

PLANO CITY COUNCIL
October 10, 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 directly from the Preliminary Open Meeting on Monday, October 10, 2011, at 7:06 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Deputy Mayor Pro Tem Smith and Council Member Duggan.

Reverend Kevin McClain of St. Andrew United Methodist Church led the invocation and Jr. Girl Scout Troop 8638 of Aldridge and Weatherford Elementary Schools led the Pledge of Allegiance.

PROCLAMATIONS & SPECIAL RECOGNITION

Mayor Dyer presented proclamations recognizing Pancreatic Cancer Month and National Arts and Humanities Month.

OATHS OF OFFICE

Mayor Dyer administered oaths of office to incoming members of boards and commissions.

The Council resumed discussion of items from the Preliminary Open Meeting in the following order.

Discussion and Direction Regarding Live Nation Festival and Concert Series

Director of Parks and Recreation Fortenberry spoke to a potential partnership with Live Nation to stage a festival and advised regarding the potential economic impact. She advised that the City's participation would be capped at \$125,000 consisting of in-kind services (road closures, emergency services, etc.). Ms. Fortenberry spoke to an additional concert series of 12-15 events per year and advised that funding would be through a supplemental appropriation. Live Nation Senior Vice President Danny Eaton spoke to their desire to produce events in preferred venues, potential musical styles, staging, promotion and economic impact. The Council stated a consensus to move forward.

Discussion and Direction Regarding Plano's Stage 3 Water Restrictions

Director of Policy and Government Relations Israelson spoke to restrictions in place under Stage 2 and enforcement. He spoke to implementation of Stage 3 following the recommendation of the North Texas Municipal Water District to permit watering once every other week. The Council spoke to the level of compliance by citizens and concurred with the recommendation.

The Council resumed the Regular Session.

COMMENTS OF PUBLIC INTEREST

Resident Warren Casteel requested Council consider passage of a *Safe Passing Ordinance* establishing a distance for motor vehicles passing bicycles, runners or other "vulnerable road users." City Manager Glasscock stated that a recommendation would be brought forward for Council consideration.

CONSENT AGENDA

Mayor Dyer advised that he would be stepping down on Regular Agenda Item No. "3" due to a possible conflict of interest.

Upon a motion made by Council Member Dunlap and seconded by Council Member Harris, the Council voted 6-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item "A")
September 26, 2011

Approval of Expenditures

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

Bid No. 2011-272-B for the Bob Woodruff Park, North Pavilion Renovation, Project No. 6081, to T & G Constructors in the amount of \$388,500 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Purchase from an Existing Contract

To approve the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$100,000 from Brodart through an existing contract/agreement with Texas State Contract 715-N1 Print Materials and Multimedia; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

To approve the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$150,000 from Ingram Library Services through an existing contract/agreement with Texas State Contract 715-N1 Print Materials and Multimedia; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

To approve the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$300,000 from Midwest Tapes through an existing contract/agreement with Texas State Contract 715-N1 Print Materials and Multimedia; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

To approve the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$450,000 from Baker and Taylor through an existing contract/agreement with Texas State Contract 715-N1 Print Materials and Multimedia; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

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

To approve a Landscape Architecture Services Agreement by and between the City of Plano and Mesa Design Associates, Inc., in the amount of \$94,920 for master planning services associated with the White Rock Creek Community Park Site and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

Approval of Change Order

To Jerusalem Corporation, increasing the contract by \$83,438 for the 2009-2010 Residential Concrete Pavement Rehabilitation Project, Zone J5 North, Project No. 6091, Change Order No. 1, Bid No. 2010-241-B, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

Adoption of Resolutions

Resolution No. 2011-10-1(R): To approve the terms and conditions of funding agreements between the City of Plano, Texas and various arts organizations; authorizing their execution by the City Manager; and providing an effective date. (Consent Agenda Item “I”)

Resolution No. 2011-10-2(R): To approve the terms and conditions of funding agreements between the City of Plano, Texas and various special event organizers; authorizing their execution by the City Manager; and providing an effective date. (Consent Agenda Item “J”)

Resolution No. 2011-10-3(R): To approve the terms and conditions of a First Amendment to the Economic Development Incentive Agreement by and between the City of Plano, Texas and Aimbridge Hospitality, L.P., a Texas Limited Partnership and authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

Resolution No. 2011-10-4(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Sears Holdings Management Corporation and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2011-10-5(R): To affirm the appointment of a Shared Member and reaffirm the appointment of a Member to serve on the Dallas Area Rapid Transit (DART) Board of Directors; and providing an effective date. (Consent Agenda Item “M”)

Adoption of Ordinances

Ordinance No. 2011-10-6: To abandon all right, title and interest of the City, in and to that certain drainage easement recorded in Volume 5949, Page 46, of the Land Records of Collin County, and to that certain drainage easement recorded in Instrument No. 20081113001330600, Official Public Records of Collin County, Texas, and to that certain temporary drainage easement recorded in Collin County Clerk’s File No. 2005-0085575 of the Land Records of Collin County, Texas being situated in the M. C. Vela Survey, Abstract No. 935, located north of Windhaven Parkway and west of Spring Creek Parkway, which are located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the abutting property owner, Toll Dallas TX LLC., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “N”)

Ordinance No. 2011-10-7: To amend Section 8-3 of Article I of Chapter 8, Fire Prevention and Protection, of the Code of Ordinances of the City of Plano, Texas, to delete provisions involving the City’s policy to respond to emergency ambulance calls and the boundaries for transporting patients for medical care, and providing a repealer clause, a savings clause, a severability clause, and an effective date. (Consent Agenda Item “O”)

Ordinance No. 2011-10-8: To provide for the issuance of City of Plano, Texas, General Obligation Refunding and Improvement Bonds, Series 2011 in an amount not to exceed \$53,000,000; levying a tax in payment thereof; approving the Official Statement; approving execution of a purchase contract and escrow agreement; and enacting other provisions relating thereto; and providing an effective date. (Consent Agenda Item “P”)

END OF CONSENT

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2011-24 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 614 so as to allow the additional use of Day Care Center (In home) on 0.1± acre of land located on the east side of Grenoble Court, 110± feet north of Renaissance Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-74-Single-Family Residence-7, Two-Family Residence (Duplex), and Planned Residential Development-7; 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: Jetzamany Velazquez (Regular Agenda Item "1")

Planning Manager Firgens advised that the Zoning Ordinance allows care for eight children by right and twelve with approval of a specific use permit (SUP). She spoke to evaluation on a case-by-case basis, this location in operation since 2008 requiring an SUP due to an increase in the number of children, and stated that the Planning and Zoning Commission recommended approval of the request as submitted. Ms. Firgens responded to the Council regarding the number of employees, spoke to support expressed by a neighbor of the property, and advised that operators are asked regarding those in their care during inspections to obtain a Certificate of Occupancy.

Mayor Dyer opened the Public Hearing. Applicant Jetzamany Velazquez advised that the inspections are part of a state licensing process and spoke to the area of her home utilized. Ms. Firgens responded to the Council, advising that the City's parameters for the number of children mirror those permitted by state licensing, spoke regarding consideration of locations on a case-by-case basis, and advised that the SUP remains with the property. Mayor Dyer and Council Member Gallagher stated concern regarding caring for 12 children at one location within a residential area. City Attorney Wetherbee spoke to the Council's latitude in making a determination based on the impact to the neighborhood. Ms. Velazquez spoke to her current operation and the potential to move to a commercial location in the future. No one else spoke for or against the request. The Public Hearing was closed.

Mayor Pro Tem Miner stated concern regarding street access, the number of children to be cared for, permanency of the SUP and encouraged the applicant to utilize commercial space. Council Member Harris stated concern regarding the impact to the neighborhood. Council Member Dunlap spoke to this location being suitable for permitting.

A motion was made by Mayor Pro Tem Miner and seconded by Council Member Gallagher and the Council voted 5-1 to deny the request to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, granting Specific Use Permit No. 614 so as to allow the additional use of Day Care Center (In home) on the east side of Grenoble Court, 110± feet north of Renaissance Drive as requested in Zoning Case 2011-24. Council Member Dunlap voted in opposition. The motion carried.

Public Hearing and adoption of Ordinance No. 2011-10-9 as requested in Zoning Case 2011-26 to amend Subsection 3.1605 (Downtown Sign District) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to allow for reader board/electronic message center signs; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item “2”)

Planning Manager Firgens advised that the Planning and Zoning Commission recommended approval of the request to read as follows:

3. General Provisions

d. Sign Materials

Sign finish materials shall be one of the following:

- i. Metal, painted or enameled.
- ii. Cold cathode tube (neon).
- iii. Carved relief in stone or cast stone.
- iv. Wood or carved wood which is painted or sealed.
- v. The use of plastic on the exterior of a sign is prohibited, except on a marquee and institution signs.

e. Lighting of Signs

- i. All electrical shall comply with the currently adopted version of the National Electrical Code.
- ii. Buildings and signs may be illuminated by remote light sources provided that these light sources are shielded to protect adjacent properties.
- iii. No illuminated sign may contain flashing or moving elements or change its brightness. (Exception: historic signs.)
- iv. No signs, except a marquee and institution signs, may be illuminated by fluorescent or back lighting. Institution signs with a reader board/electronic message center shall be illuminated in accordance with 3.1603(7). (Exception: historic signs.)

5. Signs Allowed/Prohibited

b. Prohibited Signs

The following signs are prohibited in the Downtown Sign District:

- i. Any sign not specifically permitted by this section is prohibited.
- ii. Any sign that flashes, blinks, revolves, or is put into motion by the atmosphere will not be permitted unless otherwise allowed in 3.1605.
- iii. Portable signs, except for a-frame or sandwich board signs, will not be permitted.

6. Table of Permitted Signs

Signs Permitted in Each Sub-Area of the Downtown Sign District		
Sign Type	Area A	Area B
A-frame/Sandwich Board Sign	X	X
Armature Sign		X
Awning Sign	X	X
Banner Sign	X	X

Directory Sign	X	X
Hanging Sign	X	X
<u>Institution Sign</u>		<u>X</u>
Marquee Sign	X	X
Pole Sign		X
Municipally-owned Sign	X	X
Mural Sign	X	X
Onsite Directional Sign	X	X
Projecting Sign	X	
Wall Sign - Attached	X	X
Window Sign	X	
(X = Permitted)		

7. Sign Standards

r. Institution Signs

Institution signs shall not exceed 32 square feet with a maximum height of six feet, and shall be monument-type signs. Required setback shall be eight feet from the front property line (or any property line adjacent to a street) and 30 feet from any adjoining property line. Institution signs are limited to one per street front along major streets only as defined by Subsection 8.222 (5)(a)(i).

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 Council Member Davidson the Council voted 6-0 to amend Subsection 3.1605 of Section 3.1600 of Article 3 and related sections of the Comprehensive Zoning Ordinance of the City, to allow for reader board/electronic message center signs; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2011-26; and further to adopt Ordinance No. 2011-10-9.

Due to a possible conflict of interest, Mayor Dyer stepped down from the bench on the following item and did not return to the meeting.

Public Hearing and adoption of Ordinance No. 2011-10-10 as requested in Zoning Case 2011-28 to amend Section 1.600 (Definitions) of Article 1 (General Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, pertaining to private recreation facility and recreation center uses; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item “3”)

Planning Manager Firgens advised regarding applicable zoning districts; spoke to owner compliance with development and performance standards; and advised that the Planning and Zoning Commission recommended approval of the request as follows: (Additions are in underlined text; deletions are shown as strikethrough text)

Ordinance No. 2011-10-10 (cont'd)

Amend Section 1.600 (Definitions) of Article 1 (General Regulations), such definitions to read as follows:

Private Recreation Facility or Area - A ~~recreation~~ facility or area which is owned and/or operated by a nonprofit organization, that provides for sports, leisure, and recreation activities operated for the exclusive use of private residents or neighborhood groups, its members and their guests and not the general public.

Recreation Center - A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, owned and/or operated by a governmental agency.

Mayor Pro Tem Miner opened the Public Hearing. Gordon McAleb of Custer Road United Methodist Church spoke in support of the amendment. No one else appeared to speak for or against the request. The Public Hearing was closed.

Ms. Firgens responded to Council Member Dunlap, advising that all requirements for screening/lighting and setback would remain in place. City Attorney Wetherbee spoke to recreation users exhibiting self-governance in removing trash from the site and to future consideration of regulations for portable restrooms. Ms. Firgens advised that any improvements made to the property, such as parking, would trigger site plan review.

Upon a motion made by Council Member Dunlap and seconded by Council Member Gallagher, the Council voted 5-0 to amend Section 1.600 of Article 1 of the Comprehensive Zoning Ordinance of the City, pertaining to private recreation facility and recreation center uses; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2011-28; and further to adopt Ordinance No. 2011-10-10.

Nothing further was discussed and Mayor Pro Tem Miner adjourned the meeting at 8:42 p.m.

Phil Dyer, MAYOR

Pat Miner, MAYOR PRO TEM

ATTEST:

Diane Zucco, City Secretary