

**RICHARDSON CITY COUNCIL
MONDAY, SEPTEMBER 22, 2014
WORK SESSION AT 6:00 PM; COUNCIL MEETING AT 7:30 PM
CIVIC CENTER/CITY HALL, 411 W. ARAPAHO, RICHARDSON, TX**

The Richardson City Council will conduct a Work Session at 6:00 p.m. on Monday, September 22, 2014 in the Richardson Room of the Civic Center, 411, W. Arapaho Road, Richardson, Texas. The Work Session will be followed by a Council Meeting at 7:30 p.m. in the Council Chambers. Council will reconvene the Work Session following the Council Meeting if necessary.

As authorized by Section 551.071 (2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

WORK SESSION – 6:00 PM, RICHARDSON ROOM

• **CALL TO ORDER**

A. REVIEW AND DISCUSS ITEMS LISTED ON THE CITY COUNCIL MEETING AGENDA

The City Council will have an opportunity to preview items listed on the Council Meeting agenda for action and discuss with City Staff.

B. REVIEW AND DISCUSS A DRAFT CHARGE OF RESPONSIBILITIES TO THE CHARTER REVIEW COMMISSION

C. REVIEW AND DISCUSS THE PROPOSED FARMER’S MARKET REGULATIONS

D. REVIEW AND DISCUSS RICHARDSON’S RANKING ON “AMERICA’S 50 BEST CITIES TO LIVE” BY 24/7 WALL ST.

E. REPORT ON ITEMS OF COMMUNITY INTEREST

The City Council will have an opportunity to address items of community interest, including: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the City of Richardson; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the City of Richardson that was attended or is scheduled to be attended by a member of the City Council or an official or employee of the City of Richardson; and announcements involving an imminent threat to the public health and safety of people in the City of Richardson that has arisen after posting the agenda.

COUNCIL MEETING – 7:30 PM, COUNCIL CHAMBERS

1. INVOCATION – STEVE MITCHELL

2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – STEVE MITCHELL

3. MINUTES OF THE SEPTEMBER 8, 2014 MEETING, SEPTEMBER 9, 2014 JOINT MEETING AND THE SEPTEMBER 15, 2014 MEETING.

4. VISITORS

The City Council invites citizens to address the Council on any topic not already scheduled for Public Hearing. Citizens wishing to speak should complete a “City Council Appearance Card” and present it to the City Secretary prior to the meeting. Speakers are limited to 5 minutes and should conduct themselves in a civil manner. In accordance with the Texas Open Meetings Act, the City Council cannot take action on items not listed on the agenda. However, your concerns will be addressed by City Staff, may be placed on a future agenda, or by some other course of response.

PUBLIC HEARING ITEMS:

5. PUBLIC HEARING, ZONING FILE 14-25, A REQUEST BY JOSHUA MILLSAP, REPRESENTING BURY, INC., TO REVOKE ORDINANCE 2357-A, A SPECIAL PERMIT FOR A RESTAURANT WITH DRIVE-THROUGH SERVICE AND APPROVAL OF A NEW SPECIAL PERMIT FOR A RESTAURANT WITH DRIVE-THROUGH SERVICE AT 106 W. CAMPBELL ROAD (NORTH SIDE OF CAMPBELL ROAD, WEST OF CENTRAL EXPRESSWAY). THE PROPERTY IS CURRENTLY ZONED C-M COMMERCIAL.

ACTION ITEMS:

6. CONSIDER RECOMMENDATIONS FROM THE ARTS COMMISSION FOR FINANCIAL ASSISTANCE FROM THE HOTEL/MOTEL TAX FUND FOR THE FOLLOWING ORGANIZATIONS:

IKEBANA INTERNATIONAL DALLAS CHAPTER 13	\$1,000
SPECTACULAR SENIOR FOLLIES	\$1,000
AVANT CHAMBER BALLET	\$2,000
NATIONAL ASSOC. OF COMPOSERS/USA-TX CHAPTER	\$2,000
ARTS INCUBATOR OF RICHARDSON (AIR)	\$2,000
PLANO COMMUNITY BAND	\$2,000
DALLAS FILM SOCIETY	\$2,500
VIDEO ASSOCIATION OF DALLAS	\$2,500
TEXAS PERFORMING CHINESE ARTS ASSN.	\$3,800
DALLAS CHINESE COMMUNITY CENTER	\$4,000
FRIENDS OF THE RICHARDSON PUBLIC LIBRARY, INC.	\$4,000
CONTEMPORARY CHORALE	\$5,000
ISLAMIC ART REVIVAL SERIES	\$5,000
RICHARDSON READS ONE BOOK	\$6,000
PEGASUS THEATRE INCORPORATED	\$6,000
CHAMBERLAIN PERFORMING ARTS (CHAMBERLAIN BALLET)	\$6,500
DALLAS ASIAN AMERICAN YOUTH ORCHESTRA	\$7,000
DALLAS REPERTOIRE BALLET	\$8,000
TEXAS WINDS MUSICAL OUTREACH, INC.	\$9,000
PLANO SYMPHONY ORCHESTRA	\$10,000
RICHARDSON CIVIC ART SOCIETY (RCAS)	\$11,400
TUZER BALLET	\$11,500

LONE STAR WIND ORCHESTRA	\$12,000
RICH-TONE CHORUS	\$13,000
RICHARDSON COMMUNITY BAND	\$16,800
CHAMBER MUSIC INTERNATIONAL	\$22,000
RICHARDSON THEATRE CENTRE, INC.	\$34,000
REPERTORY COMPANY THEATRE, INC. (RCT)	\$50,000
RICHARDSON SYMPHONY, INC.	\$75,000

7. RECEIVE THE SEPTEMBER 10, 2014 SIGN CONTROL BOARD MINUTES AND CONSIDER FINAL APPROVAL OF SCB CASE #14-13, MCDONALD'S AND SCB CASE #14-14, DIAMOND SQUARE.

8. CONSENT AGENDA:

All items listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion with no individual consideration. If individual consideration of an item is requested, it will be removed from the Consent Agenda and discussed separately.

- A. CONSIDER RESOLUTION NO. 14-25, AUTHORIZING EXECUTION OF A MULTIPLE USE AGREEMENT BY AND BETWEEN THE STATE OF TEXAS, AND THE CITY OF RICHARDSON, TEXAS (HEREINAFTER THE "PARTIES"), FOR THE DESIGN, CONSTRUCTION, MAINTENANCE, AND OPERATION OF A PUBLIC DOG PARK, AND AUTHORIZING ITS EXECUTION BY THE CITY MANAGER.
- B. AUTHORIZE THE ADVERTISEMENT OF BID #24-14 – APPROVAL OF PLANS AND CONTRACT DOCUMENTS FOR THE 2014 CITY ENTRY SIGNS PROJECT. BIDS TO BE RECEIVED BY TUESDAY, OCTOBER 14, 2014 AT 2:00 P.M.
- C. CONSIDER AWARD OF THE FOLLOWING BIDS:
1. BID #60-14 – WE RECOMMEND THE AWARD TO DENCO C.S. CORP. FOR THE RICHARDSON ANIMAL SHELTER CLINIC ADDITION IN THE AMOUNT OF \$204,300.
 2. BID #69-14 – WE REQUEST AUTHORIZATION TO ISSUE AN ANNUAL REQUIREMENTS CONTRACT WITH LDM DESIGN AND CONSTRUCTION FOR HARDSCAPE INSTALLATION PURSUANT TO UNIT PRICES.
 3. BID #03-15 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (ESRI) FOR THE RENEWAL OF THE MUNICIPAL ENTERPRISE LICENSE AGREEMENT IN THE AMOUNT OF \$153,000 OVER THE NEXT THREE (3) YEARS.
 4. BID #04-15 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO SHI GOVERNMENT SOLUTIONS, INC. FOR THE THREE YEAR RENEWAL OF THE MICROSOFT ENTERPRISE AGREEMENT PURSUANT TO THE STATE OF TEXAS DEPARTMENT OF INFORMATION SERVICES CONTRACT #DIR-SDD-2503 IN THE AMOUNT OF \$299,007.
- D. CONSIDER AWARD OF COMPETITIVE SEALED PROPOSAL #904-14 – WE RECOMMEND THE AWARD TO CLASSIC PROTECTIVE COATINGS FOR THE 2015 RENNER TOWER REHABILITATION PROJECT IN THE AMOUNT OF \$545,250.

EXECUTIVE SESSION

In compliance with Section 551.087(1) and (2) of the Texas Government Code, Council will convene into a closed session to discuss the following:

- Deliberation Regarding Economic Development Negotiations
 - Commercial Development – Custer Pkwy./Renner Rd., Plano Rd./Belt Line Rd., U.S. 75/ Galatyn Pkwy., and Wyndham Ln./Renner Rd. Areas

RECONVENE INTO REGULAR SESSION

Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.

- **ADJOURN**

I CERTIFY THE ABOVE AGENDA WAS POSTED ON THE BULLETIN BOARD AT THE CIVIC CENTER/CITY HALL ON FRIDAY, SEPTEMBER 19, 2014, BY 5:00 P.M.

AIMEE NEMER, CITY SECRETARY

ACCOMMODATION REQUESTS FOR PERSONS WITH DISABILITIES SHOULD BE MADE AT LEAST 48 HOURS PRIOR TO THE MEETING BY CONTACTING SUSAN MATTISON, ADA COORDINATOR, VIA PHONE AT 972 744-0809, VIA EMAIL AT ADACoordinator@cor.gov, OR BY APPOINTMENT AT 1621 E. LOOKOUT DRIVE, RICHARDSON, TX 75082.



City of Richardson
City Council Worksession
Agenda Item Summary



Worksession Meeting Date: Monday, September 22, 2014

Agenda Item: Review and Discuss a Draft Charge of Responsibilities to the Charter Review Commission

Staff Resource: Shanna Sims-Bradish, Assistant City Manager
Aimee Nemer, City Secretary

Summary: City staff has worked with the City Attorney to develop a draft charge for the creation of the 2014-2015 Charter Review Commission for discussion and consideration. This draft charge includes a list of key responsibilities for the Charter Review Commission. The City Council is currently scheduled to take action on the charge to the Charter Review Commission at the October 6, 2014 City Council Meeting.

Board/Commission Action: N/A

Action Proposed: N/A





City of Richardson
City Council Worksession
Agenda Item Summary



City Council Meeting Date: Monday, September 22, 2014

Agenda Item: Proposed Farmer's Market Regulations

Staff Resource: Bill Alsup, Director of Health

Summary: City staff will provide updated recommendations for City Council consideration regarding a proposed ordinance related to the regulation of Farmer's Markets

Board/Commission Action: N/A

Action Proposed: Consider Adoption of Ordinance at future Business Meeting





City of Richardson
City Council Worksession
Agenda Item Summary



Worksession Meeting Date: Monday, September 22, 2014

Agenda Item: Review and Discuss Richardson's Ranking on "America's 50 Best Cities to Live" by 24/7 Wall St.

Staff Resource: Taylor Paton, Management Analyst

Summary: 24/7 Wall St. determined the top 50 best places to live in the United States by collecting Census Bureau data on crime, economy, education, environment, housing, infrastructure, and leisure for 550 cities. Staff will discuss Richardson's ranking and the methodology for the study.

Board/Commission Action: N/A

Action Proposed: N/A



MINUTES
RICHARDSON CITY COUNCIL
WORK SESSION AND COUNCIL MEETING
SEPTEMBER 8, 2014

WORK SESSION – 6:00 P.M.:

- **Call to Order**

Mayor Maczka called the meeting to order at 6:00 p.m. with the following Council members present:

Laura Maczka	Mayor
Bob Townsend	Mayor Pro Tem
Mark Solomon	Councilmember
Scott Dunn	Councilmember
Kendal Hartley	Councilmember
Paul Voelker	Councilmember
Steve Mitchell	Councilmember

The following staff members were also present:

Dan Johnson	City Manager
David Morgan	Deputy City Manager
Cliff Miller	Assistant City Manager Development Services
Don Magner	Assistant City Manager Community Services
Shanna Sims-Bradish	Assistant City Manager Admin/Leisure Services
Aimee Nemer	City Secretary
Taylor Paton	Management Analyst
Kent Pfeil	Director of Finance
Gary Beane	Budget Officer
Bob Clymire	Assistant Budget Officer
Michael Spicer	Director of Development Services
Dave Carter	Assistant Director of Development Services
Serri Ayers	Supt. of Community Events

A. REVIEW AND DISCUSS ITEMS LISTED ON THE CITY COUNCIL MEETING AGENDA

Michael Spicer, Director of Development Services, reviewed Zoning File 14-23 for Council.

B. REVIEW AND DISCUSS THE RICHARDSON ARTS COMMISSION'S 2014-2015 ARTS GRANTS FUNDING RECOMMENDATIONS

Prior to the discussion of this item, Councilmember Dunn recused himself due to a conflict of interest on file with the City Secretary. He excused himself from the meeting at 6:09 p.m. and returned after the discussion at 6:23 p.m.

Assistant City Manager, Shanna Sims-Bradish, reviewed the history, process, and recommendations for the Arts Grants Funding.

C. REVIEW AND DISCUSS SANTA'S VILLAGE 2014 SITE PLANNING

Assistant City Manager, Shanna Sims-Bradish, reviewed this item for Council explaining the following recommendations:

- The City will offer up to 8 tickets for Richardson residents that are interested in attending on a Thursday night.
- Tickets will be distributed beginning December 8th at Heights and Huffhines Recreation Centers while they last.
- To obtain tickets, residents must show proof of residency (driver's license, water bill, etc.)
- To enter Santa's Village on Thursdays during the event, attendees must have a ticket. Access to "Photos with Santa" will be the same as in previous years.
- Fencing the site and controlling entry points will be required as well as necessary staffing.

D. REVIEW AND DISCUSS THE TXDOT US 75 EXPRESS/HOV LANE PROJECT UPDATE

Cliff Miller, Assistant City Manager, reviewed this item for Council giving a history of the Texas Department of Transportation's (TXDOT) long range study for US75, introduction to TXDOT's Interim Express Lane Project, a summary of community meetings, a review of the recent Regional Transportation Council meeting, and the City of Richardson's current approach.

Mayor Maczka stated that she wanted to clarify some misinformation that may have been given to the public regarding a letter that went out from the Collin County Commissioners and the legislators. She explained that Representative Jeff Leach did contact her prior to the letter being distributed. Mayor Maczka also clarified the statements she made at the recent RTC meeting stating that she thanked the legislators for their interest in US75; she emphasized that US75 is a commuter corridor for 130,000 Richardson residents and employees; she and other local officials constantly hear from residents about capacity, HOV access, and enforcement; she believes the project is going to take an innovative approach; she wants solutions that consider impacts with regard to economic development, traffic, aesthetics, and sustainability; and that she requested that Richardson have a seat at the table and be included in future meetings regarding the project. Mayor Maczka emphasized that not once did she state she or the City of Richardson was in support of tolls.

E. REPORT ON ITEMS OF COMMUNITY INTEREST

There were no items of community interest reported.

COUNCIL MEETING – 7:30 PM, COUNCIL CHAMBERS

- 1. INVOCATION – PAUL VOELKER**
- 2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – PAUL VOELKER**
- 3. MINUTES OF THE AUGUST 25, 2014 MEETING**

Council Action

Councilmember Mitchell moved to approve the Minutes as presented. Councilmember Voelker seconded the motion. A vote was taken and passed, 7-0.

4. VISITORS

There were no visitors comments submitted.

PUBLIC HEARING ITEMS:

- 5. PUBLIC HEARING, ZONING FILE 14-23 AND CONSIDER ADOPTION OF ORDINANCE NO. 4066, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO GRANT A CHANGE IN ZONING TO GRANT A SPECIAL PERMIT FOR A MOTOR VEHICLE REPAIR SHOP – MINOR ON A 1.38-ACRE TRACT ZONED I-M(1) INDUSTRIAL, ON A PROPERTY LOCATED AT 610 S. SHERMAN STREET, RICHARDSON, TEXAS.**

Public Hearing

Mayor Maczka opened the Public Hearing at 7:41 p.m. The applicant, Steve Moore, was available for questions from Council. There were no public comments submitted. Councilmember Solomon moved to close the Public Hearing at 7:41 p.m. Councilmember Dunn seconded the motion and it passed unanimously.

Council Action

Councilmember Dunn moved to approve the request for a zoning change and Ordinance No. 4066 as presented. Councilmember Hartley seconded the motion. A vote was taken and passed, 7-0.

BUDGET ACTION ITEMS:

- 6. CONSIDER ORDINANCE NO. 4067, APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015.**

Council Action

Mayor Pro Tem Townsend moved to approve and adopt the budget for the fiscal year beginning October 1, 2014 and ending September 30, 2015. Councilmember Solomon seconded the motion. A vote was taken and passed 7-0; with Mayor Maczka, Mayor Pro Tem Townsend, Councilmember Solomon, Councilmember Dunn, Councilmember Hartley, Councilmember Voelker, and Councilmember Mitchell voting in favor.

- 7. CONSIDER ORDINANCE NO. 4068, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2014 (FISCAL YEAR 2014-2015) AT A RATE OF \$0.63516 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF RICHARDSON AS OF JANUARY 1, 2014.**

Staff Comments

City Manager Dan Johnson explained that there is state mandated language required for the adoption of the tax rate and stated that effectively, the tax rate is increased by 2.8 percent – only if the revenue in the new budget is the same as last year – which it is not because of good property evaluations. He clarified that the tax rate remains the same as last year.

Council Action

Councilmember Voelker moved that the property tax rate be increased by the adoption of a tax rate of \$0.63516, which is effectively a 2.8 percent increase in the tax rate. Councilmember

Hartley seconded the motion. A vote was taken and passed 7-0; with Mayor Maczka, Mayor Pro Tem Townsend, Councilmember Solomon, Councilmember Dunn, Councilmember Hartley, Councilmember Voelker, and Councilmember Mitchell voting in favor.

Council Comments

Mayor Maczka reiterated that the state requires the specific language for the motion on the tax rate and explained that the City is the beneficiary of good property evaluations, taxes have not increased, and the additional revenue is being used to fund aging infrastructure.

Councilmember Mitchell and Councilmember Solomon commented on the City's ability to maintain the same tax rate while providing all the services the city provides.

8. CONSIDER RATIFYING PROPERTY TAX INCREASE IN THE ADOPTED BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015.

Council Action

Councilmember Solomon moved to ratify the property tax increase reflected in the budget adopted for the fiscal year beginning October 1, 2014 and ending September 30, 2015. Councilmember Dunn seconded the motion. A vote was taken and passed 7-0; with Mayor Maczka, Mayor Pro Tem Townsend, Councilmember Solomon, Councilmember Dunn, Councilmember Hartley, Councilmember Voelker, and Councilmember Mitchell voting in favor.

9. BUDGET CONSENT AGENDA:

A. ADOPTION OF THE FOLLOWING ORDINANCES:

- 1. ORDINANCE NO. 4069, AMENDING THE CODE OF ORDINANCES OF THE CITY OF RICHARDSON, TEXAS, BY AMENDING SECTION 23-168 TO ESTABLISH RATES TO BE CHARGED FOR SEWER SERVICES FURNISHED BY THE CITY.**
- 2. ORDINANCE NO. 4070, AMENDING THE CODE OF ORDINANCES OF THE CITY OF RICHARDSON, TEXAS, BY AMENDING SECTION 23-98 TO ESTABLISH RATES TO BE CHARGED FOR WATER SERVICES FURNISHED BY THE CITY.**
- 3. ORDINANCE NO. 4071, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 19, SOLID WASTE, BY AMENDING SECTION 19-6, CONSTRUCTION AND DEMOLITION DEBRIS, BY AMENDING SUBSECTION (c) TO REVISE THE PERMIT EXPIRATION DATE, AND BY ADDING SUBSECTION (g), DISPOSAL CHARGES.**
- 4. ORDINANCE NO. 4072, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, BY AMENDING SECTION 4-15, PERMIT AND LICENSE FEES.**
- 5. ORDINANCE NO. 4073, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 10, HEALTH AND HUMAN SERVICES, TO**

ADD ARTICLE VII, HAZARDOUS MATERIALS, TO PROVIDE FOR THE RECOVERY OF THE DIRECT AND INDIRECT COSTS INCURRED BY THE CITY FOR HAZARDOUS MATERIALS INCIDENTS.

- 6. ORDINANCE NO. 4074, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 23, WATER, SEWER AND SEWAGE DISPOSAL; BY AMENDING SECTION 23-1 TO ESTABLISH DELINQUENT CHARGES; BY AMENDING SECTION 23-100 TO ESTABLISH SERVICE CHARGES FOR TURNING WATER ON OR OFF; BY AMENDING SECTION 23-101 TO PROVIDE FOR RECONNECTION FEES; BY AMENDING SECTION 23-102 TO ESTABLISH FEES FOR REPAIRING OR TESTING METERS; AND BY AMENDING SECTIONS 23-118 AND 23-120, TO CORRECT TYPOGRAPHICAL ERRORS.**

B. CONSIDER THE FOLLOWING RESOLUTIONS:

- 1. RESOLUTION NO. 14-18, AMENDING THE ANIMAL SHELTER FEES, BY AMENDING THE SECTION ENTITLED “ANIMAL REGISTRATION FEE”.**
- 2. RESOLUTION NO. 14-19, AMENDING FEES AND CHARGES FOR THE OPERATION OF FOOD ESTABLISHMENTS, ANNUAL INSPECTION FEES FOR PUBLIC AND SEMI-PUBLIC SWIMMING POOLS, LIQUID WASTE HAULERS, AND INDUSTRIAL PRE-TREATMENT PERMITS.**
- 3. RESOLUTION NO. 14-20, ESTABLISHING AN ADMINISTRATIVE FEE FOR THE EXPENSES RELATED TO THE CITY CAUSING THE WORK TO BE DONE TO KEEP PROPERTY FREE FROM WEEDS, RUBBISH, BRUSH, STAGNANT WATER AND ANY OTHER OBJECTIONABLE, UNSIGHTLY OR UNSANITARY MATTER OF WHATEVER NATURE AS AUTHORIZED BY THE CODE OF ORDINANCES.**
- 4. RESOLUTION NO. 14-21, ESTABLISHING FRONT LOADER RATES FOR CITY OWNED CONTAINERS; ADDING A DISPOSAL FEE FOR CONSTRUCTION AND DEMOLITION DEBRIS PERMIT HOLDERS; AND INCREASING CHARGE FOR DELINQUENT PAYMENTS FOR SERVICES.**
- 5. RESOLUTION NO. 14-22, AMENDING AND ESTABLISHING VARIOUS DEVELOPMENT SERVICES FEES; AND AMENDING INSPECTION FEES FOR BUILDINGS AND APARTMENT BUILDING UNITS.**
- 6. RESOLUTION NO. 14-23, AMENDING VARIOUS CHARGES FOR WATER SERVICE.**

Council Action

Councilmember Dunn moved to approve the Budget Consent Agenda as presented. Councilmember Hartley seconded the motion. A vote was taken and passed, 7-0.

Staff/Council Comments

City Manager Johnson thanked the Council and staff budget team for their work on the budget. Mayor Maczka and Council also commended staff on the budget, specifically, maintaining the tax rate, funding economic development and maintenance, and using positive property values for good use with consideration for the needs of Richardson residents.

10. CONSENT AGENDA:

- A. ADOPTION OF ORDINANCE NO. 4065, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP TO GRANT A CHANGE IN ZONING TO GRANT A SPECIAL PERMIT FOR AN ASSISTED LIVING FACILITY WITH MODIFIED DEVELOPMENT STANDARDS ON A 4.88-ACRE TRACT ZONED O-M OFFICE, ON A PORTION OF A PROPERTY LOCATED AT 1776 N. PLANO ROAD, RICHARDSON, TEXAS.**
- B. CONSIDER RESOLUTION NO. 14-24, DESIGNATING A PORTION OF THE RICHARDSON INDEPENDENT SCHOOL DISTRICT NORTHRICH ELEMENTARY SCHOOL CAMPUS AS A NEIGHBORHOOD PARK; AND NAMING THE NEIGHBORHOOD PARK “NORTHRICH PARK”.**
- C. CONSIDER AWARD OF THE FOLLOWING BIDS:**
 - 1. BID #61-14 – WE RECOMMEND THE AWARD TO NOVEL BUILDERS FOR THE REBID OF THE CREMATION SYSTEM FOR THE RICHARDSON ANIMAL SHELTER IN THE AMOUNT OF \$81,739.00.**
 - 2. BID #01-15 – WE REQUEST AUTHORIZATION TO INITIATE A 48-MONTH LEASE PURCHASE AGREEMENT WITH DELL FINANCIAL SERVICES FOR THE LEASE PURCHASE OF THE 2014-15 PERSONAL COMPUTERS, LAPTOPS, SCANNERS, AND SERVERS IN THE AMOUNT OF \$599,769.76 PURSUANT TO THE STATE OF TEXAS DEPARTMENT OF INFORMATION SERVICES CONTRACT #DIR-SDD-1951 AT ZERO PERCENT FINANCING FOR FOUR YEARS.**
 - 3. BID #02-15 – WE REQUEST AUTHORIZATION TO INITIATE A 48-MONTH LEASE PURCHASE AGREEMENT WITH SYNETRA, INC., FOR THE LEASE PURCHASE OF THE REPLACEMENT CISCO WIRELESS AC CONTROLLERS, WIRELESS ACCESS POINTS AND A NEW EMC DISK ARRAY IN THE AMOUNT OF \$496,845.49 PURSUANT TO THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES CONTRACT #DIR-TSO-2542 WITH FINANCING FROM KEY GOVERNMENT FINANCE AT ZERO PERCENT FINANCING FOR FOUR YEARS.**

Council Action

Councilmember Mitchell moved to approve the Consent Agenda as presented. Councilmember Hartley seconded the motion. A vote was taken and passed, 7-0.

EXECUTIVE SESSION

In compliance with Section 551.072 of the Texas Government Code, Council will convene into a closed session to discuss the following:

- Deliberation Regarding Real Property
 - Property Considerations in the U.S. 75/W. Arapaho Rd. Area

Council Action

Council convened into Executive Session at 7:11 p.m. and recessed the Executive Session at 7:30 p.m. Following the Council Meeting, Council reconvened into Executive Session at 8:05 p.m.

RECONVENE INTO REGULAR SESSION

Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.

Council Action

Council reconvened into Regular Session at 8:50 p.m. There was no action as a result of the Executive Session.

ADJOURNMENT

With no further business, the meeting was adjourned at 8:50 p.m.

MAYOR

ATTEST:

CITY SECRETARY

MINUTES
RICHARDSON CITY COUNCIL/CITY PLAN COMMISSION
SPECIAL CALLED WORK SESSION MEETING
TUESDAY, SEPTEMBER 9, 2014

WORK SESSION – 6:00 P.M.:

- **Call to Order**

Mayor Maczka called the meeting to order at 6:00 p.m. with the following Council members present:

Laura Maczka	Mayor
Bob Townsend	Mayor Pro Tem
Mark Solomon	Councilmember
Scott Dunn	Councilmember
Kendal Hartley	Councilmember
Paul Voelker	Councilmember
Steve Mitchell	Councilmember

The following City Plan Commission members were also present:

Barry Hand	Chair
Gerald Bright	Vice-Chair
Janet DePuy	Commissioner
Marilyn Frederick	Commissioner
Eron Linn	Commissioner (arrived after the meeting started)
Randy Roland	Commissioner
Bill Ferrell	Commissioner (Alternate)
Stephen Springs	Commissioner (Alternate)

The following staff members were also present:

Dan Johnson	City Manager
David Morgan	Deputy City Manager
Cliff Miller	Assistant City Manager Development Services
Don Magner	Assistant City Manager Community Services
Shanna Sims-Bradish	Assistant City Manager Admin/Leisure Services
Aimee Nemer	City Secretary
Taylor Paton	Management Analyst
Michael Spicer	Director of Development Services
Tina Firgens	Planning Projects Manager

The following consultants were also present:

Mark Bowers	Kimley Horn
Karen Walz	Strategic Community Solutions
Ignacio Mejia	Jacobs

A. VISITORS

There were no visitors comments submitted.

B. REVIEW AND DISCUSS THE MAIN STREET/CENTRAL EXPRESSWAY CORRIDOR ENHANCEMENT/REDEVELOPMENT – REZONING INITIATIVE, INCLUDING RECEIVING DIRECTION RELATED TO KEY TOPICS.

City Staff and consultants reviewed the direction given from Council at the June and July briefings, components and building blocks, and the form based code approach. The following discussion topics were facilitated by Mark Bowers, Kimley-Horn and Karen Walz, Strategic Community Solutions:

1. Building Heights

- a. Is a 15-story building height appropriate to allow on the East side of Central Expressway in the Central Place Sub-District?

Discussion

- Allow taller heights within the Central Place Sub-district than what is shown on the draft regulating plan, except where adjacent to single family neighborhoods; allow 20 stories within the northeast quadrant of Belt Line Rd/Main St and Central Expressway
- Taller building heights allow for flexibility and accommodate changing market conditions

2. Development Adjacent to Existing Single Family Neighborhoods

- a. Is 2-stories (35’ – 40’) too tall adjacent to existing single family homes?
- b. Should additional height be allowed for architectural elements?

Discussion

- Heights shown on sub-district plans acceptable where adjacent to single family residential
- Concerns expressed about Rustic Circle area; consultant asked to provide options to alleviate sound issues from Central Expressway
- Support for increased heights for architectural elements

3. Development Adjacent to US 75

- a. Should this development follow the same design standards used on other Central Expressway frontage in Richardson?

Discussion

- Development standards for properties with Central Expressway frontage should be generally consistent with the City’s other development standards for properties with Central Expressway frontage; Central Expressway is a regional highway therefore it benefits from continuity in design standards throughout the entire Richardson corridor
- Desired look and feel for the Interurban Sub-district is “edgy” professional
- Code should be flexible to accommodate prospective building materials

4. Allowable Uses in Sub-Districts

- a. Some properties will gain allowable uses they do not currently have.

- b. Should uses be limited across the street from existing residential neighborhoods (La Salle, Abrams, Lindale)?

Discussion

- Supportive of properties gaining additional allowed uses Be sensitive to existing single family residential neighborhoods and their surrounding context (LaSalle St. different than Lindale Ln.); restrict certain uses adjacent to single family neighborhoods

Mayor Maczka called for a recess at 7:55 p.m. The meeting was reconvened at 8:10 p.m.

5. Auto-Related Uses

- a. How do these uses help promote / foster the visions for the sub-districts?
- b. Which auto-related uses would continue by right?
- c. Which auto-related uses would require special permits?
- d. Which auto-related uses would become (or remain) non-conforming?

Discussion

- Maintain a balance of auto-oriented uses;
- Continue special permit process as generally allowed for auto-oriented uses in the Comprehensive Zoning Ordinance today, although want to see a downward trend of approving special permits in the future
- Consider additional auto-oriented uses (example: incubator businesses) that would fit in the Interurban District

6. Inclusion of Single Family Detached Uses

- a. Are they appropriate and compatible with the visions of the Sub-Districts?
- b. In which Sub-Districts?
- c. Should they require a special permit?

Discussion

- Support for Single Family detached uses of higher densities in all sub-districts by right

7. Non-Conforming Buildings and Uses

- a. Should these be handled in the same way for all Sub-Districts?
 - I. Uses
 - II. Structures
 - III. Site elements
 - IV. Signage
- b. Should there be provisions that allow for some improvements in non-conforming buildings or uses even if they don't bring the property completely up to code?

Discussion

- For Interurban Sub-district –supportive of adaptive re-use, and consider more flexibility with the standards to deter nonconformities where feasible;

- Consider whether nonconforming issues should be addressed sub-district by sub-district
- Allow property/building improvements as it relates to health and safety
- Like the West Spring Valley Code approach of defining nonconforming uses, structures, signage and site elements

ADJOURNMENT

With no further business, the meeting was adjourned at 9:22 p.m.

MAYOR

ATTEST:

CITY SECRETARY

MINUTES
RICHARDSON CITY COUNCIL
WORK SESSION MEETING
SEPTEMBER 15, 2014

WORK SESSION – 6:00 P.M.:

- **Call to Order**

Mayor Pro Tem Townsend called the meeting to order at 6:00 p.m. with the following Council members present:

Bob Townsend	Mayor Pro Tem
Mark Solomon	Councilmember
Scott Dunn	Councilmember
Kendal Hartley	Councilmember
Paul Voelker	Councilmember
Steve Mitchell	Councilmember (arrived at 6:47 p.m.)

The following were absent:

Laura Maczka	Mayor
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The following staff members were also present:

David Morgan	Deputy City Manager
Cliff Miller	Assistant City Manager Development Services
Aimee Nemer	City Secretary
Taylor Paton	Management Analyst
Mistie Gardner	EM Coordinator
Scott Greeson	Response and Recovery Coordinator
Alisha Gimbel	Preparedness & Mitigation Coordinator

A. VISITORS

Jose Vazquez, representing Boy Scout Troop 262, introduced the troop as guests of the meeting.

B. PRESENT PROCLAMATION AND REVIEW AND DISCUSS NATIONAL PREPAREDNESS MONTH

Mistie Gardner, Emergency Management Coordinator, reviewed National Preparedness Month. Mayor Pro Tem Townsend presented the proclamation to the Emergency Management staff.

C. REVIEW AND DISCUSS THE SCENIC CITY AWARD PRESENTED TO THE CITY OF RICHARDSON

Taylor Paton, Management Analyst, reviewed an update on the City's Scenic City Award reporting that the City has achieved Platinum Level Certification.

D. REPORT ON ITEMS OF COMMUNITY INTEREST

Mayor Pro Tem Townsend reported that the DFW Asian American Citizen's Council has designated Richardson as City of the Year.

Depart Civic Center/City Hall to take a tour of the Emergency Operations Center, 1621 E. Lookout Dr., Richardson, TX

Mayor Pro Tem Townsend recessed the meeting at 6:47 p.m. in order for Council to travel to the Emergency Operations Center. Council reconvened at 7:08 p.m.

E. TOUR EMERGENCY OPERATIONS CENTER

Council toured the Emergency Operations Center.

ADJOURNMENT

With no further business, the meeting was adjourned at 7:45 p.m.

ATTEST:

MAYOR

CITY SECRETARY



MEMO

DATE: September 18, 2014
TO: Honorable Mayor and City Council
FROM: Michael Spicer, Director of Development Services *MS*
SUBJECT: Zoning File 14-25 – Pollo Tropical Drive-thru Restaurant

REQUEST

Joshua Millsap, representing Bury, Inc., is requesting to revoke Ordinance Number 2357-A (Special Permit for a restaurant with drive-thru service) and approval of a new Special Permit for a restaurant with drive-through service to be located at 106 W. Campbell Road, on the north side of Campbell Road, west of Central Expressway.

BACKGROUND

The applicant is requesting to revoke Ordinance 2357-A and approval of a new Special Permit to accommodate the development of a new drive-thru restaurant named Pollo Tropical. A Special Permit (Ordinance No. 2357-A) was approved in 1983 which allowed a drive-thru restaurant (former Grandy's) within the work area shown on Exhibit "B". However, the legal description was specific as to the exact location of the building pad, and the proposed restaurant is located to the west of the area. Furthermore, the ordinance did not contain an approved concept plan or elevations which are typical of Special Permits that have been approved more recently for drive-thru restaurants.

The proposed concept plan provides the 53-foot setback and 11-foot storage lane as required per the existing Special Permit, but the prohibition against free-standing signs would be removed. The applicant would be allowed to construct a monument or pole sign in conformance with the Sign Regulations of the City of Richardson (Chapter 18 of the Code of Ordinances). These types of signs are typical of signage located on the north side of Campbell Road between US-75 and Collins Boulevard.

The applicant intends to improve the portion of the shopping center lot on which the restaurant is to be located. Improvements to landscaping including increasing the landscape buffer along Campbell Road and doubling the landscaped area will be made as part of the redevelopment. The redevelopment will also include a net gain of four (4) parking spaces for the overall lot due to the decrease in the proposed building size as compared to the former Grandy's. Lastly, the applicant will replace the existing 5-foot wide brick sidewalk along Campbell Road with a concrete sidewalk. The sidewalk along the entire lot frontage would be concrete after this portion is replaced.

PLAN COMMISSION RECOMMENDATION

The City Plan Commission, by a vote of 7-0, recommends approval of the request as presented, subject to the attached special conditions.

ATTACHMENTS

Special Conditions	Proposed Building Elevations (Exhibits C-1 through C-4)
CC Public Hearing Notice	Color Elevations (Exhibits D-1 through D-2)
City Plan Commission Minutes 9-2-2014	Site Photos
Staff Report	Applicant's Statement
Zoning Map	Notice of Public Hearing
Aerial Map	Notification List
Oblique Aerial Looking North	Ordinance Number 2357-A
Zoning Exhibit (Exhibit "B")	

ZF 14-25 Special Conditions

1. A restaurant with drive-through service shall be allowed as defined in the Comprehensive Zoning Ordinance and limited to the area shown on the attached concept plan, marked as Exhibit “B” and made a part thereof.
2. The restaurant with drive-through service shall be constructed in substantial conformance with the attached concept plan (Exhibit “B”) and building elevations (Exhibits “C-1” through “C-4”).
3. The ground mounted utilities located on the east side of the building shall be painted to match the building and landscaping to the east of the building shall be provided for screening.
4. Ordinance Number 2357-A shall be repealed.



Attn. Lynda Black
Publication for Dallas Morning News – Legals
Submitted on: September 3, 2014
Submitted by: City Secretary, City of Richardson

Please publish as listed below or in attachment and provide a publication affidavit to:

City Secretary's Office
P.O. Box 830309
Richardson, TX 75083-0309

FOR PUBLICATION ON: SEPTEMBER 5, 2014

**City of Richardson
Public Hearing Notice**

The Richardson City Council will conduct a public hearing at 7:30 p.m. on Monday, September 22, 2014, in the Council Chambers, Richardson Civic Center/City Hall, 411 W. Arapaho Road, to consider the following requests.

ZF 14-25

A request by Joshua Millsap, representing Bury, Inc., to revoke Ordinance 2357-A, a Special Permit for a restaurant with drive-through service and approval of a new Special Permit for a restaurant with drive-through service at 106 W. Campbell Road (north side of Campbell Road, west of Central Expressway). The property is currently zoned C-M Commercial.

If you wish your opinion to be part of the record but are unable to attend, send a written reply prior to the hearing date to City Council, City of Richardson, P.O. Box 830309, Richardson, Texas 75083.

The City of Richardson
/s/ Aimee Nemer, City Secretary

**EXCERPT
CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES –SEPTEMBER 2, 2014**

PUBLIC HEARING

Zoning File 14-25 – Pollo Tropical: Consider and take necessary action on a request to revoke Ordinance 2357-A, a Special Permit for a restaurant with drive-thru service and approval of a new Special Permit for a restaurant with drive-through service. The property is located on the north side of Campbell Road, west of Central Expressway and is currently zoned C-M Commercial. Applicant: Joshua Millsap, representing Bury Partners, Inc.

Mr. Shacklett stated the Zoning File 14-25 is a request for a Special Permit for a restaurant with drive-thru service and to revoke the current Ordinance Number 2357-A which is also a Special Permit for a restaurant with drive-thru service. Mr. Shacklett noted that a Special Permit was approved for a drive-thru restaurant (Ordinance Number 2357-A) on the site in 1983. The site was most recently developed as a Grandy's; however, the Grandy's was demolished earlier this year. Mr. Shacklett explained that the subject site is part of a larger 11.7-acre lot that consists of a multi-tenant shopping center, a buffet restaurant, and drive-thru McDonald's.

Although the Special Permit did not include an approved concept plan or elevations, which are typically attached to current Special Permits, Mr. Shacklett explained it did contain conditions related to a 53-foot setback from the east property line, an 11-foot wide storage lane to be provided along the east side, and prohibition against free-standing signs. Mr. Shacklett added that although a new drive-thru restaurant would be allowed, the legal description in Ordinance Number 2357-A specified the location of the building on the lot, and the proposed restaurant is being located west of where the former Grandy's was located; therefore, a new Special Permit is required.

Mr. Shacklett explained the applicant is requesting to revoke Ordinance 2357-A and approval of a new Special Permit to accommodate the development of a new drive-thru restaurant named Pollo Tropical; a restaurant that began in Miami and has recently constructed locations in the D/FW area. Mr. Shacklett noted the proposed 3,641-square foot building provides drive-thru service along with sit-down service, typical of most drive-thru restaurants.

Mr. Shacklett detailed the proposed development and additional conditions to include: building size and materials, setbacks and landscape buffers, height, floor area ratio, landscaping percentage, building orientation, number of parking spaces, and drive-thru stacking.

Mr. Shacklett explained the proposed concept plan provides the 53-foot setback and 11-foot storage lane as required per the existing Special Permit. However, with the prohibition against free-standing signs being removed, the applicant would be allowed to construct a monument or pole sign in conformance with the Sign Regulations of the City of Richardson

(Chapter 18 of the Code of Ordinances). Mr. Shacklett added these types of signs are typical of signage located on the north side of Campbell Road between US-75 and Collins Boulevard.

Mr. Shacklett mentioned as part of the development of Pollo Tropical, the applicant intends to improve the portion of the shopping center lot in the following ways: increase/enhance landscaping, increase parking and sidewalk replacement.

As of this date, no correspondence in favor or in opposition has been received.

Chairman Hand asked staff if there are any Codes or Ordinances that prohibit roof top units (RTU) from being taller than the parapets.

Mr. Shacklett explained that City requirements for roof top screening state that screening actually be as tall as the tallest element. The applicant has referenced this in their black and white elevations.

Chairman Hand noted that he thinks seeing RTUs on top of a restaurant makes it look less than desirable. Chairman Hand asked Mr. Shacklett to look at the east elevation where it appears that an RTU is above the screening.

Mr. Shacklett identified the area in question and stated that the cornice returns part of the way back to the roof top. Mr. Shacklett added that the intent would be for RTUs to be fully screened to the top of the unit. Mr. Shacklett noted that the applicant is here and can address this topic.

Commissioner Frederick asked Mr. Shacklett about the overall traffic flow and pattern of this lot; if one parks on the north side of the restaurant, in order to get to the entrance to the restaurant, one would have to walk across the drive-thru lane.

Mr. Shacklett explained that the applicant envisions using close in parking for the restaurant and that parking further out would be used for other businesses.

Commissioner Frederick stated she was glad to see that there appears to be plenty of parking.

Vice Chairman Bright questioned staff regarding the three (3) rectangular signs that are identified on one of the exhibits as aluminum shutters. Vice Chairman Bright asked if the Commission is approving one of the other.

Mr. Shacklett clarified what is being presented for approval is Exhibit C-3 that is a part of the study packet requires aluminum shutters. What is being shown in Exhibit C-3 is noted as a potential sign. The print on the shutters could reflect a type of signage. This would assume that the signs will conform to all the City sign regulations. Mr. Shacklett also clarified that color exhibits will not be part of the ordinance, however, Exhibits B and Exhibits C-1 through C-4 will be made part of the ordinance. The ordinance will reference multi-color, aluminum powder coated metal shutters.

Mr. Chavez added that these shutters are not flat up against the building; they are angled away from the building.

Commissioner Linn asked Mr. Shacklett if City regulations would allow electronic messaging for the pole or monument sign for this property.

Mr. Shacklett responded that electronic messaging signs are allowed per Chapter 18 due to recent changes.

Commissioner Linn asked about adding a condition to specifically exclude electronic messaging.

Mr. Shacklett noted that this type issue is governed under a Sign Code and a Board that has purview over signs. Mr. Shacklett continued that typically, signage is not a part of a Special Permit placing conditions on signage.

Commissioner DePuy asked to have entry into the property pointed out and if there would be any changes in curb cuts on Campbell Road.

Mr. Shacklett illustrated the entry into the property and stated that there would be no changes in curb cuts on Campbell Road.

Commissioner Maxwell asked if the outside seating shown to be covered by a trellis-like structure was shown on the elevation.

Mr. Shacklett confirmed that the trellis-like structure is not shown on the elevation.

With no more questions of staff, Chairman Hand opened the public hearing.

Mitch Keith, Fiesta Restaurant Group, 14800 Landmark Boulevard, Addison, Texas came forward to present his case. Mr. Keith informed the Commission that he had with him a picture of the site they will be opening tomorrow in Frisco that would show the patio in question. Pollo Tropical, based out of Miami, Florida, is a sister brand to Taco Cabana, that has operated in Texas for thirty-six (36) years. Pollo Tropical is a Caribbean Grilled Chicken restaurant which makes it unlike most area restaurants. This is a family oriented restaurant and changes have been made to architecture to convey that they are not a Tex-Mex restaurant. Mr. Keith explained that they have made adjustments to ensure that RTUs are completely covered. The patio is a free-standing, powder coated metal awning used in hopes that it will look and last better than a wooden structure. Mr. Keith stated that their plan for a monument sign does not have any type of digital messaging. Their signage will use back lighting only. Mr. Keith added that their plan is to meet and exceed landscape requirements in the City of Richardson, using palms, sego palms, and a lot of green, especially next to the building to convey their coastal beach life theme.

Commissioner DePuy asked about the landscape area to the east which looks large.

Mr. Keith indicated the plan is to put in a large amount of palms, perennial flowers, and small ground sego palms to fill out the area. Their goal is to deliver as much of a beach feel as they possibly can.

Commissioner Springs asked if repair of the sidewalk in the front was considered over replacement.

Mr. Keith responded that the existing sidewalk is growing up, turning and wobbly with a lot of grass growing up. Mr. Keith stated that they determined that customers would appreciate better sidewalks to walk on.

Josh Millsap, Bury, 5310 Harvest Hill Road, Suite 100, Dallas, Texas stated that as part of the discussion with the City, the pavers along this section of the work area would be removed and the sidewalk would be replaced with a concrete sidewalk to eliminate the issues with the pavers in the future.

Chairman Hand asked for clarification that staff has asked the applicant to remove the pavers.

Mr. Shacklett confirmed this statement.

Mr. Chavez stated that concrete is standard for sidewalks.

Chairman Hand asked the applicant about their construction schedule.

Mr. Keith explained that when they have completed the zoning process, they target early spring as a construction start with a one-hundred twenty (120) day build time.

Motion: Commissioner Roland made a motion to recommend approval of Zoning File 14-25 as presented and to revoke Ordinance 2357-A; second by Vice Chairman Bright. Motion approved 7-0.



Staff Report

TO: City Council

THROUGH: Michael Spicer, Director of Development Services **MS**

FROM: Sam Chavez, Assistant Director – Development Services **SC**

DATE: September 18, 2014

RE: **Zoning File 14-25:** Special Permit – Pollo Tropical Drive-thru – 106 W Campbell Road.

REQUEST:

Revoke Ordinance Number 2357-A and approval of a new Special Permit for a restaurant with drive-thru service located on the north side of Campbell Road, west of Central Expressway.

APPLICANT / PROPERTY OWNER:

Joshua Millsap – Bury, Inc. / Will Tolliver – Leon Capital Group

EXISTING DEVELOPMENT:

The subject site is located in the southeast corner portion of an 11.7-acre tract of land consisting of a multi-tenant shopping center, a buffet restaurant, and a drive-thru McDonald's. The proposed drive-thru restaurant is located in same area as the recently demolished Grandy's.

ADJACENT ROADWAYS:

US-75: Freeway/Turnpike; 256,000 vehicles per day on all lanes, northbound and southbound, north of Campbell Road (2013).

Campbell Road: Six-lane, divided arterial; 38,700 vehicles per day on all lanes, eastbound and westbound, west of US-75 (February 2013).

SURROUNDING LAND USE AND ZONING:

North: Retail/Commercial; C-M Commercial

South: Retail/Commercial; C-M Commercial

East: Retail/Commercial; LR-M(2) Local Retail

West: Retail/Commercial; C-M Commercial

FUTURE LAND USE PLAN:

Neighborhood Service

Service-related uses such as retail sales; personal services; entertainment; recreation; and office uses oriented to the immediate area.

Future Land Uses of Surrounding Area:

North: Neighborhood Service
South: Regional Employment
East: Neighborhood Service
West: Neighborhood Service

EXISTING ZONING:

C-M Commercial (Ordinance Number 558-A & Ordinance Number 710-A) with a Special Permit (Ordinance Number 2357-A) for a drive-thru restaurant.

INFRASTRUCTURE IMPACTS:

The requested zoning amendment will not have any significant impacts on the surrounding roadway system or the existing utilities in the area.

APPLICANT'S STATEMENT

(Please refer to the complete Applicant's Statement.)

STAFF COMMENTS:

Background:

A Special Permit was approved for a drive-thru restaurant (Ordinance Number 2357-A) on the site in 1983. The site was most recently developed as a Grandy's; however, the Grandy's was demolished earlier this year. The subject site is part of a larger 11.7-acre lot that consists of a multi-tenant shopping center, a buffet restaurant, and drive-thru McDonald's.

Although the Special Permit did not include an approved concept plan or elevations, which are typically attached to current Special Permits, it did contain conditions related to setbacks, drive-thru storage lane, and signage. Although a new drive-thru restaurant would be allowed, the legal description in Ordinance Number 2357-A specified the location of the building on the lot, and the proposed restaurant is being located west of where the former Grandy's was located; therefore, a new Special Permit is required.

Request:

The applicant is requesting to revoke Ordinance 2357-A and approval of a new Special Permit to accommodate the development of a new drive-thru restaurant named Pollo Tropical. The restaurant began in Miami and has recently constructed locations in the D/FW area. The proposed 3,641-square foot building provides drive-thru service along with sit-down service, typical of most drive-thru restaurants.

Proposed Development:

- **Building Size:** 3,641-square foot drive-thru restaurant
- **Building Materials:** Primarily grey brick and beige stone, with dark grey/black split-faced CMU. Multi-colored decorative aluminum awnings and screens will also be incorporated into the building design. Signs may be incorporated into the awnings. A white cornice and trellis element will also be utilized along the top of the building as shown on the elevations.
- **Setbacks and Landscape Buffer:**
 - Front: 40 feet along Campbell Road.
 - Landscape Buffers: 10-foot landscape buffer required along Campbell Road per City's Landscaping Policies
 - No side or rear building setbacks are required.
- **Height:** 24'2" (top of parapet) / 26'11" (top of trellis)
- **Floor Area Ratio (overall lot):** 0.23:1 proposed / Maximum 0.60:1 allowed
- **Landscaping Percentage (within work area):** 10.5% existing / 21.6% proposed
- **Building Orientation:** The building entrance faces south toward Campbell Road with outdoor patio dining located adjacent to the entrance. The entrance to the drive-thru lane is located at the southeast side of the building and wraps around the building exiting at the northwest corner of the building.
- **Number of Parking Spaces:** Within the work area, there are currently 110 parking spaces. The proposed development would provide 109 spaces in the work area, but the proposed building requires five (5) spaces less than the previous restaurant building, thereby providing a surplus of four (4) parking spaces for the overall lot compared to previous conditions.
- **Drive-thru Stacking:** Eight (8) vehicle stacking spaces are being provided within the dedicated drive-thru lane.

As stated above, a Special Permit (Ordinance No. 2357-A) was approved in 1983 which allowed a drive-thru restaurant within the work area shown on Exhibit "B". However, the legal description was specific as to the exact location of the building pad, and the proposed restaurant is located to the west of the area. Furthermore, the ordinance did not contain an approved concept plan or elevations which are typical of Special Permits that have been approved more recently for drive-thru restaurants. Ordinance No. 2357-A contained additional conditions regarding the following:

- 53-foot setback from the east property line
- 11-foot wide storage lane to be provided along the east side of the building
- Prohibition against free-standing signs

The proposed concept plan provides the 53-foot setback and 11-foot storage lane as required per the existing Special Permit. However, with the prohibition against free-standing signs being removed, the applicant would be allowed to construct a monument or pole sign in conformance with the Sign Regulations of the City of Richardson (Chapter 18 of the Code of Ordinances). These types of signs are typical of signage located on the north side of Campbell Road between US-75 and Collins Boulevard.

Proposed Improvements:

As part of the development of Pollo Tropical, the applicant intends to improve the portion of the shopping center lot in the following ways:

- Increase/Enhance Landscaping – The current landscape area is approximately 10.5% within the work area. The proposed development would increase the landscape percentage within the area to approximately 21.6%. The majority of this increase is due to the increase of the 4-foot wide landscape buffer along Campbell Road to a 10.5-foot wide buffer. The increased width will allow the applicant to plant canopy and ornamental trees as well as parking lot screening shrubs in conformance with City Landscape Policies. Although it appears there are no existing easements along Campbell Road for the overhead utility lines, a future easement may be required which may affect the placement of trees in the buffer.

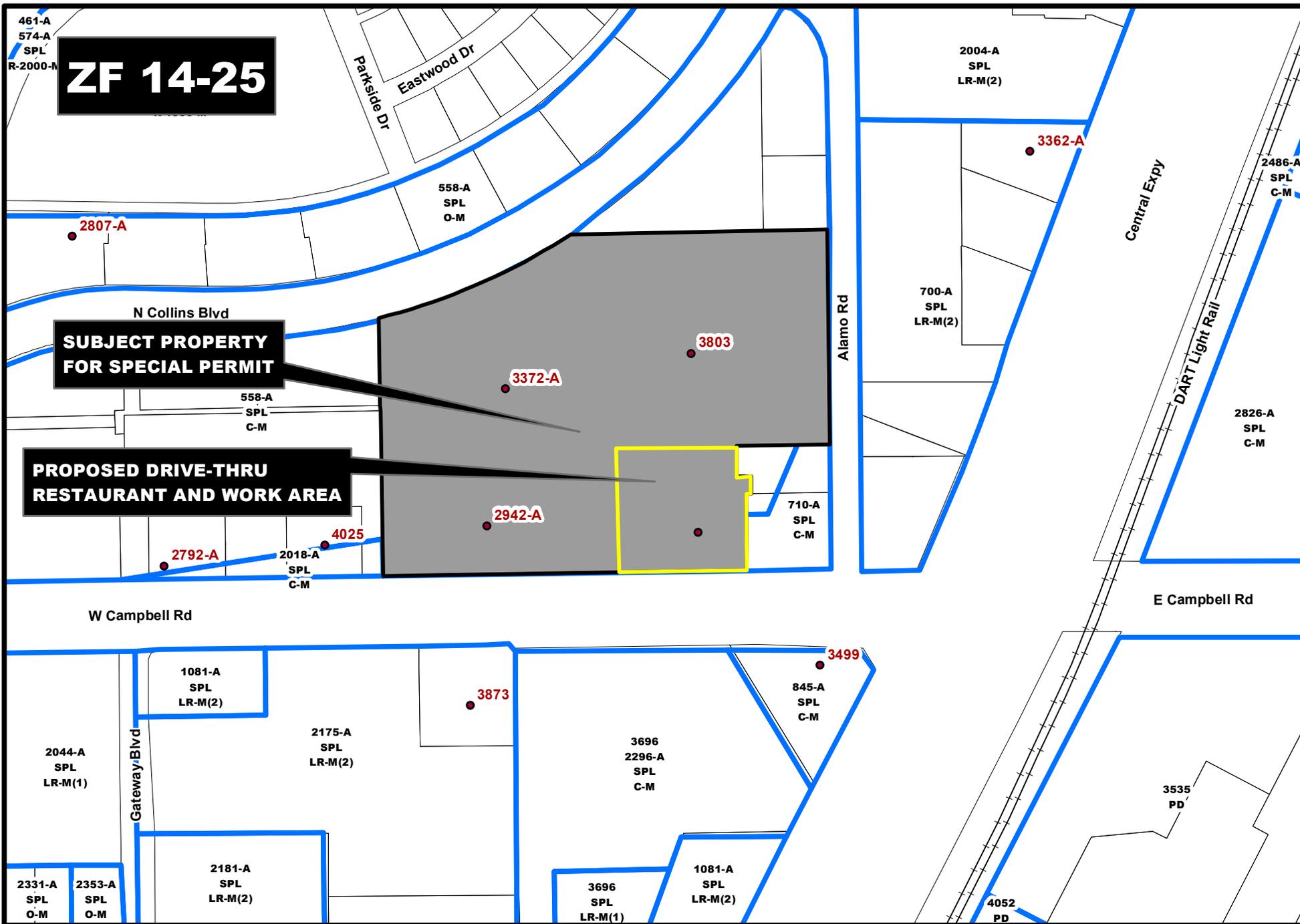
Other changes include the removal and replacement of landscape islands to the north of the building to accommodate the revised parking layout. The applicant intends to maintain as many of the canopy trees as possible, including the three (3) canopy trees along Campbell Road; however, canopy trees located in islands at the end of existing parking rows will be removed to accommodate the revised layout, but canopy trees will be required in the new parking islands being constructed. The applicant also intends to plant trees in the large landscape area east of the building.

- Increase Parking – Within the current work area as shown on Exhibit “B”, there are currently 110 parking spaces per the approved site plan. The proposed development would reduce the overall number of parking spaces to 109 within the work area. However, the proposed restaurant requires five (5) spaces less than Grandy’s required; thereby creating a net gain of four (4) parking spaces for the entire 11.7-acre site.
- Sidewalk Replacement – The current sidewalk along Campbell Road, adjacent to the work area is a 5-foot wide brick sidewalk. As part of the proposed development, the sidewalk would be reconstructed with concrete. The existing brick sidewalk extends from the subject property east to US-75. The sidewalk extending to the west from the work area, which is the remaining Campbell Road frontage for the 11.7-acre lot, is constructed of concrete.

Correspondence: As of this date, no correspondence in favor or in opposition has been received.

Motion: On September 2, 2014, the City Plan Commission recommended approval, by a vote of 7-0, of the request as presented subject to the following conditions:

1. A restaurant with drive-through service shall be allowed as defined in the Comprehensive Zoning Ordinance and limited to the area shown on the attached concept plan, marked as Exhibit “B” and made a part thereof.
2. The restaurant with drive-through service shall be constructed in substantial conformance with the attached concept plan (Exhibit “B”) and building elevations (Exhibits “C-1” through “C-4”).
3. The ground mounted utilities located on the east side of the building shall be painted to match the building and landscaping to the east of the building shall be provided for screening.
4. Ordinance Number 2357-A shall be repealed.

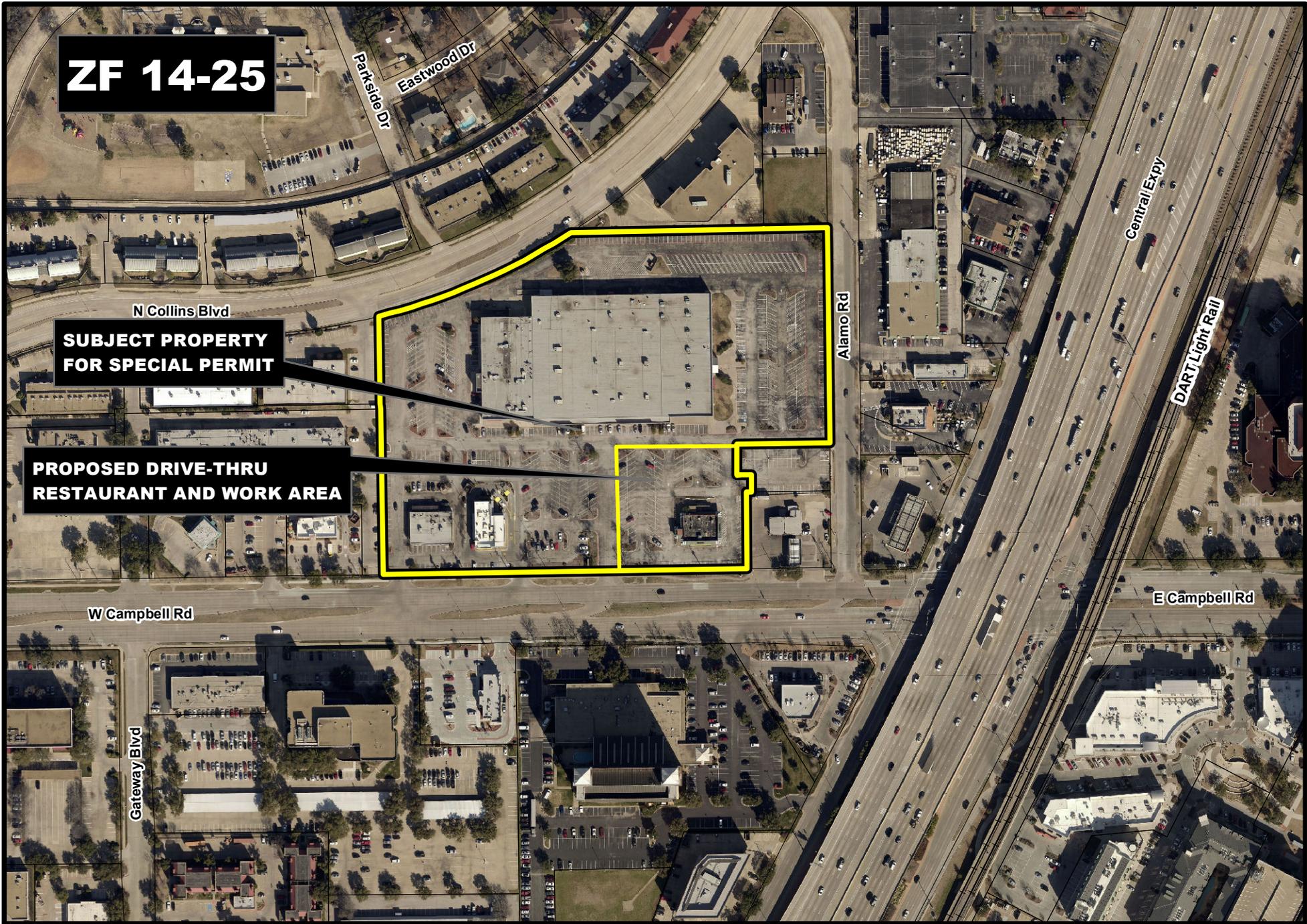


ZF 14-25 Zoning Map

Updated By: shacklett, Update Date: August 15, 2014
 File: DSI\Mapping\Cases\Z\2014\ZF1425\ZF1425 zoning.mxd

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





ZF 14-25

**SUBJECT PROPERTY
FOR SPECIAL PERMIT**

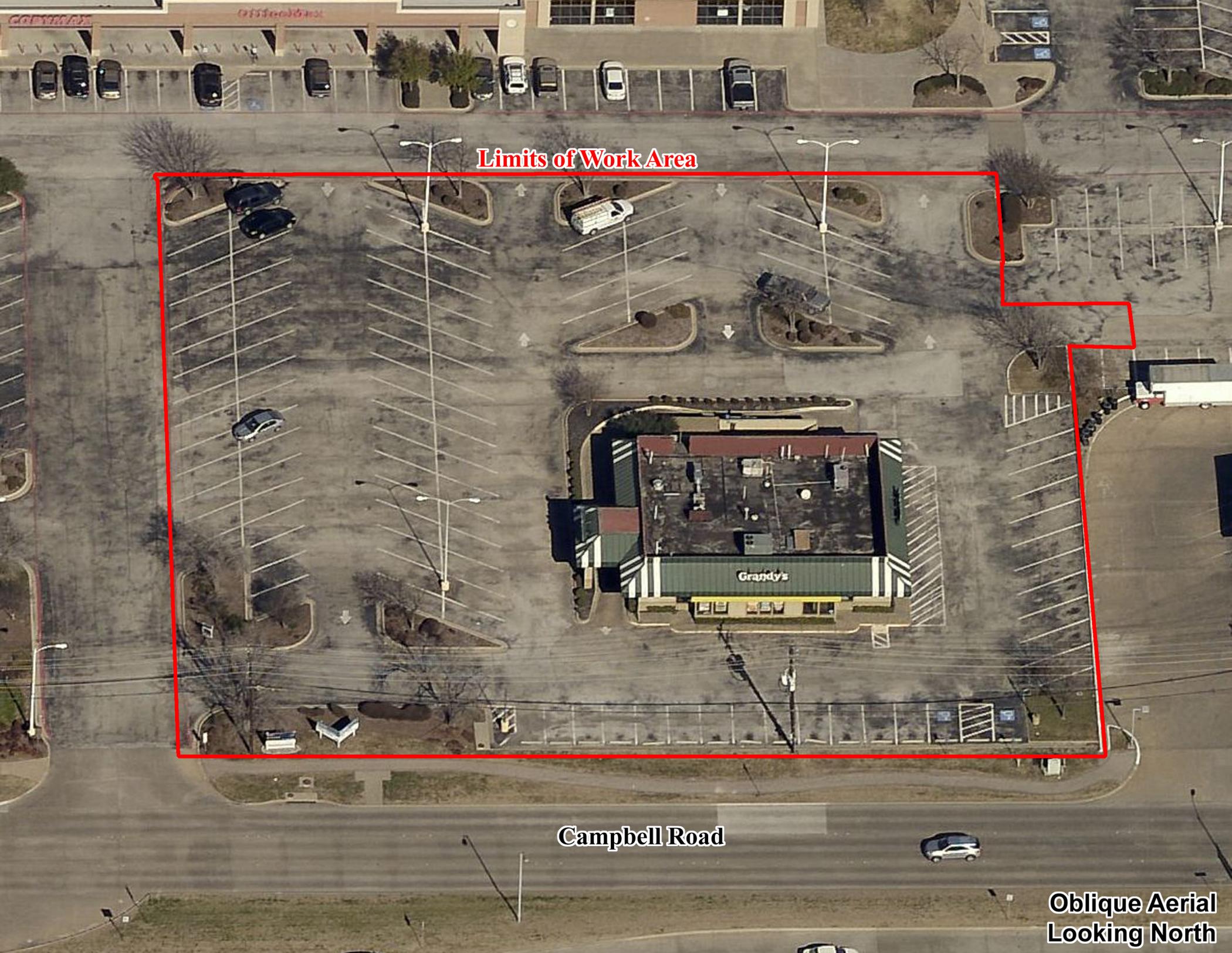
**PROPOSED DRIVE-THRU
RESTAURANT AND WORK AREA**

ZF 14-25 Aerial Map

Updated By: shacklett, Update Date: August 15, 2014
File: DSI\mapping\Cases\Z\2014\ZF1425\ZF1425 ortho.mxd

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

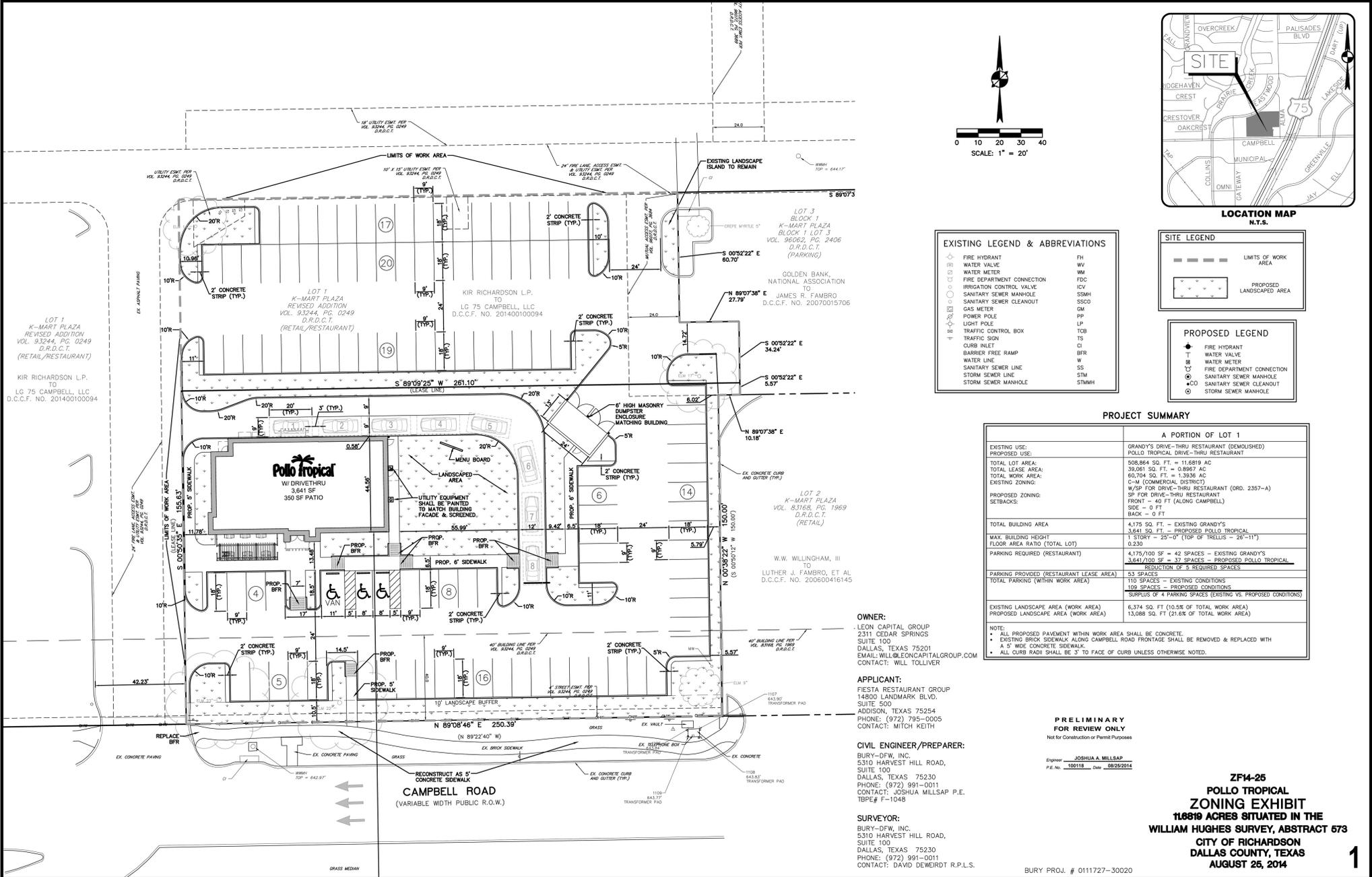




Limits of Work Area

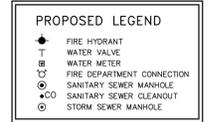
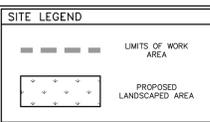
Campbell Road

Oblique Aerial
Looking North



EXISTING LEGEND & ABBREVIATIONS

⊕	FIRE HYDRANT	FH
⊕	WATER VALVE	WV
⊕	WATER METER	WM
⊕	FIRE DEPARTMENT CONNECTION	FDC
⊕	IRRIGATION CONTROL VALVE	ICV
⊕	SANITARY SEWER MANHOLE	SSMH
⊕	SANITARY SEWER CLEANOUT	SSCD
⊕	GAS METER	GM
⊕	POWER POLE	PP
⊕	LIGHT POLE	LP
⊕	TRAFFIC CONTROL BOX	TCB
⊕	TRAFFIC SIGN	TS
⊕	CURB INLET	CI
⊕	BARRIER FREE RAMP	BFR
⊕	WATER LINE	W
⊕	SANITARY SEWER LINE	SS
⊕	STORM SEWER LINE	STM
⊕	STORM SEWER MANHOLE	STMH



PROJECT SUMMARY

A PORTION OF LOT 1	
EXISTING USE:	GRANDY'S DRIVE-THRU RESTAURANT (DEMOLISHED)
PROPOSED USE:	POLLO TROPICAL DRIVE-THRU RESTAURANT
TOTAL LOT AREA:	508,864 SQ. FT. = 11.6819 AC
TOTAL LEASE AREA:	39,091 SQ. FT. = 0.8987 AC
TOTAL WORK AREA:	60,704 SQ. FT. = 1.3938 AC
EXISTING ZONING:	C-M (COMMERCIAL DISTRICT)
PROPOSED ZONING:	W/SP FOR DRIVE-THRU RESTAURANT (ORD. 2357-A)
SETBACKS:	FRONT = 40 FT (ALONG CAMPBELL) SIDE = 0 FT BACK = 0 FT
TOTAL BUILDING AREA	4,175 SQ. FT. = EXISTING GRANDY'S
MAX. BUILDING HEIGHT	1 STORY = 25'-0" (TOP OF TRELIS = 26'-11")
FLOOR AREA RATIO (TOTAL LOT)	0.230
PARKING REQUIRED (RESTAURANT)	4,175/100 SF = 42 SPACES = EXISTING GRANDY'S
PARKING PROVIDED (RESTAURANT LEASE AREA)	53 SPACES = EXISTING GRANDY'S
TOTAL PARKING (WITHIN WORK AREA)	110 SPACES = EXISTING CONDITIONS
	109 SPACES = PROPOSED CONDITIONS
	SURPLUS OF 4 PARKING SPACES (EXISTING VS. PROPOSED CONDITIONS)
EXISTING LANDSCAPE AREA (WORK AREA)	6,374 SQ. FT (10.5% OF TOTAL WORK AREA)
PROPOSED LANDSCAPE AREA (WORK AREA)	13,088 SQ. FT (21.6% OF TOTAL WORK AREA)

NOTE:

- ALL PROPOSED PAVEMENT WITHIN WORK AREA SHALL BE CONCRETE.
- EXISTING BRICK SIDEWALK ALONG CAMPBELL ROAD FRONTAGE SHALL BE REMOVED & REPLACED WITH A 5' WIDE CONCRETE SIDEWALK.
- ALL CURB RADI SHALL BE 3' TO FACE OF CURB UNLESS OTHERWISE NOTED.

OWNER:
LEON CAPITAL GROUP
2311 CEDAR SPRINGS
SUITE 100
DALLAS, TEXAS 75201
EMAIL: WILL@LEONCAPITALGROUP.COM
CONTACT: WILL TOLLIVER

APPLICANT:
FIESTA RESTAURANT GROUP
14800 LANDMARK BLVD.
SUITE 500
ADDISON, TEXAS 75254
PHONE: (972) 991-0005
CONTACT: JOSHUA MILLSAP P.E.
CONTACT: MITCH KEITH

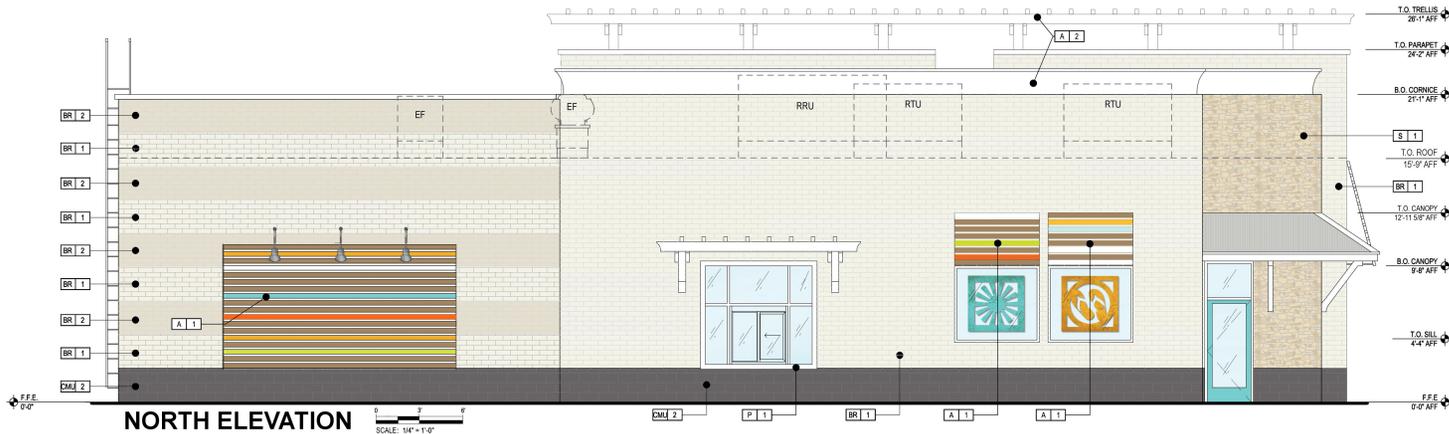
CIVIL ENGINEER/PREPARER:
BURY-DFW, INC.
5310 HARVEST HILL ROAD,
SUITE 100
DALLAS, TEXAS 75230
PHONE: (972) 991-0011
CONTACT: JOSHUA MILLSAP P.E.
TBPE# F-1048

SURVEYOR:
BURY-DFW, INC.
5310 HARVEST HILL ROAD,
SUITE 100
DALLAS, TEXAS 75230
PHONE: (972) 991-0011
CONTACT: DAVID DEWEIRD R.P.L.S.

PRELIMINARY FOR REVIEW ONLY
Not for Construction of Permit Purposes

Engine: JOSHUA A. MILLSAP
P.E. No. 100118 Date: 08/26/2014

ZF14-25
POLLO TROPICAL ZONING EXHIBIT
116819 ACRES SITUATED IN THE
WILLIAM HUGHES SURVEY, ABSTRACT 573
CITY OF RICHARDSON
DALLAS COUNTY, TEXAS
AUGUST 25, 2014



NORTH ELEVATION

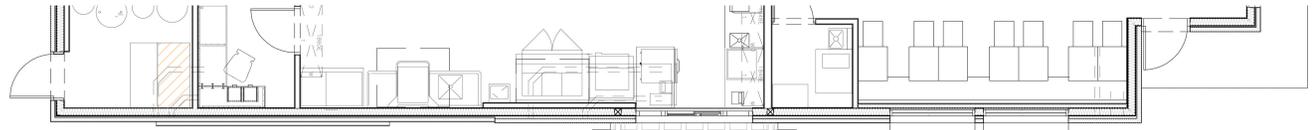
TOTAL SURFACE AREA: 1,778 S.F.
 BRICK: 1,042 S.F. 59%
 STONE: 198 S.F. 11%
 CMU: 190 S.F. 11%
 GLAZING: 126 S.F. 7%
 CORNICE/TRELLIS: 169 S.F. 9%

SCALE: 1/4" = 1'-0"

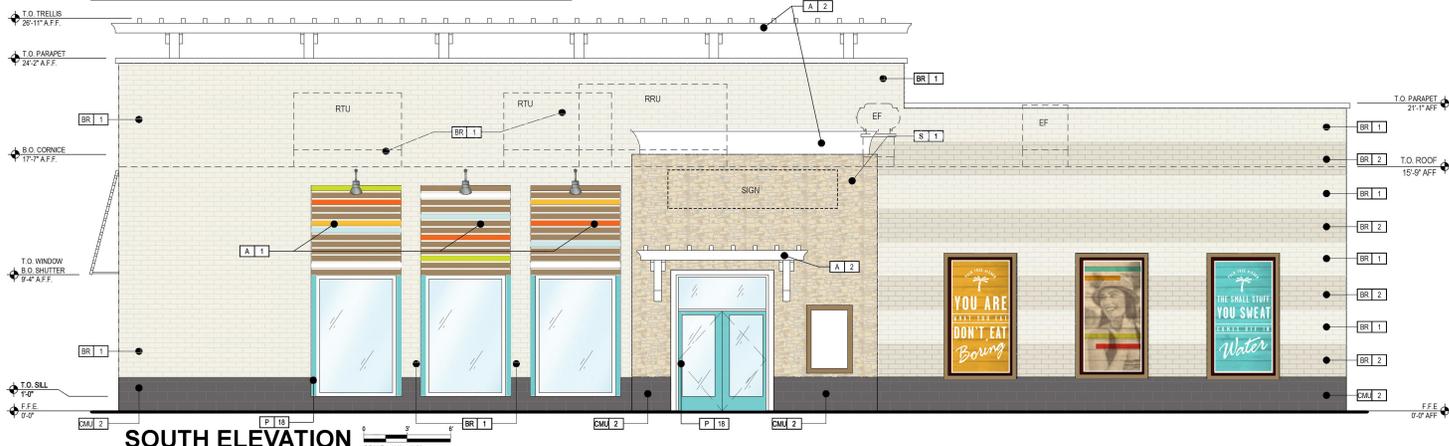
FINISH LEGEND

A-1	ALUMINUM POWDER COATED METAL SHUTTERS	P-18	BENJAMIN MOORE 2047-80 SHORE HOUSE
BR-2	ACME BRICK BLEND 30 DOVE GREY, WIRE-	S-1	MEZGER ENTERPRISE LEUDERS LIMESTONE
P-1	BENJAMIN MOORE OC-130 CLOUD OFF-WHITE	BR-1	ACME BRICK BLEND 170 PEWTER GREY, WIRE
CMU-2	FEATHERLITE, SPLITFACED CMU 207 ONYX	A-2	ALUMINUM POWDER COATED CORNICE/TRELLIS TO MATCH P-1

NOTE:
SIGNAGE LOCATIONS SHOWN FOR
ILLUSTRATION PURPOSES ONLY AND
IS SUBJECT TO COMMUNITY SERVICES
APPROVAL.



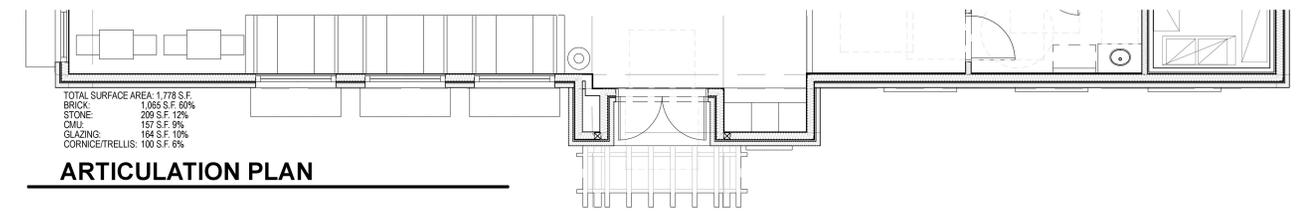
ARTICULATION PLAN



SOUTH ELEVATION

TOTAL SURFACE AREA: 1,778 S.F.
 BRICK: 1,068 S.F. 60%
 STONE: 209 S.F. 12%
 CMU: 157 S.F. 9%
 GLAZING: 164 S.F. 10%
 CORNICE/TRELLIS: 100 S.F. 6%

SCALE: 1/4" = 1'-0"



ARTICULATION PLAN



(1)

Looking Northwest at
Subject Site

(2)



SPEED
LIMIT
40

City of Richardson
ZONING
CHANGE
REQUEST
972.744.4244

LEVIN CAPITAL GROUP
APPROXIMATELY
65,000 SF
BOX AVAILABLE
WILL DIVIDE
ROB SOLLIS
214
865.8095
WWW.LEVINCAPITALGROUP.COM

Looking West along
Campbell Road



WHEEL COMPUTER BALANCE FIX FLAT MUFFLERS & CONVERTERS

DANGER

WARNING
106

Looking East along
Campbell Road

(3)



(4)

Looking West along
North Side of Work Area



(5)

Looking East at
Adjacent Property



(6)

Looking Southwest from
Work Area

Explanation and Description of Request

On behalf of Pollo Tropical, we are requesting a revocation of an existing Special permit (Ordinance 2357-A) and the dedication of a new Special Permit for a proposed 3,641 sf restaurant with drive-thru within the Richardson Plaza Development located at the Northwest Corner of Alamo Road and Campbell Road.

The proposed Special Permit will replace an existing permit (Ordinance No. 2357-A) that was granted on July 25, 1983 for an existing Grandy's restaurant, which was recently demolished. The metes and bounds of the existing permit only covers the building pad of the previous Grandy's restaurant and would not encompass the proposed Pollo Tropical building, therefore we are requesting the revocation of the existing Special Permit and dedication of a new Permit to expand the boundary as necessary for the proposed development.

As part of the proposed Pollo Tropical development, we will be redeveloping a portion of the existing parking lot as depicted as "Work Area" on the attached site plans.

As part of the proposed Pollo Tropical development we will be providing the following items:

- Enlarging and enhancing the overall landscaping within the project work area.
- Providing a 10' landscape buffer along Campbell Road.
- The overall parking within the project work area will decrease from 110 stalls to 109 stalls for an overall parking loss of 1 stall.
- Due to a decrease in building size between the Grandy's and the proposed Pollo Tropical building the required number of parking stalls associated with the project site will decrease from 42 stalls to 37 stalls. Based on the proposed parking count, this results in a surplus of 4 parking stalls within the work area.
- Site and building signage will be provided per City of Richardson ordinances.



Notice of Public Hearing

City Plan Commission • Richardson, Texas

An application has been received by the City of Richardson for a:

SPECIAL PERMIT

File No./Name: ZF 14-25 / Pollo Tropical
Property Owner: Will Tolliver / Leon Capital Group
Applicant: Joshua Millsap / Bury, Inc.
Location: 106 W. Campbell Road (See map on reverse side)
Current Zoning: C-M Commercial
Request: A request to revoke Ordinance 2357-A, a Special Permit for a restaurant with drive-through service, and approval of a new Special Permit for a restaurant with drive-thru service.

The City Plan Commission will consider this request at a public hearing on:

TUESDAY, SEPTEMBER 2, 2014
7:00 p.m.
City Council Chambers
Richardson City Hall, 411 W. Arapaho Road
Richardson, Texas

This notice has been sent to all owners of real property within 200 feet of the request; as such ownership appears on the last approved city tax roll.

Process for Public Input: A maximum of 15 minutes will be allocated to the applicant and to those in favor of the request for purposes of addressing the City Plan Commission. A maximum of 15 minutes will also be allocated to those in opposition to the request. Time required to respond to questions by the City Plan Commission is excluded from each 15 minute period.

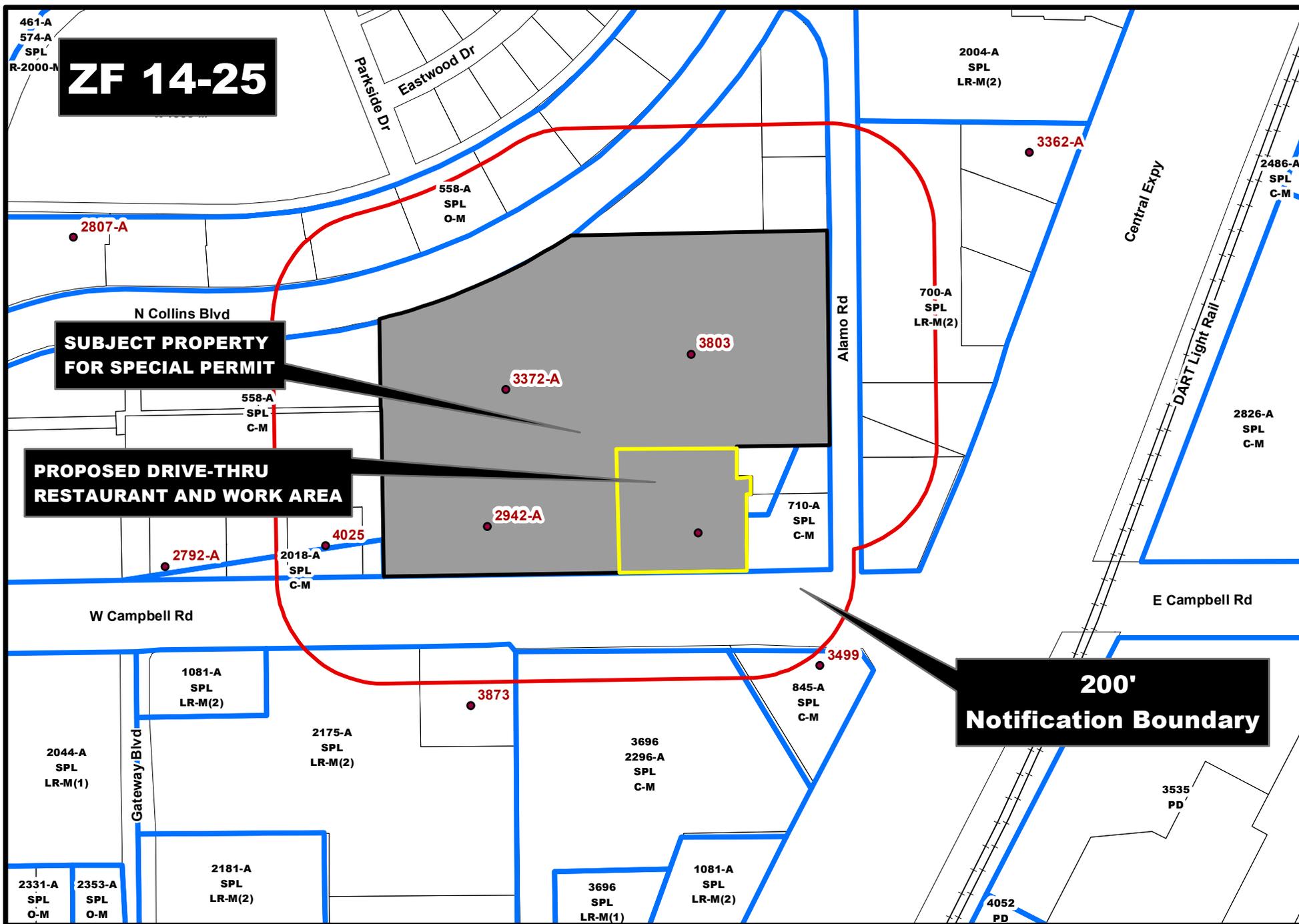
Persons who are unable to attend, but would like their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Dept. of Development Services, PO Box 830309, Richardson, TX 75083.

The City Plan Commission may recommend approval of the request as presented, recommend approval with additional conditions or recommend denial. Final approval of this application requires action by the City Council.

Agenda: The City Plan Commission agenda for this meeting will be posted on the City of Richardson website the Saturday before the public hearing. For a copy of the agenda, please go to: <http://www.cor.net/index.aspx?page=1331>.

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Zoning File number ZF 14-25.

Date Posted and Mailed: 08/22/2014



ZF 14-25 Notification Map

Updated By: shacklett, Update Date: August 15, 2014
 File: DSI\Mapping\Cases\Z\2014\ZF1425\ZF1425 notification.mxd

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



TAKANORI LLC
2150 N COLLINS BLVD
RICHARDSON, TX 75080-2639

COLLINS 2095 LTD
2071 N COLLINS BLVD STE 200
RICHARDSON, TX 75080-2697

ODDO T A TR GENARO TRUS
12900 PRESTON RD STE 923
DALLAS, TX 75230-1390

PAVILION PROPERTIES
% METHODIST HEALTH SYS
1441 N BECKLEY AVE
DALLAS, TX 75203-1201

VALINOTES LLC
2089 N COLLINS BLVD STE 100
RICHARDSON, TX 75080-2664

LION ROCK LP
2083 N COLLINS BLVD STE 100
RICHARDSON, TX 75080-2660

LG 75 CAMPBELL LLC
2311 CEDAR SPRINGS RD # 1
DALLAS, TX 75201-7816

RHODES PROPERTIES
613 EASY ST
GARLAND, TX 75042-6812

CANYON CREEK DUNHILL LLC
3100 MONTICELLO AVE # 300
DALLAS, TX 75205-3433

PATIRIS YIOTA REV TR A &
%MICHAEL SHEBAY
PO BOX 6969
SYRACUSE, NY 13217-6969

FAMBRO JAMES R
1416 J AVE
PLANO, TX 75074-6225

QUIK WAY RETAIL ASSOCIATES
SOUTHWEST PROP TAX
8350 N CENTRAL EXPY STE M1015
DALLAS, TX 75206-1617

FAMBRO LUTHER J
1416 J AVE
PLANO, TX 75074-6225

SCHOLER ZK DALLAS LLC
619 MAPLE DR
BEVERLY HILLS, CA 90210-3439

275 CAMPBELL PTNRS LTD
15280 ADDISON RD STE 301
ADDISON, TX 75001-4548

POPE KATHERINE V DR
10 TAINTOR DR
SOUTHPORT, CT 06890-1380

BURGER KING WEST
% PPTY TAX ACCOUNTANT
PO BOX 20783
MIAMI, FL 33102-0783

PRINCE & GOLDEN PROP LP
105 N TRENTON ST
RUSTON, LA 71270-4321

EVAN AZ ENTERPRISES LP
3933 SUNFLOWER LN
PLANO, TX 75025-2022

TARAZ KOOH LLC
%ALIREZA MORIRAHIMI
1981 N CENTRAL EXPY
RICHARDSON, TX 75080-3509

**JOSHUA MILLSAP
BURY, INC.
5310 HARVEST HILL ROAD, STE 100
DALLAS, TX 75230**

**WILL TOLLIVER
LEON CAPITAL AGROUP
2311 CEDAR SPRINGS, SUITE 100
DALLAS, TX 75201**

**ZF 14-25
Notification List**

ORDINANCE NO. 2357-A

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIAL PERMIT FOR A DRIVE-THROUGH SERVICE WINDOW FOR A RESTAURANT WITH SPECIAL CONDITIONS ON THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: BEING A PART OF K-MART PLAZA, AS SHOWN BY PLAT RECORDED IN VOL. 71238, PAGE 2511 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT BEING N 89° 38' W, 50.0 FT. AND N 0° 22' E, 50.0 FT. FROM THE SOUTHERLY SOUTHEAST CORNER OF SAID K-MART PLAZA, ON CAMPBELL ROAD, SAID SOUTHEAST CORNER ALSO BEING THE SOUTHWEST CORNER OF A SERVICE STATION TRACT AT THE NORTHWEST CORNER OF THE INTERSECTION OF CAMPBELL ROAD AND ALMA ROAD; THENCE N 89° 38' W, PARALLEL TO CAMPBELL ROAD, 93.5 FT. TO A CORNER; THENCE N 0° 22' E, PERPENDICULAR TO CAMPBELL ROAD, 94.67 FT. TO A POINT; THENCE S 89° 38' E, PARALLEL TO CAMPBELL ROAD, 93.5 FT. TO A POINT; THENCE S 0° 22' W, PERPENDICULAR TO CAMPBELL ROAD, 94.67 FT. TO THE PLACE OF BEGINNING AND CONTAINING 8,852 SQUARE FEET OF LAND; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning Commission of the City of Richardson and the governing body of the City of Richardson, in compliance with the laws of the State of Texas and the Ordinances of the City of Richardson, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance should be amended; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending the Zoning Map of the City of Richardson so as to give the following described property a Special Permit under Article XXII-A of the Comprehensive Zoning Ordinance to permit a drive-through service

window for a restaurant within the following described area, with special conditions, to-wit:

BEING a part of K-Mart Plaza, as shown by plat recorded in Vol. 71238, Page 2511 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the southeast corner of the herein described tract, said point being N 89° 38' W, 50.0 feet and N 0° 22' E, 50.0 feet from the southerly southeast corner of said K-Mart Plaza, on Campbell Road, said southeast corner also being the southwest corner of a service station tract at the northwest corner of the intersection of Campbell Road and Alma Road;

THENCE N 89° 38' W, parallel to Campbell Road, 93.5 feet to a corner;

THENCE N 0° 22' E, perpendicular to Campbell Road, 94.67 feet to a point;

THENCE S 89° 38' E, parallel to Campbell Road, 93.5 ft. to a point;

THENCE S 0° 22' W, perpendicular to Campbell Road, 94.67 ft. to the place of beginning and containing 8,852 square feet of land.

SECTION 2. That the above Special Permit is granted subject to the following special conditions, to-wit:

- (1) That the proposed building be located not less than 53 feet from the east property line;
- (2) That a separate 11 foot wide storage lane be provided along the east side of the proposed building, to service the drive-through service window;
- (3) No free-standing sign shall be permitted; and
- (4) All signs shall be in conformance with the Sign Ordinance regulations.

SECTION 3. That all provisions of the ordinances of the City of Richardson in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other provisions of ordinances of the City of Richardson not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That the above described tract shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and as amended hereby by the granting of this Special Permit.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. Whereas, it appears that the above described property requires that it be given the above zoning classification in order to permit its proper development, and in order to protect the public interest, comfort and general welfare of the City of Richardson, and creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage, and the publication of the caption of said ordinance, as the law in such case provides.

DULY PASSED by the City Council of the City of

Richardson, Texas, on the 25 day of July, 1983.

APPROVED:

Mirha E. Ritter

MAYOR

DULY RECORDED:

Virginia Gruber

CITY SECRETARY

APPROVED AS TO FORM:

H. Louis Nichols

CITY ATTORNEY

restaurant in 2012 he has been seeking the advice and support of residents, businesses, and Council for the request to erect a new pole sign.

Ms. McGee stated that the requested variance has been amended for a sign 81 square feet in area and 50 feet in height. Ms. McGee stated that there are signs in the shopping center that reach a similar height of 40 to 50 feet in height. Ms. McGee stated that McDonalds faces a hardship because of trees, and the overpass along Central Expy that obscure the view of the sign from Central Expy. Ms. McGee stated that raising the sign would provide visibility to both the north and southbound view of Central Expy.

Ms. McGee stated that Belt Line Rd is the gateway to the Main St area, and the owner is eager to participate with the City in improvement efforts. Ms. McGee stated that the owner is invested in the City and with the remodel of the S Central McDonalds location there are opportunities for installing additional green space, landscaping, bike racks, and other amenities. Ms. McGee stated that installing the proposed sign would complement future renovations.

Mr. Petty stated that the highway was raised well before McDonalds was built. Ms. McGee stated that the owner purchased the restaurant in 2012, and as part of his efforts to revitalize the restaurant he has actively been seeking the advice of Council since mid-2013. Ms. McGee stated that she did not know why the prior owner was not proactive in seeking out a taller sign. Mr. Petty asked Ms. McGee if she stated that the highway was raised prior to the restaurant being built. Ms. McGee stated that she understood the highway has been raised for years, but the owner has just purchased the property.

Mr. Ikram asked why Mr. Chan waited two years after purchasing the property to seek out a taller sign. Ms. McGee stated that the owner was working on renovation projects at his restaurant on Centennial and that planning and renovations had delayed the request for a variance. Ms. McKearin asked how tall the pole sign is at the McDonalds on Centennial Blvd. Jonathan Chan, 210 S Greenville Ave Suite 200, the owner of McDonalds, stated that he thinks the pole sign for his Centennial Blvd location is less than 20 feet in height.

Ms. Moudy asked if the proposed sign was taller than the light pole along Central Expy. Ms. McGee stated that she did not know the exact height, but the light poles appear to be about 35 feet in height. Ms. McKearin stated that a 50 foot pole would not work. Ms. McGee stated that the tallest tree obscuring the visibility of the sign is 35 feet in height and the pole sign needs to be at least 40 feet in height to clear the tallest tree. Ms. McKearin asked if the applicant considered pruning the trees. Ms. McGee stated that they would prune the trees that are located on the property, but they are unable to prune the trees located on the opposite side of the access road as they belong to the Texas Department of Transportation.

Ms. Marshall asked if the McDonalds logo flag on the flag pole was visible from Central Expy. Ms. McGee stated that that the flag is partially visible while traveling north on Central Expy, but it is hard to find unless you are looking for it.

Ms. Moudy asked what the change was in the requested size of the sign. Ms. McGee stated that they are now requesting a sign 81 square feet in area. Ms. Moudy asked if they reduced the original request for the size of the McDonalds arches and kept the sign at 50 feet in height. Ms.

McGee stated that Ms. Moudy was correct. Ms. McGee stated that the requested sign would be larger than the existing sign, but she was willing to negotiate for a pole sign 40 feet in height. Ms. Moudy stated that she was very concerned about the height of the sign. Ms. McGee stated that she was willing to reduce the height of the sign, but for it to be visible for north and south bound traffic it would need to at least be taller than the trees.

Ms. McKearin stated that it would set a dangerous precedent to approve a sign at the requested height, because the City of Richardson wants to maintain uniformity with the height and size of signs. Ms. McKearin stated that she was not sure that bringing the height of the sign down to 40 feet in height and 81 square feet in area would work. Ms. McGee stated that there was sensitivity being shown to other businesses along the highway and McDonalds had a hardship.

Mr. Warner asked if there was evidence that business has been affected due to the absence of visible signage. Ms. McGee stated that monetary gain or loss is not an issue, but the requested variance was so that the restaurant would be visible to those traveling through the area. Mr. Warner stated that he sympathized with the request and he could not see the McDonalds sign from Central Expy, but he could see the corporate logo on the flag pole. Mr. Warner stated that he also saw a sign on Central Expy advertising the McDonalds at the Belt Line exit. Ms. McGee stated that the sign on the Expy belongs to TxDot and they were requesting a sign on the property.

Ms. Marshall asked if the sign pictured on the last slide of Ms. McGee's presentation was going to be installed. Ms. McGee stated that the sign on the slide is not going to be installed, but it is an example of what the owner is considering in regards to renovations. Ms. Marshall asked if the main goal of the proposed sign was to attract traffic from Central Expy. Ms. McGee stated that the goal is to attract traffic from Central Expy because the existing sign is only visible from Belt Line Rd. Ms. Marshall asked if Ms. McGee knew how much traffic it would create at the intersection if the sign was approved. Ms. McGee stated that she did not know. Mr. Chan stated that the number of cars travelling on Central Expy numbers in the hundreds of thousands and he wants to attract as much of that traffic as possible to Main St. Mr. Chan stated that the proposed sign would complement the redevelopment efforts on Main St.

Mr. Petty asked if Mr. Chan was the current owner because the application for a variance lists the owner as Mr. Morris. Mr. Chan stated that Mr. Morris is the Construction Manager and works for the McDonalds corporation.

Ms. McKearin asked if there was anyone else present speaking for or against the variance request. Seeing none, Ms. McKearin closed the public hearing and asked for comments and questions from the Board.

Ms. Moudy stated that the City spent a lot of time and effort developing the sign ordinance and that there are reasons why it was made this way. Ms. Moudy stated that the Sign Control Board tries very hard to adhere to the ordinance and to stay consistent with pole signs.

Mr. Warner moved to approve SCB Case #14-13. Ms. Moudy seconded the motion. Mr. Warner voted in favor of the motion. Ms. McKearin, Ms. Moudy, Mr. Ikram, and Ms. Marshall voted against the motion and it failed 4-1.

SCB CASE #14-14: PUBLIC HEARING FOR SIGN CONTROL BOARD CASE #14-14 TO CONSIDER THE REQUEST OF DIAMOND SQUARE FOR A VARIANCE TO THE CITY OF RICHARDSON CODE OF ORDINANCES, CHAPTER 18, ARTICLE III, SECTION 18-96(23)(B)(2)(i), CHAPTER 18, ARTICLE III, SECTION 18-96(23)(D)(2), AND ARTICLE I, SECTION 18-5(4) TO ALLOW FOR A POLE SIGN WITH A DIGITAL DISPLAY DEVICE TO SHOW TIME AND TEMPERATURE, 20 FEET IN HEIGHT, 60 SQ.FT. IN AREA, 5 FEET FROM THE ADJACENT PRIVATE PROPERTY LINE IN AN INDUSTRIAL ZONED DISTRICT ON THE PROPERTY LOCATED AT 504 N CENTRAL EXPY.; AND TAKE APPROPRIATE ACTION.

Mr. Papania introduced the request of Diamond Square for a variance to the City of Richardson Code of Ordinances, Chapter 18, Article III, Section 18-96(23)(B)(2)(i), Chapter 18, Article III, Section 18-96(23)(D)(2), and Article I, Section 18-5(4) to allow for a pole sign with a digital display device to show time and temperature, 20 feet in height, 60 sq.ft. in area, 5 feet from the adjacent private property line in an industrial zoned district on the property located at 504 N Central Expy; A power point presentation was shown for review.

Ms. McKearin asked for comments from the applicant.

Amir Jabin, 3113 Cedar Ridge Dr, Richardson, TX 75082, the owner of Diamond Square stated that he has lived in Richardson for 14 years. Mr. Jabin stated that he has been watching the progress of the Richardson very closely and wanted to invest in the City. Mr. Jabin stated that he purchased the property in December and that the building was built in 1969. Mr. Jabin stated that the building was in severe distress when he purchased the property. Mr. Jabin provided a power point presentation showing the progress of the building before and after he made renovations. Mr. Jabin stated that he made significant improvements to the property.

Mr. Jabin stated that since he purchased the property he has struggled with customers and employees of neighboring properties utilizing his parking lot. Mr. Jabin stated that he only has five parking spaces in the front and that parking at the rear of the building is only accessible by driving around to Bishop Ave. Mr. Jabin stated that the parking problems have disrupted his business because he must constantly ask people to move their vehicles.

Mr. Jabin stated that he wanted a sign that that would make the City proud and represent his business well. Mr. Jabin stated that he has invested a lot of money into the building and the proposed sign will cost over \$80,000. Mr. Jabin stated that the proposed sign would have stone and stucco to match the façade of the building and an LED display that would show his company's name with a diamond logo. Mr. Jabin stated that the sign could also include a time and temperature jump clock if it would help the City.

Mr. Jabin stated that he did not want to erect an attached sign onto the façade of his building because he invested a lot of money into the copper awning and did not want to cover it up. Mr. Jabin stated that he was happy to make an investment into the sign because it would improve his property and would serve as a catalyst for existing and future businesses in Richardson to also

invest in improving the image of the City. Mr. Jabin stated that he was willing to sign an agreement stating that he would not erect an attached building sign.

Ms. Marshall asked if Mr. Jabin was willing to invest in a sign that read that parking in his lot was for customers only. Mr. Jabin stated that he would be willing to do that if it would help alleviate the parking problem. Mr. Petty asked Mr. Jabin if he believed that the pole sign would cure his parking problems. Mr. Jabin stated that a pole sign would help with his parking situation and it would help identify his business. Mr. Jabin stated that he currently has no signage other than the address numbers of the building.

Ms. McKearin asked for details on Mr. Jabin's business. Mr. Jabin stated that he sells diamonds wholesale. Mr. Jabin stated that most of his customers were business owners, jewelers, and diamond dealers. Ms. Moudy stated that she has known of other businesses that sell diamonds wholesale and they normally try to maintain a low profile without signs identifying or advertising their business. Ms. Moudy asked why he wanted to advertise his business since he was selling diamonds wholesale rather than retail. Mr. Jabin stated that he has invested over \$90,000 in a security system and he is not worried about security. Mr. Jabin stated that there are over 600 jewelers in the DFW metroplex area and the sign would help identify him to these businesses.

Mr. Ikram asked for details on the time and temperature jump clock and the location of the digital display on the proposed sign. Mr. Jabin stated that the entire sign is a digital LED display, and a jump clock is an option that he is willing to provide as a service to the City. Ms. McKearin asked what else would be displayed on the sign if time and temperature were not an option. Mr. Jabin stated that the only things to be displayed on the sign would be a picture of a diamond and his logo. Ms. McKearin asked why Mr. Jabin was investing in a digital sign if all he wants to display is the logo and the diamond. Mr. Jabin stated that he could purchase a \$7,000 laminate sign, but he did not think that this was the look that the City wanted.

Mr. Warner stated that the City is very particular about how time and temperature is displayed and that there were not very many details about it in the request. Mr. Ikram stated that it was unclear in the variance request about how the sign will transition from its display to time and temperature and where it will be located on the sign. Mr. Jabin stated that use of a time and temperature jump clock is entirely up to the Board and that it is only an option. Mr. Jabin stated that the proposed sign would display the logo and then change to time and then change again to temperature, or the display could change once to show the temperature at the top and the time at the bottom. Mr. Jabin stated that the digital display would be timed to transition according to the requirements of the City.

Ms. Moudy asked if the diamond and logo could be displayed at the same time as the time and temperature. Mr. Jabin stated that it would be too crowded if both were displayed at the same time. Ms. McKearin asked staff if there were any existing signs on Central Expy that show time and temperature. Ms. Jackson stated that the digital sign for Richardson Heights Baptist Church at 201 W Renner Rd and some banks in the City display time and temperature. Ms. Jackson stated that, if a variance for time and temperature is granted, the display of the logo for the proposed sign would have to remain static for 10 minutes and then it could transition to a jump

clock for 6 seconds. Ms. Jackson stated that transition between messages would have to take place within 2 seconds and the message could not scroll or fade.

Mr. Petty stated that his preference is to remove the jump clock from variance request completely. Mr. Warner stated that he agreed with Mr. Petty. Mr. Jabin stated that he only included the jump clock in the request because he thought it would please the City of Richardson.

Ms. McKearin asked Mr. Jabin if he was aware that his business was located in an industrial zoned district when he bought the property. Mr. Jabin stated that he was aware of the zoning, but he was not aware of the rules regarding signs. Ms. Moudy asked who the previous tenant in the building was and what kind of signs they had. Mr. Jabin stated that the previous owner was the Laza Group and they had small letters on a raceway and that this not the style that he desired for his business.

Mr. Warner stated that he liked the proposed sign and he thought it was an improvement for the area. Mr. Petty stated that the proposed sign looked good and was consistent with the size of single tenant pole signs. Mr. Petty stated that he was sympathetic that Mr. Jabin could not erect a freestanding sign at all without a variance. Mr. Jabin stated that he was not looking for a cheap solution to his sign problem and he wants to utilize a sign that will uplift the area.

Ms. Moudy stated that the City puts a lot of effort into maintaining consistency with the sign ordinance. Ms. Moudy stated that the proposed sign looks beautiful and conforms to the height and area of similar signs at adjacent properties and would fit well in the area.

Ms. McKearin asked for additional comments from the public. Seeing none, Ms. McKearin closed the public hearing and asked for additional questions and comments from the Board.

Mr. Petty stated that if he was voting he would vote to approve the proposed sign without the time and temperature jump clock.

Mr. Warner moved to approve SCB Case #14-14 with the stipulation that the sign will not display time and temperature. Mr. Ikram seconded the motion and it carried unanimously.

Ms. Moudy moved to adjourn the Hearing. The motion was seconded by Ms. Marshall and carried unanimously.

There being no other business before the Board, the meeting was adjourned at 7:42 p.m.

DORTHY MCKEARIN, CHAIR

RESOLUTION NO. 14-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, AUTHORIZING EXECUTION OF A MULTIPLE USE AGREEMENT BY AND BETWEEN THE STATE OF TEXAS, AND THE CITY OF RICHARDSON, TEXAS (HEREINAFTER THE “PARTIES”), FOR THE DESIGN, CONSTRUCTION, MAINTENANCE, AND OPERATION OF A PUBLIC DOG PARK; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has requested the State to permit the design, construction, maintenance and operation of a public dog park on the highway right of way (Roadway US 75 Control Section No. 0047-06), the southwest corner of state right of way underneath President George Bush Turnpike and US 75 Interchange; and

WHEREAS, the State has indicated its willingness to approve the establishment of such facilities and other uses conditioned that the City will enter into agreements with the State for the purpose of determining the respective responsibilities of the City and the State with reference thereto, and conditioned that such uses are in the public interest and will not damage the highway facilities, impair safety, impede maintenance, or in any way restrict the operation of the highway facility, all as determined from engineering and traffic investigations conducted by the State; and

WHEREAS, the Parties desire to enter into a Multiple Use Agreement setting forth the conditions for the design, construction, maintenance and operation of a public dog park.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That the City Manager is hereby authorized to execute the Multiple Use Agreement, attached hereto as Exhibit “A”, on behalf of the City, and any amendments or other instruments related thereto.

SECTION 2. That this Resolution shall become effective immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Richardson, Texas, on this the 22nd day of September, 2014.

CITY OF RICHARDSON, TEXAS

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

PETER G. SMITH, CITY ATTORNEY
(PGS:9-11-14:TM 68101)

Exhibit “A”

Multiple Use Agreement

(to be attached)



MULTIPLE USE AGREEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

THIS AGREEMENT made by the State of Texas by and between the Texas Department of Transportation, hereinafter referred to as "State", party of the first part, and City of Richardson, Texas hereinafter called "City", party of the second part, is to become effective when fully executed by both parties.

WITNESSETH

WHEREAS, on the _____ day of _____, 2014, the governing body for the City, entered into Resolution No. _____, hereinafter identified by reference, authorizing the City's participation in this agreement with the State; and

WHEREAS, the City has requested the State to permit the design, construction, maintenance and operation of a public dog park on the highway right of way, (ROADWAY US 75 CONTROL SECTION NO. 0047-06).

(General description of area including either the control number or GPS coordinates.)

Southwest corner of state right of way underneath President George Bush Turnpike and US 75 Interchange, 0047-06.

shown graphically by the preliminary conceptual site plan in Exhibit "A" and being more specifically described by metes and bounds of Exhibit "B", which are attached and made a part hereof; and

WHEREAS, the State has indicated its willingness to approve the establishment of such facilities and other uses conditioned that the City will enter into agreements with the state for the purpose of determining the respective responsibilities of the City and the State with reference thereto, and conditioned that such uses are in the public interest and will not damage the highway facilities, impair safety, impede maintenance or in any way restrict the operation of the highway facility, all as determined from engineering and traffic investigations conducted by the state.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

1. DESIGN AND CONSTRUCTION

City will prepare or provide for the construction plans for the facility, and will provide for the construction work as required by said plans at no cost to the State. Said plans shall include the design of the access control, necessary horizontal and vertical clearances for highway structures, adequate landscape treatment, adequate detail to ensure compliance with applicable structural design standards, sufficient traffic control provisions, and general layout. They shall also delineate and define the construction responsibilities of both parties hereto. Completed plans will be submitted to State for review and approval and when approved shall be attached to the agreement and made a part thereof in all respects. Construction shall not commence until plans have been approved by the State. Any future revisions or additions shall be made after prior written approval of the State. Any sidewalks, curb ramps, and other pedestrian elements to be constructed, either on or off site, by the City shall be in accordance with the requirements of Title II of the Americans With Disabilities Act (ADA) and with the Texas Accessibility Standards (TAS). Elements constructed by the City and found not to comply with ADA or TAS shall be corrected at the entire expense of the City.

2. INSPECTION

Ingress and egress shall be allowed at all times to such facility for Federal Highway Administration personnel and State Forces and equipment when highway maintenance operations are necessary, and for inspection purposes; and upon request, all parking or other activities for periods required for such operations will be prohibited.

3. PARKING REGULATIONS

Parking regulations shall be established limiting parking to single unit motor vehicles of size and capacity no greater than prescribed for 1¹/₂ ton trucks, such vehicles to conform in size and use to governing laws. Parking shall be permitted only in marked spaces

Parking shall be prohibited when a security threat, as determined by TxDOT, exists.

4. PROHIBITION/SIGNS

Regulations shall be established prohibiting the parking of vehicles transporting flammable or explosive loads and prohibiting use of the area in any manner for peddling, advertising or other purposes not in keeping with the objective of a public facility. The erection of signs other than those required for proper use of the area will be prohibited. All signs shall be approved by the State prior to the actual erection.

5. RESPONSIBILITIES

Timely maintenance, repair and operation of the facility shall be entirely the responsibility of the City. Such responsibility shall not be transferred, assigned or conveyed to a third party without the advanced written approval of the State. These responsibilities expressly include the timely maintenance and repair of any portion of the facility necessary to comply with the Americans with Disabilities Act. Further, such responsibility shall include picking up trash, mowing and otherwise keeping the facility in a clean and sanitary condition, and surveillance by police patrol to eliminate the possible creation of a nuisance or hazard to the public. Hazardous or unreasonably objectionable smoke, fumes, vapor or odors shall not be permitted to rise above the grade line of the highway, nor shall the facility subject the highway to hazardous or unreasonably objectionable dripping, droppings or discharge of any kind, including rain or snow.

If the State determines that City has failed to comply with these responsibilities, it will perform the necessary work and charge City the actual cost of the work.

6. FEES

Any fees levied for use of the facilities in the area shall be nominal and no more than are sufficient to defray the cost of construction, maintenance and operations thereof, and shall be subject to State approval.

A. Retention Period. The City shall maintain all books, documents, papers, accounting records and other evidence pertaining to fees collected and costs (hereinafter called the Records). The City shall make the records available during the term of the Agreement and for four years from the date the Agreement is terminated, until completion of all audits, or until pending litigation has been completely and fully resolved, whichever occurs last.

B. Audit Report. If fees are collected by the City for the use of the facility under this Agreement, the City will provide the State an annual audit report detailing the fees collected for the use of the facility and the costs associated with constructing, maintaining, and operating the facility within the same period. If the report shows more fees collected than expenses for the construction, operation, or maintenance of the facility the City must provide a multiple year plan detailing how the additional revenue will be used for construction, operation, or maintenance of the facility.

C. Availability. The State or any of its duly authorized representatives, the Federal Highway Administration, the United States Department of Transportation, Office of Inspector General, and the Comptroller General shall have access to the City's records that are directly pertinent to this Agreement for the purpose of making audits and examinations.

7. TERMINATION UPON NOTICE

This provision is expressly made subject to the rights herein granted to both parties to terminate this agreement upon written notice, and upon the exercise of any such right by either party, all obligations herein to make improvements to said facility shall immediately cease and terminate and City shall be responsible for the facility's timely removal at no cost to the State. If the State determines that City has failed to timely remove the facility, it will perform the necessary work and charge City the actual cost of the work.

8. MODIFICATION/TERMINATION OF AGREEMENT

If in the sole judgment of the State it is found at any future time that traffic conditions have so changed that the existence or use of the facility is impeding maintenance, damaging the highway facility, impairing safety or that the facility is not being properly operated, that it constitutes a nuisance, is abandoned, or if for any other reason it is the State's judgment that such facility is not in the public interest, this agreement under which the facility was constructed may be: (1) modified if corrective measures acceptable to both parties can be applied to eliminate the objectionable features of the facility; or (2) terminated and the use of the area as proposed herein discontinued.

9. PROHIBITION OF STORAGE OF FLAMMABLE MATERIALS

All structures located or constructed within the area covered by the agreement shall be fire resistant. The storage of flammable, explosive or hazardous materials is prohibited. Operations deemed to be a potential fire hazard shall be subject to regulation by the State.

10. RESTORATION OF AREA

The City shall provide written notification to the State that such facility will be discontinued for the purpose defined herein. The City shall, within thirty (30) days from the date of said notification, clear the area of all facilities that were its construction responsibility under this agreement and restore the area to a condition satisfactory to the State.

11. PREVIOUS AGREEMENTS

It is understood that this agreement in no way modifies or supersedes the terms and provisions of any existing agreements between the parties hereto.

12. NO WAIVER OF GOVERNMENTAL IMMUNITY; NO THIRD-PARTY LIABILITY

No party to this agreement intends to waive, relinquish, limit or condition its general governmental immunity from liability in any way.

Each party agrees and acknowledges that it is not an agent, servant, or employee of the other party and that under this provision each party is responsible only for its own acts and for those of its agents, servants, independent contractors or employees. Such responsibility includes, but is not limited to any claims or amounts arising or recovered under the "Workers Compensation Law," the Texas Tort Claims Act, Chapter 101, Texas Civil Practice and Remedies Code; or any other applicable laws or regulations, all as time to time may be amended.

Nothing in this agreement shall be construed as creating any liability in favor of any third party against the State and the City. Additionally, this agreement shall not ever be construed as relieving any third party from any liability against the State. Furthermore, the City shall become fully subrogated to the State's rights of recovery and shall be entitled to maintain any action over and against any third party who may be liable for damages. The State agrees to execute and deliver instruments and papers and to otherwise do that which is necessary to secure such rights.

13. INSURANCE

The City, shall provide necessary safeguards to protect the public on State maintained highways including adequate insurance for payment of any damages which might result during the construction, maintenance, repair and operation of the facility. City shall include TxDOT as an additional insured by endorsement in City's commercial general liability insurance policy. Prior to beginning work on the State's right of way, the City's construction contractor shall submit to the State a completed insurance form (TxDOT Form No. 1560) or appropriate certificate of self-insurance and shall maintain the required coverage during the construction of the facility.

14. USE OF RIGHT OF WAY

It is understood that the State by execution of this agreement does not impair or relinquish the State's right to use such land for highway purposes when it is required for the construction or re-construction of the traffic facility for which it was acquired, nor shall use of the land under such agreement ever be construed as abandonment by the State of such land acquired for highway purposes, and the State does not purport to grant any interest in the land described herein but merely consents to such use to the extent its authority and title permits.

15. ADDITIONAL CONSENT REQUIRED

The State asserts only that it has sufficient title for highway purposes. The City shall be responsible for obtaining such additional consent, permits or agreement as may be necessary due to this agreement. This includes, but is not limited to, appropriate permits and clearances for environmental, ADA and public utilities.

16. FHWA ADDITIONAL REQUIREMENTS

If the Facility is located on the Federal-Aid Highway System, "ATTACHMENT A", which states additional requirements as set forth in the Federal Highway Administration's Title 23, Code of Federal Regulations, § 710, shall be attached to and become a part of this agreement.

17. CIVIL RIGHTS ASSURANCES

The City, for itself, its personal representatives, successors and interests and assigns, as part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: (1) no persons, on the grounds of race, color, sex, age, national origin, religion or disabling condition, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facility; (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, sex, age, national origin, religion or disabling condition, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; (3) that the City shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That if in the event of any breach of the above non-discrimination covenants, the State shall have the right to terminate the agreement and reenter and repossess said land and the facilities thereon, and hold the same as if said agreement had never been made or issued.

18. AMENDMENTS

Any changes in the time frame, character or responsibilities of the parties hereto shall be enacted by a written amendment executed by both parties hereto.

19. LEGAL CONSTRUCTION

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this agreement.

20. AUDIT

The State may conduct an audit or investigation of any aspect of this agreement. The City must provide the State with access to any information the State considers relevant to the investigation or audit. The audit can include, but is not limited to, any contract for construction or maintenance of any facility or structure authorized by this agreement or any contract to provide a service to the City if that service is authorized by this agreement.

21. AUTHORITY OF STATE AUDITOR

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

22. NOTICES

All notices required under this agreement shall be mailed or hand delivered to the following respective addresses:

STATE

Texas Department of Transportation
Maintenance Division

125 East 11th Street
Austin, Texas 78701-2483

City of Richardson

**Development Services,
Transportation and Traffic**

**411 W. Arapaho Road
Richardson, TX 75080**

With a copy to:

Peter G. Smith
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
1800 Ross Tower
500 North Akard
Dallas, Texas 75201

23. TIMELY PAYMENT

When any provision of this agreement requires a payment to be made to the State, the other party hereto shall within thirty (30) days from receipt of the State's written notification pay the State for the full cost of repairing any damages to the highway facility which may result from the other party's construction, maintenance, repair or operation of the facility.

24. WARRANTS

The signatories to this agreement warrant that each has the authority to enter into this agreement on behalf of the party represented.

List of Attached Exhibits:

- Exhibit A - General Layout
- Exhibit B - Metes and Bounds Description
- Exhibit C - Approved Construction Plans
- Exhibit D - Certificate of Insurance (TxDOT Form 1560)
- Exhibit E - Attachment A (FHWA Additional Requirements)

IN WITNESS WHEREOF, the parties have hereunto affixed their signature, the _____
_____ on the _____ day of _____, 20_____, and the State
on the _____ day of _____, 20_____.

STATE OF TEXAS

Executed and approved for the Texas
Transportation Commission for the purpose
and effect of activating and/or carrying out
the orders, and established policies or work
programs heretofore approved and
authorized by the Texas Transportation
Commission.

By: _____
Director, Maintenance Division

Printed Name

Date

THE CITY OF RICHARDSON

By: _____

Printed Name and Title

Date

Attest:

City Secretary

ATTACHMENT A

Inasmuch as this project is on the Federal-Aid highway system, the following additional requirements as applicable with the Federal Highway Administration's Title 23, Code of Federal Regulations, § 710.

1. Any significant revision in the design or construction of the facility shall receive prior approval by the Texas Department of Transportation subject to concurrency by the FHWA.
2. Any change in the authorized use of airspace shall receive prior approval by the Texas Department of Transportation subject to concurrence by the FHWA.
3. The airspace shall not be transferred, assigned or conveyed to another party without prior Texas Department of Transportation approval subject to concurrence by the FHWA.
4. This agreement will be revocable in the event that the airspace facility ceases to be used or is abandoned.

EXHIBIT E

CITY OF RICHARDSON

TO: Dan Johnson - City Manager
THRU: Kent Pfeil - Director of Finance
FROM: Pam Kirkland - Purchasing Manager
SUBJECT: Bid Initiation Request # 24-14
DATE: September 16, 2014

Request Council approval to initiate bids for the following:

2014 City Entry Signs

Proposed Council approval date: September 22, 2014
Proposed advertising dates: September 24, 2014 & October 1, 2014
Proposed bid due date: October 14, 2014 – 2:00 p.m.
Proposed bid opening date: October 14, 2014 – 2:30 p.m.
Engineer's estimated total cost: \$250,000
Account: 378-8704-585-7524, Project #PK1010



Pam Kirkland, CPPO, CPPB
Purchasing Manager



Kent Pfeil
Director of Finance

Date

Approved: _____
Dan Johnson
City Manager

Date



MEMO

TO: Dan Johnson, City Manager
THROUGH: Shanna Sims-Bradish, Assistant City Manager
FROM: Roger Scott, Assistant Director of Parks & Recreation
SUBJECT: Permission to Advertise Bid #24-14
2014 City Entry Signs
DATE: September 12, 2014

BACKGROUND INFORMATION:

This project consists of all materials, labor and equipment to construct City Entry Signs at five (5) locations throughout the City of Richardson. Construction includes: traffic barricades, safety barriers, grading, concrete reinforced footings, CMU block with reinforcement, milsap stonework, cast stone facing with lettering, landscaping, sod, and irrigation.

FUNDING:

Funding is provided from account 378-8704-585-7524 project PK1010 in the amount of \$250,000.00.

SCHEDULE:

Construction is expected to begin November 2014 and be completed by February 2015.

Cc: Paul Nassauer, Park Planner

**NOTICE TO CONTRACTORS
CITY OF RICHARDSON**

**2014 CITY ENTRY SIGNS
BID No. 24-14**

Sealed bids addressed to the Purchasing Manager, of the City of Richardson, Texas, will be received at the Office of the City Purchasing Department, Suite 101, City Hall, 411 West Arapaho Road, Richardson, Texas, until **2:00 p.m. on Tuesday, October 14, 2014**, and will be opened and read aloud in the **Capital Projects Conference Room 206**, 30 minutes later that same day, for furnishing all labor, materials, tools and equipment, and performing all work required including all appurtenances for this project.

The project consists of all materials, labor and equipment to construct City Entry Signs at five (5) locations throughout the City of Richardson. Construction includes: traffic barricades, safety barriers, grading, concrete reinforced footings, CMU block with reinforcement, milsap stonework, cast stone facing with lettering, landscaping, sod, and irrigation.

Bids shall be accompanied by a certified or cashier's check on a state or national bank in an amount not less than five percent (5%) of the possible total of the bid submitted, payable without recourse to the City of Richardson, Texas, or an acceptable bid bond for the same amount from a reliable surety company as a guarantee that the bidder will enter into a contract and execute required Performance and Payment Bonds within ten (10) days after notice of award of contract. The City will attempt to award the Contract within 90 Days after the opening of proposals.

The successful bidder must furnish a Performance Bond upon the form provided in the amount of one hundred percent (100%) of the contract price, a material and labor Payment Bond upon the form provided in the amount of one hundred percent (100%) of the contract price, and a Maintenance Bond upon the form provided in the amount of one hundred percent (100%) of the contract price, from a surety authorized under the laws of the State of Texas to act as a surety on bonds for principals.

The right is reserved, as the interest of the Owner may require, to reject any and all bids, to waive any informality in the bids received, and to select bid best suited to the Owner's best interest. The Contractor, to be successful in bidding this project, must have completed a minimum of three similar projects within the last five years.

A maximum of sixty (60) calendar days will be allowed for construction.

One set of plans, specifications and bid documents may be secured from the Office of the City Engineer, Capital Projects Department in Room 204, of the Richardson Civic Center/City Hall, 411 West Arapaho Road, Richardson, Texas, beginning at 12:00 p.m. on **Tuesday, September 23, 2014** upon a NON-REFUNDABLE FEE OF Fifty Dollars (\$50.00) per set, payable to the City of Richardson, accompanied by the contractor's name, address, phone number, email address and FAX number.

A voluntary Pre-Bid conference will be held **Thursday, October 2, 2014** at 10:00 a.m., in the **Capital Projects Conference Room 206**, Richardson Civic Center/City Hall.

By:/s/Laura Maczka, Mayor
City of Richardson
P. O. Box 830309
Richardson, Texas 75083

PROJECT SCHEDULE

2014 CITY ENTRY SIGNS PROJECT

BID NO. 24-14

Plans/Specs Available for Internal Review	Tuesday, September 9, 2014
Agenda Paperwork to Advertise	Friday, September 11, 2014
Council Authorization to Advertise	Monday, September 22, 2014
Plans/Specs Available for Contractors	Tuesday, September 23, 2014
Advertise in Dallas Morning News	Wednesday, September 24, 2014
Advertise in Dallas Morning News	Wednesday, October 1, 2014
Pre Bid Meeting (10:00 am Room 206)	Thursday, October 2, 2014
Bids Received & Opened (by 2:00 open 2:30 pm Room 206)	Tuesday, October 14, 2014
Agenda Paperwork to Award Contract	Friday, October 17, 2014
Council to Award Contract	Monday, October 27, 2014
Pre-Construction Meeting	~November 2014
Project Start	~November 2014
Project Completes in 60 Calendar Days	~February 2015

*Project Manager: Paul Nassauer
Internal Engineer: Jim Dulac / Brad Bernhard
Engineers Estimate: \$250,000
Account #378-8704-585-7524 Project #PK1010*

PGB Highway and Waterview Pkwy.

PGB Highway and Custer Pkwy.

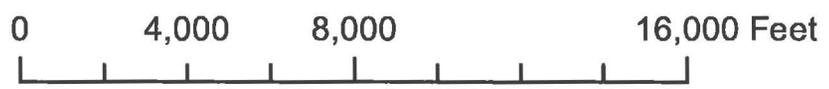
PGB Highway and Plano Rd.

PGB Highway and Jupiter Rd.

Murphy and Renner Rd.



★ City Entry Sign Locations





MEMO

DATE: September 15, 2014

TO: Kent Pfeil – Director of Finance

FROM: Pam Kirkland – Purchasing Manager 

SUBJECT: Award of Bid #60-14 for the Richardson Animal Shelter Clinic Addition to Denco C. S. Corp. in the amount of \$204,300

Proposed Date of Award: September 22, 2014

I concur with the recommendation of Steve Spanos – Director of Engineering, and request permission to award a contract to the low bidder, Denco C. S. Corp., for the above referenced construction in the amount of \$204,300, which includes the four alternates, as outlined in the attached memo.

Funding is provided from account 313-9755-583-7521, Project #313204.

The bid was advertised in *The Dallas Morning News* on July 30, 2014 and August 6, 2014 and was posted on Bidsync.com. A prebid conference was held on August 21, 2014. A total of 3,394 bidders were notified of the bid; 58 viewed the bid; and 7 bids were received.

Concur:


Kent Pfeil

Attachments

Xc: Dan Johnson
David Morgan
Cliff Miller
Don Magner
Shanna Sims-Bradish



MEMO

TO: Dan Johnson, City Manager
THROUGH: Cliff Miller, Assistant City Manager *cam*
FROM: Steve Spanos, P.E., Director of Engineering *SS*
SUBJECT: Award Bid No. 60-14 to Denco C.S. Corp. for the Richardson Animal Shelter Clinic Addition
DATE: September 12, 2014

ACTION REQUESTED:

Council to consider award of Bid No. 60-14 for the Richardson Animal Shelter Clinic Addition to Denco C.S. Corp. in the amount of \$204,300.00.

BACKGROUND INFORMATION:

On August 28, 2014, the Capital Projects Department opened bids for the subject project. The attached bid tabulation certifies the lowest base bid was submitted by Denco C.S. Corp., in the amount of \$158,300.00. Staff has reviewed Denco C.S. Corp. company financials, bonding, insurance and references, and found them to be acceptable, therefore we recommend awarding the total base bid and four alternates for the Richardson Animal Shelter Clinic Addition to Denco C.S. Corp. for a total of \$204,300.00.

\$158,300.00	– Base Bid
\$ 13,200.00	– Alternate 1: Finish Work Room 525
\$ 6,300.00	– Alternate 2: Finish Corridor 524
\$ 2,200.00	– Alternate 3: Re-paint screen wall as described
\$ 24,300.00	– Alternate 4: Lab Clinic Equipment per Plans and Schedules
<hr/>	
\$204,300.00	

The Richardson Animal Shelter Clinic Addition project will increase the facility by approximately 430 SF and will include a surgical suite, equipment and associated renovations.

FUNDING:

Funding is provided from Account # 313-9755-583-7521, Project # 313204

SCHEDULE:

Capital Projects plan for this project to begin construction November 2014 and be completed by April 2015.

cc: Brad Bernhard, P.E., Project Engineer *bb*

RICHARDSON ANIMAL SHELTER CLINIC ADDITION

BID NO. 60-14

ITEM NO	DESCRIPTION OF UNIT	UNIT	EST QTY	DENCO C.S. CORP.		BEACH CONSTRUCTION, INC.		H-B CONSTRUCTION, INC.		GADBERRY CONSTRUCTION CO., INC.	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	All Work, including overhead, profit and all general conditions required to complete the project, excluding item 2 below, and alternates as indicated below.	LS	1	\$148,300.00	\$ 148,300.00	\$164,979.00	\$ 164,979.00	\$167,047.00	\$ 167,047.00	\$152,800.00	\$ 152,800.00
2	Project allowance to be used by Owner or returned to Owner at project completion.	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
	TOTAL BASE BID			\$ 158,300.00		\$ 174,979.00		\$ 177,047.00		\$ 162,800.00	
3	Alternate 1 - Finish Work Room 525 as described	LS	1	\$ 13,200.00	\$ 13,200.00	\$ 10,852.00	\$ 10,852.00	\$ 13,867.00	\$ 13,867.00	\$ 18,900.00	\$ 18,900.00
4	Alternate 2 - Finish Corridor 524 as described	LS	1	\$ 6,300.00	\$ 6,300.00	\$ 7,964.00	\$ 7,964.00	\$ 4,885.00	\$ 4,885.00	\$ 14,900.00	\$ 14,900.00
5	Alternate 3 - Re-paint screen wall as described	LS	1	\$ 2,200.00	\$ 2,200.00	\$ 1,474.00	\$ 1,474.00	\$ 6,968.00	\$ 6,968.00	\$ 5,459.00	\$ 5,459.00
6	Alternate 4 - Lab Clinic Equipment per Plans and schedules	LS	1	\$ 24,300.00	\$ 24,300.00	\$ 22,397.00	\$ 22,397.00	\$ 24,000.00	\$ 24,000.00	\$ 26,777.00	\$ 26,777.00
	TOTAL BASE BID & ALTERNATES 1-4			\$ 204,300.00		\$ 217,666.00		\$ 226,767.00		\$ 228,836.00	
	CONTRACTOR'S BID			\$ 204,300.00		\$ 217,666.00		\$ 217,767.00		\$ 250,836.00	

ITEM NO	DESCRIPTION OF UNIT	UNIT	EST QTY	NOVEL BUILDERS, LLC		MART, INC.		SCHMOLDT CONSTRUCTION		AVERAGE	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	All Work, including overhead, profit and all general conditions required to complete the project, excluding item 2 below, and alternates as indicated below.	LS	1	\$178,858.00	\$ 178,858.00	\$315,000.00	\$ 315,000.00	\$350,000.00	\$ 350,000.00	\$210,997.71	\$ 210,997.71
2	Project allowance to be used by Owner or returned to Owner at project completion.	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
	TOTAL BASE BID			\$ 188,858.00		\$ 325,000.00		\$ 360,000.00		\$ 220,997.71	
3	Alternate 1 - Finish Work Room 525 as described	LS	1	\$ 11,625.00	\$ 11,625.00	\$ 19,500.00	\$ 19,500.00	\$ 7,700.00	\$ 7,700.00	\$ 13,663.43	\$ 13,663.43
4	Alternate 2 - Finish Corridor 524 as described	LS	1	\$ 7,937.00	\$ 7,937.00	\$ 8,500.00	\$ 8,500.00	\$ 5,000.00	\$ 5,000.00	\$ 7,926.57	\$ 7,926.57
5	Alternate 3 - Re-paint screen wall as described	LS	1	\$ 3,199.00	\$ 3,199.00	\$ 4,800.00	\$ 4,800.00	\$ 3,000.00	\$ 3,000.00	\$ 3,871.43	\$ 3,871.43
6	Alternate 4 - Lab Clinic Equipment per Plans and schedules	LS	1	\$ 21,458.00	\$ 21,458.00	\$ 25,500.00	\$ 25,500.00	\$ 24,000.00	\$ 24,000.00	\$ 24,061.71	\$ 24,061.71
	TOTAL BASE BID & ALTERNATES 1-4			\$ 233,077.00		\$ 383,300.00		\$ 399,700.00		\$ 270,520.86	
	CONTRACTOR'S BID			\$ 233,077.00		\$ 383,300.00		\$ 399,700.00			

ENGINEERS ESTIMATE:
\$160,000

CERTIFIED BY: 
Steve Spanos, P.E., Director of Engineering



MEMO

DATE: September 17, 2014
TO: Kent Pfeil – Director of Finance
FROM: Pam Kirkland – Purchasing Manager *Pam*
SUBJECT: Award of Bid #69-14 for an Annual Requirements Contract for Hardscape Installation with LDM Design and Construction pursuant to unit prices
Proposed Date of Award: September 22, 2014

I concur with the recommendation of Bobby Kinser – Assistant Parks Superintendent, and request permission to issue an Annual Requirements Contract for Hardscape Installation to LDM Design and Construction pursuant to unit prices as outlined in Mr. Kinser's attached memo.

The scope of this contract includes repairing old and providing new acrylic stenciled concrete, repairs to broken or unsuitable concrete, curb cuts, repairs to walls and columns, etc. This is a one (1) year contract with options to renew for four (4) additional one year periods, if acceptable to both parties. The award of this contract allows use of the services as the requirements and needs of the City arise on an annual basis and during any subsequent renewal period(s). Since the City is not obligated to pay for or use a minimum or maximum amount of services, payment will be rendered pursuant to the unit prices bid.

As stipulated in the bid, the City estimates approximately \$150,000 for these services in FY14-15 and future estimated annual expenditures will be budgeted for years two through four.

The award of this bid was based on best value criteria as provided in the Texas Local Government Code, Chapter 252.043, which allows consideration of other factors besides price alone when awarding a contract for goods and services. The bids were evaluated on price; the bidder's ability to perform the contract; quality of bidder's work; and compliance with the specifications

Four responses were received from LDM Design and Construction, VA Construction, Ratliff Hardscape, Inc. and Brent Arvilla. The bid from Brent Arvilla was withdrawn as he made unit price errors on his submission. LDM Design and Construction was the highest ranked firm according to the evaluation criteria listed above.

The bid was advertised in the Dallas Morning News on August 27, 2014 and September 3, 2014 and was posted on Bidsync. A prebid conference was held on September 3, 2014, and four bidders and two staff members were in attendance. A total of 1,906 bids were electronically solicited; 36 vendors viewed the bids, and four bids were received.

Concur:


Kent Pfeil

ATTACHMENTS



MEMO

DATE: September 17, 2014

TO: Pam Kirkland

FROM: Bobby Kinser *Bobby Kinser*

SUBJECT: Bid No. 69-14, Hardscape Installation

The Parks Department recommends awarding Bid No. 69-14, A/R/C for Hardscape Installation, to LDM Design and Construction. The recommended award of this bid is based on best value criteria, and committee members from the Parks and the Purchasing Department evaluated bids based on: price, bidder's ability to perform contract, quality of bidder's work, and compliance with the specifications.

Four bids were received, one bid was withdrawn, and the bid from LDM received the highest score.

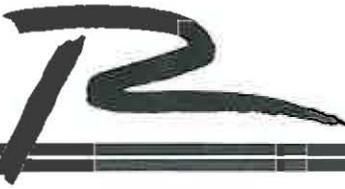
Estimated annual usage is approximately \$150,000 and funding will be from Account number 011-3061-541-3399.

Let me know if you need any additional information.

BID TABULATION-ANNUAL CONTRACT FOR HARDSCAPE INSTALLATION

PAGE-1
 BID NUMBER: 69-14
 DATE OPENED: September 11, 2014

ITEM NO.	DESCRIPTION	EST. QTY.	Brent Arvilla		I.D.M Design and Const.		Ratiff Hardscape, Ltd.		VA Construction		
			UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	
1	Install 4" Faux Concrete	5000	sf	0.004	\$20.00	13.220	\$66,100.00	50.000	\$250,000.00	10.000	\$50,000.00
2	Install 6" Faux Concrete	5000	sf	0.004	\$21.00	16.220	\$81,100.00	90.000	\$450,000.00	12.000	\$60,000.00
3	Faux System Post Application	2000	sf	0.005	\$10.80	14.760	\$29,520.00	75.000	\$150,000.00	9.000	\$18,000.00
4	Repair Concrete	1000	sf	0.008	\$7.50	7.380	\$7,380.00	20.000	\$20,000.00	7.000	\$7,000.00
5	Remove/Dispose Concrete	1000	sf	0.004	\$3.50	1.350	\$1,350.00	5.250	\$5,250.00	2.000	\$2,000.00
6	Install 4" Concrete Flat Work Ground Level	10000	sf	0.001	\$9.00	5.020	\$50,200.00	6.000	\$60,000.00	5.000	\$50,000.00
7	Install 4" Concrete Flat Work on Ground	4000	sf	0.002	\$9.20	5.060	\$20,240.00	6.000	\$24,000.00	5.000	\$20,000.00
8	Install 6" Concrete Flat Work/Ground Level	5000	sf	0.002	\$10.00	6.380	\$31,900.00	7.150	\$35,750.00	5.500	\$27,500.00
9	Install 6" Concrete Flat Work/Ground	2000	sf	0.005	\$10.20	6.400	\$12,800.00	7.150	\$14,300.00	6.000	\$12,000.00
10	Install 6"x6" Curb	1000	lf	0.023	\$22.50	14.000	\$14,000.00	37.500	\$37,500.00	8.000	\$8,000.00
11	Install Concrete Beam 6"x12"	1000	lf	0.030	\$30.00	16.000	\$16,000.00	18.000	\$18,000.00	11.000	\$11,000.00
12	Install Concrete Beam 12"x12"	1000	lf	0.036	\$36.00	20.000	\$20,000.00	36.000	\$36,000.00	18.000	\$18,000.00
13	Install Playground Border	1000	lf	0.013	\$12.70	13.000	\$13,000.00	52.500	\$52,500.00	20.000	\$20,000.00
14	Cut Curbs/Remove Debris	1000	sf	2.375	\$2,375.00	2.000	\$2,000.00	47.250	\$47,250.00	10.000	\$10,000.00
15	Install 12"x4" Concrete Boarder	1	lf	12.900	\$12.90	12.300	\$12.30	18.000	\$18.00	18.000	\$18.00
16	Install 6"x4" Concrete Boarder	1	lf	11.100	\$11.10	13.300	\$13.30	18.000	\$18.00	10.000	\$10.00
17	Install Decomposed Granite 4" Deep	1	sf	8.600	\$8.60	7.000	\$7.00	12.000	\$12.00	6.500	\$6.50
18	Install Granite	1	sf	84.000	\$84.00	7.000	\$7.00	22.500	\$22.50	7.500	\$7.50
19	Traffic Control w/Arrow Board	1	dy	112.500	\$112.50	122.000	\$122.00	1500.000	\$1,500.00	175.000	\$175.00
20	Traffic Control w/o Arrow Board	1	dy	112.500	\$112.50	85.000	\$85.00	1125.000	\$1,125.00	125.000	\$125.00
21	Install Truncated Dome Ramps	2500	sf	1.350	\$3,375.00	8.500	\$21,250.00	47.250	\$118,125.00	15.000	\$37,500.00
22	Install Brick Pavers in Sand	5000	sf	0.003	\$13.50	6.380	\$31,900.00	30.000	\$150,000.00	10.000	\$50,000.00
23	Install Brick Pavers on Concrete Base	5000	sf	0.004	\$20.50	8.840	\$44,200.00	36.000	\$180,000.00	15.000	\$75,000.00
24	Install Brick Pavers on CB Mortared	5000	sf	0.004	\$43.00	10.060	\$50,300.00	42.000	\$210,000.00	18.000	\$90,000.00
25	Install Brick/Stone	2500	sf	26.100	\$65,250.00	16.610	\$41,525.00	45.000	\$112,500.00	20.000	\$50,000.00
26	Remove Existing Natural Stone	2500	sf	4.500	\$11,250.00	2.250	\$5,625.00	37.500	\$93,750.00	12.000	\$30,000.00



MEMO

DATE: September 15, 2014

TO: Kent Pfeil – Director of Finance

FROM: Pam Kirkland – Purchasing Manager 

SUBJECT: Award of Bid #03-15 for the three year renewal of the Environmental Systems Research Institute, Inc. Municipal Enterprise License Agreement in the amount of \$153,000

Proposed Date of Award: September 22, 2013

I concur with the recommendation of Eric Matthews - Deputy Chief Information Officer, and request permission to issue a purchase order to Environmental Systems Research Institute, Inc. (ESRI) for the renewal of the software license agreement in the amount of \$153,000 over the next three (3) years, as outlined in Mr. Matthews attached memo.

Funding for the first year has been budgeted in the FY14-15 budget and future annual payments will be budgeted for years two through three.

ESRI is the sole source provider for the licenses of their software. Sole source procurements are exempt from competitive bidding as per Texas Local Government Code, Chapter 252.022(7).

Funding is available in account 511-5120-502-4323 for this expenditure.

Concur:


Kent Pfeil

Attachments

Xc: Dan Johnson
David Morgan
Cliff Miller
Don Magner
Shanna Sims-Bradish



MEMO

DATE: 9/2/2014

TO: Pam Kirkland, Purchasing Manager
Steve Graves, CIO *SGraves*

FROM: Eric Matthews, Deputy CIO *EM*

RE: ESRI Municipal Enterprise License Agreement – 3 Years

For the past three years the City of Richardson has participated in ESRI's Municipal Enterprise License Agreement (ELA) program. This program allows city-wide installation and usage of the majority and key components of ESRI software. This includes desktop and web mapping, sophisticated geographic analysis tools, and mobile software options for field data collection. It also includes site-wide education courses online for ESRI technology as well as ArcGIS Online credits, allowing the City to quickly deploy web maps and applications to our stakeholders, both internal and external.

This program provides cost savings over purchasing these products individually as well as a predictable budget for the three years of program participation. ESRI is offering this program to us again starting in the 2014-2015 budget year. The three-year agreement would be complete at the close of the 2016-2017 budget year.

The annual cost for this program remains \$50K. In addition, we also recommend the purchase of the ArcPad add-on option for \$1K per year. This option allows the use of mobile GPS device software used in data collection for field assets.

The total each year for this program will be \$51K, with a three-year budget impact of \$153K. No increase is needed in current budgeted amounts. This is the same amount budgeted and paid during the past three years. ESRI is a sole source vendor for this licensing program.

I believe that participating in the ELA program with ESRI will allow us to continue to provide high quality mapping, analysis and geographic programs and products for our stakeholders. Thank you for your consideration.

Funding is provided in account 511-5120-502-4323.



Quotation # 20455217

Date: August 21, 2014

Customer # 6854 Contract #

City of Richardson
Information Services Dept
411 W Arapaho Rd Rm 106
Richardson, TX 75080-4551

ATTENTION: Brian Peppard
PHONE: (972) 744-4227
FAX: (972) 744-5809

ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.
380 New York Street
Redlands, CA 92373-8100
Phone: 909-793-2853 Fax: 909-307-3049
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

To expedite your order, please attach a copy of this quotation to your purchase order.
Quote is valid from: 08/21/2014 To: 11/19/2014

Material	Qty	Description	Unit Price	Total
110037	1	Populations of 50,001 to 100,000 Small Government Term ELA Year 1	50,000.00	50,000.00
115573	1	ArcPad Populations of 50,001 to 100,000 Small Government ELA Year 1	1,000.00	1,000.00
110037	1	Populations of 50,001 to 100,000 Small Government Term ELA Year 2	50,000.00	50,000.00
115573	1	ArcPad Populations of 50,001 to 100,000 Small Government ELA Year 2	1,000.00	1,000.00
110037	1	Populations of 50,001 to 100,000 Small Government Term ELA Year 3	50,000.00	50,000.00
115573	1	ArcPad Populations of 50,001 to 100,000 Small Government ELA Year 3	1,000.00	1,000.00
			Item Total:	153,000.00
			Subtotal:	153,000.00
			Sales Tax:	0.00
			Estimated Shipping & Handling(2 Day Delivery) :	0.00
			Contract Pricing Adjust:	0.00
			Total:	\$153,000.00

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

For questions contact: Thomas Brown **Email:** thomas_brown@esri.com **Phone:** (909) 793-2853 x8815

The items on this quotation are subject to the terms set forth herein and the terms of your agreement with Esri, if any, or, where applicable, Esri's standard terms and conditions at www.esri.com/legal, which are incorporated by reference. Federal government entities and government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Acceptance is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's products and services.

If sending remittance, please address to: Esri, File No. 54630, Los Angeles, Ca 90074-4630

BROWNT

This offer is limited to the terms and conditions incorporated and attached herein.



MEMO

DATE: September 16, 2014

TO: Kent Pfeil – Director of Finance

FROM: Pam Kirkland – Purchasing Manager *Pam*

SUBJECT: Award of Bid #04-15 for the three year renewal of the Microsoft Enterprise Agreement to SHI Government Solutions, Inc. in the amount of \$299,007 pursuant to the State of Texas Department of Information Services Contract #DIR-SDD-2503

Proposed Date of Award: September 22, 2013

I concur with the recommendation of Steve Graves - Chief Information Officer, and request permission to issue a purchase order to SHI Government Solutions, Inc. for the renewal of the Microsoft Enterprise Agreement in the amount of \$299,007 over the next three (3) years, as outlined in Mr. Graves attached memo.

Funding for the first year has been budgeted for FY14-15 in account 011-0540-514-4323 and future annual payments will be budgeted for years two through three.

SHI Government Solutions, Inc. is the contract vendor through the State of Texas Department of Information Resources Cooperative Purchasing Program, Contract #DIR-SDD-2503. The City of Richardson participates in this program through our existing interlocal agreement for cooperative purchasing pursuant to Texas Government Code, Chapter 791.025 and Texas Local Government Code, Subchapter F, Section 271.102. This agreement automatically renews annually unless either party gives prior notice of termination.

Concur:

Kent Pfeil
Kent Pfeil

Attachments

Xc: Dan Johnson
David Morgan
Cliff Miller
Don Magner
Shanna Sims-Bradish



DATE: September 15, 2014
TO: Pam Kirkland, Purchasing Manager
FROM: Steve Graves, Chief Information Officer SGraes
SUBJECT: Microsoft Enterprise Agreement – 3 Years

The City of Richardson IT Department is seeking participation in the Microsoft Enterprise Agreement for MS Server Data Center, Server CALS, MS SQL and MS Server Standard.

In the past, the City has purchased licensing directly from the State of Texas contract holder for Microsoft product. This is a three year agreement that has added value like training, software support and preferred pricing.

The annual cost for this program is \$99,669 for a total three year price of \$299,007. There is the standard State of Texas non-appropriation clause in the Master Agreement. Funding is provided using account number 011-0540-514-43.23.

We will be purchasing our EA from SHI Government Solutions, the Texas DIR vendor of choice using the Texas DIR contract DIR-SDD-2503.

I recommend using SHI Government Solutions and the Texas DIR contract to purchase our Microsoft Enterprise Agreement.



Pricing Proposal
Quotation #: 7875598
Created On: 4/9/2014
Valid Until: 10/31/2014

CITY OF RICHARDSON

Steve Graves

411 W. Arapaho Rd
Richardson, TX 75080-4551
UNITED STATES
Phone: (972) 744-4041
Fax:
Email: steve.graves@cor.gov

Account Executive

Craig Bailey

SHI Government Solutions
1301 South Mo-Pac, Suite 375
Austin, TX 78746
Mobile Phone: 512-822-0457
Phone: 800-870-6079 x5199
Fax: 512-732-0232
Email: Craig_Bailey@shi.com

All Prices are in US Dollar (USD)

Product	Qty	Your Price	Total
1 WinSvrCAL ALNG LicSAPk MVL UsrCAL Microsoft - Part#: R18-00096	850	\$10.80	\$9,180.00
2 WinSvrDataCtr ALNG LicSAPk MVL 2Proc Microsoft - Part#: P71-07280 Note: annual price per user	25	\$2,317.70	\$57,942.50
3 SQLSvrEntCore ALNG LicSAPk MVL 2Lic CoreLic Microsoft - Part#: 7JQ-00341 Note: annual price per user	5	\$5,179.70	\$25,898.50
4 WinSvrStd ALNG LicSAPk MVL 2Proc Microsoft - Part#: P73-05897 Note: annual price per user	20	\$332.40	\$6,648.00
		Total	\$99,669.00

Additional Comments

Pirce is based on Microsoft DIR Contract Number DIR-SDD-2503

All prices above are per years based on three year agreement.

The Products offered under this proposal are subject to the SHI Return Policy posted at www.shi.com/returnpolicy, unless there is an existing agreement between SHI and the Customer.



MEMO

DATE: September 15, 2014

TO: Kent Pfeil – Director of Finance

FROM: Pam Kirkland – Purchasing Manager

SUBJECT: Award of Competitive Sealed Proposal #904-14 for the 2015 Renner Tower Rehabilitation Project to Classic Protective Coatings in the amount of \$545,250

Proposed Date of Award: September 22, 2014

I concur with the recommendation of Joe Travers – Assistant Director of Public Services, and request permission to issue a contract to Classic Protective Coatings for the above referenced project for a total award of \$545,250, as outlined in Mr. Traver's attached memo.

The City identified the need for a water mixing system to mitigate the effects of extended storage periods after the proposals were closed. As allowed by Government Code 2269.155(b), an option to include the water mixing system was added to the original scope of the project. Classic Protective Coatings is unable to provide an exact cost for the system until it has been engineered; consequently, we also request to increase the original contingency of \$25,000 published in the proposal to \$100,000 to cover the estimated cost of the water mixing system. The contingency amount is included in the award amount of \$545,250.

Funding is provided from the 2015 C.O.'s. The project was advertised in the *Dallas Morning News* on July 30, 2014 and August 6, 2014 and was posted on Bidsync.com. A pre-proposal conference was held on June 19, 2014. A total of 1,290 proposals were notified of the bid; 35 viewed the proposal; and 5 proposals were received.

Concur:

Kent Pfeil

ATTACHMENTS

Xc: Dan Johnson
David Morgan
Cliff Miller
Don Magner
Shanna Sims-Bradish



MEMO

TO: Dan Johnson, City Manager
THROUGH: Don Magner, Assistant City Manager 
FROM: Joe Travers, Assistant Director of Public Services
SUBJECT: Award CSP No. 901-14 to Classic Protective Coating for the 2015 Renner Tower Rehab Project
DATE: September 12, 2014

ACTION REQUESTED:

Council to consider award of Competitive Sealed Proposal CSP No. 904-14 for the 2015 Renner Tower Rehab Project to Classic Protective Coatings in the amount of \$545,250.00.

BACKGROUND INFORMATION:

On July 28, 2014, Public Service Department received and opened five (5) proposals for the subject project. The proposals submitted were evaluated by a City staff committee. The evaluation criteria as set forth in the proposal specifications included: proposal amount and bid schedule, related project experience, experience and qualifications of staff and subcontractors for both construction and maintenance, and the proposed schedule. The proposal from Classic Protective Coatings was ranked the highest value proposal. Staff recommends award of the contract to Classic Protective Coatings in the amount of \$545,250.00. The City recently identified the need for a water mixing system to mitigate the effects of extended storage periods. The planned rehab presents an ideal time to install such a system while it can be seamlessly integrated into the tower. Therefore, in accordance with chapter 2269 of the Local Government Code governing competitive sealed proposals, the base contingency of \$25,000.00 has been increased by \$75,000.000 for a total contingency of \$100,000.00 for installation of a mixing system.

Complete rehabilitation and coating of the "Renner Tank" interior wet steel surfaces, the spot cleaning and spot coating of the interior dry steel surfaces and the complete rehabilitation and coating of the exterior steel surfaces with containment. Additional work items include: installation of new interior container ladder, safe-climbing device, walkway toe bars, clog resistant roof vent, and cathodic protection system; modification of roof manhole curb, including other incidental items such as coordination with the OWNER, first anniversary evaluation, disposal of debris, and site restoration. The project is expected to extend the life of the tower by at least 20 years.

FUNDING:

Funding is anticipated from 2015 C.O.'s.

SCHEDULE:

Public Services plan for this project to begin construction November 2014 and be completed by February 2015.



Carrington Dr

Wellington Dr

Warwick Ln

Barrington Dr

Aberdeen Ct

Charleston Dr

Edmonton Ct

Manchester Dr

E Renner Rd

E Renner Rd



Renner Tower
5601 E Renner Rd
Richardson, Texas

