

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL**

**March 8, 2010**

**City of Richardson, Texas**

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, March 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 (absent)	Assistant City Manager Community Services
Cliff Miller	Assistant City Manager Development Services
EA Hoppe	Assistant to the City Manager
Pamela Schmidt	City Secretary
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 FEBRUARY 22, 2010 MEETING**

ACTION TAKEN: Mr. Macy moved approval of the minutes as presented; second by Mr. Murphy 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 LIBRARY BOARD, SIGN CONTROL BOARD, AND ZONING BOARD OF ADJUSTMENTS/BUILDING & STANDARDS COMMISSION.**

ACTION TAKEN: Mr. Townsend moved approval of the following appointments and reappointments; second by Mr. Murphy; motion approved with a unanimous vote.

Library Board

Reappoint Andrea Rutledge, Chair (PI 3) - term expiring January 1, 2012

Reappoint Alyson Murphy (PI 2) - term expiring January 1, 2012

Reappoint Helene Lee (PI 3) - term expiring January 1, 2012

Appoint Doris Benner (PI 4) - term expiring January 1, 2012

Sign Control Board

Appoint Frank McGee, Chair – remainder of term expiring December 1, 2010  
Reappoint Ray Beall, Vice Chair (PI 2) – term expiring December 1, 2011  
Appoint Dorothy McKearin (PI 1) – term expiring December 1, 2011  
Appoint Sandra Moudy (PI 2) – term expiring December 1, 2011  
Appoint Chip Izard, Alternate (PI 4) – term expiring December 1, 2011  
Appoint Charles Warner, Alternate (PI 1) – term expiring December 1, 2010

Zoning Board of Adjustments/Building & Standards Commission

Reappoint Randy Roland, Chair (PI 2) – term expiring April 1, 2012  
Reappoint Larry Menke (PI 1) – term expiring April 1, 2012  
Appoint Chip Pratt (PI 4) – term expiring April 1, 2012  
John Veatch (PI 1) – Alt – term expiring April 1, 2012

City Secretary Pam Schmidt administered the Oath of Office to Doris Benner, John Veatch and Jeremy Thomason (appointed at the February 22, 2010 meeting).

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Mayor Slagel announced that Agenda Items 6 and 7 would be heard and discussed at the same time with separate action.

**6. PUBLIC HEARING, ZONING FILE 1001: A REQUEST BY CHRIS LA MACK, REPRESENTING GEMINI RICHARDSON SQUARE, L.P., TO AMEND ARTICLE I (DEFINITIONS) AND ARTICLE XXII-A (SPECIAL PERMITS) OF THE COMPREHENSIVE ZONING ORDINANCE TO PERMIT A “SELF SERVICE WAREHOUSE (SECONDARY USE)” IN ANY C-M COMMERCIAL OR INDUSTRIAL ZONING DISTRICTS BY SPECIAL PERMIT.**

**7. PUBLIC HEARING, ZONING FILE 1002: A REQUEST BY CHRIS LA MACK, REPRESENTING GEMINI RICHARDSON SQUARE, L.P., FOR A SPECIAL PERMIT FOR A SELF-SERVICE WAREHOUSE (SECONDARY USE) AT 1407 E. BELT LINE ROAD; NORTHEAST CORNER OF BELT LINE ROAD AND PLANO ROAD. THIS REQUEST IS SUBJECT TO THE APPROVAL OF THE CZO AMENDMENT REQUESTED IN ZONING FILE 1001. THE PROPERTY IS CURRENTLY ZONED C-M COMMERCIAL.**

Mr. Keffler referred to a similar request reviewed by Council in late October 2009. He advised that the first item is an amendment to allow a self service warehouse as a secondary use in C-M Commercial districts and enable it to be one of approximately 76 uses provided for by special permits. In this situation, the business would be restrained to a maximum of no more than 50% of an area or less than 20,000 sq. ft. with a limit of five years with an option to request an extension. He advised that the item was reviewed by the Plan Commission on February 16, 2010 and was recommended to Council on a 7-0 unanimous vote. Zoning File 10-02 is a request for a Special Permit to for a self service warehouse. The request is in response to a 140' deep retail space at 1407 E. Belt Line. He advised that the Plan Commission reviewed the case on February 16, 2010 and was unanimously recommended for approval on a 7-0 vote. He asked John Webb, Director of Development Services, to brief the Council.

Mr. Webb explained that ZF 10-01 is a request to amend the definitions by establishing a definition for a self service warehouse as a secondary use and amending the Special Permit Article of the Comprehensive Zoning Ordinance to accommodate the use by a special permit in the commercial and industrial districts. He noted the changes in the application since last heard by the Council in October 2009. The definition would include a stipulation that the use would not exceed 50% of an area of the principle building but in no instance could it exceed 20,000

square feet regardless of the size of the building and include specifics about storage items that would be prohibited in the building. The use would be restricted to the commercial district and any industrial district. He noted that an application can be made for a self service warehouse in any industrial district currently. He reminded Council that they can be more specific and more restrictive than provided by staff and quickly reviewed the provisions of the ordinance. He provided a map illustrating the land area currently zoned Commercial and Industrial. He noted that no single unit would be allowed to exceed 500 sq. ft. With regard to ZF 10-02, he advised that the site is located at the northeast corner of Plano Road and Belt Line and is adjacent to the LA Fitness facility. He noted that the site plan and floor plan would be made a part of the ordinance. He described the signage proposed by the applicant and provided photos of the area.

Mr. Murphy asked if there was language that would prohibit entry through the front and the warehouse function would be at the rear of the building. Mr. Webb explained that it was not written in the text of the amendment. He noted that typically the Plan Commission and Council will look very closely at the proposed site plan for special permits and dictate those types of elements on a case by case request.

Mr. Townsend asked about the 5-year time limit and Mr. Webb responded that the City has imposed time limits in the past, but not in recent years. He stated that it was generally used when the City felt like it would be an interim use and would evolve to another use.

Chris LaMack, 16740 Burkdale Commons Parkway, Huntersville, North Carolina and Donte Massaro, same address, representing the applicant, appeared before the Council. Mr. LaMack referred to their previous meeting with the Council and addressed the Council's concern with regard to the possible proliferation of the warehouse use. He reported that they have studied the location in Richardson where it would be feasible to have such use and noted that there would ultimately be 6 - 12 sites where the use would be feasible. He talked about the changes that have occurred in Richardson since 1975 when the building was constructed, noted the problem with the depth of the space and felt the proposed change would help to fill the space. He explained that Richardson currently has 6 million square feet of retail property and a 13.1% vacancy rate, which is 800,000 square feet.

Mr. Massaro referred to the abundance of vacant retail space in the City and he felt that the self storage use being proposed was an alternative use that could be temporary but would be market driven. He stated the use would require an initial investment that is probably a little higher than that of a restaurant on a per square foot basis. He noted that if the economy improves and a use is identified for the space, it would make sense to put in a user that pays a higher rent. He did not think there would be the proliferation the Council is concerned about. He noted the special use permit process that would give Council final review of each request and felt the flexibility was worthwhile. He noted that the average profit is about \$6 per foot, which is better than zero.

Mr. Murphy stated he understands that it would be foolish to put a self storage facility at the front of the building because of the expected low rate of return. Mr. Massaro stated that the other tenants he has spoken with is in favor of the use and do not feel it will be disruptive to their use.

Mr. Omar asked about the cost of investment and Mr. LaMack stated the investment would be approximately \$600,000. The average self storage unit generates about \$6 per sq. ft. and they would do their best to maximize value. Mr. Massaro stated they would need to achieve 80%

occupancy and advised that Gemini would be the lease holder of the storage space. He stated there would be no on-site management and there would be card entry ability with a management company to address problems. With regard to traffic, Mr. LaMack stated they expect full occupancy to generate 8 or 9 cars a day.

Mr. Mitchell asked if the language was tight enough to keep investors from purchasing property for the purpose of constructing self contained self storage units and Mr. Webb stated that the restrictions of size and the numerous types of development standards would hinder such construction and the use would still require Council approval. Mr. Keffler underscored that the authority would rest with Council to consider the merits of each request. Mr. Webb felt that there would not be a large number of requests. Mr. Massaro stated the cost of retail space was more than could be received for self storage and was and would be a deterrent.

Mr. Macy spoke in favor of the request. In response to Mayor Slagel with regard to the marketing strategy, Mr. LaMack stated there would be various forms of advertisements and word of mouth. He felt that many nearby businesses and residents would be interested in the space for file storage because it would be climate controlled space. Mr. LaMack felt the sign on the north side of the building was needed and would generate business. Mr. Omar stated his preference for using the back side of the building and stated he would like to include a depth restriction. Mr. Webb stated he would like to work on wording that would require an applicant to show a viable remaining retail area and include language that the use is primarily in the rear portion of the building and the site plan and floor plan must show a demonstrated ability to effectively use the front part for retail commercial property. He stated a concern with including a number because of the different configurations of buildings.

Mr. Murphy stated the City needs to make sure that retail is viable. Mr. Mitchell felt a depth restriction gives a clear message that the Council does not want a proliferation of self storage units.

Mike Cagill, 4529 Lorraine, Dallas, and Taylor Lamaster, 6361 Lane Circle, Dallas, marketing and leasing consultants, stated the special use permit would allow for a lower price point to attract a different market. He noted that big boxes are looking for freeway exposure.

Mayor Slagel opened the public hearing and invited speakers to address the Council.

Robert Holton, Heights Venture Architects, L.L.P., 15851 Dallas Pkwy # 1060, Addison, spoke in favor of the proposal stating that he felt the ordinance would work well to meet the needs of the developer as well as the need of the residents. He felt the key was the language of it being a secondary use and the percentage of the principal building restriction. With regard to ZF 10-02, Mr. Holton felt it was a good creative solution and encouraged the Council to consider it.

Marilyn Frederick, 201 Wooded Canyon Court, spoke in favor of ZF 10-01 and in support of ZF 10-02. She applauded Gemini for the concept and felt the success of the shopping center could be in serious doubt if the proposal is not approved. She felt the City sends the wrong message if they don't help the investors during challenging times.

Diana Clawson, 800 Westminster Drive, President of the Richardson Duck Creek HOA, spoke in favor of the proposal and was specifically in favor of restricting the hours of operation, smaller signage, and no electrical outlets will be provided in the storage area. She stated the residents were also comfortable that there would not be a large increase in traffic. Mr. Omar commended the applicant for the outreach and communication with the residents.

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

**ACTION TAKEN:** Mr. Murphy moved approval of ZF 10-01 with the following addition: under Section F, add a statement in the beginning that states no entrance from the front of the building will be allowed; language adding restriction to the rear portion of the building; add item under Section H that the floor plan shall depict the layout and the viability of the remaining portion of the building. Mr. Townsend suggested deleting the 5-year limitation because the Council can call it up at any time. Mr. Murphy agreed and considered it a friendly amendment. Mr. Murphy restated the motion as follows: move approval of ZF 10-01 with the following changes – the entry portion modified as suggested by Mr. Webb; a floor plan as suggested by Mr. Webb and elimination of the time limit on the special permit. Mr. Omar seconded the motion and the motion was approved with a unanimous vote.

**ACTION TAKEN:** Mr. Townsend moved approval of ZF 10-02; second by Mr. Macy. Mr. Webb stated that in keeping with the previous motion, the 5 year limit would be struck. Mr. Townsend agreed. The motion was approved with a unanimous vote.

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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:**

Mr. Murphy requested Item C1 be considered separately.

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

- A. Approve Resolution No. 10-05, approving the terms and conditions of an Interlocal Cooperative Agreement between the City of Richardson, and North Central Texas Council of Governments, for Bicycle/Pedestrian Regional Connection, and authorizing its execution by the City Manager.
- B. Approve advertisement of the following bids:
  - 1. Rebid #03-10 – Waterline Rehabilitation Project (500 & 600 Block of Devonshire Drive). Bids to be received by Thursday, March 25, 2010 at 2:00 p.m.
  - 2. Bid #33-10 – Owens Park Subdivision Screening Wall Project (Plano Road and Campbell Road). Bids to be received by Friday, March 26, 2010 at 2:00 p.m.
- C. Award of the following Bids:
  - 1. Bid #19-10 – authorization to issue an Annual Requirements Contract to Sweeping Services of Texas – Operating LP dba Mr. Dirt of Texas Street Sweeping Services pursuant to unit prices.



2. Bid #21-10 – authorization to issue an annual contract to Entertainment Services for Electrical Generators for special events in the amount of \$57,200.
  3. Bid #35-10 – authorization to issue an annual contract to Southern Tire Mart for tires through the Texas Local Government Purchasing Cooperative (BuyBoard) Contract #307-08 in the amount of \$80,000.
- D. Award Request for Proposal #701-10 – award to Schneider Electric for the 2010 Utility Security Improvements in the amount of \$598,498.49.
- E. Authorize the city manager to execute Change Order #1 to Purchase Order #100777 in the amount of \$70,500 to Omega Contracting, Inc., for the US75/SH190 Hike & Bike Recreational Trail.

**ITEMS REMOVED FOR SEPARATE CONSIDERATION:**

- C1. Bid #19-10** – authorization to issue an Annual Requirements Contract to Sweeping Services of Texas – Operating LP dba Mr. Dirt of Texas Street Sweeping Services pursuant to unit prices.


Mr. Murphy asked about quality control because of the dust created and the litter that gets moved rather than removed. Mr. Miller stated staff could meet with the Parks Department to address the performance as specified in the contract. Mr. Keffler noted that it is a one-year contract and staff would evaluate the contract.

ACTION TAKEN: Mr. Murphy moved approval; second by Mr. Townsend; Mr. Keffler explained that there are 19 cycles of sweeping on secondary and thoroughfare streets, it is a very programmed activity and there is no residential street sweeping. Mr. Murphy noted the need for the work and stated his trust that Mr. Keffler would address the issue. The motion was approved with a unanimous vote.

Mayor Slagel advised that Council would reconvene in Work Session to hear a couple more items as listed on the Work Session agenda and adjourned the business session at 9:07 p.m.

  
MAYOR PRO TEM

ATTEST:

  
CITY SECRETARY