

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
June 11, 2012
City of Richardson, Texas

A Regular Meeting of the City Council was held at 7:30 p.m., Monday, June 11, 2012 with a quorum of said Council present, to-wit:

Bob Townsend	Mayor
Laura Maczka	Mayor Pro Tem
Mark Solomon	Council member
Scott Dunn	Council member
Kendal Hartley	Council member
Steve Mitchell	Council member
Amir Omar	Council member

City staff present:

Dan Johnson	City Manager
David Morgan	Assistant City Manager Community Services
Cliff Miller	Assistant City Manager Development Services
Samantha Woodmancy	Management Analyst
Vickie Schmid	Deputy City Secretary
Michael Spicer	Director of Development Services
Sam Chavez	Assistant Director of Development Services
Keith Krum	Senior Planner
Michael Massey	Director of Parks & Recreation

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1. **INVOCATION – STEVE MITCHELL**
 2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS**
 3. **MINUTES OF THE MAY 14, 2012 AND MAY 21, 2012 MEETINGS**

ACTION TAKEN: Mr. Omar moved approval of the minutes as presented; second by Mr. Hartley 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.)

Rajiv Dwivedi, 800 W. Campbell Rd. #21, UT Dallas Student Government President, introduced himself to Council and expressed his excitement in working with the Council and the City on matters vital to the growth of the University and the City.

Nate Fairbank, 800 W. Campbell Rd. #21, UT Dallas Student Government Vice President, introduced himself to Council and stated that he looked forward to working with the Council, City and Chamber of Commerce.

5. CONSIDER APPOINTMENT TO THE ENVIRONMENTAL ADVISORY COMMISSION.

ACTION TAKEN: Ms. Maczka moved approval of the following appointment; second by Mr. Solomon and the motion was approved with a unanimous vote.

Environmental Advisory Commission

Appoint Charles Summers (Dist 4) – to an unexpired term expiring September 22, 2012.

PUBLIC HEARING ITEMS:**6. PUBLIC HEARING, ZONING FILE 11-24: A REQUEST BY KENNETH R. SMITH, REPRESENTING HEATH ASSET MANAGEMENT, LP, FOR A SPECIAL PERMIT FOR A SELF-SERVICE WAREHOUSE WITH MODIFIED DEVELOPMENT STANDARDS AT 906 N. BOWSER ROAD (SOUTHEAST CORNER OF BOWSER ROAD & ALPHA DRIVE). THE PROPERTY IS CURRENTLY ZONED I-FP(2) INDUSTRIAL.**

Mr. Johnson advised that the applicant had requested a Special Permit for a climate-controlled, self-service warehouse on 1.6 acres at 906 N. Bowser Road. He noted that the property was located in the Arapaho/Collins study area. Mr. Johnson stated that the City Plan Commission initially heard the case on December 20, 2011 and provided feedback to the applicant and was subsequently heard again on March 20 and May 1. He said the request was approved on May 1 by the Plan Commission with a 6-1 vote. No correspondence was received in favor or in opposition of this item. He asked Sam Chavez to brief the Council.

Mr. Chavez stated that the applicant was proposing a self-service warehouse at the southeast corner of Bowser Road and Alpha Drive. He said the subject property was zoned Industrial and reiterated that it was located in the East Arapaho-Collins Enhancement Redevelopment Study area. Mr. Chavez pointed out that the existing building was constructed in the 1960s and is currently a non-conforming structure in three major areas – design standards (including driveway depths), landscaping, and sidewalks. The applicant plans to redevelop the site in phases: Phase 1 – the west 20,000 sf would contain a 500 sf office showroom, 120 storage units, 4% landscape area, 35 parking spaces, and re-establish parkway landscape area; Phase 2 – If Verizon vacates the eastern portion of the building, the east 20,000 sf would contain an additional 1,500 sf office space, 105 storage units, 20 parking spaces, and 4% landscape area. He noted that the applicant was available to answer questions.

In response to questions by Council, Mr. Chavez confirmed that self-storage warehouse use was not allowed by right, required a special permit, and was restricted to Industrial zoned areas. Mr. Miller confirmed that the Arapaho-Collins Study is anticipated to be complete by December 2012.

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

Ken Smith, 4925 Greenville Avenue, Dallas, stated that the proposed plan had come a long way from where they started. He felt the proposed plan maximized important elements of the site.

In response to questions from Council, Mr. Smith confirmed that he had owned the building for the past 15 years and would be the proprietor of the self-storage business. Mr. Smith also

confirmed Verizon had occupied the entire facility and had vacated the western portion of the building in September 2011 when they signed a new 3-year lease, with renewal option.

Mr. Solomon made a motion to close the Public Hearing; second by Mr. Dunn and the motion was approved with a unanimous vote.

In response to questions from Council, Mr. Chavez confirmed that Council could call up any Special Permit at any time and that Council could grant a special permit for a specific time limit and to the special permit to a specific entity. He advised that Special Permits are intended to allow the City Plan Commission and ultimately the City Council to look at a request on a site by site basis. Mr. Chavez stated that Council could approve the request (with or without conditions), deny the request (with or without prejudice), continue the case to a specific date, or continue the case indefinitely.

Mr. Omar felt the application should be postponed indefinitely to allow time for the study to be completed before taking action. Ms. Maczka felt a decision should be made on the appropriateness for self-storage warehouse use at this place at this time. Mr. Mitchell was not in favor of converting another existing building to self-storage. Mr. Solomon noted that the proposed plan was a vast improvement over what was presently there, but felt that due to the pending study, the timing was not right for this request. Mayor Townsend felt a final decision should be made at this time. Mr. Hartley felt Council needed to see the Study before making a decision. Mr. Dunn felt that the applicant's investment of time and money to date should be considered and agreed with postponing the item.

ACTION TAKEN: Mr. Mitchell made a motion to deny Agenda Item 6 without prejudice; second by Mr. Solomon and the motion was approved with a 6-1 vote (Omar opposed).

7. PUBLIC HEARING, ZONING FILE 12-05: A REQUEST BY DARRYL M. BURMAN, REPRESENTING GROUP 1 REALTY, INC., FOR A SPECIAL PERMIT WITH SPECIAL CONDITIONS FOR A MOTOR VEHICLE REPAIR SHOP – MAJOR TO BE LOCATED AT 1700 GATEWAY BOULEVARD WHICH IS TO BE USED IN CONJUNCTION WITH THE EXISTING COURTESY NISSAN DEALERSHIP LOCATED AT 1777 N CENTRAL EXPRESSWAY. THE PROPERTY IS CURRENTLY ZONED C-M COMMERCIAL.

Mr. Johnson stated that the applicant had requested a Special Permit for motor vehicle use along Gateway Boulevard. No letters in favor or in opposition were received regarding this request. He noted that the City Plan Commission recommended approval with a 6-1 vote on May 1; and asked Sam Chavez to brief the Council.

Mr. Chavez explained that the applicant's request was for a Motor Vehicle Repair Shop – Major to be used in conjunction with the Courtesy Nissan dealership. He noted that due to property ownership issues, the two properties could not be platted into one parcel; therefore, a special permit was required for the requested use. Mr. Chavez stated that the proposed facility would be three stories in height, with the service facility on the first floor, parts storage on the second floor mezzanine, and the third floor would serve as a parking deck with a 6' parapet wall to screen the roof-top vehicles from sight. He noted that additional landscaping was proposed to further screen the site. Mr. Chavez advised that Nissan's existing service facility would remain. He reiterated that the City Plan Commission had recommended approval of the request with a 6-1 vote. The applicant was present to answer questions.

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

Mr. Mark Whitaker, Dynamic Engineering, 1904 Main Street, Lake Como, New Jersey, stated that Courtesy Nissan was one of Nissan's top ten dealerships in the country and one of the top six dealerships for Group 1 Automotive and that Nissan had made a long-term commitment to this facility to insure quality customer service. He emphasized that additional trees and shrubs would be utilized to screen the property from the adjacent office plaza.

In response to questions from Council, Mr. Whitaker stated that no customers would be allowed at this site and that it was their intent to minimize the building. He noted that some architectural features were added to blend with the adjacent buildings, including stamped concrete walls, tower elements, and windows, with additional landscape materials for screening.

In response to questions from Council, Miguel Yelos San Martin, YSM Designs, 1320 Ellsworth Industrial Boulevard, Atlanta, Georgia, Architect for the project, stated that the Nissan building along Central Expressway was designed to attract customers and noted that the proposed building was intentionally designed not to attract attention. He also noted that most Nissan repair shops were not exposed to the street. Mr. San Martin stated that windows, towers, and enhanced concrete wall designs were incorporated into the facade to correspond with other buildings in the area.

Mr. Solomon made a motion to close the Public Hearing; second by Mr. Hartley and the motion was approved with a unanimous vote.

Mr. Solomon made a motion to approve the request by Darryl M. Burman, representing Group 1 Realty, Inc., for a Special Permit with Special Conditions for a Motor Vehicle Repair Shop – Major to be located at 1700 Gateway Boulevard which is to be used in conjunction with the existing Courtesy Nissan Dealership located at 1777 N. Central Expressway; second by Mr. Dunn and the motion was approved with a 6-1 vote (Omar opposed).

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:

In response to a question by Mr. Omar, Mr. Miller noted that Item 8.D. was an extensive project with a large scope and noted that the change order was a small percentage of the original purchase amount. He advised that the City requested the change order due to the fact that utilities were not located in the right place and 168' of additional sanitary sewer line would be required to correct the alignment. Mr. Miller stated that staff worked with the contractor to determine reasonable costs for the additional work needed.

Mr. Mitchell stated he was thrilled to have the opportunity to name the ball fields at Breckinridge after former City Manager Bill Keffler. Mr. Solomon concurred and noted that the Parks and Recreation Board unanimously approved the naming of Keffler Ballpark.

8. CONSENT AGENDA:

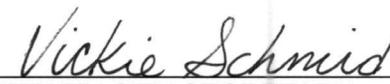
ACTION TAKEN: Mr. Solomon moved approval of the Consent Agenda as presented; second by Mr. Dunn and the motion was approved with a unanimous vote.

- A. Consider Ordinance 3869, amending the Comprehensive Zoning Ordinance and Zoning Map to grant a change in zoning from C-M Commercial with Special Conditions to PD Planned Development for C-M Commercial with amended Development Standards for a property located at the southwest corner of U.S. Highway 75 and Belt Line Rd.
- B. Consider the following Resolutions:
1. Resolution No. 12-09, reappointing Gary A. Slagel to the aggregated position of representative to the Dallas Area Rapid Transit Authority (“DART”) Board of Directors, which fractional allocation membership is shared with the City of University Park and the towns of Addison and Highland Park.
 2. Resolution No. 12-10, denying Atmos Energy Corp., Mid-Tex Division’s (“Atmos Mid-Tex”) requested rate change; requiring the company to reimburse the City’s reasonable ratemaking expenses; 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 ACSC’S legal counsel.
 3. Resolution No. 12-11, naming the Ball Field Complex in Breckinridge Park the “Keffler Ballpark”.
- C. Consider award of Bid #44-12 – We request authorization to issue an Annual Maintenance Contract to Synetra, Inc., for the cooperative renewal of the Cisco Ironport Network Security Appliance Maintenance through the Department of Information Resources Contract #DIR-SDD-1385 in the amount of \$51,877.20.
- D. Authorize the City Manager to execute Change Order No. 1 to Purchase Order No. 120797 to Camino Construction, LP for the Street Rehabilitation Phase III Project (Melrose/Meadow View Court) in the amount of \$57,297.

Mayor Townsend announced that Council would reconvene in Work Session after a short break and adjourned the meeting at 8:48 p.m.


MAYOR

ATTEST:


DEPUTY CITY SECRETARY

