

PLANO CITY COUNCIL
May 23, 2011

COUNCIL MEMBERS

Phil Dyer, Mayor
Pat Miner, Mayor Pro Tem
Lissa Smith, Deputy Mayor Pro Tem
Ben Harris
André Davidson
James Duggan
Jean Callison
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, May 23, 2011, at 7:04 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Council Member Dunlap and Mayor Dyer led the Pledge of Allegiance.

Mayor Dyer presented proclamations recognizing National Historic Preservation Month and Taiwanese-American Heritage Week. Karen E. Mitchell of the Senior Citizens Advisory Committee, was not in attendance for an oath of office.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon the request of Staff, Consent Agenda Item “K” was removed for individual consideration.

Upon a motion made by Council Member Harris and seconded by Deputy Mayor Pro Tem Smith, 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”)
May 4, 2011
May 9, 2011

Approval of Expenditures

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

Bid No. 2011-52-C for a one (1) year contract with three (3) City optional renewals for the Median and Right-of-Way Landscape Maintenance for the Parks and Recreation Department to Good Earth Corporation in the amount of \$84,740 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Bid No. 2011-99-C for a one (1) year contract with three (3) City optional renewals to purchase preformed thermoplastic pavement marking and sealer for Public Works from Flint Trading, Inc. in an estimated amount of \$93,566 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Purchase from an Existing Contract

To approve a contract for the purchase of support and maintenance for a one (1) year contract with two (2), one (1) year City optional renewals for J. D. Edwards Software Applications, in the amount of \$125,280 from Oracle America, Inc., through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR-VPC-03-018) (Consent Agenda Item "D")

Approval of Contract Modification

To approve the First Addendum of the Technical Service Support Agreement by and between the City of Plano (Fire Department) and Physio-Control, Inc., to add an existing inventory of Lifepak 12 and Lifepak 500 AED units for maintenance and consumables, for the remainder of the five (5) year term (7/24/10 - 7/23/15) in the additional amount of \$93,924 payable in annual installments. (Consent Agenda Item "E")

Adoption of Resolutions

Resolution No. 2011-5-11(R): To repeal prior Council action approving the contract with AT&T Mobility for Wireless Voice and Data Services on December 7, 2010; approving a new contract for Wireless Voice & Data Services from AT&T Mobility National Accounts L.L.C. d/b/a AT&T Mobility in an amount not to exceed \$525,000; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "F")

Resolution No. 2011-5-12(R): To approve the terms and conditions of a First Amendment to Development Agreement by and between the City of Plano, Texas, and Tenth Street Plano, L.P.; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "G")

Resolution No. 2011-5-13(R): To approve the settlement agreement between the City of Plano and the United States of America, acting through the United States Department of Justice regarding a dispute concerning ambulance billing for Medicare/Medicaid reimbursement; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “H”)

Adoption of Ordinances

Ordinance No. 2011-5-14: To amend Section 12-73.1 of Chapter 12 Motor Vehicles and Traffic of the City of Plano Code of Ordinances; to enact school zones for summer school sessions; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “I”)

Ordinance No. 2011-5-15: To approve a negotiated resolution between the Steering Committee of Cities Served by Oncor (“Steering Committee”) and Oncor Electric Delivery Company LLC (“Oncor” or “Company”) regarding the Company’s application to increase electric rates in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; requiring the Company to reimburse cities’ reasonable ratemaking expenses; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; approving Oncor’s proof of revenues; adopting a savings clause; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this Ordinance to the Company and the Steering Committee’s legal counsel. (Consent Agenda Item “J”)

Ordinance No. 2011-5-16: To repeal Ordinance No. 84-9-26 codified as Article II, Heliports; Helistops, to Chapter 5, Aviation, of the City of Plano Code of Ordinances and providing an effective date. (Consent Agenda Item “L”)

END OF CONSENT

Ordinance No. 2011-5-17: To transfer the sum of \$433,263 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2010-11 for the purpose of providing funds for a settlement agreement between the City of Plano and the United States of America acting through the United States Department of Justice regarding a dispute concerning ambulance billing for Medicare/Medicaid reimbursement; amending the budget of the City and Ordinance 2010-9-8; declaring this action to be a case of public necessity; and providing an effective date. (Consent Agenda Item “K”)

City Manager advised that a revision has been made to clarify appropriations for the General Fund in the amount of \$197,057,891.

Ordinance No. 2011-5-17 (cont'd)

Upon a motion made by Council Member Dunlap and seconded by Council Member Davidson, the Council voted 8-0 to transfer the sum of \$433,263 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2010-11 for the purpose of providing funds for a settlement agreement between the City of Plano and the United States of America acting through the United States Department of Justice regarding a dispute concerning ambulance billing for Medicare/Medicaid reimbursement; and further to adopt Ordinance No. 2011-5-17 as revised.

The following two items were read concurrently.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2011-04 - Request to rezone 20.3± acres located at the southwest corner of State Highway 121 and Parkwood Boulevard from Commercial Employment and Central Business-1 to Planned Development-Commercial Employment. Zoned Commercial Employment and Central Business-1/State Highway 121 Overlay District. Tabled 04/25/11. Applicant: USL Frisco II, LLC (Regular Agenda Item "1")

Consideration of an Appeal of the Planning & Zoning Commission's Denial of the Concept Plan for Parkwood Village, Block A, Lots 1 & 2 - Retail, restaurants and 400 multifamily units on two lots on 20.3± acres located at the southwest corner of Parkwood Boulevard and State Highway 121. Zoned Commercial Employment and Central Business-1/State Highway 121 Overlay District. Tabled 04/25/11 Applicant: USL Frisco II, LLC (Regular Agenda Item "2")

Upon a motion made by Council Member Dunlap and seconded by Mayor Pro Tem Miner, the Council voted 8-0 to remove Regular Agenda Items "1" and "2" from the table.

Planning Manager Firgens advised that the applicant has requested the items be withdrawn.

Upon a motion made by Council Member Dunlap and seconded by Deputy Mayor Pro Tem Smith, the Council voted 8-0 to accept the applicant's withdrawal of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2011-04 - Request to rezone 20.3± acres located at the southwest corner of State Highway 121 and Parkwood Boulevard from Commercial Employment and Central Business-1 to Planned Development-Commercial Employment

Upon a motion made by Council Member Dunlap and seconded by Council Member Callison, the Council voted 8-0 to accept the applicant's withdrawal of an Appeal of the Planning & Zoning Commission's Denial of the Concept Plan for Parkwood Village, Block A, Lots 1 & 2 - Retail, restaurants and 400 multifamily units on two lots on 20.3± acres located at the southwest corner of Parkwood Boulevard and State Highway 121.

Public Hearing and adoption of Ordinance No. 2011-5-18 as requested in Zoning Case 2011-08 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 8.8± acres located on the south side of 14th Street, 174± feet east of Star Court in the City of Plano, Collin County, Texas, from Planned Development-202-Research/Technology Center to Planned Development- 218-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: Sammy Jibrin (Regular Agenda Item “3”)

Planning Manager Firgens advised the Council that the Planning and Zoning Commission recommended approval of the request with the following restrictions:

The permitted uses and standards shall be in accordance with the Single-Family Residence-6 (SF-6) zoning district unless otherwise specified herein.

General Provisions of the Planned Development

1. Minimum lot depth shall be 90 feet.
2. Minimum side yard setback shall be six feet except corner lots shall have a minimum 15 foot side yard setback on the street side.

Ms. Firgens spoke to the rezoning of other property in the area to single-family residence and the Commission’s work identifying this location as appropriate for residential development. She responded to Council Member Harris, advising that there could be some conflicts with the proximity of the police gun range.

Mayor Dyer opened the Public Hearing. Sharon Barbosa of Barbosa Professional Services, representing the applicant, spoke to other residentially zoned properties in the area, planned use of noise attenuation methodologies to be sure residents are protected from noise and requested Council approval. She responded to Mayor Pro Tem Miner regarding her involvement in development of properties near DFW Airport. No one else spoke for or against the request. The Public Hearing was closed.

City Manager Glasscock responded to Council Member Harris regarding the future of the gun range as residential development expands in the area, advising that enclosure of the police may be an option and that current cost estimates are \$1 million. Mayor Pro Tem Miner spoke to the lack of complaints from current residents and the proposal being similar to those previously approved. Council Member Davidson spoke to the proximity of Otto Middle School resulting in more residential zoning.

A motion was made by Mayor Pro Tem Miner and seconded by Council Member Dunlap, to rezone 8.8± acres located on the south side of 14th Street, 174± feet east of Star Court in the City of Plano, Collin County, Texas, from Planned Development-202-Research/Technology Center to Planned Development- 218-Single-Family Residence-6 as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2011-08; and further to adopt Ordinance No. 2011-5-18. The Council voted 7 -1 with Council Member Harris voting in opposition. The motion carried.

Public Hearing and adoption of Ordinance No 2011-5-19 as requested in Zoning Case 2011-09 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 1.1± acres located on the north side of 11th Street, east and west of E Avenue in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-219-General Residential; 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: Habitat for Humanity of Southern Collin County (Regular Agenda Item “4”)

Planning Manager Firgens spoke to surrounding zoning, the opportunity for new housing in the area, meeting the objectives of the Housing and Infill Housing Policy Statement and the conversion of retail property to residential. Ms. Firgens responded to the Council, advising that the property has been vacant for several years and that the Planning and Zoning Commission recommended approval as follows:

The permitted uses and standards shall be in accordance with the General Residential (GR) zoning district unless otherwise specified herein.

1. Maximum front yard setback on E Avenue shall be 20 feet.
2. No maximum front yard setback is required for lots fronting 11th Street.
3. Side yard setbacks for corner lots fronting 11th Street shall be a minimum ten feet.
4. Minimum lot depth for lots fronting 11th Street shall be 85 feet.
5. Residential Lots fronting 11th Street which are adjacent to a non-residential zoning district shall be permitted to construct a solid fence (minimum 6 feet, maximum 8 feet) within the required front yard of the residential lot along the shared zoning district boundary line.

Mayor Dyer opened the Public Hearing. No one spoke 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 rezone 1.1± acres located on the north side of 11th Street, east and west of E Avenue in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-219-General Residential; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2011-09; and further to adopt Ordinance No 2011-5-19.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 7:39 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary