

**PLANO CITY COUNCIL**  
**August 11, 2003**

**COUNCIL MEMBERS**

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

**STAFF**

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

Mayor Pro Tem Stovall convened the meeting into open session on Monday, August 11, 2003, at 7:00 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Mayor Evans.

The invocation was led by Council Member Lambert.

The Pledge of Allegiance was led by Chase Brown, Miss Teen Texas who then performed the "Star Spangled Banner."

Mayor Pro Tem Stovall administered oaths of office to Cathy Kuo of the Cultural Affairs Commission and Brenda McDonald of the Self Sufficiency Committee.

Representatives of The Plano Chamber of Commerce presented July 4th Parade Winners.

**GENERAL DISCUSSION**

Richard Simmons, citizen of the City, stated concern regarding enforcement of the City's sign ordinance citing signage placed along public rights of way. Mayor Pro Tem Stovall advised that the City Manager will respond.

## **CONSENT AGENDA**

Upon a motion made by Council Member Lambert and seconded by Council Member Dyer, the Council voted 7-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

### **Approval of Minutes** [Consent Agenda Item (A)]

July 28, 2003

July 30, 2003

August 4, 2003

### **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. C086-03** for a fixed-price contract for Mowing, Trash Removal, Tree Trimming and Cleaning Dump Sites as assigned by Property Standards in the estimated annual amount of \$59,179. This will secure unit pricing and establish an annual fixed price contract with two optional one-year renewals. [Consent Agenda Item (B)] (See Exhibit "A")

**Bid No. C088-03** for a fixed-price contract for Biodegradable Bags to be stocked in the City Warehouse in the estimated annual amount of \$120,000. [Consent Agenda Item (C)] (See Exhibit "B")

**Bid No. B079-03** for the Conversion of City Council Chamber Television System from Analog to Digital in the amount of \$687,927. [Consent Agenda Item (D)] (See Exhibit "C")

### **Adoption of Resolutions**

**Resolution No. 2003-8-5(R):** To authorize the City of Plano to submit an application for funding through the Office of the Attorney General, Crime Victim Services Division to provide direct victim services for victims; authorizing the City Manager to execute the grant agreement and any other documents necessary to effectuate the action taken; and providing an effective date. [Consent Agenda Item (E)]

**Resolution No. 2003-8-6(R):** To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (F)]

**Resolution No. 2003-8-7(R):** To approve the terms and conditions of an amended and restated median and right-of-way maintenance agreement by and between City of Plano and EDS Information Services, L.L.C. for installation and maintenance of sidewalks and improvements within the rights-of-way of the Legacy Town Center North and South Subdivisions; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (G)]

### **Adoption of Ordinances**

**Ordinance No. 2003-8-8:** To amend sections of Ordinance No. 89-6-18 codified as Section 10-3(b), (c), (d) and (e) and Ordinance No. 92-6-20 codified as Section 10-21 of Chapter 10 (Library) of the City of Plano Code of Ordinances; and providing a repealer clause, a severability clause, a savings clause, a publication clause and an effective date. [Consent Agenda Item (H)]

**Ordinance No. 2003-8-9:** To amend the Plano Code of Ordinances, Chapter 12, Motor Vehicles and Traffic, Article V, Stopping, Standing, and Parking, Section 12-102(e) to include the same prohibition along the west side of Jackson Drive from Jomar Drive south to Stanford Drive between the hours of 7:15 a.m. to 8:15 a.m. and 2:30 p.m. to 3:15 p.m. on school days; declaring the parking of motor vehicles in said section of Jackson Drive within the defined time limits as unlawful and a misdemeanor; and providing a severability clause, a penalty clause, and an effective date. [Consent Agenda Item (I)]

**Ordinance No. 2003-8-10:** To amend the Plano Code of Ordinances, Chapter 12, Motor Vehicles and Traffic, Article V, Stopping, Standing, and Parking, Section 12-102(e) to include the same prohibition along the east side of Rockledge Lane from White Rock Lane north to Waskom Drive between the hours of 7:15 a.m. to 8:15 a.m. and 2:45 p.m. to 3:30 p.m. on school days; declaring the parking of motor vehicles in said section of Rockledge Lane within the defined time limits as unlawful and a misdemeanor; and providing a severability clause, a penalty clause, and an effective date. [Consent Agenda Item (J)]

**Ordinance No. 2003-8-11:** To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 10.0± acres located on the southwest corner of Chase Oaks Boulevard and future Seabrook Drive in the City of Plano, Collin County, Texas, from Planned Development-107-Office-2 to Single Family-Attached; 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 request approved 07-28-03. Zoning Case 2003-29 [Consent Agenda Item (K)]

### **Approval of Expenditure**

To approve an expenditure with TriTech Incorporated for an annual software maintenance support agreement on the TriTech software in an amount of \$206,500; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. [Consent Agenda Item (L)]

To approve an expenditure with TriTech Incorporated for an annual software maintenance support agreement for the Cerulean software in an amount of \$52,460; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. [Consent Agenda Item (M)]

### **Amendment to Contract**

To approve a contract amendment with H.G. Doyle, d/b/a Doyle Engineering Group, for Professional Engineering Services in the amount of \$14,950 in connection with design of Erosion Control - Oakwood Glen, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (N)]

### **END OF CONSENT**

**Ordinance No. 2003-8-12:** To repeal Ordinance No. 2003-3-2 amending Article V. "Wreckers" of Chapter 11 of the Code of Ordinances of the City of Plano to amend Sec. 11-201 "Definitions" to delete definitions added by Ordinance No. 2003-3-2 and deleting Sec. 11-208 "Non-Consent Towing" in its entirety; and providing a repealer clause, a severability clause, penalty clause and an effective date. [Regular Agenda Item (1)]

City Manager Muehlenbeck advised the Council that this request is the result of recent state legislation addressing wrecker fees.

Upon a motion made by Council Member Magnuson and seconded by Council Member Johnson, the Council voted 7-0 to repeal Ordinance No. 2003-3-2 amending Article V. "Wreckers" of Chapter 11 of the Code of Ordinances of the City of Plano to amend Sec. 11-201 "Definitions" to delete definitions added by Ordinance No. 2003-3-2 and deleting Sec. 11-208 "Non-Consent Towing" in its entirety; and providing a repealer clause, a severability clause, penalty clause and an effective date; and further to adopt Ordinance No. 2003-8-12.

**Ordinance No. 2003-8-13:** To repeal Ordinance No. 2001-4-11, Article I, Section 14-5 “Firearms” of Chapter 14, Offenses-Miscellaneous of the Code of Ordinances of the City of Plano, Texas, to reflect changes in state law effective September 1, 2003 that prohibit a municipality from regulating the carrying of a concealed handgun by a license holder on property owned or leased by a governmental entity except for any governmental court or offices utilized by the court and at governmental meetings; amending Section 14-5 with renumbered regulations; providing a penalty clause, a repealing, severability and a savings clause and an effective date. [Regular Agenda Item (2)]

City Attorney Wetherbee advised the Council that this item amends the Code of Ordinances to comply with State law effective September 1, 2003 regarding carrying a concealed handgun in municipal buildings and responded to Council Member Dyer regarding ramifications of non-passage.

Upon a motion made by Council Member Callison and seconded by Council Member Lambert, the Council voted 7-0 to repeal Ordinance No. 2001-4-11, Article I, Section 14-5 “Firearms” of Chapter 14, Offenses-Miscellaneous of the Code of Ordinances of the City of Plano, Texas, to reflect changes in state law effective September 1, 2003 that prohibit a municipality from regulating the carrying of a concealed handgun by a license holder on property owned or leased by a governmental entity except for any governmental court or offices utilized by the court and at governmental meetings; amending Section 14-5 with renumbered regulations; providing a penalty clause, a repealing, severability and a savings clause and an effective date; and further to adopt Ordinance No. 2003-8-13.

**Public Hearing** to consider disbursement of grant funds awarded through the Local Law Enforcement Block Grants Program established under the 2003 Omnibus Appropriations Act (Pub. L. 108-7). This grant provides the Police Department with \$84,040 towards the purchase of equipment resources. [Regular Agenda Item (3)]

Chief Rushin advised the Council that the purpose of the Local Law Enforcement Block Grant Program is to reduce crime and improve public safety. He reviewed areas where funds have been utilized in the past, advised that an advisory board would meet to discuss the use of funds and stated that the Public Hearing provides input into the uses of monies. He responded to Council Member Lambert stating that the City’s match is approximately ten percent.

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

**Resolution No. 2003-8-14(R):** To authorize the City of Plano to participate in and receive funding through the Local Law Enforcement Block Grants Program established under the 2003 Omnibus Appropriations Act (Pub. L. 108-7) for the purpose of purchasing equipment resources for the Plano Police Department; authorizing the City Manager to execute any and all documents necessary to effectuate the action taken; and providing an effective date. [Regular Agenda Item (4)]

Upon a motion made by Council Member Dyer and seconded by Council Member Johnson, the Council voted 7-0 to authorize the City of Plano to participate in and receive funding through the Local Law Enforcement Block Grants Program established under the 2003 Omnibus Appropriations Act (Pub. L. 108-7) for the purpose of purchasing equipment resources for the Plano Police Department; authorizing the City Manager to execute any and all documents necessary to effectuate the action taken; and providing an effective date; and further to adopt Resolution No. 2003-8-14(R).

**Public Hearing and consideration of the “Spring Creek Parkway/Jupiter Road Area Plan”** and approving it as a general guide for decisions relating to land use, transportation, and public facilities and services within the study. Tabled 06-09-03 and 06/23/03 [Regular Agenda Item (5)]

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Council Member Dyer, the Council voted 7-0 to remove the item from the table.

Dennis Wilson of Townscape, Inc. reviewed the land use elements of the plan and advised that key issues relate to whether or not a DART station would be in the area. He stated if no station were built, Concept Plan “A” includes retail development in the area of K Avenue/Spring Creek Parkway, office uses to the northeast of the intersection and south of Plano Centre with residential zoning to the south and medium-density office uses between K Avenue and U.S. 75. He advised that Concept Plan “D” recommends a DART station at the northwest corner of K Avenue/Spring Creek Parkway. Mr. Wilson advised that this plan would have a somewhat reduced urban center area to avoid competition with the Parker Road Station and a loop road connecting to Legacy Drive which would pass through Plano Centre and cross westward to a new interchange at U.S. 75 to help address traffic concerns. Mr. Wilson advised that the plan includes medium-density residential zoning northeast of the urban center, spoke to issues related to splitting the Plano Centre site thus requiring its expansion to the south, and stated that the residential area to the south includes a variety of unit types.

Planning and Information Manager Zimmerman spoke regarding the loop road as proposed avoiding major disruption of the Pecan Lane neighborhood and to the possible impact on some commercial properties.

Mr. Zimmerman spoke to approving the northern section of roadway as a four-lane undivided facility, considering acquisition of right-of-way and roadway development north of Spring Creek Parkway, an at-grade connection from K Avenue to the U.S. 75 service road between Parker Road and Spring Creek Parkway. He spoke to continuing to evaluate the extension of the loop road south of Spring Creek Parkway and addressing factors to include the impact on Plano Centre and the viability of a new interchange. Mr. Zimmerman responded to Council Member Lambert stating that the alignment of the interchange should avoid church property in the area. City Manager Muehlenbeck stated concern regarding the effect of the plan on Plano Centre property and land acquisition problems. Mr. Zimmerman spoke to consideration of loop expansion southward cutting through the Plano Centre property thus forcing acquisition of land to the south and stated that such a roadway would offer visibility and access but create configuration problems. He spoke to continuing the study of roadway options and addressing more detailed analysis in the future. Mr. Zimmerman advised Council Member Dyer that the Transportation Division has been in contact with TxDOT regarding ramp reversal on U.S. 75.

Mr. Zimmerman spoke to utilizing Concept Plan "D" which includes a DART station on the northwest corner of K Avenue/Spring Creek Parkway, but suggested the City not purchase land or adjust zoning until DART has completed an updated service plan. He spoke regarding the proposed Spring Creek Parkway/U.S. 75 interchange modifications, problems that might occur during construction, issues related to funding, and suggested continuing to evaluate this proposal in light of other needed transportation improvements in the general area. Mr. Zimmerman spoke to housing units increasing future requirements for water and sewer capacity and suggested labeling proposed residential areas without specifying whether they are high, medium or low-density units. He spoke to utilizing policies from the Comprehensive Plan to determine the appropriate densities at the time of zoning.

Mr. Zimmerman responded to Deputy Mayor Pro Tem Stahel regarding the advantages of a DART station in the area indicated and stated that even if no station is included, Staff will continue to monitor the considerations of DART. Council Member Lambert spoke to DART understanding the City's desire to locate a station in the area. Director of Planning Jarrell spoke to the Planning and Zoning Commission's effort to study the effect a station may have on the area and the recommendation of Concept Plan "A" in the event DART does not construct one. She advised that the plan is predicated on DART extending the line as light rail and that this information will not be available until early next year. Ms. Jarrell spoke to considerations of whether or not a City is prepared to provide land use options that would support a station and increase ridership and advised that it would be 15-20 years before it would be in operation. She spoke to additional opportunities for the Council to indicate interest in having a station during updates to the Land Use Plan.

Ms. Jarrell spoke to issues related to the southern portion of the looped roadway including the expansion of Plano Centre and stated that the northern portion would provide the benefit of access to Plano Centre and interior properties and take some traffic off the Spring Creek Parkway interchange.

Mayor Pro Tem Stovall opened the Public Hearing. Ken Murchason of SLJ Company, representing property owners in the area, spoke to the current zoning of Light-Commercial being appropriate, concerns related to property owners paying the cost of constructing a looped roadway and further requested the Council review the benefits. He responded to Council Member Lambert stating that prospects for the property would be "tech-type" companies and "flex-space" users and spoke to development around the peripheral bringing utilities closer to the property. Inga Kerutis, citizen of the City, requested that if a connector is necessary, preference be given to Alternatives No. 2 or 3. Mr. Zimmerman spoke to No. 3 being a refined concept. No one else spoke either for or against the request. The Public Hearing was closed.

Ms. Jarrell responded to Council Member Lambert, stating that the current thoroughfare plan indicates Des Moines Drive turning westward to intersect with K Avenue and advised that construction would be the responsibility of the developer unless the City designates the item as a Capital Improvements Project. Deputy Mayor Pro Tem Stahel stated concern with forcing a land swap for any eventual expansion of Plano Centre. He spoke in favor of indicating a DART station and to having Des Moines Drive moved to the west which would potentially run down the property line of Mr. Murchason's property. Ms. Jarrell responded to Deputy Mayor Pro Tem Stahel, stating that a decision is not needed at this time as the Thoroughfare Plan south of Spring Creek Parkway could be left as is and that land use issues are reviewed every two years during updates. Council Member Lambert spoke to letting DART know that the City of Plano is willing to modify land uses and waiting for results of their review of the service plan.

Ms. Jarrell responded to Council Member Johnson regarding factors DART considers when determining station location including ridership and accessibility and advised that the station would be elevated and would not include a large amount of parking. The Council discussed the use of federal funds for station construction. Ms. Jarrell advised that preliminary information on station location should be available in early 2004 and spoke to DART's obligations through 2013. Council Member Lambert spoke to possible funding participation by cities to the north. Mr. Zimmerman and Ms. Jarrell responded to Council Member Dyer regarding benefits of an elevated station.

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Council Member Lambert, the Council voted 7-0 to table consideration of the “Spring Creek Parkway/Jupiter Road Area Plan” and approving it as a general guide for decisions relating to land use, transportation, and public facilities and services within the study until feedback is received from DART regarding location of a station in the area.

Ms. Jarrell responded to Council Member Dyer, stating that connecting Legacy Drive to Spring Creek Parkway could be an added consideration in review of the Thoroughfare Plan Update to which the Council concurred. Deputy Mayor Pro Tem Stahel spoke to consideration of the effect on the Pecan Lane neighborhood and Mr. Murchason’s property. City Manager Muehlenbeck responded to Council Member Callison that the northern extension of Des Moines Drive would provide additional access to Plano Centre and stated concerns regarding the recommendations for the Centre’s expansion. Ms. Jarrell responded to Council Member Lambert regarding ownership of the property on the west side of Des Moines Drive at Spring Creek Parkway.

**Public Hearing and adoption of Ordinance No. 2003-8-15 as requested in Zoning Case 2003-33** – to repeal in its entirety Ordinance No. 86-8-14 thereby; rescinding Specific Use Permit No. 116 for the additional use of an Arcade on 0.6± acre of land located 290± feet north of Enterprise Drive and 200± feet west of Premier Drive in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; 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. Zoned Corridor Commercial with Specific Use Permits #116 for Arcade and #493 for Private Club (CC w/SUPs #116 & #493) Neighborhood #47. Applicant: City of Plano [Regular Agenda Item (6)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted.

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

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Council Member Dyer, the Council voted 7-0 to repeal in its entirety Ordinance No. 86-8-14 thereby; rescinding Specific Use Permit No. 116 for the additional use of an Arcade on 0.6± acre of land located 290± feet north of Enterprise Drive and 200± feet west of Premier Drive in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; 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 2003-33; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2003-8-15.

There being no further discussion, Mayor Pro Tem Stovall adjourned the meeting at 8:30 p.m.

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Steve Stovall, **MAYOR PRO TEM**

ATTEST:

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Elaine Bealke, City Secretary