

## MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

August 9, 2010

City of Richardson, Texas

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, August 9, 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

- 
1. **INVOCATION**
  2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS**
  3. **MINUTES OF THE JULY 26, 2010 MEETING**

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

---

#### 4. **VISITORS.**

Mayor Slagel announced that Council would pull Item 8A2 of the Consent Agenda for separate discussion and action. He reminded the audience about the 5 minute limit for each speaker.

Jerry Nichols, 2005 Portsmouth Drive, Chairman of the Senior Awareness Day Planning Committee appointed by Rep. Angie Chen Button, advised that Senior Awareness Day would be held on Saturday, August 21, 2010 in Garland at the Special Event Center. He stated that the senior centers in the cities of Richardson and Garland are doing a great job, but are still not reaching a large percentage of the senior population. It was their hope that the event would attract more seniors. He advised that the mayor and council members of both cities were invited to attend the event. He stated that Rep. Button would be at the event and available to the attendees. He also provided a synopsis of the planned activities and speakers for the day.

Prior to calling the speakers regarding Item 8A2, City Secretary Schmidt noted for the record that three appearance cards were submitted in support of the item but wishing not to speak and there were 16 cards submitted in opposition, also wishing not to speak.

Matt Sicking, 3303 Meadow Wood, voiced strong opposition to the item. He felt the public hearing should be reopened. He felt that people did not have enough opportunity to understand the request and noted other items of interest in the area. He felt the residents were completely misinformed about the apartments and stated that the request is for an apartment complex, not a senior facility and questioned notice to citizens and misleading information. He noted the large amount of apartments already available at the corner, the traffic volume and requested reconsideration of the item.

Mr. Murphy asked if staff provided notice beyond the normal 200' area and Mr. Chavez replied that the staff sent notice only to those within 200' of the site as required by law, and further explained that the Texas Department of Housing and Community Affairs required the applicant to post a sign on the property, which was erected in February 2010.

Kelly McBrayer, 4712 Deer Valley Lane, stated that one of the things she appreciates about Richardson is the reputation the City has for listening to its citizens. She noted concerns of density in the proximity of the proposed site, as well as traffic congestion. She felt that the immediate area did not need more density and she felt there were not enough services for seniors in the area. She asked that the Council listen to the message.

Dennis Stewart, 5616 McKinley, stated he spoke in opposition to the request during the public hearing and had not learned anything new that would change his opinion. He urged the Council to deny Ordinance 3781.

Larry Moore, 3404 Springbranch, representing the Woods of Springcreek HOA, spoke in opposition to the zoning change. He stated the residents were looking forward to more retail rather than apartments.

Brad Forslund, 5605 N. MacArthur Boulevard, President of Churchill Residential, felt there is a misperception of what Evergreen is and the service they provide. He stated the product is not an apartment complex and referred to the services that would be provided to the residents, such as transportation and activities. He noted that the average age is 75 and typically 80% female. He stated services promote an independent lifestyle and are designed to create community, to engage the residents, and to bring them together. He noted that the units are not designed for families and stated their agreement to stipulate a minimum age requirement of 62. He stated that the facility would not have an impact on schools and would generate very little traffic. He also stated that children are not allowed to stay beyond a visit. He stated that the financing is very competitive and provides a benefit to the seniors and the community.

Michael Teeling, 716 Cambridge Drive, stated he has lived in Richardson since 1969 and would like to live in Richardson for the rest of his life. He spoke in favor of Ordinance 3781 and he felt the proposed site would be a facility where he and his wife would want to live. He felt that it would be less traffic than retail.

Ed Whitehill, 4001 E. Renner Road, President of the Breckinridge Corners Property Owners Association, spoke in favor of Ordinance 3781 because of the need for such a facility in the area. He referred to an article in the *Dallas Morning News* pertaining to the need for locations

for seniors to live and provided his personal example of the need for affordable housing for his parents as well as the different types of housing close to his home.

Perry Hescocok, 3506 Fairlands Drive, agreed that it would be apartments, but it has the amenities that seniors need. He spoke about the need for affordable housing for seniors and spoke in favor of the item. He felt the new daycare center would create more traffic than the proposed facility. He did not feel it would hurt the neighborhood or schools and could help the retail in the area.

James Hall, 316 Huffhines Street, disclosed that he knows the applicants but was speaking as a resident rather than a business acquaintance. He referred to a study held several years ago that noted the need for independent senior living facilities. He stated he was comfortable with the quality of the development and was in favor of providing a place to allow seniors to remain in Richardson.

Richard Ferrara, 405 Waterview, stated he contacted Mr. Sicking on two occasions to discuss the proposal and did not receive a response. He explained that the subsidy to be received would go directly to the lenders financing the project, not to the developer and in no way impacts the developer, except for the fact that their loan would be at an extremely low interest rate. He advised that his partner, Ron Walden, sent invitations to Moroney Farms, McKenzie Meadows and Sharps Farms HOAs, the three major homeowner associations in the area, and only one person attended the meeting. With regard to the potential for retail development, Mr. Ferrara stated that there would still be 4½ acres remaining along the Renner Road frontage.

Mayor Slagel thanked the audience for their comments and stated the Council would continue with the agenda as listed and take action at the appropriate time.

---

**5. CONSIDER APPOINTMENTS TO THE CITY PLAN COMMISSION AND CIVIL SERVICE BOARD.**

ACTION TAKEN: Mr. Townsend moved approval of the following appointments.

City Plan Commission

Reappoint Bill Hammond, Vice Chair (PI 2) – term expires July 31, 2012

Reappoint Barry Hand (PI 3) – term expires July 31, 2012

Reappoint Gerald Bright (PI 1) – term expires July 31, 2012

Reappoint Janet DePuy (PI 3) – term expires July 31, 2012

Reappoint Thomas Maxwell, Jr., Alt (PI 1) – term expires July 31, 2012

Civil Service Board

Reappoint Marilyn Smith, Vice Chair (PI 2) – term expires August 31, 2012

Reappoint Bill Harper (PI 3) – term expires August 31, 2012

Second by Mr. Mitchell and the motion was approved with a unanimous vote.

---

**6. CONSIDER SETTING PUBLIC HEARINGS ON AUGUST 23 AND AUGUST 30, 2010, ON THE PROPOSED TAX RATE OF \$0.63516 PER \$100 VALUATION FOR FISCAL YEAR 2010-2011.**

ACTION TAKEN: Mr. Macy moved approval of setting the public hearings on August 23 and August 30, 2010 on the proposed tax rate of \$0.63516 per \$100 valuation for Fiscal Year 2010-2011; second by Mr. Murphy and the motion was approved with a 7-0 vote.

---

**7. CONSIDER SETTING PUBLIC HEARING ON AUGUST 23, 2010, ON THE PROPOSED 2010-2011 CITY OF RICHARDSON MUNICIPAL BUDGET.**

ACTION TAKEN: Mr. Mitchell moved approval of setting the public hearing on August 23, 2010 on the proposed 2010-2011 City of Richardson Municipal Budget; second by Mr. Solomon and the motion was approved with a 7-0 vote.

---

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:**

Mayor Slagel stated he would accept discussion or a motion regarding the Consent Agenda with the exception of Item 8A2. Mr. Solomon asked that Item 8B3 also be removed for discussion.

ACTION TAKEN: Mr. Solomon moved approval of the remainder of the Consent Agenda; second by Mr. Townsend and the motion was approved with a unanimous vote.

**A. Approve the following Ordinances:**

1. **Ordinance No. 3780**, adopting Supplement No. 19 to the Code of Ordinances adopted October 16, 1992.
2. **Ordinance No. 3781**, amending the Comprehensive Zoning Ordinance and Zoning Map to grant a Special Permit for a Senior Independent Living Facility with Special Conditions on a 5.91-acre tract of land zoned PD Planned Development for LR-M(2) uses, said tract being described as part of Lot 1, Block A, Breckinridge Commons Addition in Collin County, Texas.

**Removed for separate discussion and action**

3. **Ordinance No. 3782**, amending the Comprehensive Zoning Ordinance and Zoning Map to grant a Special Permit for a Freestanding Antenna Tower with Special Conditions on a 0.06-acre tract of land zoned I-M(1) Industrial, said tract being described as a portion of Dallas Area Rapid Transit (DART) right-of-way in Dallas County, Texas.
4. **Ordinance No. 3783**, granting a Revocable License to the University of Texas at Dallas to occupy, maintain and utilize certain public property in, under and across street and alley rights-of-way within the limits of the City of Richardson for the

purpose of the installation, use and maintenance of subsurface telecommunication cables; providing for the terms and conditions of this license; and providing for compensation to be paid to the City.

**B. Approve the following Resolutions:**

1. **Resolution No. 10-17**, approving the terms and conditions of a Grade Corssing Improvements Agreement by and between the Kansas City Southern Railway Company ("KCS") and the City of Richardson, Texas; and authorizing its execution by the City Manager.
2. **Resolution No. 10-18**, approving the terms and conditions of an agreement for "P25 System and Service Purchase Agreement" by and between the City of Richardson, Texas, and Plant Equipment, Inc., a DBS PLANTCML, a California Corporation; and authorizing its execution by the City Manager.
3. **Resolution No. 10-19**, restricting growth of Payday and Auto Title Loan establishments in the community.

**Removed for separate discussion and action**

**C. Award of the following Bids:**

1. **Bid #36-10** – authorization to issue annual requirements contracts to Dynapak Corporation and Central Poly Corporation for trash and recycle bags pursuant to unit prices.
2. **Bid #46-10** – authorization to issue a purchase order to Physio-Control, Inc. for fourteen (14) cardiac defibrillators for the Fire Department in the amount of \$404,169.85.
3. **Bid #55-10** – authorization to issue a purchase order to Dell Computer through the State of Texas Department of Information Services Contract #DIR-SDD-890-TX for computer hardware for the Police Department Records Management System in the amount of \$94,239.36.

**ITEMS REMOVED FROM THE CONSENT AGENDA**

**8B3 Resolution No. 10-19**, restricting growth of Payday and Auto Title Loan establishments in the community.

Mr. Solomon explained that the AARP has requested that cities approve a resolution limiting payday loan stores. He noted that AARP has taken proactive stance in requesting the State Legislature to adopt similar regulations such as adopted by the City of Richardson. He acknowledged Susan Williams, Assoc. State Director of AARP; Gwin Webster, Richardson citizen volunteer on the project; Stephanie Warner, Director of Public Policy for United Way; Victor Garcia, Richardson citizen and Susan Huff, Sr. Vice President for Community Impact, who were in attendance for the item.

**ACTION TAKEN:** Mr. Solomon moved approval of Consent Agenda Item 8B3; second by Mr. Townsend and the motion was approved with a unanimous vote.

**8A2. Ordinance No. 3781**, amending the Comprehensive Zoning Ordinance and Zoning Map to grant a Special Permit for a Senior Independent Living Facility with Special Conditions on a 5.91-acre tract of land zoned PD Planned Development for LR-M(2) uses, said tract being described as part of Lot 1, Block A, Breckinridge Commons Addition in Collin County, Texas.

Mr. Omar thanked the citizens for appearing and expressing their opinions. He spoke about the importance of providing for the seniors/baby boomers of the community. He stated that the restriction to ages 62 and older takes away the concern that the facility would become a traditional multi family dwelling. He felt the traffic impact would be minimal and felt it would be positive for the retail in the area. He stated he would be supporting the ordinance.

Mr. Townsend stated if the request was for the typical multi family apartment, he would be strongly opposed. He felt the facility is completely different from apartments and noted the success of Twin Rivers, which is a similar facility. He noted the need for the facility and the future need in Richardson. He stated he would be supporting the request.

Mr. Mitchell stated that he feels it is a good project, but is in the wrong location. He felt it was incumbent upon Council to consider what the project is likely to become in the future. He felt that a heavy concentration of multi family in one location is bad for the community, long term. He understood the need for affordable housing but felt there were better locations for the facility. He stated that he would not be supporting the item.

Mr. Macy voiced a concern with continuing to deny well planned projects. He felt it was incumbent upon the Council to have Codes that do not allow the decay referred to on Spring Valley. He felt the risk was being taken by the builder and stated he would support the ordinance.

Mr. Solomon stated that he agreed that location is important. With regard to notice to the community, he referred to previous action taken by Council supporting the application for funding and felt that the project has been discussed for a long time. He felt the only impact on the school would be positive and felt traffic would be minimally impacted with the facility, and would be less than with retail. He stated he would continue to support the request.

Mr. Murphy talked about the differences in product and property with the Twin Rivers development. He stated the proposed facility would be low income senior apartments and felt it was not something the City needed. He spoke about the need to avoid development until the right development was submitted. He felt the proposed facility was an alternate use not in the best interest of the City or the residents. He noted that Churchill has a luxury product that they developed in the city of Dallas, but was not the product they proposed for Richardson. He felt the City was being offered an inferior product and would vote against it.

Mr. Omar noted that the number of seniors who are 65 and older today in Richardson is approaching 25% of Richardson residents. He felt the Council needs to consider the best place for such facilities to exist. He did not feel that approving the request was giving up and he stated he was comfortable with the rents being below market and he did not feel that the TOD area was appropriate for an independent senior facility.

Mr. Mitchell felt TOD areas are appropriate for senior housing because of the transportation options and access to retail and restaurants. He felt the key is sustainability and if it is not placed in an area where people want to live, the site will deteriorate. He felt the area at North

Star and Renner did not need more density and was concerned about the long term viability of the facility.

With regard to the similarities between Twin Rivers and the proposed project, Mr. Solomon stated that Twin Rivers does not include assisted living; he felt the construction of the proposed facility included quality material and felt the proposed facility is a good use for the location. He agreed that it was adding multi family, but felt the demographic would not be a problem. He felt that the proposed facility was a good use for the location.

Mayor Slagel asked staff to describe the property and address the type of development that would be viable on the remaining property. Sam Chavez, Asst. Director of Development Services, stated the property along the south side of Renner Road was zoned Local Retail, which is the same zoning on the north side of Renner Road and is probably the type of development that could be expected for the amount of available acreage. With regard to the traffic impact, the proposed units would generate approximately 592 daily trips compared to approximately 5,600 daily trips for retail. He stated that the remaining tract has the ability for a small grocery store, noting that the Aldi store on Belt Line Road is on a tract that is about two and a half acres in size. Mr. Keffler stated that the City has been involved in promoting the site to every grocery chain possible and addressed the timing of grocery store development in the area. Staff continues to promote the viability of the area for a grocery store or convenience store.

Mayor Slagel stated he would like to see the property restriction to be permanent rather than 40 years. He talked about the Council goals wherein they agreed to the need for unique senior housing. He stated that he has heard from seniors that it is hard to co-exist with the people who normally live in apartments because of the different lifestyles. He felt that the proposed housing doesn't create a problem as long as it doesn't take away the possibility of retail on the corner. He understood it was not an ideal situation and stated he understands the various viewpoints.

Mr. Murphy commended Mayor Slagel for his work in trying to resolve some concerns and reminded the Council that the request was for a special permit, which offered some protection.

Mr. Townsend asked about the 40 year requirement and Mr. Keffler stated that the City Attorney has advised that the term could be made permanent. Mr. Chavez stated that the 40 year term limit on the age requirement is a minimum requirement by TDHCA. He stated that there is a compliance period of 15 years and an additional 15 years of monitoring to insure that the units maintain the affordability. After the 30 years, based on an applicant's request for funding, they could request additional points be awarded toward that application based on additional years of affordability. He advised that in this case, the applicant applied for the maximum number of points, which puts them at 40 years of total compliance. He offered the following language that could be used to address the restriction: Condition #12 would read, "The property shall be deed restricted for the development and use of a senior independent living facility which provides that each unit shall be solely occupied by individuals 62 years of age or older."

Mr. Mitchell stated he was concerned about the enforceability of deed restrictions. Mr. Keffler stated the City would be a party to the deed restrictions and could take action if necessary.

Mr. Murphy talked about the need for visioning to be applied to vacant land as well as developed land. Mayor Slagel stated that the vision for the area was for a grocery store and for a variety of reasons, the grocery stores developed outside of the area, making the property less attractive for a grocery store. Mr. Murphy noted that he was really talking about vacant land

throughout the city and not just at the location in question. Mr. Mitchell agreed with Mr. Murphy that the Council needs to identify in-fill sites and determine the type of use that should be on those properties.

ACTION TAKEN: Mr. Townsend moved approval of Ordinance No. 3781 as presented plus the change offered by Mr. Chavez concerning the time, and to tie the permit to the owner; second by Mr. Omar, and the motion was approved with a vote of 5-2 with Mr. Murphy and Mr. Mitchell opposed. Motion approved.

---

**9. RECEIVE SIGN CONTROL BOARD MINUTES OF THE AUGUST 4, 2010, MEETING.**

Mr. Murphy stated he would like to have a full hearing on the item.

ACTION TAKEN: Mr. Murphy moved to call up SCB 10-02 for a full hearing; second by Mr. Mitchell and the motion was approved with a unanimous vote.

Mayor Slagel adjourned the meeting at 9:14 p.m. and announced that Council would reconvene in Work Session after a short break.

ATTEST:

Pamela Schmidt  
CITY SECRETARY

MAYOR  
