Drive Storm Sewer Improvements in the amount of \$288,373.00.
  - 4. Bid #38-11 – authorization to issue an annual requirements contract for hardscape installation with the Coello Group pursuant to unit prices.
- H. Cancellation of the Monday, May 30, 2011 City Council Work Session for the Memorial Day holiday.

**ITEMS REMOVED FROM THE CONSENT AGENDA:**

**B1.Resolution No. 11-15** appointing Kimberly Lay to the aggregated position of Representative to the Regional Transportation Council of the North Central Texas Council of Governments, which fractional allocation membership is shared with the Town of Addison, and the cities of Murphy, Sachse, and Wylie.

Mr. Murphy stated he has served on the RTC for the last 17 years and because he is not seeking re-election, he is no longer eligible to serve. He stated that Kimberly Lay, Dep. Mayor Pro Tem for the City of Addison, is interested in the position. He noted her participation in the past and voiced his support for the appointment.

**ACTION TAKEN:** Mr. Murphy moved approval of Consent Agenda B1; second by Mr. Omar. Mr. Mitchell included his appreciation for Ms. Lay's past participation and congratulated her on the appointment. The motion was approved with a unanimous vote.

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**PUBLIC HEARING ITEMS:**

**6. PUBLIC HEARING AND CONSIDER ORDINANCE NO. 3820: MASTER TRANSPORTATION PLAN 11-02: AMEND THE MASTER TRANSPORTATION PLAN AND COMPREHENSIVE PLAN TO ADD THE COTTON BELT RAIL CORRIDOR AS A REGIONAL RAIL TRANSIT CORRIDOR, ADJUST THE ALIGNMENT OF ROUTH CREEK PARKWAY, ADD AN EAST/WEST COLLECTOR BETWEEN NORTH PLANO ROAD AND ROUTH CREEK PARKWAY, NORTH OF EAST RENNER ROAD, ADD A NORTH/SOUTH COLLECTOR STREET BETWEEN THE STATE HIGHWAY 190 ACCESS ROAD AND WEST**

**RENNER ROAD, EAST OF THE US 75 ACCESS ROAD, ADD A NORTH/SOUTH COLLECTOR STREET BETWEEN THE STATE HIGHWAY 190 ACCESS ROAD AND INFOCOM DRIVE, WEST OF THE DART RED LINE RAIL CORRIDOR, AND ADD A NORTH/SOUTH COLLECTOR STREET BETWEEN THE STATE HIGHWAY 190 ACCESS ROAD AND THE NEW EAST/WEST COLLECTOR STREET WEST OF NORTH PLANO ROAD, AND REMOVE THE DESIGNATED GRADE SEPARATED INTERSECTION AT NORTH PLANO ROAD AND EAST RENNER ROAD.**

Mr. Keffler stated that the City Plan Commission recommended approval of the amendment during its April 19, 2011 meeting. He noted that the Council is very familiar with the projects detailed in the plan as part of the Bush/75 zoning case that Council approved in January 2011. He noted that during the zoning case, the Council was in agreement with the general concept and alignment, which has now been approved and forwarded by the CPC for consideration. He asked Dave Carter, Asst. Director of Development Services – Transportation, to brief the Council.

Mr. Carter used the Bush/75 Area Regulating Plan to exhibit streets and highlighted the Cotton Belt Rail line. He provided the existing plan to illustrate the location of the revised plan. All proposed streets would be minor collector streets. All streets are in their approximate location and have established end points. He explained that the previously approved grade separation at Renner Road and Plano Road was no longer necessary and part of the recommendation was to remove the grade separation from the Master Transportation Plan.

Mayor Slagel opened the Public Hearing and there were no speakers in favor or in opposition.

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

**ACTION TAKEN:** Mr. Murphy moved approval of MTP 11-02 as presented; second by Mr. Solomon and the motion was approved with a unanimous vote.

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**7. CONTINUATION OF PUBLIC HEARING AND CONSIDER ORDINANCE NO. 3818: ZONING FILE 11-04: A REQUEST BY THE CITY OF RICHARDSON TO REZONE APPROXIMATELY 198 ACRES NORTH OF WEST SPRING VALLEY ROAD, BETWEEN COIT ROAD AND CENTRAL EXPRESSWAY, EXTENDING NORTH TO DUMONT DRIVE, FROM A-950-M, D-1400-M, R-1500-M, LR-M(1), LR-M(2), C-M, O-M AND MU TO PD PLANNED DEVELOPMENT. (CONTINUED FROM MAY 2, 2011, CITY COUNCIL MEETING).**

Mr. Mitchell announced that his home at 905 Blue Lake Circle was within 200 feet of the zoning case and therefore would abstain from discussion or voting on the item and excused himself from the meeting.

Mr. Keffler advised that the City Plan Commission opened their discussion on the item on April 5 and concluded their discussion on April 19, 2011 with a 6-1 vote recommending approval of the request. The Council began their hearing on May 2 and it was continued to tonight's meeting. He noted that interest in the item evolved from Council discussion of the 2009 Comprehensive Plan, which identified six areas of interest for revitalization. He noted that the Council has entertained 13 separate briefings with the study beginning officially in August 2009. There were three focus group meetings and five community meetings in which stakeholders and adjacent properties were encouraged to participate and provide feedback. He stated that the staff has

been working on the feedback received from the May 2 hearing and discussion and was prepared to present adjustments. He called on Monica Heid, Community Projects Manager, to brief the Council.

Ms. Heid advised that handouts with the changes that she would be presenting to Council were available for the audience. She began the presentation with a reminder of the district boundary and noted that the City's role is to put regulations in place to encourage redevelopment. She noted that the project was an outgrowth of the 2009 Comprehensive Planning process and was reflective of the Council's 2009-2011 goals. She stated that the City is the applicant and not the owner but would likely be a participant in any large redevelopment project. She stated the Strategy was a long term plan that would likely need to be revised along the way. She described the structure of the ordinance, noted key elements of the PD District and explained the proposed changes since the initial meeting. She provided the District Plan showing Districts A – G and mandatory open space areas. She noted the possibility of expansion of Blue Lake and stressed that it was not mandatory. She reviewed general district standards, height zones (based on proximity to single family residential zoning outside the districts), building types, building materials, parking calculations, sign standards, and administration, particularly noting administration of minor and major modifications. She explained that some building types could include live/work activities. Ms. Heid highlighted and reviewed refinements made since the City Plan Commission recommendation was reached. With regard to nonconforming provisions, she explained that the intent is that nonconforming uses and structures shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited by the District. Generally it is defined as any land use, structure, lot of record or other situation related to the use or development of land within the District that was legally established prior to the effective date of this ordinance or subsequent amendment hereto, and that does not fully conform to the requirements of the ordinance, as amended, on the effective date of such amendment. She noted there is a difference between nonconforming uses and structures and provided examples of how a nonconforming use could continue or not be allowed to continue. In summary, she reviewed the process and meetings conducted, and stated that staff was prepared to complete any revisions to the ordinance this evening should the Council decide to complete the process this evening. She noted that the moratorium would end with the adoption of an ordinance or on June 11, 2011, whichever is reached first. She provided the Council with the following list of concerns identified during the May 2 meeting and provided options on each for Council consideration.

- Destruction of a nonconforming structure by fire, flood, etc.,
- Increasing size of an existing nonconforming structures
- Exclude Autoflex sales lot from the District Plan
- Expansion plans for Richardson Saw and Lawn Mower
- Added use, building type restrictions for Area D
- Streamline the application process.

Ms. Heid referred to the additional correspondence received since the May 2 meeting and reminded Council that approval of the ordinance requires 5 of 6 votes to be in favor of the request due to 20% of property owners being opposed.

Mayor Slagel continued the public hearing and invited speakers to the podium. Ms. Schmidt stated there were 24 cards in favor, 5 cards in opposition and one in a neutral position that were submitted, but did not wish to speak.

Speakers in opposition:

David Blassingame, Managing Partner for Autoflex Leasing, 558 S. Central Expressway;  
Lynne Johnston, 902-C S. Weatherred;  
George Killeck, 905 Waterfall Way and 903 Waterfall Way;  
Michael O'Malley, 919 S. Weatherred #102;  
Dr. Diep Truong, 722 W. Spring Valley Road;  
Tommy Mann, 5400 Renaissance Tower, rep. Dr. Truong and GE Capital Real Estate;  
Terri Box, 902 Weatherred Road;  
Art Anderson, representing an apartment complex in Area D;  
Karger Kawani, 820 S. Central Expressway;  
Stuart Margol, 630 Central;  
Tanya Pipken, 1903 N. Waterview;  
Don Webb, 640 James Drive (north side of James Street);  
J P Kernan, 709 S. Floyd Road.

Speakers in favor

Holly Bishop, 746 Dumont Drive;  
Tom Norman, 714 Laguna;  
Greg Brown, 755 James Drive;  
Andrew Laska, 502 Hyde Park, Pres. of Richardson Heights NA;  
Chip Pratt, 2700 W. Prairie Creek, Canyon Creek HOA;  
Imtiyaz Taoui, 301 Murray Lane;  
Bob Patel, Continental Inn, 758 S. Central Expressway;  
Pat Meyer, 308 Hyde Park;  
Suzanne Juliussen, 908 Dumont Drive;  
Anne Bienfang, 501 Shadywood Lane;  
Kent Whitefield, 801 Sand;  
John Galloway, 714 S. Weatherred;  
David Gipson, 734 Nottingham Drive;  
April Swales, 759 James;

Mayor Slagel noted the input received during the various meetings and the two hearings and opened the floor for a motion regarding the public hearing.

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

Mayor Slagel opened the floor for Council discussion. Mr. Omar stated there was no question about the need to revitalize the West Spring Valley area. Mr. Murphy stated that change is on the way and he felt the change would be dramatic. He noted that the Council has tried other tactics to encourage positive change that have not been successful. Mayor Slagel called for discussion on the various points of concern identified earlier by Ms. Heid.

Destruction of a nonconforming structure by fire flood, etc: Mr. Townsend preferred increasing the percentage to 75%; Mr. Macy stated 100%; Mr. Solomon stated he would compromise to 60% but felt more than that would defeat the purpose of the ordinance; Mr. Murphy stated he was in favor of 50% and would like it to be rebuilt in a conforming manner; Mr. Omar stated he was amenable to adding the proposed wording regarding the list of casualties and stated he was comfortable with 50%; Mr. Townsend felt the owner should be allowed to rebuild without having to meet new standards at 75% destruction; Mr. Macy stated 75% was not unreasonable. With regard to the time provisions regarding the rebuilding, Mr. Magner stated the concern was

the length of time a damaged building is left dormant and stated that permit could be renewed if work is occurring. Mr. Keffler felt these types of circumstances would be isolated and manageable, and underscored that it was not staff's intent to be punitive with time. Consensus was reached in favor of 18 months for rebuild with allowance to 24 months.

Autoflex Leasing: Mr. Murphy was in favor of excluding the Autoflex property south of Dumont in order to keep their property under the same zoning; Mr. Omar stated he was flexible because the property will be reviewed during the Central area review, but would like everything south of James included; Mr. Solomon stated his preference to exclude the Autoflex property and Mr. Macy voiced agreement; Mr. Townsend stated his preference to go to James.

Richardson Saw and Lawnmower: Mayor Slagel stated his preference to leave the size at 10,000 sq ft per building regardless of the number of buildings. Ms. Heid stressed that a repair facility would not be allowed. She stated that the only reason the lawnmower repair portion is allowed is because it is considered an accessory use in the current building. She further noted that accessory use is defined as small activity that is attached to the larger activity. Mr. Smith explained that the accessory use must be secondary to the primary use. Mayor Slagel summarized the consensus was to allow up to 10,000 sq ft for that particular use for Richardson Saw and Lawnmower for hardware for that particular business; tell them they can have two buildings, but they must have both use in each building. Mayor Slagel stated he was not clear why the single platted lot made a difference. Ms. Heid summarized that hardware and others are limited to 10,000 sq ft per building and Mayor Slagel affirmed the summary.

200 ft buffer in Area D and B: Mayor Slagel stated he likes what the Plan Commission proposed and felt it should remain as is. Mr. Townsend suggested the restriction be removed across the area. Discussion. A consensus was reached in favor of 150' on F, D & B; 2 story height limit; major modification required for mixed residential.

Streamline the Application Process: Consensus in favor of proposed language.

With regard to modifications, Ms. Heid explained that staff has no problem with standard maintenance and interior modifications are okay as long as they don't expand or enlarge the existing footprint.

Increase size of nonconforming structure: A consensus was reached to use the example provided allowing up to 15% up to the build-to line. With regard to destruction of nonconforming structure, Mr. Smith informed the Council that the Comprehensive Zoning Ordinance currently has a 50% requirement for the remainder of the city so the proposed ordinance would not be different. Mr. Keffler stated the distinction is the proposed ordinance would require the property owner to build to the new standards if there is 50% or more destruction. A consensus was reached to leave it as is.

With regard to Autoflex Leasing, the consensus was reached to stop at the boundary of the Autoflex property.

Mr. Smith recapped his understanding of the changes Council would like made to the proposed ordinance. With regard to the ability to expand a nonconforming structure by 15%, Council agreed it should be a maximum of 15% total; cumulative.

Mayor Slagel called a recess at 11:40 p.m. to allow the City Attorney to draft the changes to the ordinance. Mayor Slagel reconvened the meeting at 12:20 a.m., May 10, 2011.

Mr. Smith distributed a copy of the discussed changes and read the changes aloud as follows:

“Amend Article IX Section I 4.b. – In the event a nonconforming structure or use partially destroyed or damaged by fire, explosion, windstorm, flood or other casualty or act of God or public enemy to an extent not exceeding 50% of its total appraised value as determined by the appraisal district, or its successor, such structure or use may be rebuilt, restored, reestablished or reoccupied, to the extent it existed prior to the damage or destruction, provided in no case shall the size or function of a nonconforming use located within the structure prior to such damage or destruction be expanded beyond its size or function prior to the date of the damage or destruction, and further provided that an application for a building permit for the reconstruction is made within 6 months of the destruction (with one extension of 6 months at the discretion of the building official) and the reconstruction is completed within 18 months after the date of issuance of the building permit (with one extension of 6 months at the discretion of the building official).

Article IX Section I 4.a and b – add “explosion, act of god or public enemy” after “fire” and before “flood”.

Amend Article IX Section I 2.g. to add – Interior remodeling of a nonconforming structure within the existing building footprint is permitted provided that the applicable building, fire, health safety codes are met.

Amend Article IX Section I.4. by amending the title of that section to “Expansion, Restoration of Nonconforming Structures, Uses and Signs” and by adding new subsections e, f and g to read as follows:

e. The height of a non conforming structure, which is nonconforming as to height and set back only, may be increased to the maximum height allowed by the sub-district.

f. A nonconforming structure, which is nonconforming as to height and setback only, may be expanded provided the new building area does not cumulatively increase the footprint of the original building area by more than 15% and further provided such building addition is architecturally compatible with the requirements of the sub-district in which the building is located.

g. A nonconforming structure, which is nonconforming as to height and setback only, may be expanded provided the new building area extends the existing building wall to a location between the existing b building wall and the build-to line required in the sub-district.

Amend Article IV Table 2 Sub-district Building Types by adding the requirement for Major Modification to Area B and F for Mixed Residential and amend note 2 to change the reference to Area D to Areas B, D and F and change 200 feet to 150 feet; and by amending appendix 4 sub-district height standards by deleting “except that” from note 2, by deleting note 2.a. and by adding former not b to the end of note 2.

Amend Appendix 1 by amending the maximum square feet to 10,000 for hardware store, furniture/home furnishings/home décor, office furniture/equipment/supplies, pet sales/grooming, sporting goods, toy/hobby shop/video and music sales and rental per building;

Amend Article IX Section C 2 by adding “in general” to the beginning of the first sentence and adding following 1. “Notwithstanding the above, the City Manager or designee may determine



which of the West Spring Valley Corridor Development Plan information and documents must be submitted for adequate review of individual applications based on the mandatory pre-submittal conference described in Article IX.C.3. below.

Amend Article IX Section I.4.c. to delete "by the occupants thereof".

Amend the boundaries of the District to exclude the property located at 600 S Central Expressway from the boundaries of the ordinance and amend the tables, maps and appendices within the ordinance accordingly.

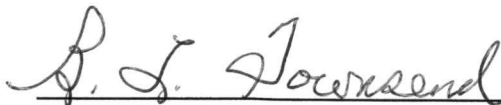
Waiver of fees for major modification for a period of 6 months."

Discussion was held about the proposed changes.

ACTION TAKEN: Mr. Murphy moved to approve Ordinance 3818, not the version forwarded by the Plan Commission, but the version presented by Staff with the changes we saw this evening and to include the following amendments that were passed out previously with the changes and modifications discussed, a copy of which was provided to the City Secretary; second by Mr. Macy. Mr. Townsend stated there were a few things he did not agree with, but he would support the entire ordinance. Mr. Omar felt the Council has been as flexible as possible to allow the businesses to continue and hoped it was a step in the right direction for the residents in the area. Mr. Solomon thanked the Plan Commission, Ms. Heid, Mr. Smith and staff, and felt it would move the city forward. Mr. Smith asked if Council meant to include the waiver of fees for six months in the motion and Mr. Murphy replied affirmatively. The motion was approved with a 6-0 vote, Mr. Mitchell abstained.

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Mayor Slagel adjourned the meeting at 12:42 a.m.

  
MAYOR

ATTEST:

  
CITY SECRETARY

