

PLANO CITY COUNCIL
November 22, 2004

COUNCIL MEMBERS

Pat Evans, Mayor
Shep Stahel, Mayor Pro Tem
Ken Lambert, Deputy Mayor Pro Tem
Steve Stovall
Phil Dyer
Scott Johnson
Sally Magnuson
Jean Callison

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Elaine Bealke, City Secretary

Mayor Evans convened the Preliminary Open Meeting directly into the Regular Meeting on Monday, November 22, 2004, at 7:15 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Reverend David Batchelder of West Plano Presbyterian Church.

The Pledge of Allegiance was led by Cub Scout Pack 284 of Forman Elementary and Junior Girl Scouts of Tejas Council, Troop 11.

American City and County Magazine presented an award to Mayor Evans. The Texas Municipal League 2004 Municipal Excellence Award for Public Works and the Parks and Recreation Department 10-Year Agency Accreditation was also presented. She further received the Best Practice Award – Presented by Building Officials Association of Texas (BOAT) to Building Inspections Department and the Texas Downtown Association Award.

Mayor Evans administered an oath of office to Larry May of the Plano Transition and Revitalization Commission. (Rachel McClary was not in attendance to receive her oath of office for the Keep Plano Beautiful Commission and Anthony Veal was not in attendance to receive a Certificate of Appreciation for service on the Cultural Affairs Commission.)

GENERAL DISCUSSION

Sonja Hammer, citizen of the City, spoke regarding the diversity of the audience and requested adherence to the meeting code of conduct and further requested that single member districts be included in the proposed charter amendments. She requested information on whether or not the Council has received communication from citizens regarding single member districts. City Attorney Wetherbee responded that Council Members could have received related correspondence anytime during their tenure and that an open records request could be made for the information.

Jack Lagos, citizen of the City, spoke regarding an interlocal agreement between the cities of Plano, Frisco and Allen related to the Arts of Collin County (ACC) not being executable since an approved project has not been declared. He stated concern that there is not a written document supporting giving monies to the ACC. City Attorney Wetherbee spoke regarding Council passing a budget at the beginning of a fiscal year and stated that there are bills paid without a transactional agreement and that a contract may be developed after the beginning of the year. She stated that while she cannot speak for either Frisco or Allen, the interlocal agreement sets the framework for the three cities to operate under a set of bylaws through the committee to arrive at an approved project.

Glen Tolle, citizen of the City, requested the appointment of a Charter Review Commission and spoke to the need for “triangulation” in the consideration of issues.

CONSENT AGENDA

Mayor Evans requested that Consent Agenda Item “F” be removed for individual consideration.

Citizen Jack Lagos requested that Consent Agenda Item “I” be removed for individual consideration.

Citizen Sonja Hammer requested that Consent Agenda Items “L” and “W” be removed for individual consideration. Staff further requested that Consent Agenda Item “W” be removed for individual consideration to make a floor amendment.

Staff has advised that Consent Agenda Items “O” and “P” are removed from this agenda tonight to be rescheduled to a later date.

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Johnson, the Council voted 8-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]
November 8, 2004

Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following:

Bid No. C192-04 to establish an annual percentage off contract for Ford Tractor Parts in the estimated annual amount of \$75,000. This will establish an annual percentage off contract with two City optional one-year renewals. [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. C178-04 for a fixed price contract for Pool Chemicals in the estimated annual amount of \$54,172. This will establish an annual fixed price contract with two City optional one year renewals for Pool Chemicals. [Consent Agenda Item (C)] (See Exhibit "B")

Bid No. C091-03 to establish an annual fixed price contract for Security Control Systems Maintenance in the estimated annual amount of \$24,200 for year 1, and award of \$34,300 in renewals years 2 and 3. [Consent Agenda Item (D)] (See Exhibit "C")

Bid No. C174-04 for a fixed price contract for Reinforcing Steel in the estimated annual amount of \$33,240 annually. This will establish an annual fixed price contract with two City optional one year renewals. [Consent Agenda Item (E)] (See Exhibit "D")

Adoption of Resolutions

Resolution No. 2004-11-19(R): To approve the terms and conditions of an interlocal cooperation agreement by and between the City of Plano and Denton County, Texas, providing terms and conditions for emergency ambulance services; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (G)]

Resolution No. 2004-11-20(R): To approve the terms and conditions of an Interlocal Agreement-North Texas Virtual Reference Library CONSORTIUM including Irving Public Library System, North Richland Hills Public Library, Carrollton Public Library, Frisco Public Library, Euless Public Library, Fort Worth Public Library, Denton Public Library, and Plano Public Library System; authorizing Plano Public Library System to participate and contribute \$8,182 toward the total cost of \$58,000 for continuation of a virtual reference service; authorizing the City Manager to execute all necessary documents; and providing an effective date. [Consent Agenda Item (H)]

Resolution No. 2004-11-21(R): To approve the terms and conditions of an interlocal agreement by and between the City of Plano and Richland College for educational services authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2004-11-22(R): To name the new community recreation center to be located at Windhaven Park the "Tom Muehlenbeck Center," and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2004-11-23(R): To approve the terms and conditions of an interlocal cooperation agreement by and between the City of Plano, Texas and Collin County, Texas providing terms and conditions for yard trimmings grinding services; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

Adoption of Ordinances

Ordinance No. 2004-11-24: To amend Article IV of Chapter 11, “Licenses and Business Regulations” of the Code of Ordinances of the City of Plano to correct a clerical error; providing a penalty clause, a severability clause, a repealing clause and a publication clause; and providing an effective date. [Consent Agenda Item (N)]

To amend Ordinance No. 2002-9-11 (Food Categories and Fees) as referenced in Section 9-107(c)(3)(a) of Chapter 9 of the Code of Ordinances to provide for updated permit and inspection fees; providing a repealer clause, a severability clause, a publication clause and an effective date. [Consent Agenda Item (O)] (Item pulled and held.)

To amend sections of Ordinance No. 2003-3-4 codified as Chapter 9 (Food Code) of the City of Plano Code of Ordinances, specifically Article II, Sec. 9-24 (d) (6), and Article III, Section 9-31 (b) to incorporate the recent name change of state agency and Article XI, Section 9-107 of Ordinance No. 2003-3-4 to provide for permit procedures applicable to annual permits; and providing a penalty clause, repealer clause, a severability clause, a savings clause, a publication clause and an effective date. [Consent Agenda Item (P)] (Item pulled and held.)

Ordinance No. 2004-11-25: To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to amend Planned Development-203-Office-2 to allow the additional uses of automobile storage and automobile make-ready on 6.7± acres located on the south side of Village Creek Drive, 700± feet south of Plano Parkway and located 920± feet west of Preston Road and 300± feet southeast of Village Creek Drive; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. (Zoning Case 2004-40 – Approved by the City Council 11/08/04.) Neighborhood #54. Applicant: Ironwood Partners Limited [Consent Agenda Item (Q)]

Ordinance No. 2004-11-26: To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, rezoning 13.9± acres of land located on the northeast corner of Park Boulevard and Parkwood Boulevard in the City of Plano, Collin County, Texas, from Patio Home and Planned Development-423-Patio Home with Specific Use Permit No. 46 for Private School to Neighborhood Office and granting Specific Use Permit No. 554 so as to allow the additional use of Bank, Savings and Loan, or Credit Union (1.5± acres) and Planned Development-153-Single-Family Residence Attached (12.4± acres) with Specific Use Permit No. 46 for Private School; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. (Zoning Case 2004-45 – Approved by the City Council 11/08/04) Neighborhood #41. Applicant: Dean Learning Center [Consent Agenda Item (R)]

Ordinance No. 2004-11-27: To abandon all right, title and interest of the City, in and to a portion of that certain 25' sanitary sewer easement recorded in Volume 4942 at Page 3680 of the Land Records of Collin County, Texas as also reflected on the plat filed in Cabinet P, Slide 533, Map Records of Collin County, Texas and being situated in the Evergreen at Plano Parkway Addition which is located at the southeast corner of Independence Parkway and West Plano Parkway in the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Alcatel USA Sourcing, L.P., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (S)]

Award of Contract

To approve and authorize for the selection of Hennessey Engineering, Inc., to provide Professional Engineering Services for an amount not to exceed \$29,000 in connection with the study of the Collin Creek Mall Arch Survey – 2004 and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (T)]

To approve and authorize for the selection of HNTB Corporation to provide Professional Engineering Services for an amount not to exceed \$296,320 in connection with the design of Parker Road – K Avenue to P Avenue and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (U)]

To approve and authorize for the selection of O'Brien Engineering, Inc., to provide Professional Engineering Services for an amount not to exceed \$69,820 in connection with the design of Oak Grove and miscellaneous Drainage Improvements and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (V)]

Purchase off Existing Contract

To authorize the purchase of Automatic External Defibrillators (AED's) in the amount of \$40,785 from the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program. The AED's will be placed at all Parks and Recreation Department facilities. (Contract #DF08-03) (Interlocal #1027-05) [Consent Agenda Item (X)]

Approval of Change Order

To Site Concrete, Inc., decreasing the contract by \$306,604 for Dallas North 15 Water Rehab & Fire Hydrants and State Highway 121 Utility Relocations; Change Order No. 1 (Bid No. B126-04). [Consent Agenda Item (Y)]

END OF CONSENT

A Resolution to support the change of the SH 190 designation which is used on the President George Bush Tollway frontage roads to State Loop 41; and providing an effective date. [Consent Agenda Item (F)]

Mayor Evans spoke to the concerns of neighboring cities related to businesses located along the access roads and to examining the wording of the resolution to ensure there is no effect or influence on their positions. City Attorney Wetherbee advised that Staff could make revisions and bring back the request, taking due consideration to any communities that may object to the change.

Upon a motion made by Mayor Evans and seconded by Council Member Magnuson, the Council voted 8-0 to table a resolution supporting the change of the SH 190 designation which is used on the President George Bush Tollway frontage roads to State Loop 41; and providing an effective date until the December 13, 2004 Council Meeting.

Resolution No. 2004-11-28(R): To nullify the agreement between the cities of Allen, Frisco and Plano for funding services related to the Arts of Collin County, Inc.; declaring Resolution No. 2004-10-15(R) approving the former agreement void; approving a new agreement between the cities for the funding services; and providing an effective date. [Consent Agenda Item (I)]

Jack Lagos, citizen of the City, spoke regarding the support received from Council Member Dyer in making amendments to the funding agreement. He spoke regarding Plano already having bond money that has been cashed in where the other cities do not and requested modification addressing this issue and that all three cities be invoiced at the same time.

Resolution No. 2004-11-28(R) (cont'd)

City Manager Muehlenbeck stated that he has no knowledge as to whether or not Allen or Frisco have sold their debt and spoke to monies being rendered as a result of invoices for services rendered. City Attorney Wetherbee spoke to not making modifications without consulting with the other cities. Mayor Evans and Mayor Pro Tem Stahel spoke to the cities being billed concurrently for incurred expenses.

Upon a motion made by Council Member Magnuson and seconded by Council Member Stovall, the Council voted 8-0 to nullify the agreement between the cities of Allen, Frisco and Plano for funding services related to the Arts of Collin County, Inc.; declaring Resolution No. 2004-10-15(R) approving the former agreement void; approving a new agreement between the cities for the funding services; and providing an effective date; and further to adopt Resolution No. 2004-11-28(R).

Resolution No. 2004-11-29(R): To approve and grant a 3,641 square foot fire lane and access easement to 15th Street Village Condominiums No. 1 LP on City property in the northwest corner of Lot 1, Block 1, Plano Justice Center Addition authorizing its execution by the City Manager, and providing an effective date. [Consent Agenda Item (L)]

Sonja Hammar, citizen of the City, inquired whether the City is granting real property and the access easement to this corporation or just access to the easement. City Engineer Upchurch responded that it is an easement interest in the fee ownership of the property to allow a fire lane access to connect the proposed development and stated that the City will continue to own the property and that there is no compensation.

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Dyer, the Council voted 8-0 to approve and grant a 3,641 square foot fire lane and access easement to 15th Street Village Condominiums No. 1 LP on City property in the northwest corner of Lot 1, Block 1, Plano Justice Center Addition authorizing its execution by the City Manager, and providing an effective date; and further to adopt Resolution No. 2004-11-29(R).

Approval of Agreement - To approve an agreement between the City of Plano and The Shops at Legacy, L.P. whereby the City will provide funding in part for the 3rd Annual Holiday Festival of Tree Lights at the Shops of Legacy in the amount of \$39,000. [Consent Agenda Item (W)]

City Attorney Wetherbee advised the Council that the agreement should be revised under Section I to reflect a date of November 20, 2004 for the third annual festival.

Sonja Hammar, citizen of the City, spoke regarding the City not being included as a sponsor in promotional materials and requested future Council deliberation so that when taxpayer funds are utilized for non-profit activities, sponsorship is recognized. City Manager Muehlenbeck spoke to the use of the City's logo or mention that the event is sponsored in part by a grant from the City, stated that he has seen some publications where such mention is absent and spoke to addressing the issue.

Upon a motion made by Council Member Stovall and seconded by Council Member Magnuson, the Council voted 8-0 to approve an agreement between the City of Plano and The Shops at Legacy, L.P. whereby the City will provide funding in part for the 3rd Annual Holiday Festival of Tree Lights at the Shops of Legacy in the amount of \$39,000.

Public Hearing and Input on possible Charter Amendments; Council discussion and direction [Regular Agenda Item (1)]

Mayor Evans opened the Public Hearing. J. D. Williams, citizen of the City, spoke to the Council's lack of diversity in the area of thought, citing three members with ties to the same social organization and stated that it does not reflect the diversity of the City. He spoke to Plano being the largest city in north Texas without single member districts and stated that such a change could be accomplished by either the Justice Department, a referendum forced by a citizen petition, or the Council placing the matter on the ballot and allowing voters to make the decision. Sonja Hammer, citizen of the City, requested the appointment of a Charter Review Commission, stated support for current three, two-year terms for Council Members and spoke to application of such limitation to board and commission members. She spoke regarding the board and commission appointment process, and stated concern with some long tenures and individuals moving from board to board. Ms. Hammar spoke to placing the issue of single member districts on a ballot.

Roger Starnes, citizen of the City, spoke to single member districts focusing on smaller, petty issues of special interest groups. He stated that those running from such districts would not need knowledge of the overall resources and problems of the City and could turn away requests from citizens in other areas. Mr. Starnes spoke to the trading of votes, to single member districts being about popularity and leading to ward politics and stated support for the current Council structure. Sylvia Reed, citizen of the City, spoke in support of the current system, to the energy required of Council Members both while serving and while running as candidates, to the current Council representing all citizens, the diverse backgrounds represented and the opportunity for citizens to make a difference in their community via boards/commissions or other groups. She also stated support for three-year terms and beer/wine sales in grocery stores. Jerry Yancey, citizen of the City, spoke in opposition to single member districts, to his previous experience as a member of a Charter Review Commission and their support for the current system. He spoke to the benefits of all citizens electing every member of the Council, the ability of citizens to speak to every member, and to restricting elections to only a fraction of the Council being a step backward. Mr. Yancey responded that he served on the Council from 1980 to 1986.

Warner Richeson, citizen of the City, stated opposition to changing petition signature requirements and to changing the terms of office for the Council. He recommended that if terms were changed to three years that they be limited to two terms. Amy Johnson, citizen of the City, spoke to the minority growth in east Plano and the problems of communication. She requested consideration of more districts with individual representation and fewer members at-large. Council Member Stovall spoke to the Council's efforts to learn about each area of the City.

Alan Smith, citizen of the City, spoke in opposition to single member districts and regarding the Council having an open door and open minds to listen to the concerns of the citizens. He spoke to having eight members to approach rather than one. Alan Johnson, citizen of the City, stated that City government should continue to be elected by all and be responsive to all. He spoke to at-large members being more proactive, productive and positive than those representing single member districts. Mr. Johnson spoke regarding those who work to increase voter participation in elections and support candidates and to the Council being made up of people who improve all of Plano. Fred Frawley, citizen of the City, spoke to single member districts not working in practicality and to cities becoming pockets of villages with differing interests rather than vibrant and all inclusive. He spoke in support of the current system with Council Members having the best interest of everyone at heart and to the recognition of cultural diversity in appointments to boards and commissions.

Clinton Hendricks, citizen of the City, spoke to the City being large enough to consider single member districts and to having seven equal districts with one member from each where Council Members will be more responsive to those in their area. Jack Lagos, citizen of the City, spoke in support of a Charter Review Commission, to not revising the current petition signature requirements and regarding the concentration of Spanish speaking constituents in areas of east Plano. Annette Vineyard, citizen of the City, spoke to inaccuracies in the Collin County registered voters list and stated that it should not be considered as a basis for calculating percentages for petition signatures.

Harry LaRosiliere, citizen of the City, stated opposition to single member districts, citing possible divisiveness among Council Members. He spoke in support of the current system and encouraged involvement by multiple cultures, to thinking of the City as a whole rather than divided parts, and to marshalling efforts to identify candidates that are genuine and pure of purpose to ensure they have no specific agenda. No one else spoke either for or against the request. The Public Hearing was closed. Mayor Evans thanked those in attendance for their input.

Deputy Mayor Pro Tem Lambert spoke to the Council receiving direct input from citizens rather than recommendations coming through the interpretation of a Charter Review Commission. He spoke to the Council Chambers not being conducive to a dialogue and to calling another session and inviting stakeholders to have a discussion.

Mr. Lambert apologized for being “too strong” in speaking regarding his philosophies at the last meeting and stated concern with the divisiveness being created in the community. He spoke to having two Council Members in each of four districts with all members elected at large and to not revising the number of petition signatures citing figures over the last eight years which indicate that the average number of signatures required would be similar to those proposed.

Council Member Stovall spoke in support of another session and to televising the meeting. City Manager Muehlenbeck advised it would be helpful if the meeting were televised via tape delay.

After discussion there was consensus by the Council to hold a worksession on Tuesday, December 7 at 6:00 p.m. at a location to be determined by Staff.

Public Hearing to provide the citizens and residents with the opportunity to review and provide comment on the projects for the proposed 2005 Bond Referendum. [Regular Agenda Item (2)]

Mayor Evans opened the Public Hearing. J. D. Williams, citizen of the City, requested the funds for public art be broken out as a separate bond issue. Sonja Hammar, citizen of the City, stated concern that several Council Members have an affiliation with the Junior League which is associated with the Sci-Tech Discovery Center. She stated opposition to the Center being placed on the bond referendum, citing the problems in the economy of the City and county. Ms. Hammar stated concern regarding funding requests from the Heritage Farmstead and the Art Studio and to the possibility that there will be additional non-profit organizations requesting funding. She spoke to a 1995 Arts Festival deficit and to citizens repeatedly being asked to sustain such items.

Warner Richeson, citizen of the City, spoke regarding the long-term cost of bonds funding public art and requested items be addressed on a “pay as you go” basis. James Craft, citizen of the City, spoke to separating out the cost of public art projects from bond proposals and to considering items for a bond proposal on the basis of need. Jack Lagos, citizen of the City, spoke to 2% for public art being an “art tax” and stated that it should be a separate line item. He spoke to prioritizing the requests and to the burden \$2 million in public art would create. Mr. Lagos stated that on October 1, 2005, there will be a 2% tax for all capital expenditures in the budget.

Robert Hale, representing the Sci-Tech Discovery Center spoke regarding the organization being a stand-alone independent 501(c)(3) corporation and the need to address the declining achievement and interest of students in science and mathematics. He spoke to the falling number of engineering degrees being awarded at universities, sharing the mission and vision of the high-tech coalition of Collin County and to the Center spurring students to achieve.

Mr. Hale spoke to Plano lagging behind the national average in providing these types of venues. No one else spoke either for or against the request. The Public Hearing was closed.

Budget and Research Director Rhodes spoke regarding the timetable for consideration of bond items including board/commission review and reports to be received by the Council by January 3, 2005, the need for Council to decide on propositions at the January 24 meeting and calling for the election on February 14. She advised that most board/commission reports will prioritize and that they should be looking at the bond referendum as a whole. City Manager Muehlenbeck spoke to projects being interrelated and Ms. Rhodes spoke to review of Sci-Tech Center by a Facility Planning Committee with the Art Studio and Heritage Farmstead items being looked at by departmental boards. Mayor Evans spoke to consideration of bond items on the agenda at upcoming meetings. Ms. Rhodes advised that information will be provided to the boards requesting they prioritize items and review those that may have an impact. Following discussion, the Council concurred to have consideration of the items for a bond referendum both on the January 10 and 24 meeting along with calling a special session for January 17.

Ms. Rhodes responded to Deputy Mayor Pro Tem Lambert, stating that built into the proposed tax rate is a bond sale early in 2005 for \$40 million and existing debt that will be serviced over the coming years. She advised that while the tax rate will go up in years one through three, it will then decline because existing debt will be "falling off" at that time. Ms. Rhodes also advised that an additional bond referendum is not programmed into the figures. Ms. Rhodes stated that the tax rate has remained constant due to a significant jump in sales tax and conservative projections. She spoke to the growing revenues over the last 10-15 years and stated that such growth is not projected over the next several years. Ms. Rhodes advised Deputy Mayor Pro Tem Lambert that Staff is working to calculate the level of bonds that would not create an impact on the tax rate and Mr. Lambert spoke to Council working on the proposed bond referendum during the month of December.

The Council recessed at 9:35 p.m. and reconvened the meeting at 9:50 p.m.

Public Hearing and adoption of Ordinance No. 2004-11-30 to request to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 87 for retail/wholesale tax abatement consisting of two tracts totaling 8.187 acres of land located at 3460 and 3480 Lotus Drive in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (3)]

Director of Finance McGrane advised the Council that the agreement would be for business personal property beginning January 1, 2005 and continuing through the year 2014 and be equal to fifty percent for ten years. He stated that there will be 384 full time employees and spoke regarding the generation of sales tax.

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Stovall and seconded by Council Member Dyer, the Council voted 8-0 to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 87 for retail/wholesale tax abatement consisting of two tracts totaling 8.187 acres of land located at 3460 and 3480 Lotus Drive in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2004-11-30.

Resolution No. 2004-11-31(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Software Spectrum, Inc., and providing for a personal property retail/wholesale tax abatement, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (4)]

Upon a made by Council Member Dyer and seconded by Council Member Johnson, the Council voted 8-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Software Spectrum, Inc., and providing for a personal property retail/wholesale tax abatement, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2004-11-31(R).

Public Hearing and adoption of Resolution No. 2004-11-32(R): To adopt the Consolidated Housing and Community Development Plan for 2005-2009 outlining the use of Community Development Block Grant funds and HOME Investment Partnership funds provided by the U.S. Department of Housing and Urban Development; and providing an effective date. [Regular Agenda Item (5)]

Matt Shaheen, member of the Community Relations Commission spoke regarding the requirement of a strategic plan in order to receive federal funds for community development and advised that the Commission recommends approval of the proposed plan. He spoke to the analysis compiled, consultation with non-profit organizations that use federal funds, and spoke to and the input received by citizens at three Public Hearings.

Heidi Aggeler, BBC Research & Consulting Director reviewed the research process including citizen participation and analysis of demographics, socioeconomics, housing market, special needs population and fair housing impediments. She reviewed the housing market, spoke to the increase in home prices and advised that affordable housing is not exclusively located in one area of the City. Ms. Aggeler spoke regarding rental levels, the income required to afford a median priced home or the average rent and stated those homes where more than 30% of income goes toward housing are considered "house burdened." She reviewed the characteristics and needs of special populations and advised that incidences of discrimination were mostly related to race/ethnicity or familial status.

Resolution No. 2004-11-32(R) (cont'd)

Ms. Aggeler spoke to the City's efforts to deconcentrate affordable multi-family housing, stated that surveys indicate that residents are highly satisfied with their current housing situation and spoke to the need for single family housing and assisted living for seniors. She spoke to input indicating the top housing needs are transitional and permanent housing, specialized emergency shelters, a continuum of housing with supportive services and stated that the top community development needs are youth centers, public transit, and non-profit shared space.

Ms. Aggeler stated recommendations to reduce housing cost burden for extremely low and very low-income households, preserve existing affordable housing stock, increase the supply of assisted housing, improve fair housing outreach and education, remove lead based paint from units occupied by families with children, increase homeownership of low income populations, reduce overcrowding and improve housing in substandard condition. She advised that priorities for special needs' populations include developing a continuum of care for persons with special needs with transitional housing, working to eliminate chronic homelessness in the city, increasing the availability of supportive services needed by special needs populations and increasing the supply of assisted housing. Ms. Aggeler advised that in the area of community development, priorities there should be development of additional services to support at-risk youth.

Ms. Aggeler spoke to the five-year strategic plan to 1) increase the supply of affordable single family housing for the City's extremely, very low and low-income households; 2) increase the supply of affordable rental housing for the City's extremely low- and very low-income households; 3) preserve existing affordable housing stock; 4) expand the continuum of housing and services for a variety of special needs; 5) provide funding to organizations that address the economic needs and social service needs of low-income households; 6) develop and refine grant criteria to support and target specific populations and needs as identified in the FY 2005-09 Consolidated Plan and other available data; 7) increase in fair housing educational and outreach activities; 8) work with lenders on expanding options to households in census tracts with high denial rates and on a "smart money" campaign; 9) continue efforts to deconcentrate poverty while expanding housing and/or assistance for low-income renters; and 10) facilitate development of alternative and special needs housing.

Ms. Aggeler responded to the Council that telephone surveys were random and advised that Plano does not have a large population dealing with overcrowding. She spoke to determining whether there are cultural reasons for individuals living together, to continuing to increase affordability and to making sure citizens are not living in substandard conditions. Ms. Aggeler advised that recommendations focus on federal and housing authority funds.

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Resolution No. 2004-11-32(R) (cont'd)

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Magnuson, the Council voted 8-0 to adopt the Consolidated Housing and Community Development Plan for 2005-2009 outlining the use of Community Development Block Grant funds and HOME Investment Partnership funds provided by the U.S. Department of Housing and Urban Development; and providing an effective date; and further to adopt Resolution No. 2004-11-32(R).

Public Hearing and adoption of Ordinance No. 2004-11-33 as requested in Zoning Case 2004-43 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Heritage Resource Designation H-31 to a 0.1± acre property, situated in the City of Plano, Collin County, Texas on the north side of 15th Street, 266± feet west of K Avenue, presently zoned Downtown/Business Government with Heritage Resource Designation-26 for the Downtown Heritage Resource District, and retaining this zoning classification; directing a change accordingly in the official zoning map of the City; and providing a repealer clause, a savings clause, a penalty clause, a severability clause and an effective date. Neighborhood #59 Applicant: Jeran Akers [Regular Agenda Item (6)]

Planner Watson reviewed the request including those businesses that have utilized the site over the years and advised the Council that the Heritage and Planning and Zoning Commissions recommended approval of the request as submitted.

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Magnuson the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Heritage Resource Designation H-31 to a 0.1± acre property, situated in the City of Plano, Collin County, Texas on the north side of 15th Street, 266± feet west of K Avenue, presently zoned Downtown/Business Government with Heritage Resource Designation-26 for the Downtown Heritage Resource District, and retaining this zoning classification; directing a change accordingly in the official zoning map of the City as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2004-43; and providing a repealer clause, a savings clause, a penalty clause, a severability clause and an effective date; and further to adopt Ordinance No. 2004-11-33.

Public Hearing and consideration of Disannexation Case D2004-01 – Request to disannex 13.0± acres located on the west side of Cottonwood Creek, at the end of Chaparral Road, 1,400± feet east of Cloverhaven Drive, in the R. C. Whisenant Survey, Abstract No. 1012, Collin County. Applicant: City of Plano. Public Hearing and Consideration continued from 10/26/04 and tabled at 11/08/04 Council Meetings. [Regular Agenda Item (7)]

Disannexation Case D2004-01 (cont'd)

Upon a motion made by Mayor Pro Tem Stahel and seconded by Deputy Mayor Pro Tem Lambert the Council voted 8-0 to remove the item from the table.

Director of Planning Jarrell advised the Council that Staff has met with property owners and representatives of the City of Allen and advised that outstanding issues remain concerning the provision of services and the ultimate road alignment for the extension of Chaparral Road. She stated the recommendation is to withdraw the case at this time to allow time for Staff to work with the City of Allen to be sure the concerns of property owners are addressed and to bringing the item back to the Council next year.

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Stovall the voted 8-0 to withdraw from consideration Disannexation Case D2004-01 – Request to disannex 13.0± acres located on the west side of Cottonwood Creek, at the end of Chaparral Road, 1,400± feet east of Cloverhaven Drive, in the R. C. Whisenant Survey, Abstract No. 1012, Collin County.

Public Hearing and consideration of an appeal of the Planning and Zoning Commission's denial of Zoning Case 2004-41 – Request for Specific Use Permit for Truck/Bus Leasing on one lot on the south side of Chisholm Place, 250± feet west of U.S. 75. Zoned Corridor Commercial with Specific Use Permit #218 for Restaurant. Neighborhood #58. Applicant: Merritt Properties [Regular Agenda Item (8)]

Director of Planning Jarrell advised the Council that this request is an appeal of the Planning and Zoning Commission denial and that approval by Council would require a three-quarter vote. She reviewed the request which would allow the leasing of recreational vehicles through a specific use permit and stated that the Commission expressed concern with the compatibility of truck/bus leasing with the surrounding uses since the area is an office/retail development and concern regarding the visibility of the site since it does not directly front onto U.S. 75. Deputy Mayor Pro Tem Lambert spoke to limiting the permit to recreational vehicles with a maximum number of units and length. Ms. Jarrell spoke to being specific on what would be considered a recreational vehicle.

Mayor Evans opened the Public Hearing. Applicant Rebecca Wilson spoke to entrepreneurial efforts and client base in Plano. She advised that the operation would lease late model motor coaches and that it was their understanding that the existing zoning would allow such a use. Ms. Wilson spoke regarding Staff's lack of effort in trying to find an acceptable solution and their recommendation for denial and spoke to acceptance by other businesses in the area. She spoke to the possibility of a time limit on the permit and the investment made in the business.

Zoning Case 2004-41 (cont'd)

Ms. Wilson responded to the Council regarding the need for signage on U.S. 75 and to utilizing a vehicle sign in the interim, stated that they would like five units with a minimum length of 36 feet and which are considered "Class A." Deputy Mayor Pro Tem Lambert spoke to the permanency of specific use permits and regarding finding a way to allow them to operate their business without opening the door to others when they leave. City Attorney Wetherbee stated that a limit could be set on the number of units and spoke to concerns regarding including a vehicle classification.

Clay Weger, representing the applicant, advised the Council that "Class A" does not define length or economic value, but rather the size and shape of a vehicle. He spoke to the terms and definitions used in the industry and stated that ordinances may not reflect the needs of businesses as they move forward. He spoke to the appropriateness of the property and the strength of demand for the product. Ms. Wilson spoke to the current business being in operation for fourteen years, to the lack of alternate locations and stated that the property is ideal for this use.

Ms. Jarrell advised Council Member Dyer regarding zoning districts where truck and bus leasing is allowed and Mr. Dyer spoke to this location not being the right place for the use. Deputy Mayor Pro Tem Lambert spoke to other automotive uses in the area and to previous cases where industry terminology has been used. Ms. Wilson spoke to other automotive uses in the area, to the businesses in the area being happy with their presence and to the property owner having a stake in keeping the value of their property high.

Ms. Jarrell advised Mayor Pro Tem Stahel that the property owner signed the application and responded regarding ownership of other properties in the area. Deputy Mayor Pro Tem Lambert spoke to narrowing the permit to a maximum number of units and including the term "motor coaches." Ms. Jarrell responded to Mayor Evans that when the current luxury car leasing use started the zoning was Office-2 and that the intent was for users to bring vehicles to the location, but that they would not be kept or advertised there. The Council discussed the various automotive uses along U.S. 75 and Mayor Pro Tem Stahel spoke to the evolution of this property's use.

Chet Wilson, applicant, advised that there are currently five coaches and that the goal is to have them all leased. Ms. Wilson spoke to the vehicles being off-site for cleaning and maintenance. She responded that there would be rental charge sales tax collected from the operation. No one else spoke either for or against the request. The Public Hearing was closed.

A motion was made by Deputy Mayor Pro Tem Lambert to approve the specific use permit subject to a maximum of five units and be restricted to "Class A" motor coaches only with a minimum length of 30 feet. He clarified that reference could be made to "Class A" as an industry standard. A motion was made by Council Member Stovall, however no vote was taken at this time.

Zoning Case 2004-41 (cont'd)

Council Member Magnuson advised that she could not support the request and spoke to the applicant's failure to perform due diligence in finding out what was required and their continued illegal parking of a vehicle with signage. Mayor Pro Tem Stahel spoke to the vehicle being parked with illegal signage on several occasions and to the failure to inquire regarding City requirements. Council Member Dyer spoke to the conversion of U.S. 75 to Corridor Commercial zoning and the desire for higher standards and better control with a different look.

Council Member Stovall spoke to exceptions made on K Avenue, to the current automotive uses in place along U.S. 75 by right and to the request not being the same as rental trucks.

Mayor Evans spoke to the redevelopment of Creekwalk and this property being the northern anchor on the banks of the creek/park area of the trail running past the Plano Senior Center and down to the Creekwalk. She spoke to looking ahead at the ultimate plans for the area.

A motion was made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Stovall to approve the specific use permit subject to a maximum number of five units and restricted to "Class A" motor coaches only with a minimum length of 30 feet. The Council voted 3-5 with Mayor Evans, Mayor Pro Tem Stahel and Council Members Dyer, Magnuson and Callison voting in opposition. The motion failed.

City Attorney Wetherbee responded to the applicant stating that when an application is denied, Code Enforcement Staff will be reasonable regarding enforcement, but that they will have to act on a complaint.

There being no further discussion, Mayor Evans adjourned the meeting at 11:15 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary