

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL**  
**April 26, 2010**  
**City of Richardson, Texas**

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, April 26, 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
Michael Massey	Director of Parks & Recreation
John Webb	Director of Development Services

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1. **INVOCATION**
  2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS**
  3. **MINUTES OF THE APRIL 12, 2010 MEETING**

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

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4. **VISITORS.**  
None

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5. **CONSIDER APPOINTMENTS TO THE CITY PLAN COMMISSION AND NORTH TEXAS MUNICIPAL WATER DISTRICT.**

ACTION TAKEN: Mr. Mitchell moved approval of the following appointments; second by Mr. Murphy and the motion was approved with a unanimous vote. City Secretary Pam Schmidt administered the Oath of Office to the two appointees.

City Plan Commission

Appoint Marilyn Frederick (PI 4) - Dist 2 Representative for a term expiring 8/1/2011  
Appoint Don Bouvier (PI 4) – Alternate – Odd Year for a term expiring 8/1/2011

NTMWD Board of Directors

Reappoint Ken Bell (PI 4) – term expiring May 31, 2012

Ms. Frederick stated Ebby Halliday always encourages her associates to contribute and give back to the cities in which they work and live and she stated it was her pleasure to serve. Mayor Slagel thanked both for volunteering to serve the community.

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**6. PUBLIC HEARING AND CONSIDER ORDINANCE NO. 3772, ADOPTING STANDARDS OF CARE FOR YOUTH PROGRAMS OFFERED BY THE RICHARDSON PARKS AND RECREATION DEPARTMENT.**

Mr. Keffler advised that Texas Human Resource Code, Sec. 42.041(b)(4) requires that the City of Richardson establish and adopt Standards of Care for its summer camp programs. He advised that the public hearing and standards of care adoption exempts the City from obtaining a day care license.

Mr. Massey, Director of Parks & Recreation, briefed the Council highlighting the program and standards of care adhered to by the City of Richardson.

Mayor Slagel opened the public hearing and invited members of the audience to address the Council. There were no speakers.

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

ACTION TAKEN: Mr. Macy moved approval of Ordinance No. 3772 adopting the Standards of Care for youth programs; second by Mr. Omar and the motion was approved with a unanimous vote.

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**7. PUBLIC HEARING, ZONING FILE 10-04: A REQUEST BY SHINPEI KUO, CONSOLIDATED DEVELOPMENT SERVICES, REPRESENTING WHATABURGER, FOR A SPECIAL PERMIT FOR A DRIVE-THRU RESTAURANT AT 501 S. PLANO ROAD (EAST SIDE OF PLANO RD, SOUTH OF BELT LINE RD). THE PROPERTY IS CURRENTLY ZONED LR-M(2) LOCAL RETAIL.**

Mr. Keffler advised that the Plan Commission recommended approval of the zoning request at its April 6, 2010 meeting. He asked Mr. Webb to further brief the Council.

Mr. Webb began the presentation with an aerial photo of the site located in front of the Lowes Home Improvement Store on Plano Road. He stated that parking spaces would be removed for development of the building; however sufficient parking remains within the entire center. He advised that the site was just under 1-acre to accommodate the 3,300 sq. ft. building. He stated that staff worked with the applicant over the previous couple of months to secure changes and enhancements to the landscaping and circulation. He stated the applicant would also be installing new landscape islands off the Whataburger site. He provided concepts of the initial elevation proposed and the revised elevation that removed the traditional "A" frame design, but still utilized the signature orange. He stated that all four elevations exceed the City's minimum masonry requirements by the two types of stone and was in keeping with the architectural tone of the area. He noted that stacking of vehicles will occur at the backside of the building to allow more visibility of the architecture at the front of the building. He expressed his appreciation of

the applicant for working with staff to match some of the superior masonry products used at adjacent buildings.

Mr. Murphy asked about traffic flow in and around the facility and Mr. Webb advised that staff did not feel there would be an impediment because of the stacking distance requirement and he confirmed that visibility requirements would be met as well.

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

Shinpei Kuo, 6002 Clearbay Drive, Dallas, stated that Whataburger really wants to be in Richardson, which he felt was apparent with the accommodations made by Whataburger to the design of the building. The building would be on the out parcel in front of the Lowes site. He addressed the drive through and vehicle stacking, and noted they would exceed the landscape requirement by 300%. He described the type of exterior material that would be used on the building that would be very similar to the Bank of America in the area.

Mr. Macy expressed his appreciation to the applicant for working with the Plan Commission on the design of the building. In response to Mr. Solomon, Mr. Kuo stated that the occupancy would be approximately 70 seats. Mr. Omar asked about the landscape percentage and Mr. Webb explained that the City requires 7% of the site to be non-pervious cover and Whataburger increased it about three times so about 30% of the site will be non-paved surface, which will include trees, shrubs and base plantings. He advised that the landscape plan would go before the Plan Commission for approval. Mr. Murphy noted the importance of helping patrons understand the right-of-way as they drive around the site. Mr. Webb stated The Simon Group was very good about traffic control on its sites and he felt that if issues arose, they would work with Staff to address any concerns. Mr. Mitchell commended the applicant for working with staff for the design of facility for the area.

There were no speakers regarding the item.

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

**ACTION TAKEN:** Mr. Murphy moved approval of ZF 10-04; second by Mr. Omar and the motion was approved with a unanimous vote.

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*Mayor Slagel recognized the attendance of the Bishop Lynch High School, the boy scouts in the audience as well as many other students from various campuses.*

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**8. AUTHORIZE THE CITY MANAGER TO INITIATE CITY OF RICHARDSON FUNDING SUPPORT TO THE NETWORK OF COMMUNITY MINISTRIES EFFECTIVE MAY 1, 2010 AT AN ANNUALIZED AMOUNT OF \$65,000.**

Mayor Slagel recognized the members of the Board, Chairman William Cavanaugh, President Jack Lyles and the CEO Alice Mae Britt, as well as others representing the Network of Community Ministries. He asked Mr. Keffler to brief the Council on the item.

Mr. Keffler referred to conversations with Network regarding space needs and space that had recently become available. He underscored the efficiencies that could be attained by bringing all of its operations to one campus. He stated that in the 24-year history of Network, over

125,000 individuals have been served and 38,170 were served in 2009. He advised that approximately 85% of Network's budget funds services to the community. To lease the needed square footage to move the Clothes Closet to the Sherman Street site was an additional \$65,000 that the organization couldn't currently support. He advised that after Council discussion regarding the needs, staff was able to develop an agreement to lease the site for five years effective May 1, 2010.

**ACTION TAKEN:** Mr. Townsend stated that he was very impressed with the Network staff and board, and moved to authorize the City Manager to initiate City of Richardson funding support to the Network of Community Ministries effective May 1, 2010 at an annualized rate of \$65,000; Mr. Solomon recognized Rev. Don Barnes, original founder of Network. Second by Mr. Solomon and the motion was approved with a unanimous vote.

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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. Murphy moved approval of the Consent Agenda; second by Mr. Mitchell and the motion was approved with a unanimous vote.

A. Approve the following Ordinances:

1. Ordinance No. 3771, re-appointing a Presiding Municipal Judge and Assistant Municipal Judges of the Municipal Court of Record No. 1.
2. Ordinance No. 3773, to implement and enforce the Texas State Rule on locally enforced Motor Vehicle Idling Limitations and to approve entering into a Memorandum of Agreement with the Texas Commission on Environmental Quality to enforce this rule locally.

B. Approve Resolution No. 10-07, reappointing Raymond D. Noah to the Aggregated position of Representative to the Dallas Area Rapid Transit Authority ("DART") Board of Directors which fractional allocation membership is shared with the City of University Park and the Towns of Addison and Highland Park.

C. Award of the following Bids:

1. Re-award Bid #03-10 – award to Jim Bowman Construction Company, LP, for the Waterline Rehabilitation Project (500 & 600 Blocks of Devonshire Drive) in the amount of \$313,327.15.
2. Bid #26-10 – award to Jim Bowman Construction Company, LP, for the Belt Line Road Rehabilitation Project (Plano Road to Jupiter Road) in the amount of \$540,400.20.
3. Bid #33-10 – award to Ratliff Hardscape, LTD., for the Owens Park Subdivision Screening Wall project (Plano Road and Campbell Road), which includes

Alternates 1 through 4 for cast stone columns, entry walls and signs, natural stone veneer and paint and clean existing Eddie Mann walls in the amount of \$692,280.70.

4. Bid #42-10 – authorization to issue a Co-op Purchase Order to Firetrol Protection Systems, Inc., for the Municipal Facility Fire Alarm Improvements through the Texas Building & Procurement Commission's Texas Multiple Award Schedule (TXMAS) Program Contract #6-03FAC020 in the amount of \$92,717.

Mayor Slagel adjourned the meeting at 8:12 p.m.



MAYOR

ATTEST:



CITY SECRETARY

