

**PLANO CITY COUNCIL**  
**September 26, 2011**

**COUNCIL MEMBERS**

Phil Dyer, Mayor  
Pat Miner, Mayor Pro Tem  
Lissa Smith, Deputy Mayor Pro Tem  
Ben Harris  
André Davidson  
James Duggan  
Patrick Gallagher  
Lee Dunlap

**STAFF**

Bruce Glasscock, City Manager  
Frank Turner, Deputy City Manager  
LaShon Ross, Deputy City Manager  
Diane C. Wetherbee, City Attorney  
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, September 26, 2011, at 7:03 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

Director of Prestonwood Foundation/Minister at Prestonwood Baptist Church – Plano Campus Ron Kelley led the invocation and Cub Scout Pack 261 of Christie Elementary led the Pledge of Allegiance.

**PROCLAMATIONS & SPECIAL RECOGNITION**

Mayor Dyer received a plaque from the State Fire Marshal's Office and the Insurance Services Office for retention of Public Protection Class 1 rating.

**COMMENTS OF PUBLIC INTEREST**

No one appeared to speak.

**CONSENT AGENDA**

Staff requested that Consent Agenda Item “U” be pulled from the agenda.

Mayor Dyer requested that Consent Agenda Item “V” be removed for individual consideration due to a possible conflict of interest.

Upon a motion made by Council Member Harris and seconded by Council Member Dunlap, 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")  
September 12, 2011

**Approval of Expenditures**

**Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)**

**CSP No. 2011-253-B** for Spring Creek Elevated Tank Repaint project to Classic Protective Coatings, Inc. in the amount of \$957,125 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

**Bid 2011-280-B** for the Pecan Hollow Golf Course Tree Planting Plan, Project No. 6176 in the amount of \$66,280 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

**Bid No. 2011-246-B** for Fleet Facility Roof Replacement - Project No. 6126 to Paragon Roofing, Inc. in the amount of \$257,835 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "D")

**CSP No. 2011-195-C** for a one (1) year contract with three (3) optional one year renewals for Voice and Data Wiring Services to Able Communications, Inc. in the estimated annual amount of \$300,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

**Purchase from an Existing Contract**

To approve the purchase of Ruggedized Tablet Computers for the Fire Department in the amount of \$123,698 from WAV, Inc. through an existing contract/agreement with The Cooperative Purchasing Network (TCPN) and authorizing the City Manager to execute all necessary documents. (TCPN Contract Number R5065) (Consent Agenda Item "F")

**Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)**

To approve a contract made and entered into by and between the City of Plano and Sharon Rowe, the Elections Administrator of Collin County, Texas, pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City's November 8, 2011 Special Election in the estimated amount of \$94,187. (Consent Agenda Item "G")

To approve a contract made and entered into by and between the City of Plano and Frank Phillips, the Election Administrator of Denton County, Texas, pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City's November 8, 2011 Special Election in the estimated amount of \$3,863. (Consent Agenda Item "H")

## **Adoption of Resolutions**

**Resolution No. 2011-9-13(R):** To approve pursuant to Chapter 11, License and Business Regulations, Article VIII, Special Events, of Section 11-359 Fees/Costs, of the City Code of Ordinances of the City Council of the City of Plano, Texas authorizing the establishment of non-refundable special event permit application processing fees, including a late fee, and providing an effective date. (Consent Agenda Item “I”)

**Resolution No. 2011-9-14(R):** To approve pursuant to Chapter 15, Parks and Recreation, Article IV, User Fees, of Section 15-81, Establishment of Fee and Chapter 11, Licenses and Business, Article VIII, Special Events, of Section 11-315 Standards for Issuance of Permit, of the City Code of Ordinances of the City Council of the City of Plano, Texas authorizing the establishment of a site restoration fee; and providing an effective date. (Consent Agenda Item “J”)

**Resolution No. 2011-9-15(R):** To approve the terms and conditions of agreements between the City of Plano, Texas, and various heritage preservation organizations which render services that are beneficial to the public and serve a valid public purpose in the total amount of \$685,153; authorizing the City Manager to execute such agreements with these organizations for the provision of support of heritage preservation; and providing an effective date. (Consent Agenda Item “K”)

**Resolution No. 2011-9-16(R):** To approve the terms and conditions of a grant awarded by the Edward Byrne Memorial Justice Assistance (JAG) State Formula Program through the Criminal Justice Division of the Office of the Governor of Texas to the City of Plano, Texas for Firearms and Ballistic Forensic Analysis; authorizing the execution of any and all documents in connection therewith by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

**Resolution No. 2011-9-17(R):** To approve the terms and conditions of a First Amendment to Tax Abatement Agreement by and between the City of Plano, Texas, Plano Tech Center Partners, Ltd., and Lineage Power Corporation; and authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “M”)

**Resolution No. 2011-9-18(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between Palo Alto Networks, Inc., a Delaware corporation, and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “N”)

**Resolution No. 2011-9-19(R):** To approve the terms and conditions of an Assignment and Assumption of Office Lease and First Amendment to Office Lease by and between Granite Park III, Ltd., Plano Economic Development Board, Inc. and the City of Plano for Granite Park Three Office Building; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “O”)

**Resolution No. 2011-9-20(R):** To approve the terms and conditions of an Assignment and Acknowledgment Agreement by and among Crossmark, Inc., Plano Economic Development Board, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “P”)

**Resolution No. 2011-9-21(R):** To approve the terms and conditions of an Acceptance and Receipt Instrument for property from the Plano Economic Development Board, a Texas non-profit corporation, to the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “Q”)

**Resolution No. 2011-9-22(R):** To approve acceptance of the terms and conditions of a Trademark Assignment from Plano Economic Development Board, Inc. to and for the benefit of the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “R”)

**Resolution No. 2011-9-23(R):** To nominate Roy L. Wilshire for election to the Collin County Central Appraisal District Board of Directors; and providing an effective date. (Consent Agenda Item “S”)

**Resolution No. 2011-9-24(R):** To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Garland, Texas to allow the employees of the City of Garland to take classes offered by City of Plano Human Resources Department; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “T”)

### **Adoption of Ordinances**

To amend Chapter 21 (Utilities), Article II (Water), Division 4 – Drought Contingency Plan, Section 21-59.6(c)(3) of the City of Plano Code of Ordinances, to revise the Stage 3 water reduction actions; and providing a repealer clause, a severability clause, a savings clause, a penalty clause and an effective date. (Consent Agenda Item “U”) (Item Pulled)

**Ordinance No. 2011-9-25:** To adopt revised City Council district boundaries for Districts 1-4; and providing a repealer clause, a savings clause, a severability clause, and an effective date. (Public Hearings held August 22, 2011 and September 12, 2011). (Consent Agenda Item “W”)

**Ordinance No. 2011-9-26:** To amend Section 6-487 Prohibited Signs and 6-496 Special Event Signage of Article XII Temporary Signs, of Chapter 6. Buildings and Building Regulations of the Code of Ordinances of the City of Plano; providing a repealer clause, a severability clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “X”)

**Ordinance No. 2011-9-27:** To repeal in its entirety Ordinance No. 2010-11- 14, codified as Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste of the Code of Ordinances of the City of Plano, Texas and enacting this new Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, establishing a revised schedule of rates and charges for solid waste disposal and collection applicable to commercial accounts; providing a repealer clause, a severability clause, and providing an effective date. (Consent Agenda Item “Y”)

**Ordinance No. 2011-9-28:** To amend Division 3 of Chapter 12, “Motor Vehicles and Traffic,” Section 12-226.-Definitions, of the Code of Ordinances of the City of Plano by revising the definition of junked vehicle to conform to a change in state law, and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “Z”)

**Ordinance No. 2011-9-29:** To transfer the sum of \$94,187 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2011-12 for the purpose of providing funds for the estimated costs associated with conducting a Special Election, November 8, 2011, which was ordered on August 31, 2011; amending the Budget of the City and Ordinance 2011-9-8, declaring this action to be a case of public necessity; and providing an effective date. (Consent Agenda Item “AA”)

**Ordinance No. 2011-9-30:** To transfer the sum of \$3,863 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2011-12 for the purpose of providing additional funds for the estimated costs associated with conducting a Special Election on November 8, 2011, which was ordered on August 31, 2011; amending the Budget of the City and Ordinance 2011-9-8, declaring this action to be a case of public necessity; and providing an effective date. (Consent Agenda Item “BB”)

**Ordinance No. 2011-9-31:** To repeal Ordinance No. 2011-8-14; establishing the number of certain classifications within the Fire Department for fiscal year 2011-12; establishing the authorized number and effective dates of such positions for each classification effective September 26, 2011; establishing a salary plan for the Fire Department effective September 26, 2011; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item “CC”)

**Ordinance No. 2011-9-32:** To repeal Ordinance No. 2011-8-14; establishing the number of certain classifications within the Police Department for fiscal year 2011-12; establishing the authorized number and effective dates of such positions for each classification effective September 26, 2011; establishing a salary plan for the Police Department effective September 26, 2011; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item “DD”)

**Ordinance No. 2011-9-33:** To terminate Tax Increment Reinvestment Zone Number One, City of Plano, Texas; authorizing the distribution of tax increment funds of the zone to taxing units participating in the zone in accordance with the Texas Tax Code; and providing a repealer clause, a savings clause, a severability clause, and an effective date. (Consent Agenda Item “EE”)

**Ordinance No. 2011-9-34:** To adopt and enact Supplement Number 95 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date. (Consent Agenda Item “FF”)

## **END OF CONSENT**

Due to a possible conflict of interest, Mayor Dyer stepped down from the bench on the following item.

**Ordinance No. 2011-9-35:** To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 13.9± acres located at the northwest corner of Kathryn Lane and Rowlett Cemetery Road in the City of Plano, Collin County, Texas, from Regional Commercial to Single-Family Residence-6; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Birkel Custer 121 Partners Ltd. (Zoning Case 2011-18 - Public Hearing held September 12, 2011). (Consent Agenda Item “V”)

Upon a motion made by Council Member Duggan and seconded by Council Member Davidson, the Council voted 8-0 to rezone 13.9± acres located at the northwest corner of Kathryn Lane and Rowlett Cemetery Road in the City of Plano, from Regional Commercial to Single-Family Residence-6; as requested in Zoning Case 2011-18; and further to adopt Ordinance No. 2011-9-35.

Mayor Dyer resumed his seat at the bench.

**Public Hearing and adoption of Ordinance No. 2011-9-36** as requested in Zoning Case 2011-22 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 613 so as to allow the additional use of Gymnastics/Dance Studio on 0.7± acre of land located 80± feet west of N Avenue, 350± feet south of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Light Industrial-1; 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, a publication clause, and an effective date. Applicant: Randall Haefli (Regular Agenda Item “1”)

Planning Manager Firgens advised that the Planning and Zoning Commission recommended approval of the request as submitted.

Mayor Dyer opened the Public Hearing. No one appeared to speak for or against the request. The Public Hearing was closed.

Upon a motion made by Mayor Pro Tem Miner and seconded by Deputy Mayor Pro Tem Smith, the Council voted 8-0 to grant Specific Use Permit No. 613 so as to allow the additional use of Gymnastics/Dance Studio on 0.7± acre of land located 80± feet west of N Avenue, 350± feet south of Plano Parkway in the City of Plano, presently zoned Light Industrial-1 as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2011-22; and further to adopt Ordinance No. 2011-9-36.

**Public Hearing and adoption of Ordinance No. 2011-9-37** as requested in Zoning Case 2011-23 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 13.2± acres located at the northeast corner of Parker Road and U.S. Highway 75 in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Parker Central Plaza Ltd. (Regular Agenda Item “2”)

**Ordinance No. 2011-9-37 (cont'd)**

Planning Manager Firgens spoke to the request for additional height and size of pole signs at the location which has experienced a decrease in visibility as a result of recent overpass construction. She advised that the current sign ordinance would permit multiple tenants on pole signs as well as a shopping center's name and advised that the Planning and Zoning Commission recommended approval as follows:

Restrictions:

The permitted uses and standards shall be in accordance with the Corridor Commercial (CC) zoning district unless otherwise specified herein.

General Provisions of the Planned Development

Signage shall be allowed in accordance with Section 3.1600 (Sign Regulations) except that a maximum of six freestanding pole signs along U.S. Highway 75 shall be allowed within the planned development district, and at a maximum 50 feet in height. Additionally, three of the freestanding pole signs shall have a maximum allowable sign area of 200 square feet each, and the three remaining freestanding pole signs shall have a maximum allowable sign area of 100 square feet each.

Ms. Firgens responded to the Council, advising that the number of tenants on each sign would be determined by the property owner and that other regulations within the zoning district would remain unchanged.

Mayor Dyer opened the Public Hearing. Executive Vice-President of Masterplan Dallas Cothrum spoke to the unique nature of this location, challenges related to visibility and requested approval. No one else appeared to speak for or against the request. The Public Hearing was closed.

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Gallagher, the Council voted 8-0 to rezone 13.2± acres located at the northeast corner of Parker Road and U.S. Highway 75 in the City of Plano, from Corridor Commercial to Planned Development-Corridor Commercial as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2011-23; and further to adopt Ordinance No. 2011-9-37.

Nothing further was discussed and Mayor Pro Tem Miner adjourned the meeting at 7:33 p.m.

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, City Secretary