

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
January 24, 2011
City of Richardson, Texas

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, January 24, 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
Don Magner	Director of Community Services

1. **INVOCATION**

2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS**

3. **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.)*

Diana Clawson, 800 Westminster, clarified that the project they proposed for the Neighborhood Vitality project did not include a live screen along the horse farm fence. She explained that the section of the request was a suggestion of a project that they felt the City should consider and also the bridge improvement at Plano Road and Arapaho. She asked that the bridges be approved as part of capital improvements rather than the Neighborhood Vitality project.

Darrell Day, 1303 Chickasaw, stated the projects submitted by neighborhoods in the Call for Projects reflected what the neighborhood residents wanted and felt the Council high jacked the process and was not the correct way to handle the process. With regard to the future budget, he felt \$2 million a year should be allocated for Neighborhood Vitality.

Katherine Cargile, 1605 Wookoak Drive, stated she was very disappointed with Council. She stated that they raised issues that were not specific to Owens Park; they were issues about the process and she felt the concerns were objective, reasonable and deserved answers. She

underscored that the letter they submitted did not request funds. She stated she was disappointed that the question asked in Work Session was about the amount of funds allocated to Owens Park.

Charlie Newton, 2106 Goldenrod Drive, stated it has been his pleasure to lead anyone in prayer each Saturday morning and stated there is usually between 6 and 10 people. He described what he sees in the fountain and how it applies to the United States of America. It was his testimony that God wants to do something special with Richardson. He read from the Bible book of Proverbs.

Mark Smithhisler, 2201 Victoria Lane, representing NPAR, stated that NPAR supports a successful truly mixed use TOD but need the greatest possible due diligence to make sure it happens. He stated the goal of NPAR is to make sure that everyone is considering all aspects of the development. He felt that because many people left prior to speaking during the last public hearing, they don't believe it to be a sincere or respectful treatment of citizen input. He requested that the questions submitted be entered into the record and in sure the staff address the questions. He referred to the Spring Valley moratorium and requested that Council show a similar level of due diligence for the TOD and urged the slow down the process.

Andrew Laska, 502 Hyde Park, President of Richardson Heights NA, stated he has received disturbing emails from other neighborhood associations characterizing the emails as political threats. He felt that political threats or any other type of treat has no place in civic discourse. He stated that he has represented several neighborhoods over the years that have received less than \$100 per home and noted that one of the neighborhoods making the political threats has received over \$2,000 per home, and he found it unacceptable. He underscored that his message has always been to reinforce old neighborhoods, not east versus west. He addressed the project locations and funding history noting that it was fairly equal for neighborhoods on the east and west of Richardson. He felt the decisions made by the Council were fair and equitable.

4. PUBLIC HEARING, ZONING FILE 10-23: A REQUEST BY DAVID GLEESON, REPRESENTING CENTENNIAL PARK RICHARDSON, LTD., TO REVISE THE PD DEVELOPMENT RIGHTS FOR THE SPRING VALLEY STATION DISTRICT TO ALLOW 90 APARTMENT UNITS RATHER THAN 90 CONDOMINIUM UNITS FOR LOTS 1A, BLOCKS O AND Q, MCKAMY PARK ADDITION AS WELL AS AN ADDITIONAL 1.9 ACRES LOCATED NORTH OF THE PD BOUNDARY, WHICH IS TO BE ADDED TO THE PD AS PART OF THE REQUEST. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF SPRING VALLEY ROAD BETWEEN THE DART LIGHT RAIL AND GREENVILLE AVENUE. THE PROPERTY IS CURRENTLY ZONED PD PLANNED DEVELOPMENT.

Mr. Keffler stated the Plan Commission heard the request on December 7, 2010 and voted 6-1 to recommend approval of the request with special condition. He ask Sam Chavez, Asst. Director of Development Services – Planning, to brief the Council

Mr. Chavez stated the request was to amend the Spring Valley PD District to include an additional 1.9 acre tract located at the north boundary of the site and to amend the development rights to allow 77 apartment units in lieu of the previously proposed 90 apartment units proposed at the Commission's December 7th meeting for Lots 1A, Block O and Lot 1A, Block Q. The site is generally located at the northwest corner of Greenville Avenue and Spring Valley Road that currently allows a maximum of 500 units, 500 condominiums and 150 townhomes for a total 950 residential units. As proposed, the request does not increase the number of

allowable residential units but will reduce the number of condominium units from 300 to 223 units and result in a slight decrease in overall density as a result of the additional 1.9 acre tract. On December 7, 2010, the Plan Commission recommended approval of the request with a vote of 6-1 with the following special conditions:

1. The Spring Valley Station District Planned Development boundary, as described in Ordinance 3588 shall be revised to include the 1.9 acres as described in Exhibit 'A-1'.
2. The development rights stated in Ordinance 3588 shall be revised to allow an additional ninety (90) apartments on the tracts depicted on Exhibit 'B'. The development rights stated in Ordinance 3588 shall be revised to allow a maximum of 210 condominium units.
3. Development of any apartment units built after the date of passage of this ordinance shall be limited to the lots as described in Exhibit 'A-1' (legal description of the 1.9 acre tract) and Exhibit 'A-2' (legal description of Lot 1A, Block O, McKamy Park Addition).
4. Any residential construction after the date of passage of this ordinance shall be prohibited on Lot 1A, Block Q, McKamy Park Addition.
5. Surface parking shall be allowed for the ninety (90) apartment units to be located on the tracts as described as Exhibit 'A-1' and Exhibit 'A-2'.

Mr. Chavez concluded the presentation advising that several nearby residents spoke in opposition to the request during the Plan Commission meeting.

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

David Gleeson, L&B Realty Advisors, Co General Partners with Winston Capital Corp. in a partnership called Centennial Park Richardson, Ltd., stated their role in the project is representing the equity capital source that is providing most of the capital for the project. He clarified the representation that was left after the previous application before the Council stating that they are very committed to the success of the project. He stated they would do and recommend to the client to do what is most prudent and practical thing in keeping with the zoning that was originally granted and the vision that was originally created for Brick Row. He noted the financial incentive of the TIF funds for the project to be successful. He stated that his previous statement regarding their less than enthusiastic interest in building any of the 300 allowable condominiums should have been explained. He stated that Winston Capital spent up to three years working on the assemblage and zoning of the property, and although they were not wildly in favor of the condominiums, they were enthusiastic about the zoning for the 500 apartment units, the townhouse lots and also the office and retail space along Spring Valley Road. He stated that the condominium sites were not good for condominiums and read comments made by Plan Commissioner Janet DePuy. He provided photos of the views that condominium owners would have in order to illustrate the reason the area was not good for an owner/occupied development. He stated they decided to accept the zoning at that time because they did not want the investor's capital to continue to sit idle while they fought for something they would not get, which is the right to build 300 additional apartment units. Mr. Gleeson stated that of the 500 units that have either been built or were under construction, he stated that Building B is 87% leased, Building C is 75% leased and Building A units will be ready in about 60 days and the park is about 95% completed. He stated that the 77 units being requested are in two buildings; one of which would be 18 units; 3 stories in height; and the second building is four stories with an elevator with 59 units. He stated there would be 30 two-bedroom, two-bath units and 47 one-bedroom, one-bath units. The floor plans are taken from the 29 floor plans that have already been built and consider those to be the best units of what has been built. The 77 units will have an average unit size of 900 sq. ft., versus the average of 860 sq. ft. in the first 500 units. It would include a fitness center, surface parking, 35-40

carports, exterior materials will be identical to those in Phase I. He advised that they have agreed to restrict any residential buildings on the parcel identified in the request. He stated they propose to construct a private pool that would be used for the residents of Building C, residents of the 77 units under discussion and residents of the townhouses. He concluded his presentation quoting Commissioner Marilyn Frederick and Barry Hand.

Mr. Omar stated he is perplexed by the project and talked about the slow development of the project. He also asked what the plan is for bringing in retail to the area. With regard to the delay of the development, Mr. Gleeson stated there has been one delay after another due to various utilities and staff inspections. He felt that many of the issues the encountered were peculiar to the site. He noted that they have nothing to do with the sales of the townhomes, but it was his understanding that there have been 11 sales for the townhomes. He stated that they met with the division president for Weekly Homes about the possibility of taking some of the townhouse lots and requesting a replat for 33 ft. wide patio homes, which means further losses in the number of lots to them. With regard to retail, he stated they have retained The Retail Connection and the Weitzman Group who know the type of deals being made at Eastside and stated they have directed the brokers to let them know of any prospect. He stated they would do whatever it takes to get a tenant that has some financial credit worthiness into the center. He stressed that they want the space filled.

Mr. Mitchell stated he is disappointed by the delays and stated that he did not necessarily agree with the reasons given for the delay. He felt that Brick Row has become a major credibility issue and he felt that Brick Row has become a large apartment complex with no retail. He stated that Mr. Gleeson's previous request had given him the impression that he had given up on retail. He stated that the traffic counts on Centennial are very high, although not as high as Campbell Road. Mr. Gleeson noted that the project fronts on Spring Valley rather than Centennial and that the pie shaped property is owned by Richard Barge. Mr. Mitchell stated that he understands about the ownership, but he and the public view the site as one entity because that's what was presented to the Council. He asked Mr. Gleeson to talk about outreach to the neighborhoods and his general vision for the development. Mr. Gleeson stated they would not intentionally cause delay because of the capital they have in the project. He talked about issues with Oncor and AT&T, and noted that it required daily phone calls to get action. He reminded Council about the amount of rain that caused delay because they could not complete the required fire lane before they could obtain certificates of occupancy, and gave other examples of reason for the delay of the development. With regard to debris, he underscored that it is an active construction site, and he and others work very hard to keep the area as clean as possible, including the creek. Mr. Mitchell stated that the delays with the project and the lack of retail has created are perceptions. With regard to retail, Mr. Gleeson stated they would like to have someone in the space, but they have received no interest. He stated he would rather have a tenant paying no rent and paying the expenses that they are incurring. Mr. Mitchell underscored his concern about the status of the project. Mr. Gleeson noted that once Mr. Barge's property is developed, it would block the view of most of the retail in Building A, which will make it even more challenging to lease and why he is anxious to get Building A leased as soon as possible. Mr. Mitchell pointed out that the challenge was not new because it was presented in the original elevations. With regard to outreach, Mr. Gleeson stated the position he has heard was that the neighborhood residents do not want any apartment units on the site. He stated the outreach compromise that he has made in abstention is that they will not request building rentals on the east side of the creek, are not going to ask for the ability to build 300 units, but they are asking for the ability to build 77 units on the west tract.

Mr. Townsend asked how the newly requested apartments would compare to the original ordinance. Mr. Gleeson replied that the two buildings, 77 units, would have an average unit size of 900 square feet and the square footage would range from 715 sq. ft. to 1,201 sq. ft. Under the regular ordinance, the smallest one bedroom is 750 square feet, but under the PD, 5% of the units can be less than 750 square feet, which works out to 714 sq. ft. He stated that only four of the 77 units would be that small. Mr. Townsend also stated concern about the lack of retail and made a comparison to the progress of Eastside. He asked about the long term plans of the applicant. Mr. Gleeson stated he is working with a restaurant, but he could not divulge the name or type of restaurant. He stated this project is a keeper for the investor and is not planning on selling it.

Mr. Macy stated he is still amazed that with all of his experience, he would agree to build condominiums and asked the applicant to explain. Mr. Gleeson replied they agreed because they needed to move forward with the project due to finances, and talked about other changes such as the requirement for alleys. He stated they felt confident about the apartment units and townhomes and thought the plan was the best they would get at that time. He felt they would deal with the condominiums units at a later date. Mr. Gleeson stated they did not agree to build condominiums; they accepted the zoning the City was willing to grant. Mr. Macy stated the impression of the neighborhood was that there would be ownership and the impression of the people buying the townhomes was that there would ownership. Mr. Macy asked if there had been any conversations with the neighborhoods in the area. Mr. Gleeson stated he has spoken with Shelley McCall, Rick Hart, Gary Flag, and Kevin Williams, and has not had meetings in the past month or two with any of the homeowner association people because it was his understanding that they do not want any apartments so he felt there was no point in having outreach with them. With regard to condominiums, Mr. Macy stated that financing is available for a person to purchase a condominium and Mr. Gleeson stated the problem was obtaining the construction financing.

Mr. Murphy stated it has been his opinion that the project needs higher density in order to succeed. He stated that apartments and high density should go adjacent to the rail line in TODs. He stated there is plenty of blame to go around for the project and pointed out that he was opposed to requiring rear entry and alleys, but that's what was approved. He stated his concern is where to go from here. He stated that the project is a planned development and it needed more than apartments to make it work. He asked about the property on the east side of the creek, behind the townhomes, the plans for retail that were originally supposed to go all the way to Greenville, and asked about interaction with DART. He stated he has no problem with 77 apartments as requested, but was concerned about the next step. He stated that the Council is not seeing the progression of vitality at the same time that Eastside has turned into a real jewel, which does not have a rail station. He asked what is going wrong with Brick Row and right with Eastside. Mr. Gleeson stated he has been in the business for 45 years and is currently with L&B Realty Advisors that has owned, managed and asset managed some of the premier retail properties around the Country; including representing the Nasher's in North Park and the expansion that they did; the same client that is the investor in this project and provided other projects he has been involved with; illustrating that they do understand about developing real estate. Mr. Murphy asked what is prohibiting success at the Brick Row location. He stated that the applicant is presenting a picture of not being successful; no enthusiasm in terms of doing and accomplishing the vision that brings the vitality to a development. Mr. Gleeson stated he did not know what else to say to explain that he wants retail tenants, but none have shown interest. He noted that only 18% of the renters use DART and explained that he always drives through the DART parking lot, noting that the lot was overflowing when gas prices were near \$4 a gallon and now it is half full. Mr. Murphy stated that the thing that concerns him, is that the

applicant should be going out pulling in tenants rather than waiting for someone to go to him. He underscored that they need to determine what is going wrong because long term success is dependent on that determination.

Mr. Solomon stated that with regard to the rain factor, Eastside received the same amount of rain during construction. He voiced frustration with the lack of connectivity to the DART rail and addressed the amenities and drive-up appeal offered. He also expressed frustration with the slow development and questioned how 77 additional units would propel the development. Mr. Gleeson stated that he was not saying that the 77 units would generate a lot of interest from retailers and suggested that perhaps a meeting at the site with the construction people and City staff would help address the delay in the development.

Mr. Omar stated that example after example shows incredibly poor planning. With regard to traffic counts, he stated that the restaurants in Eastside don't have traffic counts because it is on the inside of the development. He advised Mr. Gleeson to clean up the present condition by completing the on-going work and highly recommended he do whatever is necessary to get tenants in the retail sites. He asked him to be an excited sales person with regard to what the development can bring, but he needed to see progress before he can authorize more.

Mr. Mitchell stated there are only a few opportunities to get it right because whatever is built will be there for the next 30 or 40 years. He stated he is not seeing a consistent vision, including Winston Capital because of the pie shaped tract. He stated that what has been proposed has not been delivered and can't see any reason to allow more until what has been approved is completed. He stated he has been a supporter of Brick Row but has become very discouraged. He stated he would like to see a consistent vision for the development that blends well with the neighborhood. He felt that the neighborhood has is not saying "no more apartments" and that they have come a long way in what they think is acceptable.

Ms. Schmidt advised that following individuals submitted cards in opposition to the request but did not wish to speak: Raghu Keaton, 873 Cotswold Court; Nancy Farish, 268 Queen Victoria Court; Phil Farish, 268 Queen Victoria Court; Richard E. Buford, 264 Queen Victoria; Mary L. Williams, 881 Cotswold Court; Bill Edmondson, 301 Prince Albert Court; and Ron Nicholas, 887 Cotswold Court. Ms. Schmidt advised that Ellen Byrd, 304 Prince Albert Court, submitted a card wishing to speak in opposition, but had to leave the meeting.

Barbara Edmondson, 301 Prince Albert Court, representing Rosehill Estates, spoke in opposition to the request and asked that the request be denied. She stated that the modifications represented were only a partial list of the changes. She stated that the request alters the remaining property and they were not sure what would happen there. She suggested that the City needed to review if the plan violates the overall 800 square foot minimum. She stated the lack of retail and commercial was bothersome and questioned Mr. Gleeson's motivation. She stated that from the outside, Brick Row is one of the nicer looking subdivisions, but the neighborhood fears that Mr. Gleeson's aim is to make the development attractive on paper and then flip the property. She felt there funding was available for condos and suggested a study would show how it could be done as well as build in safeguards for the City and residents. She urged the Council to deny the request and the project be developed as originally planned.

Daniel Aboy Gonzalez, 307 Prince Albert Court, agreed with the comments made by Ms. Edmondson. He stated he owns a building west of the area on Sherman Street, owns a home and owns land to the north that he would like to something with and let the Council know about

the problems he encountered when he wanted to relocate utilities. He stated he would like to see the City help business people and residents address such problems, particularly with the utility companies. He noted that Brick Row was a beautiful place.

Andrew Laska, 502 Hyde Park, stated he met with the residents of Rosehill Estates and felt that the apartments were not the issue; it was the lack of retail, the incomplete projects, and the integrity and intent of Mr. Gleeson. He stated they want mixed use and want to see the original plan move forward. He felt the buildings under construction should be completed before more buildings are started. He asked the Council to deny the request.

There being no other speakers, Mayor Slagel opened the floor for discussion or action.

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

Mr. Townsend stated that he thought the decision made in 2007 for the planned development was a great plan. He voiced concern that the project was no longer a planned development and stated he felt it was a good compromise with the neighborhood and was one he was proud of. He was hurt that Brick Row was being cited as something not wanted. He stated he cannot support any additional apartments and would vote against the request.

Mr. Macy stated he would not support the request.

Mr. Mitchell felt it had become a mixed use development without the mix. He felt that the product there today is not what he expected would be there. He felt the project has been piecemealed and felt Mr. Gleeson needs to return with something that resembles what was promised earlier, and would not support the request.

Mr. Omar reiterated his earlier comments and urged the applicant to deliver on the plan. He underscored that everyone wants the development to be successful and does not want people to use Brick Row as an example of a bad project. He stated he would deny the request for now.

Mr. Murphy stated that denying the request sends a message, but doesn't help the developer fix what is wrong. He stated he would like to see a list of things from Mr. Gleeson that he would like to change other than the apartment concept. He stated he would like to see some initiative by Mr. Gleeson in terms of a plan before he returns with another apartment consideration.

Mayor Slagel stated Council is trying to do something that is quite significant on West Spring Valley, which is a major undertaking, to stimulate development. He recognized there are some issues on the south side of Centennial that need to be addressed to make it more attractive and the Council has not decided what would happen on the west side of the DART rail line. He felt there needs to be a bigger plan for the area to make things work. He felt that if the City is successful in a corporate development in this general area, that it will start to create some excitement. He stated he would vote against the request, partially because the City has not done its job and because the applicant agreed to do some things as well. He felt the Council needs to do some things and thought perhaps the city needs to be more involved. He hoped that the Council could continue to work with the applicant.

ACTION TAKEN: Mr. Townsend moved to deny ZF 10-23 without prejudice; second by Mr. Solomon and the motion was approved with a unanimous vote.

5. PUBLIC HEARING, ZONING FILE 10-25: A REQUEST BY THE CITY OF RICHARDSON, TO AMEND ARTICLE I OF THE COMPREHENSIVE ZONING ORDINANCE TO AMEND THE DEFINITION OF “MASONRY CONSTRUCTION”.

Mr. Keffler stated this was a self initiated request to enhance the quality control relative to materials used in recladding of homes and to insure that those efforts are complimentary to the existing structures and neighborhoods. He advised that the City Plan Commission recommended approval with a 7-0 vote on December 21, 2010 and asked Mr. Morgan, Asst. City Manager – Community Services, to brief the Council.

Mr. Morgan stated that using manufactured material to adhere to a masonry home has become common practice, but there are situations when the material applied is inconsistent with the existing home causing a detrimental effect to the home and surrounding neighborhood. He provided a proposed definition that would require recladding of existing residential structures to be architecturally compatible with the principal structure including all new and existing trim, architectural appendages, windows and doors as determined by the Chief Building Official. He explained that it was the same type of language used to address garage enclosures.

Mayor Slagel opened the public hearing and Ms. Schmidt advised there were no speakers regarding the request.

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

ACTION TAKEN: Mr. Murphy moved approval of ZF 10-25; second by Mr. Omar and the motion was approved with a unanimous vote.

ALL ITEMS LISTED UNDER ITEM 6 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:

6. CONSENT AGENDA:

Mr. Omar requested that Items 6A3, 6B1 and 6B3 be removed from the Consent Agenda.

ACTION TAKEN: Mr. Omar moved approval of the remainder 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. 3801 amending the Comprehensive Zoning Ordinance and Zoning Map to amend Ordinance No. 3708 by amending the Special Conditions for “Development” to allow a restaurant with a drive through window; by approving a concept plan for a restaurant with a drive through window for a 1.29-acre tract zoned LR-M(1) Local Retail with Special Conditions, said tract being described as Lot 3, Block 2, University World Addition in Dallas County, Texas.

2. Ordinance No. 3802 amending the Comprehensive Zoning Ordinance and Zoning Map to grant a change in zoning to grant a Special Permit for a motor vehicle service station with Special Conditions on a 1.05-acre tract of land zoned C-M Commercial located at the northeast corner of Belt Line Road and Inge Drive.
3. Ordinance No. 3803 amending the Comprehensive Zoning Ordinance and Zoning Map to grant a change in zoning to grant a Special Permit for an indoor entertainment facility with Special Conditions on an 11.7-acre tract of land zoned C-M Commercial located at 110 W. Campbell Road.

Removed from the Consent Agenda - See discussion and action below.

4. Ordinance No. 3804 amending the Code of Ordinances by amending Chapter 23, Section 23-98, by adding Subsection (6) to establish water rates for Community Garden Participants.

B. Approve the following Resolutions:

1. Resolution No. 11-01 adopting the City of Richardson 2010 Neighborhood Vitality Program Funding Strategy.

Removed from the Consent Agenda for separation action.

2. Resolution No. 11-02 establishing the City of Richardson Community Gardens Partnership Program.
3. Resolution No. 11-03 suspending the February 14, 2011 Effective Date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of Cities served by Oncor to hire legal and consulting services and to negotiate with the Company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring Notice of this Resolution to the Company and legal counsel for the Steering Committee.

Removed from the Consent Agenda for separate action.

C. Receive from the City Plan Commission:

1. Replat of Lots 2B, 4 and 5, Northrich Village Addition.

D. Approve advertisement of Bid #17-11 – Richardson Animal Shelter Canine Expansion. Bids to be received by Monday, February 14, 2011 at 2:00 p.m.

E. Approve advertisement of Competitive Sealed Proposal #901-11 – 2011 Eastside Concrete Tank Rehabilitation. Competitive Sealed Proposals to be received by Tuesday, February 15, 2011 at 2:00 p.m.

F. Award of the following bids:

1. Bid #10-11 – award to Cooper General Contractors for the Richardson Ballpark Shade Structures in the amount of \$638,300.
2. Bid #21-11 – authorization to issue a Cooperative Annual Requirements Contract for work uniforms for various departments to Cen-Tex Uniform Sales pursuant to unit prices and catalog markup/discounts through Tarrant County.

ITEMS REMOVED FROM THE CONSENT AGENDA

6A3. Ordinance No. 3803 amending the Comprehensive Zoning Ordinance and Zoning Map to grant a change in zoning to grant a Special Permit for an indoor entertainment facility with Special Conditions on an 11.7-acre tract of land zoned C-M Commercial located at 110 W. Campbell Road.

Mr. Keffler stated Ordinance No. 3803 pertains to a zoning case approved by Council in December 2010. The key element needing some discussion pertains to the murals that are part of the exterior building graphic.

ACTION TAKEN: Mr. Mitchell moved to approve the ordinance with the exception of the graphics; second by Mr. Solomon. Mayor Slagel stated staff would work through a suitable resolution of the item description and some detail that can be used for cases in the future. Mr. Murphy asked about the need for a time frame. Mr. Keffler stated staff would visit with the applicant and did not think there would be a problem. A new code would take more time and he would bring a status to the Council. The motion was approved with a unanimous vote.

6B1. Resolution No. 11-01 adopting the City of Richardson 2010 Neighborhood Vitality Program Funding Strategy.

Mr. Keffler felt the Council has discussed the item for a year in advance of the Bong Program vote in May 2010. He stated that the City used a process that has been consistently adhered to in terms of solicitation of projects and working with the neighborhood associations. He asked Don Magner, Director of Community Services, to brief the Council.

Mr. Magner noted that the first briefing on the subject occurred January 11, 2010 in preparation for the May Bond election, followed by meetings on June 7, August 16, November 29, December 6, and December 13 concluding with the proposed funding strategy. He reminded Council that on December 13, staff recommended utilizing the entire \$1,000,000 of savings and interest earnings from the 2006 Neighborhood Vitality Program for the following reasons:

- More than \$6M has been allocated to sidewalk improvements in 2010 G.O. Bond Program;
- Likely to experience additional savings that could be dedicated to future sidewalk improvements
- In 2008, a Clean Sweep Project was conducted in Region 12. Elements included street, curb, driveway, alley approach, and sidewalks repair
 - Approximately 2,000 linear feet of sidewalk was replaced
 - More than 60 barrier free ramps were installed
 - Approximately \$90,000 invested

He reviewed the project scope as well as projects that were not within the project scope. The funding strategy included funding all requested bridges, except for bridges that would modify a previous enhancement; fund all requested leave-outs; and fund projects with the most visibility in those neighborhoods that have never received previous funding. He stated the project funding goal was to maximize the impact of the available funding by selecting projects that provide the greatest overall benefit to the entire community and allow dollars to be invested in as many neighborhoods as possible. He stated that the City gets more for the funds with the bridge projects and meant all 20 of the bridges requested could be included in the funding and gave the example of the bridge that borders both Duck Creek and Mark Twain neighborhoods. With respect to the Duck Creek proposal, Mr. Magner stated it included recommendations and requests. He stated staff felt they were capturing the full proposal by including both and was under the impression that this was part of and a priority for Duck Creek. He stated that he did not realize there was a distinction between the two; that he made a judgment call to include it all and apologized for the confusion. He talked about the large number of neighborhoods that would be positively impacted by several of the bridge projects and he also spoke about the leave-out projects and projects for neighborhoods with no previous funding. He concluded the presentation stated that once the funding strategy is approved, staff will begin preparing to work with the first round of neighborhoods, which should be in Spring 2011.

Mayor Slagel asked if the bridge selection was not wanted by Duck Creek and Mr. Morgan stated his email to Ms. Clawson explained the current selection process based on the Council's December 13 discussion. He explained that the response from Mrs. Clawson was a thank you for the follow up and he had not heard anything further from the Association.

Mr. Mitchell asked staff to address the rail structure on current bridges. Mr. Morgan stated there are certain paints and application types that have lead to better success and felt that the bridges would require less maintenance. He stated the comment also identifies the need to make sure there is an ongoing maintenance program. Mr. Mitchell stated that walls and entry features should also be on the maintenance list.

Mr. Omar stated that all seven members of the Council received email from a neighborhood association that had two very specific financials asks; 1-please reconsider the sidewalk project and 2-add additional features to an entry feature. He stated there was an inference in the email that their side of town was getting the short end of the stick. As he did in the Work Session, he asked for funding amounts received by Owens Park. Mr. Magner stated that in 2006, Owens Park was allocated on a per household basis \$2069. The average for 2006 for all neighborhoods that received funding was \$579 per household. Mr. Omar asked if the numbers included the Clean Sweep and Mr. Magner replied that it included strictly Neighborhood Vitality Program funds. Mr. Omar stated he asked for the information to dispel the idea that somehow a neighborhood was being shortchanged. He stated that the Sherrill Park neighborhood also had a question about the funding and Mr. Magner stated they were allocated \$404 per household in the 1997 Bond program. He provided other neighborhood funding information as follows:

Cottonwood Heights – 1997 program – average was \$98 per household

Crowley Park – average was \$97 per household

Highland Terrace – average was \$100 per household

Marlboro Square – average was \$1800 per household, but was for a much larger project

In response to Darrell Day's remarks about funding allocation for the Reservation as asked by Mr. Omar, Mr. Magner stated that the total amount of the request was \$875,000. Mr. Omar underscored that the Council's choice was to choose a very few projects or fund bridges that

would have a broader impact, and asked for the number of neighborhoods that would be impacted by a bridge project. Mr. Magner replied 16.

Mr. Murphy felt the point needs to be made to the neighborhoods that Council ask what they would like, but once the names are in the bucket, it is up to Council to spread the funds for the most common good, which he believe is what was done in the process. He noted that there are projects that have not been funded in the past and that things evolve as the Council grows in experience. He felt the process is working very well.

Mayor Slagel acknowledged the many discussions on the program and stated although he was apologetic for the confusion, he felt the process followed was not inappropriate.

Mr. Townsend asked for the amount of bond funding allocated on the east and west side. Mr. Magner stated for the 1997 program, the west side received 48% and the east side received 52%; in 2006, the west side received 37% and the east side received 63%; in the current proposal, the west side would 76% and the east side would receive 24% for a total of \$6,192,000 or 51% and the east side would receive \$5,922,000 or 49%.

Mr. Mitchell felt the fact that the bridges impact 16 neighborhoods was enlightening because the objective is to have the whole community benefit from the projects. He noted that the Council may focus on different things in the next bond program.

Mr. Omar stated his agreement with Mr. Mitchell's remarks. He stated that the thing that was most upsetting was comparing the east side to the west side. He noted that the Council made a fundamental decision to look at every single neighborhood and started with those had not received funding in the past. He stated the decision was logical, fiscally responsible and allowed the Council to do something positive for 16 neighborhoods rather than three or four neighborhoods. He stated he is very proud to defend and to support the proposed projects.

Mayor Slagel noted that there is a large backlog of projects and felt the vitality projects should be included when considering capital improvements.

ACTION TAKEN: Mr. Solomon echoed the other comments and moved approved Resolution 11-01 as presented; second by Mr. Macy and the motion was approved with a unanimous vote.

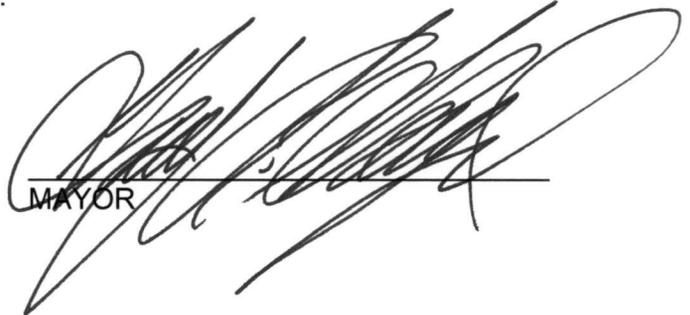
6B3. Resolution No. 11-03 suspending the February 14, 2011 Effective Date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of Cities served by Oncor to hire legal and consulting services and to negotiate with the Company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring Notice of this Resolution to the Company and legal counsel for the Steering Committee.

Mr. Omar stated the primary reason to remove the resolution from the Consent Agenda was to make it clear that approval of the resolution suspends the requested rate increase as the Steering Committee reviews the request along with over 100 other cities. Mr. Mitchell asked that the staff provide an explanation for the proposed increases as well as an explanation about

the size of the increase. Mr. Murphy stated he would like to hear that explanation sooner rather than later.

ACTION TAKEN: Mr. Murphy moved approval of Item 6B3; second by Mr. Omar and the motion was approved with a unanimous vote.

Mayor Slagel adjourned the meeting at 10:19 p.m.



MAYOR

ATTEST:

Pamela Schmidt
CITY SECRETARY

