

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL  
February 14, 2011  
City of Richardson, Texas**

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, February 14, 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
Sam Chavez	Asst. Director of Development Services – Planning
Susan Smith	Asst. Director of Development Services – Engineering
Jim Lockart	Asst. Director of Engineering

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1. **INVOCATION**
  2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS**
  3. **MINUTES OF THE JANUARY 24, 2011 AND JANUARY 31, 2011 MEETINGS**

ACTION TAKEN: Mr. Murphy 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.** *(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.)*

Richard Tanner, 401 Ridgehaven Place, referred to his suggestion during the January 31<sup>st</sup> meeting that the Bush Central Station and Caruth zoning cases be placed on the May 14, 2011 ballot. He suggested the Council remove the items from the Consent Agenda for separate action and suggested it be placed on the May ballot.

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**5. PRESENTATION OF PROCLAMATION TO BRUCE SHERBET FOR HIS CAREER ACHIEVEMENTS AS DALLAS COUNTY ELECTIONS ADMINISTRATOR.**

Mayor Slagel stated he would read the proclamation and thereafter he and the Council would join Mr. Sherbet at the podium to congratulate him and give him an opportunity to say a few words. He stated that Mr. Sherbet served for over 20 years as Elections Administrator and expressed the Council's appreciation for his contributions. Mr. Keffler stated that the Council has, on many occasions, expressed appreciation for the execution and conduction of elections by Bruce Sherbet in years past while noting the seamless and efficient manner in which each has been conducted. He also noted Mr. Sherbet's consequential contributions at the legislative level on behalf of Richardson and all of communities throughout Dallas County. After the reading of the proclamation, each member of the Council individually extended their hand in appreciation. Mr. Sherbet talked about the recent weeks and noted how humbling it has been to hear from many of the people he has touched in the past 24 years. He stated it has been his honor to live in Richardson and serve as the Elections Administrator.

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**PUBLIC HEARING ITEMS:**

**6. PUBLIC HEARING, ZONING FILE 10-09: A REQUEST BY BILL PEAVY, REPRESENTING CLOUDLOFT INVESTMENTS, TO AMEND THE O-M OFFICE ZONING ON A PROPERTY LOCATED ON THE NORTH SIDE OF CAMPBELL ROAD, WEST OF WATERVIEW PARKWAY. THE PROPERTY IS CURRENTLY ZONED O-M OFFICE.**

Mr. Keffler advised that the City Plan Commission recommended denial of the request on June 1, 2010 with a 4-3 vote. At the July 12, 2010 Council meeting, the Council took action to delay the item to allow the applicant to further study drainage and flooding concerns. He stated that approval of the item would require a 2/3 affirmative vote. He asked Sam Chavez to further brief the Council.

Mr. Chavez stated the request was for an amendment of the special conditions of the O-M Office District for a proposed one-story office development. The 3.8 acre site is located on the north side of Campbell Road just west of Waterview Parkway. The proposed request includes a curb cut along Campbell Road, reducing the rear yard set back from 25 ft to 10 ft; reducing the east side yard setback from 25 ft to 10 ft; establishing the parking ratio at 1:250 sq ft of office space; and reducing the maximum building height from two story to one story. He stated that the Council continued the request from the July 12 meeting to allow the applicant to further study the area drainage and other issues related to adjacent area residents. He reported that staff reviewed the drainage study for the 112 acre development, also known as Lennox, and found that it was designed to handle storm runoff at full build out of the entire 112 acre development. He reported that Staff inspected and removed debris from the storm drain in Edith Circle, however, the potential for street flooding in Edith Circle was controlled primarily by the elevation of water in the west fork of Cottonwood Creek at the storm creek outfall. He advised that staff has contracted with Half & Associates to evaluate detention and channel improvement options to reduce water levels in the creek. He provided and reviewed a chart with the development status, zoning entitlement and the proposed development. He advised that on June 1, 2010, the City Plan Commission recommended denial of the request on a vote of 4-3; therefore a minimum of 6 of 7 affirmative votes from the Council is required to approve the applicant's request. He noted that Jim Lockart, Engineering, was present to respond to questions regarding drainage.

Mr. Murphy referred to a drain that was constructed to assist with drainage to the creek and asked if the flooding was related to an undersized drain going from Edith Circle to the creek. Mr. Lockart stated staff was aware of high water issues in Edith Circle and at the time of the original zoning, there was a requirement for detention due to erosion and drainage concerns downstream. He stated staff evaluated the Edith drainage system and found that the pipe capacity is adequate. Small debris was found in the pipe and was removed, but what's controlling the water surface elevation in Edith Circle is the high water level in the creek east of Edith Circle. Mr. Murphy asked if there was any impact from inadequate drains along Campbell that allow water to run off of Campbell and down Edith Circle to pool at the bottom and Mr. Lockart replied that the storm drain systems on Campbell are not contributing to the flooding.

Mr. Mitchell asked staff to elaborate on the scope of the drainage study that Halff & Associates will conduct. Mr. Lockart stated staff is requesting Halff & Associates to identify a solution to the problem of the high water level in Edith Circle. He stated that the study will look at how to reduce the water level either through reducing the amount of flow that goes to that point using detention or by doing some other improvements to the creek channel so that the water going there will flow at a lower level during big storm events. He provided an aerial map illustrating the area drainage basins noting that the study would address both areas. He stated that the two shaded areas – green and red – are the areas that contribute water to the west fork of Cottonwood Creek, which is the creek that runs along the west side of Waterview. The green shaded area goes through the Lennox development that has two detention ponds. The red shaded area includes areas that currently do not have detention ponds built into it. The Halff study will look at both areas and identify potential sites for additional detention to primarily control the flow of water from the red shaded areas. The study will also look at ways to improve the channel capacity to allow the water that does run off to flow more efficiently.

Mr. Townsend asked staff to address the requested curb cut. Mr. Chavez stated the proposed curb cut is a mechanism to provide direct access onto the site and the proposed cut meets the design standards for driveway openings as well as transition lanes. Mr. Townsend noted that traffic to other sites get in from the back and asked why that couldn't occur for this site. Mr. Chavez explained that the applicant's concern was that it would be creating one point of access or exit onto Jonsson Boulevard. In essence, he would be creating one large internal fire lane, which would have to meet the standards of a cul-d-sac and this site would exceed. He stated it was more from an emergency standpoint than anything else. He stated the curb cut would alleviate some of the traffic that might happen at Lake Park for someone wanting to enter the site by having a second point of access. The drivers traveling east on Campbell would turn on Jonsson from the north.

Mayor Slagel asked if it was staff's opinion that the green area of drainage was adequately handling the requested site; he recognized there's a drainage problem and the Halff study is being conducted to understand how to solve the problem coming from the red shaded area; and Mr. Lockart stated the detention ponds constructed with the Lennox development were designed and are functioning to control the runoff from the area shaded in green. He also noted that it was designed for the current zoning, which is more intense than the proposed development. Mr. Chavez stated that the drainage study for the Lennox area included about 112 acres of property and the detention ponds were designed to accommodate full build out of the 112 acres. Discussion was held regarding the traffic pattern for drivers going west on Campbell.

Mr. Murphy asked if any of the drainage systems put in place anticipated getting more runoff from the UT Dallas campus and Mr. Lockart felt that the culvert at Campbell along with the

infrastructure down from that area would have been designed with the build out of the watershed, but probably was designed before the City's criteria required the current level of discharge. Mr. Murphy asked if the creek area, which has grown considerably over the years, was a substantial contributor to the problem and if the City should begin a more aggressive program on creek maintenance because of the negative impact on Edith Circle. Mr. Lockart stated that part of the scope of the study would be to look at the existing vegetation in the channel and evaluate what would happen if it were reduced.

Mayor Slagel opened the public hearing and invited the applicant to present the request.

Bill Peavy, applicant and Manager of Cloudloft Investments, 1901 N. Akard Street, Dallas, provided a history of other projects he developed and stated that he sells the offices to professional service providers. The offices will include 1,150 square feet; six offices and would include lawyers, CPAs, insurance people; real estate people and typical professional service providers. He stated that he found out about the drainage situation in June and understood that there are a lot of people in the JJ Pearce neighborhood who are upset about drainage concerns. He stated they conducted a topography study; met with Albert Halff, and met with the City on numerous occasions. He stated he understands the neighbors concerns, but he did not believe that the development he proposed has anything to do with the flooding. He stated that in the current undeveloped stage, 10% goes to the creek with 90% going into the detention pond. Once developed, 100% would go into the detention pond resulting in a better situation than it is presently. He talked about the impact of the setbacks noting that he was not asking for variances of the 50 ft setback along Campbell Road or the 25 ft setback on the west side, and pointed out the distances between the buildings. He talked about the challenges with the site and stated the need for the curb cut was due to development and marketability issues.

Mr. Omar asked about the capacity of the detention pond and noted that with the development in place, 100% would be more runoff. Mr. Peavy referred to the comments made by Mr. Lockart stating the pond was designed to handle the entire 112 acres and the development has been far less than entitled, which implies there is a tremendous amount of capacity remaining. He stated the detention pond is designed to act like a bath tub but did not know a direct answer regarding the current capacity.

Grant Woodfin, C&P Engineering, 1801 Gateway Boulevard, stated they don't know the capacity of the pond, but know what it was designed for and they believe it was designed correctly. He stated they don't know the level of silt in the pond. Mr. Lockart stated it was designed for a particular amount of development and only about 1/3 has been built. Mr. Omar stated he is not comfortable with basing his decision on what it was designed for many years ago without knowing how it is currently performing. Mr. Lockart stated evaluation could be done as part of the development process or the study could include a review of the amount of detention the pond currently provides. Mayor Slagel asked if the Halff study would include both drainage areas and Mr. Lockart replied affirmatively. He stated the design tells staff it has the capacity needed and the as-built drawings show that it was constructed according to the construction plans and he has no reason to think that it doesn't have the capacity it was designed to handle. Mr. Omar reiterated his concern about whether or not the detention pond is performing correctly.

Mr. Keffler explained the pond was developed in accordance with the drainage requirements. Each time a new project is developed, it must meet obligations relative to drainage. He felt the critical point is that all of the original plans that were put in place are now handling 1/3 of the amount of development that was originally destined to happen. Staff can provide information on

the original development and each of the layered developments. Should the development proposed by Mr. Peavy be approved, it would have to conduct a drainage study and adhere to the results. The Halff study would address both locations and would provide solutions for the Council.

Mr. Mitchell felt there has been good due diligence incrementally, but flooding continues at Edith Circle and he is hesitant to move forward until the study is completed because he does not want to cause further problems.

Mr. Macy noted that the Council has been told that the project is not going to increase the flooding on Edith Circle. Mayor Slagel asked about the elevations proposed, which had more of a residential look rather than commercial, and asked for the reasoning. Mr. Peavy stated the offices do have a residential look and varies it with stone and accents, but it is built that way because it usually abuts residential property. He stated there would be an association that has a sinking fund to address maintenance.

Mayor Slagel invited speakers to provide input.

Bill McCalpin, 1400 Cheyenne Drive, stated he noticed a huge improvement with the construction of the detention pond, although prolonged rain will cause flooding. He advised that the property owners own the vegetation into the creek and spoke about their interest in preserving the vegetation. It was his opinion that there is side creek impacting the west fork and he advised that the channel narrows causing the water flow to slow down. He stated he was happy for the study and hoped that Halff & Associates is encourage to study all the way to Arapaho and in addition, the side creek coming out of Mimosa Park. He also asked that JJ Pearce, The Reservation and Greenwood Hills associations be kept apprised of the results.

Joe Russum, 1102 Pueblo, representing the JJ Pearce HOA, stated he was encouraged to hear that an extensive study would be conducted and relayed a time when he was fearful of his home being flooded. He felt that Cottonwood Creek was the cause of the flooding and suggested the need for more or larger detention ponds. The HOA doesn't have a problem with the proposed development but felt the study should be completed before allowing the development.

Gary Edmondson, 1101 Edith Circle, referred to a presentation he distributed to Council. He stated the pond does not meter effectively and needed to be checked. He stated the detention pond was supposed to consist of 2½ acres and said it was maybe 1½ acres. He stated it was too low at the end and it only meters for a very short time. He asked that the Council delay action until the study was completed because the land may be needed for detention.

Bob Hutsler, 1092 Edith Circle, thanked the three retiring Council members for their service. He stated that while he has not always agreed with all of the decisions, he felt they would be missed. He stated he had no preference of one or two stories, but if there were fewer buildings, it would result in a smaller footprint. He stated he would object a minor variance to the setback except that it borders the detention pond. He feels the periodic flooding has gotten worst and felt development on the Lennox site was part of the problem. He strongly recommended that the request not be approved until the study is complete. With regard to the request for a curb cut, he stated that Jonsson Street was constructed to allow access to the lots to avoid curb cuts. He addressed problems with exiting Edith Circle noting that many homeowners can only enter and exit the street from Campbell. He asked the Council delay a decision until the study was completed and to deny the request for a curb cut.

Mayor Slagel asked Mr. Edmondson questions about the photos provided. Mr. Edmondson stated his home has not been flooded, but it has come within one inch and it was since the detention ponds were built. Mr. Murphy asked if the water was coming from the backing up of the drain or from the creek and Mr. Edmondson replied it was coming from both. He stated the flooding has been worst since the shopping center was constructed. In response to Mr. Murphy, Mr. Edmondson stated he was indifferent about the request, but his concern was to stop developing until the study is completed.

Mayor Slagel asked Mr. Russum to address a couple of the photos he provided. Mr. Russum stated that when the water goes over Melrose, it is just about going into several houses just north of Melrose and when the water goes over Waterview, it stops rising because it is a good flow. The railing on the current bridge allows water to flow easily and voiced concern that a bridge similar to the one on Waterview would catch debris causing flooding.

Mr. Townsend asked if the pond was supposed to be 2½ acres and the actual size constructed. Mr. Lockart stated the volume the pond holds is more important than the area it covers, but he doesn't know what the actual water level is and the storage area is a bigger area than what the current water level is. He stated he could provide that information to Council. Mr. Woodman stated the blue area on the map is the actual water surface and the black dashed line is the 100 yr flood plain per the Halff study and stated if the pond needed to be larger, it could occur at that area.

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

Mr. Omar asked about the impact to the applicant if a decision on the request was delayed. Mr. Peavy stated he has no intention of being a part of the problem and if the pond is determined to have been constructed properly and works correctly, he would like to move forward. He stated he would not want to delay it six months.

Mr. Omar stated it was the Council's responsibility to make sure that the decision they make does not exacerbate the problem. He stated he would like to know if the system is working properly. Mr. Mitchell stated the flooding seems to continue to worsen. He stated he does not have a problem with the development, but could not approve it until the study is completed. Mr. Murphy felt there are a lot of drainage issues that need to be assessed. While he did not like to delay the development, he felt it was important to do so until the study is completed. Mayor Slagel suggested the request be tabled until they receive the results of the study. Mr. Townsend stated he would like to see the study hastened and completed as quickly as possible. Mr. Macy stated he was ready to vote for approval and he was not convinced that the proposed project had any impact on the drainage. In response to Mayor Slagel, Mr. Chavez reviewed the development process, which is when the drainage code is addressed and explained that the developer will be required to meet the design criteria for runoff and if it doesn't, the building permit would not be issued. He explained that the drainage study by Halff would be for the two water sheds discussed and would take longer than a site specific study. Discussion was held about whether or not to make a decision on the request until the study could be concluded. Mr. Keffler stated the application was brought forward to Council because staff felt there was reasonable demonstration that the site was not the contributing problem to the flooding issue. He understood that if something else is needed, the land could be part of the solution, but there could be other solutions. Mr. Keffler assured Mr. Townsend that staff would work to complete the study as quickly as possible. Mr. Omar stated he would like to know the current capacity of the pond; what it can hold and what capacity it has for expansion, and if staff can verify that the

pond can and will hold 100% of the runoff, he would be ready to move forward. Mr. Murphy felt it was preferable to get the results before making a final determination on the request. He felt it protects the land owner, the applicant, City and the residents.

**ACTION TAKEN:** Mr. Murphy moved that ZF 10-09 be tabled indefinitely with the understanding that staff expedites the drainage study and work with the various parties to insure that they are aware of the progress; second by Mr. Solomon. Mr. Omar stated he would not be in favor of an indefinite hold. Mayor Slagel felt the study needs to be concluded. Mr. Townsend stated he would like to have a study just on the detention pond as well as the whole area. Mr. Keffler stated staff would check with Halff & Associates about isolating a portion of the study and would respond to Council. Discussion. Mayor Slagel repeated the motion to table the request indefinitely, accelerate the study and republish the notice after the study has been completed. The motion was approved with a vote of 5 – 2; Mr. Omar and Mr. Macy in opposition.

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**7. PUBLIC HEARING, ZONING FILE 11-01: A REQUEST BY THE CITY OF RICHARDSON, TO AMEND ARTICLE I OF THE COMPREHENSIVE ZONING ORDINANCE BY ADDING THE DEFINITION OF RAINWATER HARVESTING SYSTEM AND BY ADDING RAINWATER HARVESTING SYSTEM TO THE PERMITTED USE REGULATIONS OF ALL SINGLE-FAMILY, PATIO HOME, AND DUPLEX ZONING DISTRICTS.**

Mr. Keffler stated that the item was initiated by the Council with a directive to the City Plan Commission to address rainwater harvesting systems. He advised that they met on January 18, 2011 where they recommended approval of the addition of the definition in the zoning ordinance. He asked Mr. Chavez to brief the Council.

Mr. Chavez stated the request is to amend the Comprehensive Zoning Ordinance to include a definition of a rainwater harvesting system and to add the use as an allowed use in the single family detached, patio home and duplex zoning districts. The proposed definition of rainwater harvesting system means any system used for the capture, storage, and distribution of untreated rainwater from a rooftop catchment surface or from precipitation captured directly from the sky to be used for outdoor landscape irrigation. He stated the request is in response to the City's environmental initiatives and a recent request to allow a rainwater harvesting system in a residential district, which was approved in 2010. He stated there would be additional amendments to Chapter 6 of the Code of Ordinances with regard to location, size, capacity, screening, maintenance, exceptions and special permits. He reported that staff has not received any correspondence on the proposed amendment, but there was one resident who spoke at the Plan Commission meeting requesting an increase in the capacity of the system for residential uses, which would be found in Chapter 6. The Plan Commission recommended approval with a vote of 7-0 at the January 18, 2011 meeting.

Mr. Omar noted the desire to increase the amount of storage capacity allowed and wanted more discussion about the permit fee, and stated his understanding that the public hearing was pertinent to the addition of the definition and not storage capacity, to which Mr. Chavez affirmed. Mayor Slagel cautioned the Council to balance the enthusiasm for no limits with the need to control the aesthetics. He stated he is not against collecting rainwater but is against creating something that is very inappropriate for neighborhoods. Mr. Mitchell clarified that 250 gallons was the threshold for requiring a permit, but did not limit the storage capacity. He felt there needs to be a balance between making it something that people will want to do and making it easy. He stated that his research found that the regulations were varied in each city, and stated

he would like to get a better understanding of what would work better for Richardson as they move to discussion of the Chapter 6 regulations.

Mayor Slagel opened the public hearing.

Maitri Smithhisler, 2210 Victoria Lane, felt the proposed regulations address aesthetics with location and screening. She stated she spoke at the Plan Commission addressing the capacity question and felt that 250 gallons was a very low threshold. She felt the ordinance was very comprehensive and a good step forward. She felt that even though the permit is not very high, it would be one more impediment.

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

ACTION TAKEN: Mr. Townsend moved approval of ZF 11-01; second by Mr. Macy and the motion was approved with a unanimous vote.

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**ACTION ITEMS:**

**8. A REQUEST BY HUGO MORALES, REPRESENTING KIMLEY-HORN AND ASSOCIATES, FOR APPROVAL OF AN OFFICE USE (DATA CENTER) ON A 7.15 ACRE TRACT WITHIN TRACT R-13B. THE SUBJECT 7.15 ACRE SITE IS LOCATED AT THE NORTHEAST CORNER OF RENNER ROAD AND WYNDHAM LANE AND ZONED PD (PLANNED DEVELOPMENT DISTRICT).**

**9. VARIANCES 11-01 AND 11-02, RICHARDSON PRIVATE DATA CENTER-II (COMPANION TO ITEM 8 ABOVE): A REQUEST BY HUGO MORALES, REPRESENTING KIMLEY-HORN AND ASSOCIATES, FOR AN APPROVAL OF A VARIANCE FROM ARTICLE III, SECTION 21-47(D), OPEN SPACE AND SCREENING, AND ARTICLE III, SECTION 21-52(I), OFF-STREET PARKING, FOR A PROPOSED DATA CENTER. THE 7.15-ACRE TRACT OF LAND IS LOCATED AT THE NORTHEAST CORNER OF RENNER ROAD AND WYNDHAM LANE.**

Mr. Keffler stated that staff would address Items 8 and 9 together since they are companion items and asked Susan Smith, Asst. Director of Development Services, to brief the Council.

Ms. Smtih stated that Items 8 and 9 are companion items with separate actions. The subject property is approximately 7 acres located at the northeast corner Renner Road and Wyndham Lane. She noted that the property to the north is zoned PD Planned Development and has developed as a data center. The property to the east is zoned for apartments and has developed as Fire Station No. 5; to the south is single family residential and to the west the property is zoned PD Planned Development and remains undeveloped. The Item 8 request is to allow an office use or a data center on a 7 acre tract of land which is located in Tract R-13B. For reference, she advised that the Council made a similar decision on the property directly to the north in 1999. With regard to the variances listed in Item 9, she explained the Subdivision and Development Code requires screening where a non-residential development abuts a residential development. The proposed data center is directly adjacent to apartment zoning; however the property developed as Fire Station No. 5. Therefore the applicant is requesting permission to construct a 6 ft height wrought iron fence in lieu of the required masonry screening wall. She confirmed that the Fire Department has no concerns with the request. The second variance involves off street parking and she explained that the current regulations

require that the office space be parked at 1:250 and the unmanned area be parked at 1:1000. She explained that the applicant is asking for a parking reduction to park the manned area at 1:300 sq. ft. and park the unmanned area at 1:3000 sq ft. The request would require 67 parking spaces, which is an approximate 42% reduction. She advised that, as a courtesy, the adjacent property owners as well as the President of the Fairways of Sherrill Park HOA were notified of the request, and stated that no correspondence has been received. The City Plan Commission recommended approval with a unanimous vote.

Mayor Slagle invited the applicant to present the requests.

Jerry Mays, 434 Fall Creek, representing Steam Data Centers, stated he was available to answer questions. There were no questions for the applicant.

Mr. Mitchell commented that the Council has made a concerted effort to convert multi-family zoning to other uses and stated that approving the request removes another 100 apartment units. He felt it was a great use for the property.

**ACTION TAKEN:** Mr. Omar moved approval of Item 8 as well as VAR 11-01 and 11-02; second by Mr. Macy and the motion was approved with a unanimous vote.

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ALL ITEMS LISTED UNDER ITEM 10 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:

**10. CONSENT AGENDA:**

**ACTION TAKEN:** Mr. Murphy requested that Items A1, 2 and 3 as well as B2 and approve the remainder of the agenda; second by Mr. Mitchell and the motion was approved with a unanimous vote.

A. Consider the following Ordinances:

1. Ordinance No. 3805 amending the Comprehensive Zoning Ordinance and Zoning Map to grant a change in zoning for two (2) tracts of land totaling approximately 86 acres from R-1500-M Temp and TO-M Technical Office to PD Planned Development for property located at the Northeast and Northwest Corners of US Highway 75 and Renner Road.

Pulled from the Consent Agenda for separate action.

2. Ordinance No. 3806 amending the Comprehensive Zoning Ordinance and Zoning Map to grant a change in Zoning for a 57.1-acre tract of land from I-M(1) Industrial, PD Planned Development and TO-M Technical Office to PD Planned Development for property located at the Northwest corner of Plano Road and Renner Road.

Pulled from the Consent Agenda for separate action.

3. Ordinance No. 3807 amending the Comprehensive Zoning Ordinance by amending Article I, Section 2, by amending the definition of masonry construction.

Pulled from the Consent Agenda for separate action.

B. Consider the following Resolutions:

1. Resolution No. 11-04 Ordering a General Election to be held on the 14<sup>th</sup> day of May 2011, for the purpose of electing seven (7) Members of the Richardson City Council; designating Polling Places; ordering Notices of Election to be given; and authorizing execution of Joint Election Contract.
2. Resolution No. 11-05 requesting improvements to Interstate 35 East as designed by the Texas Department of Transportation to be fully funded and implemented for the full project length from Interstate Highway 635 in Dallas County to U.S. Highway 380 in Denton County.

Pulled from the Consent Agenda for separate action.

3. Resolution No. 11-06 recommending the State Legislature pass HJR 56 as filed by Representative Solomons to provide relief from unfunded mandates for local governments.

C. Consider Advertisement of Competitive Sealed Proposal #902-11 – communication equipment shelters & monopole. Competitive sealed proposals to be received by Thursday, March 3, 2011 at 10:00 a.m.

D. Consider award of the following bids:

1. Bid #08-11 – authorization to issue an annual requirements contract with Ewing Irrigation (primary contractor) and Irrigator Supply, Inc. (secondary contractor) for irrigation supplies pursuant to unit prices.
2. Bid #14-11 – award to C. Green Scaping, L.P., for the North Tributary Prairie Creek Erosion in the amount \$207,946.
3. Bid #23-11 – authorization to issue a co-op purchase order to Lassiter Bus & Mobility Company for a twenty passenger shuttle bus for the Parks Department through the Houston-Galveston Area Council of Governments contract #BT01-11 in the amount of \$85,462.
4. Bid #24-11 – authorization to issue a co-op purchase order to Frazer, Ltd for a MICU Ambulance for the Fire Department through the Houston-Galveston Area Council of Governments contract #AM04-10 in the amount of \$126,500.
5. Bid #25-11 – authorization to issue a cooperative annual requirements contract with Casco Industries for Fire Fighting clothes/bunker gear through the city of North Richland Hills pursuant to unit prices.

- E. Authorize the city manager to execute change order to increase purchase order 110275 to Dallas Dodge for two (2) additional police pursuit vehicles in the amount of \$45,682.

#### **ITEMS PULLED FOR SEPARATE ACTION**

**10A1 Ordinance No. 3805 amending the Comprehensive Zoning Ordinance and Zoning Map to grant a change in zoning for two (2) tracts of land totaling approximately 86 acres from R-1500-M Temp and TO-M Technical Office to PD Planned Development for property located at the Northeast and Northwest Corners of US Highway 75 and Renner Road.**

**10A2 Ordinance No. 3806 amending the Comprehensive Zoning Ordinance and Zoning Map to grant a change in Zoning for a 57.1-acre tract of land from I-M(1) Industrial, PD Planned Development and TO-M Technical Office to PD Planned Development for property located at the Northwest corner of Plano Road and Renner Road.**

**10A3 Ordinance No. 3807 amending the Comprehensive Zoning Ordinance by amending Article I, Section 2, by amending the definition of masonry construction.**

Mr. Murphy referred to Mr. Richard Tanner's comments during the visitors section and took exception to his comments. He felt that the Council listened intently over a long period of time as to what the citizens would like to see. He stated pulling the item for a separate vote was a reaffirmation of the importance of the project to the community and the City's future. Mr. Omar stated he has received an overwhelming number of positive responses about the good decision made by the Council and had no concern with reaffirming the approval. Mr. Mitchell stated he still feels strongly about the zoning on the property east of Plano Road and while he still does not want to see multi-family there, the fact that they have committed to come back before the Council with regard to the property, says that the applicant is very serious about making good choices about development and understands the angst of multi-family zoning. He stated that the feedback he has received is 99% in favor of the development. Mayor Slagel stated Richardson has a representative form of government and it is the Council's responsibility to study the case and make a decision that the Council feels is best for the community. He stated that he feels very comfortable with the Council's decision. He stated that putting the item on the ballot sounds like a good thing to do, but is not appropriate.

**ACTION TAKEN:** Mr. Murphy moved approval of Items 10A1, 2 and 3; second by Mr. Omar and the motion was approved with a unanimous vote.

**10B2. Resolution No. 11-05 requesting improvements to Interstate 35 East as designed by the Texas Department of Transportation to be fully funded and implemented for the full project length from Interstate Highway 635 in Dallas County to U.S. Highway 380 in Denton County.**

Mr. Mitchell stated he would ask Dave Carter, Asst. Director of Development Services – Traffic/Transportation, work with the DRMC Executive Director and RTC to craft a resolution. Mr. Murphy stated the resolution approved by DRMC does not address the primacy issue on toll roads or managed lanes. Mr. Mitchell stated that the resolution regarding I35 was being championed by Judge Mary Horn. He stated that most are approving the resolutions approved by DRMC and RTC. Mr. Murphy stated he would not vote for anything that doesn't address the primacy issue. He felt it was an important key to the public/private partnership; toll road managed lanes of the future. Mr. Mitchell stated that the one presented was the one proposed

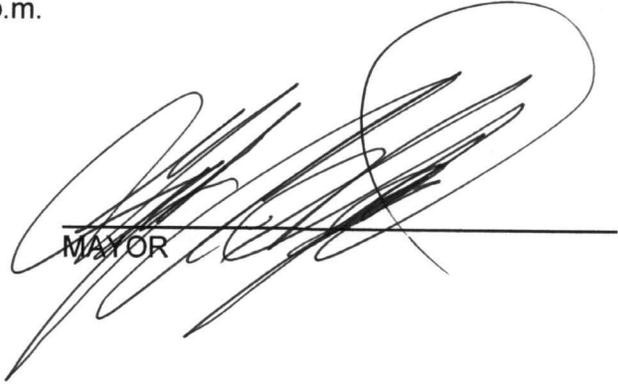
by DRMC and asked about considering the resolution proposed by the RTC. Mr. Keffler stated the Council could amend the resolution how it saw fit. Mr. Murphy stated the RTC and the DRMC are supposed to together and he would like to see consistency. Mayor Slagel suggested the motion could be to approve the resolution presented with the addition of the primacy issue. Mr. Keffler stated proposed Resolution 11-05 could be amended to incorporate the clauses of the RTC resolution that pertain to primacy.

ACTION TAKEN: Mr. Murphy moved approval of Res 11-05 as amended; second by Mr. Mitchell and the motion was approved with a unanimous vote.

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Mr. Solomon wished all of the spouses a Happy Valentine's Day.

Mayor Slagel adjourned the meeting at 10:17 p.m.



MAYOR

ATTEST:

Patricia Schmidt  
CITY SECRETARY