

PLANO CITY COUNCIL
August 26, 2013

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Jim Duggan
Patrick Gallagher
David Downs

STAFF PRESENT

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

Mayor LaRosiliere convened the Council into the Regular Session on Monday, August 26, 2013, at 7:02 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Pastor Jack Schneider of St. Paul Lutheran Church led the invocation and Boy Scout Troop 822 of Westside Baptist Church led the Pledge of Allegiance.

Mayor LaRosiliere recognized Gregory R. Huckaby for his service on the Cultural Affairs Commission and proclaimed September as National Blood Cancer Awareness Month.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Miner, the Council voted 8-0 to approve and adopt all items as recommended and as follows:

Approval of Minutes (Consent Agenda Item "A")
August 12, 2013

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

Bid No. 2013-332-B for 2013 Trail Repairs to Urban Construction Group in the amount of \$539,647 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

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

To approve a Professional Services Agreement by and between the City of Plano and Freese and Nichols, Inc. in the amount of \$117,035 for Erosion Control - Valley Creek and Stone Creek project, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Adoption of Resolutions

Resolution No. 2013-8-9(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between City of Plano and Collin County for firefighting and fire protection services; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date. (Consent Agenda Item "D")

Resolution No. 2013-8-10(R): To authorize the filing of a grant application in an amount not to exceed \$400,000 under the Collin County Housing Finance Corporation; approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item "E")

Resolution No. 2013-8-11(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the Dallas County Community College District for Richland College and the City of Plano providing terms and conditions for educational services; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "F")

Resolution No. 2013-8-12(R): To approve the terms and conditions of an Interlocal Agreement by and between the North Central Texas Council of Governments (NCTCOG) and the City of Plano for educational training services; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "G")

Resolution No. 2013-8-13(R): To approve the Investment Portfolio Summary for the quarter ending June 30, 2013 and providing an effective date. (Consent Agenda Item "H")

Adoption of Ordinances

Ordinance No. 2013-8-14: To annex to the City of Plano, Texas, a total of 3.14± acres of land located within the right-of-way of West Park Boulevard east of Midway Road, including the intersection of the two roadways, in the J. Myers Survey, Abstract No. 619, Collin County, Texas and J. Myers Survey, Abstract No. 882, Denton County, Texas, and extending the boundary limits of said City so as to include said hereinafter described property within said City Limits; adopting a service plan providing for the extension of municipal services to the area so annexed and granting to all inhabitants and owners of said property all of the rights and privileges of other citizens and binding all inhabitants by the acts, ordinances and regulations of said City; and providing an effective date. Public Hearings held July 22 and July 24, 2013. Applicant: City of Plano (Annexation Case A2013-01) (Consent Agenda Item "I")

Ordinance No. 2013-8-15: To repeal Ordinance No. 2013-7-4; establishing the number of certain classifications within the Fire Department for fiscal year 2012-13; establishing the authorized number and effective dates of such positions for each classification; establishing a salary plan for the Fire Department effective August 26, 2013; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item "J")

END OF CONSENT

Public Hearing on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 2.32 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code). (Regular Agenda Item “1”)

Mayor LaRosiliere opened the Public Hearing. Citizen Jack Lagos stated concern regarding the increase in funding for the Economic Development Incentive Program. No one else spoke on this item. The Public Hearing was closed.

Approval of RFP No. 2013-259-B for consulting services for Strategic and Operational Plan for Residential Property Value Retention for the Planning Department to Catalyst Commercial, Inc. in the amount of \$134,488 and authorizing the City Manager to execute all necessary documents. (Regular Agenda Item “2”)

Community Services Manager Day spoke to discussions held among members of the Property Standards, Police, Building Inspections, Public Works and Planning Departments regarding neighborhood revitalization and Council support for funding a study related to housing reinvestment. She advised that the consultant will: review the effectiveness of current analytical tools for measuring neighborhood health; identify City services supporting neighborhood stability and improvement; make recommendations for maintenance of and/or modifications to business practices to ensure Plano’s best chance of success in avoiding neighborhood decline over at least the next ten years; analyze the impact of occupancy (tenant vs. owner) on the value and marketability of housing stock; and recommend an implementation approach for effective program(s) utilizing the neighborhood vitality funds based on community needs and best values. She responded to the Council, advising that there should be a proposal for implementation within six months.

Upon a motion made by Council Member Downs and seconded by Council Member Miner, the Council voted 8-0 to approve RFP No. 2013-259-B for consulting services for Strategic and Operational Plan for Residential Property Value Retention for the Planning Department to Catalyst Commercial, Inc. in the amount of \$134,488.

Public Hearing and adoption of Ordinance No. 2013-8-16 as requested in Zoning Case 2013-12, to amend 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 retaining wall 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 “3”)

Director of Planning Jarrell advised that the Planning and Zoning Commission called a Public Hearing to amend sign regulations and consider allowing signs to be placed on retaining walls after receiving a proposal from a developer. She advised that the recommendation classifies retaining wall signs as free standing, sets a maximum size, provides placement even on walls along property lines, and provides for external lighting only with no digital signage. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

Amend Subsection 3.1602 (Definitions) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations), such portion of subsection to read as follows:

Sign - Retaining Wall: Any onsite sign attached to a retaining wall.

Ordinance No. 2013-8-16 (cont'd)

Amend Subsection 3.1603 (Design and Construction Specifications) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations), such portion of subsection to read as follows:

2. Freestanding Signs

a. Agricultural Signs

Agricultural signs, limited to advertising produce, crops, or animals on a farm, may be erected in any Agricultural zoning district and shall not exceed 50 square feet. Maximum height of an agricultural sign shall be 15 feet with a required setback of 30 feet from the front and side property lines. Spacing between signs shall be a minimum of 200 feet.

b. Apartment Signs

Apartment signs may be erected in any residential zoning district and shall not exceed 25 square feet. Maximum height of an apartment sign shall be ten feet for a monument sign and 12 feet for a pole sign with a required setback of 15 feet from the front property line. Apartment signs are limited to one per street front.

c. General Business Signs

- i. General business signs may be erected in nonresidential zoning districts and shall not exceed 90 square feet for monument signs and 60 square feet for pole signs, except for signs on property fronting on U.S. Highway 75, in which case the sign may be 100 square feet. Maximum height of a general business sign shall be ten feet for a monument sign and 20 feet for pole signs, except for signs located on property fronting on U.S. Highway 75, in which case a height of 40 feet is permitted. Required setback shall be eight feet from the front property line (or any property line adjacent to a street) and shall be located a minimum of 30 feet from adjoining private property lines and a minimum of 60 feet from any other freestanding sign, except directional signs.
- ii. Single tenant properties shall be limited to one freestanding sign per street front.
- iii. General business signs shall be constructed of materials that are not subject to deterioration when exposed to the weather. Internally-illuminated general business signs must be constructed of noncombustible material or approved plastics.
- iv. General business signs may be retaining wall signs in accordance with Subsection 3.1603 (2) (m) below.

d. Identification Signs

- i. An identification sign may be erected in nonresidential zoning districts and shall not exceed 150 square feet for monument signs and 100 square feet for pole signs. Maximum height of an identification sign shall be ten feet for a monument sign and 20 feet for pole signs, except for signs located on property fronting on U.S. Highway 75, in which case a height of 40 feet is permitted. Required setback shall be eight feet from the front property line (or any property line adjacent to a street) and 30 feet from adjoining private property line, and the sign shall be located a minimum of 60 feet from any other freestanding sign, except directional signs.

Ordinance No. 2013-8-16 (cont'd)

- ii. Identification signs shall be limited to one sign per street front per development.
- iii. Identification signs shall be constructed of materials that are not subject to deterioration when exposed to the weather. Such signs, when internally illuminated, must be constructed of noncombustible materials or approved plastics.
- iv. Identification signs may be retaining wall signs in accordance with Subsection 3.1603 (2)(m) below.

e. Institution Signs

Institution signs erected in residential zoning districts shall not exceed 32 square feet with a maximum height of ten feet. Institution signs erected in nonresidential zoning districts shall comply with the requirements of a general business sign. 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.

f. Multipurpose Signs

- i. The total area of multipurpose pole signs shall not exceed 150 square feet. In the case of multipurpose monument signs, the maximum overall area shall be 225 square feet; however, the copy area shall be limited to 150 square feet leaving a base area of 75 square feet.
- ii. The identification portion of multipurpose signs shall not exceed 50 square feet. Any combination of directory and reader board shall not exceed 100 square feet.
- iii. Multipurpose signs may be erected in nonresidential zoning districts.
- iv. Maximum height shall be ten feet for multipurpose monument signs and 20 feet for multipurpose pole signs, except for signs located on property fronting on U.S. Highway 75, in which case a height of 40 feet is permitted.
- v. Required setback for multipurpose signs shall be 30 feet from front and adjoining private property lines. Multipurpose signs are limited to one per street front per development and a minimum spacing of 60 feet from any other freestanding sign, except directional signs, must be maintained. Multipurpose signs that meet the size and height requirements of a general business sign shall be allowed an eight-foot front setback.
- vi. Multipurpose signs shall be constructed of materials not subject to deterioration when exposed to the weather and when internally illuminated must be constructed of noncombustible materials or approved plastics.

g. Municipally-owned Signs

Municipally-owned signs may be erected in any zoning district and if exceeding 100 square feet shall be reviewed by the Board of Adjustment for specific approval. Municipally-owned signs shall not be placed in any sight visibility triangle and shall be located at least 25 feet from any privately-owned parcel of land. Maximum height of monument styled municipally-owned signs shall not exceed ten feet and pole signs shall not exceed 20 feet in overall height.

Ordinance No. 2013-8-16 (cont'd)

h. Subdivision Entry Signs

Subdivision entry signs may be erected in residential zoning districts and shall not exceed 30 square feet with a maximum height of two feet six inches. Required setback shall be three feet from the front property line, and signs are limited to two per subdivision entryway. Freestanding subdivision entry signs shall only be allowed in the absence of subdivision wall signs or plaques. The homeowners association or developer shall enter into a maintenance agreement with the City of Plano Planning Department.

i. Onsite Directional Signs

- i. Onsite directional signs shall not exceed eight square feet and 30 inches in height and shall not contain advertising.
- ii. Directional signs shall be located a minimum of 30 feet from other freestanding signs, including other directional signs.
- iii. Sign provisions specifically addressed by State or Federal government regulations which are in conflict with local sign ordinance shall be exempt from local sign ordinance regulations.

j. Menu Board Signs

Menu board signs may be erected in nonresidential zoning districts and shall not exceed 40 square feet with a maximum height of six feet. Required setback shall be a minimum of eight feet from any property line and shall be a minimum of ten feet from any other menu board sign.

k. Unified-lot Signs

- i. Unified-lot signs may be erected in nonresidential zoning districts and shall comply with restrictions for freestanding signs in Subsection 3.1603.
- ii. Unified-lot sign may be placed on a premise consisting of two or more contiguous lots where each lot owner has entered into a binding agreement to treat their separate lots as one lot for the limited purpose of signage. The agreement shall contain a legal description of the properties subject to the agreement; the agreement is a covenant running with the land to be filed and made a part of the Deed Records of Collin or Denton County, Texas; and that the agreement cannot be amended or terminated without the consent of the Building Official. A unified-lot sign agreement shall not be effective until a true and correct copy of the approved agreement is filed in the Deed Records of the applicable county and a file-marked copy is filed with the Building Official.

l. Directory Signs

- i. Directory signs shall not exceed 40 square feet.
- ii. Directory signs shall not exceed 15 feet in height, measured from grade.
- iii. For multiple-sided signs, the gross surface area of each side shall not exceed two times the allowable square footage divided by the number of sign faces.

Ordinance No. 2013-8-16 (cont'd)

- iv. All accessibility and visibility requirements must be met for public sidewalks and streets.
- v. Directory signs shall be located a minimum of 60 feet from any other freestanding sign, except directional signs.
- vi. Changes to tenant names/locations on an existing permitted directory sign shall not require a permit.
- vii. Any directory sign shall be located within the established build line for that property.
- viii. Directory signs shall be used only to provide way finding information to tenants within a property.

m. Retaining Wall Signs

- i. Retaining wall sign copy area shall not exceed 70 square feet.
- ii. Retaining wall sign copy area shall not exceed eight feet in height.
- iii. Retaining wall signs shall be exempt from any setback from the front property line (or any property line adjacent to a street). A setback of 30 feet shall be required from any adjoining private property lines and a minimum of 60 feet from any other freestanding sign.
- iv. Retaining wall signs shall not project more than 12 inches from the wall surface, and shall not project into public right-of-way or across a property line.
- v. The sign copy shall not extend beyond the edges of the retaining wall.
- vi. Retaining wall signs shall be constructed of materials that are not subject to deterioration when exposed to the weather and must be constructed of noncombustible materials. Plastic construction materials shall not be permitted.
- vii. Retaining wall signs shall be lit by external illumination only.
- viii. Retaining wall signs shall not be reader board/electronic message center type.

3. Requirements for Freestanding Signs Located within an Overlay District

- a. All freestanding signs in an overlay district as set out by the City of Plano Zoning Ordinance shall be monument-type or retaining wall signs. (Reference Article 4 for allowed size, height, and border requirements for monument signs.)
- b. Single tenant properties shall be limited to one freestanding sign per street front.

Ordinance No. 2013-8-16 (cont'd)

- c. Multi-tenant commercial developments shall be limited to the following:
 - i. Multipurpose Signs
One sign per street front per development.
 - ii. General Business Signs
One sign per street front of the development or one per 225 feet of street frontage or portion thereof.
 - iii. Directory Signs
- d. No single tenant shall be allowed to advertise on more than one sign per street front, excluding a listing on directory signs.

Amend Subsection 4.505 of Section 4.500 (Preston Road Overlay District) of Article 4 (Special District Regulations), such portion of subsection to read as follows:

4.505 All freestanding apartment, general business, identification, institution, and multipurpose signs, as defined in Section 3.1600, shall be monument type except where permitted as a retaining wall sign in Subsection 3.1603. An additional allowance of up to three feet in height may be permitted for earthen berms, stone mounds, or other landscape features if part of an approved landscape plan. The maximum sizes and dimensions of the above signs shall be as follows for monument signs:

Amend Subsection 4.605 of Section 4.600 (Dallas North Tollway Overlay District) of Article 4 (Special District Regulations), such portion of subsection to read as follows:

4.605 All freestanding apartment, general business, identification, institution, and multipurpose signs, as defined in Section 3.1600, shall be monument type except where permitted as a retaining wall sign in Subsection 3.1603. An additional allowance of up to three feet in height may be permitted for earthen berms, stone mounds, or other landscape features if part of an approved landscape plan. Except for those signs located within 150 feet of a residential zoning district, the following standards shall apply to monument signs:

The above signage regulations shall not apply to those lots or tracts located fully or partially within the overlay district but adjacent to the S.H. 121 right-of-way if the affected signs are located more than 500 feet from the centerline of the Dallas North Tollway.

For ~~freestanding~~ monument signs located within 150 feet of residential zoning districts, the following standards shall apply:

Ordinance No. 2013-8-16 (cont'd)

Amend Subsection 4.705 of Section 4.700 (190 Tollway/Plano Parkway Overlay District) of Article 4 (Special District Regulations), such portion of subsection to read as follows:

4.705 All freestanding apartment, general business, identification, institution, and multipurpose signs, as defined in Section 3.1600 shall be monument type except where permitted as a retaining wall sign in Subsection 3.1603. An additional allowance of up to three feet in height may be permitted for earthen berms, stone mounds, or other landscape features if part of an approved landscape plan. Except for those signs located within 150 feet of a residential zoning district, the following standards shall apply to monument signs:

For ~~freestanding~~ monument signs located within 150 feet of residential zoning districts, the following standards shall apply:

Amend Subsection 4.805 of Section 4.800 (State Highway 121 Overlay District) of Article 4 (Special District Regulations), such portion of subsection to read as follows:

4.805 All freestanding apartment, general business, identification, institution, and multipurpose signs, as defined in Section 3.1600 shall be monument type except where permitted as a retaining wall sign in Subsection 3.1603. An additional allowance of up to three feet in height may be permitted for earthen berms, stone mounds, or other landscape features if part of an approved landscape plan. Except for those signs located within 150 feet of a residential zoning district, the following standards shall apply to monument signs:

For ~~freestanding~~ monument signs located within 150 feet of residential zoning districts, the following standards shall apply:

Amend Subsection 4.904 of Section 4.900 (Parkway Overlay District) of Article 4 (Special District Regulations), such portion of subsection to read as follows:

4.904 All freestanding apartment, general business, identification, institution, and multipurpose signs, as defined in Section 3.1600 shall be monument type except where permitted as a retaining wall sign in Subsection 3.1603. The following standards shall apply to monument signs:

Mayor LaRosiliere opened the Public Hearing. David Palmer of West Plano Village spoke to issues of signage for a new development and provided an example of a retaining wall sign. No one else spoke for or against the request. The Public Hearing was closed.

Ms. Jarrell responded to the Council regarding possible implementation, advising that retaining walls may be located anywhere on property and spoke to restrictions limiting their number. She advised that spacing requirements will remain in place and spoke to options for lighting.

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to amend 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 retaining wall signs; as requested in Zoning Case 2013-12 and as recommended by the Planning and Zoning Commission.

Consideration of a License Agreement with Live Nation Worldwide Inc., for the promotion and production of a music festival at Oak Point Park and Nature Preserve and authorizing the City Manager to execute all necessary documents. (Regular Agenda Item “4”)

City Manager Glasscock spoke to Council discussions related to establishment of a “destination event” and Staff work since June 2011. Director of Parks and Recreation Fortenberry spoke to development of an agreement with Live Nation for an inaugural festival in May 2014 with an initial attendance of 20,000 and growing to a capacity of 50,000-70,000 per day. She reviewed the Oak Point Park and Nature Preserve location and site, staging, trails, and pavilions and referenced citizen survey results in support of outdoor special events. Ms. Fortenberry reviewed key provisions of the agreement including: an inaugural festival in May of 2014; two-year term with four renewal options; one time City contribution of \$500,000; City in-kind services (\$125,000) with the eventual goal of becoming cost-neutral; Live Nation will retain 100% of the revenues and be responsible for all expenses (except as mentioned above); Live Nation will be responsible for set up and removal of all equipment and temporary improvements; the City will provide site preparation; Live Nation will provide links to the City’s web sites and use its name as feasible; and Live Nation will follow the Special Event Permit process.

Ms. Fortenberry responded to Deputy Mayor Pro Tem Harris, stating that while the festival name has not been determined, she is confident that “Plano” will be included. She spoke to the event being scheduled for a Saturday/Sunday timeframe and advised that the in-kind service fee will remain stable with any overages billed to Live Nation and will end after the fifth year. Ms. Fortenberry spoke to expenses related to the City of Richardson festival produced and promoted by their city staff and spoke to development of a Community Engagement Plan to inform neighborhoods of the pending festival. She advised regarding preliminary sound testing, parking/shuttling accommodations and reviewed the anticipated economic impact of visitors to the City through sales tax and directly from hotel/motel taxes which can be used to offset expenses. She advised that once the agreement has been approved, Live Nation will begin booking bands and preparing promotional materials.

Ms. Fortenberry responded to Council Member Duggan, advising that although Live Nation has the option to terminate the contract after the first year they are committed to the production of a festival somewhere. She reviewed the variety of expenses they will incur including artists, promotion, ticketing, and their risks, including weather. Council Member Gallagher stated concern regarding the lack of City revenues from the festival itself. Ms. Fortenberry responded to the Council, advising that part of remastering the plan for Oak Point Park is the inclusion of trail loops to be utilized by citizens throughout the year and the opportunity to move running events out of the amphitheater and off City roadways. Council Member Duggan spoke in support of receiving City revenues from the event. Ms. Fortenberry reviewed the in-kind expenses provided for the balloon fest and advised that the city does not receive a percentage of sales at those booths.

Council Member Miner spoke to efforts by the Transition and Revitalization Commission to establish a destination event in the City and stated support of the agreement. Mayor LaRosiliere spoke to the City’s risk as being limited in nature in contrast to that of Live Nation and their resultant opportunity for reward, the nature of public/private agreements and the goal of bringing people in to experience the City.

A motion was made by Mayor Pro Tem Smith and seconded by Council Member Miner to approve a License Agreement with Live Nation Worldwide Inc., for the promotion and production of a music festival at Oak Point Park and Nature Preserve. The Council voted 6-2 with Council Members Duggan and Gallagher voting in opposition. The motion carried.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 8:28 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Diane Zucco, City Secretary