

PLANO CITY COUNCIL
February 11, 2008

COUNCIL MEMBERS

Pat Evans, Mayor
Sally Magnuson, Mayor Pro Tem
Jean Callison, Deputy Mayor Pro Tem
Shep Stahel
Scott Johnson
Loretta L. Ellerbe
Harry LaRosiliere
Lee Dunlap

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Evans convened the Council into the Regular Session on Monday, February 11, 2008, at 7:05 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Reverend Clint Kerley of Christ Church Plano.

The Pledge of Allegiance was led by Cub Scout Pack 265 of Huffman Elementary.

PROCLAMATIONS & SPECIAL RECOGNITION

Mayor Evans recognized visiting delegates from Sister City San Pedro Garza Garcia and the Plano Senior Citizens Center for the accreditation by the National Institute of Senior Centers. She presented a proclamation for Dental Health and Children's Dental Health Month.

CERTIFICATES OF APPRECIATION

Ms. Ketcham was not present to receive her certificate of appreciation.

BOARD AND COMMISSION REPORT

Animal Shelter Advisory Committee Board Member Pylar Pinkston spoke to the role of the state mandated group to assist the City in communicating community awareness regarding services, programs, state regulations, and coordinating reviewing/making recommendations. Ms. Pinkston spoke to meetings, encouraging citizen input, and specific topics that include City ordinances, stray animal holding periods, animal service officer training, and the Feral Cat Management Program. She spoke to the Trap Neuter Release (TNR) Pilot Program developed to address complaints regarding the number of feral cats and joint efforts with a non-profit agency to implement the program at no cost to the City. She spoke to the upcoming recommendations to update animal regulations to incorporate recent changes in state law, continuing to evaluate and expand the TRN program, to expediting construction of the animal shelter expansion, and requested addressing the high turnover rate in Animal Services. Director of Health Collins responded to Council Member Stahel regarding the TNR and the City's high adoption rate. Ms. Pinkston spoke to the lack of TNR programs in other cities and Plano setting a precedent.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Mayor Evans and Council Member Johnson spoke to the recognition of grants for the Plano Public Library System.

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro Tem Callison, the Council voted 8-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

January 28, 2008

Approval of Expenditures

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

Bid No. 2008-30-B for the 2006-2007 Park and Trail Improvements, Project No. 5760, to Green Scaping in the amount of \$247,514. The project includes planting 245 trees and renovating irrigation systems at Arrowhead, Caddo, Hackberry and Westwood Parks. [Consent Agenda Item (B)] (Exhibit "A")

Bid No. 2008-47-B for Bluebonnet Trail Extension – Midway Road to Ohio Drive, Project No. 5535, to Irricon in the amount of \$1,669,269. The project is for the construction of hike and bike trail along Spring Creek Parkway from Midway Road to east of Windcrest Drive and from Preston Road to Ohio Drive. [Consent Agenda Item (C)] (Exhibit "B")

Bid No. 2008-57-B for the Coyote Creek and Parkwood Green Parks Construction Project to C. Green Scaping, LP in the amount of \$255,103. The project includes a 900 linear foot pedestrian trail along Woodway Lane in Coyote Creek Park and widening of Notre Dame Drive adjacent to Parkwood Green Park for 25 parking spaces with some sidewalk, landscaping, and irrigation included. [Consent Agenda Item (D)] (Exhibit "C")

RFP No. 2008-49-B for Compensation Study to Hay Group, Inc. in the amount of \$95,000. [Consent Agenda Item (E)] (Exhibit "D")

Purchase from Existing Contract/Agreement: (Purchase of products/services through Cooperative Purchasing Interlocal Contract with another governmental/quasi-governmental agency or an additional purchase from current City of Plano annual purchase agreement).

To authorize the purchase Terminal Box and Controls Upgrade at the Plano Municipal Center in the amount of \$86,619 from Johnson Controls, Inc., through Texas Multiple Award Schedule (TXMAS) contract, and authorizing the City Manager to execute all necessary documents. (TXMAS-6-840160) [Consent Agenda Item (F)]

To approve the purchase of three New Holland Tractors with attachments in the amount of \$78,888 from Landmark Corporation through an existing contract/agreement with HGAC Cooperative Purchase Program and authorizing the City Manager to execute all necessary documents. (GR-01-08) [Consent Agenda Item (G)]

Approval of Change Order

To McMahon Contracting, L.P., increasing the contract by \$200,091 for the 2006-2007 Residential Concrete Pavement Rehabilitation Project, Zones F3, F4, I6, & N2, Project No. 5833, Change Order No. 1, Bid No. 2007-186-B. [Consent Agenda Item (H)]

Adoption of Resolutions

Resolution No. 2008-2-1(R): To authorize the City Manager to enter into a Joint Election Agreement with the Plano Independent School District, Frisco Independent School District and Collin County Community College District for the purpose of conducting a Joint Election on May 10, 2008; and providing an effective date. [Consent Agenda Item (I)]

Resolution No. 2008-2-2(R): To approve receipt of a gift in the amount of \$20,000 from Plano Public Library Foundation for purchase of materials for Plano Public Library System for the Genealogy, Local History, Texana, and Archives Collection; and authorizing the City Manager to execute all necessary documents to receive the gift; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2008-2-3(R): To approve receipt of a gift in the amount of \$50,000 from Collin County Genealogical Society, Inc. for purchase of materials for Plano Public Library System for the Genealogy, Local History, Texana, and Archives Collection; and authorizing the City Manager to execute all necessary documents to receive the gift; and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2008-2-4(R): To authorize receipt of a gift in the amount of \$50,000 from Collin County Genealogical Society, Inc. for naming the meeting room in the Genealogy, Local History, Texana, and Archives area located at Haggard Library, a facility of the Plano Public Library System, for Jeanette Bickley Bland (1929-2004); and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2008-2-5(R): To approve the terms and conditions of the Landscape Maintenance Agreement between the City of Plano, Texas, and the State of Texas; authorizing the City Manager to execute such Agreement; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2008-2-6(R): To approve the terms and conditions of the Landscape Maintenance Agreement between the City of Plano, Texas, and the City of Frisco; authorizing the City Manager to execute such Agreement; and providing an effective date. [Consent Agenda Item (N)]

Resolution No. 2008-2-7(R): To amend Resolution No. 2002-9-25(R) establishing the Multi-Cultural Outreach Roundtable to expand the Mayor's ability to appoint Co-Chairs and to clarify the role of the Co-Chairs; and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2008-2-8(R): To appoint Bryan K. Gallerson and Jack M. Pepper to serve for two year terms as investigators as required by Section 2-104 of the Code of Conduct of the City of Plano; and providing an effective date. [Consent Agenda Item (P)]

Resolution No. 2008-2-9(R): To approve a process for evaluation of Municipal Setting Designation Applications submitted to the City of Plano; and providing an effective date. [Consent Agenda Item (Q)]

Adoption of Ordinances

Ordinance No. 2008-2-10: To order an Election to be held on May 10, 2008 for the purpose of electing four (4) members of Council, Place No. 1 (District 1), Place No. 3 (District 3), Place No. 5, and Place No. 7, to the City Council to hold office for a period of three years; designating locations of polling places; ordering notices of election to be given as prescribed by law in connection with such election; and providing an effective date. [Consent Agenda Item (R)]

END OF CONSENT AGENDA

Approval of a Professional Services Contract with Gibbs Planning Group to provide retail consulting services for Downtown Plano, Parker Road Station and other areas in the DART Rail/K Avenue corridor, in an amount not to exceed \$40,000, and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Regular Agenda Item (1)]

Director of Planning Jarrell spoke to the request for a gap analysis at last year's Strategic Planning meeting in efforts to assist with the continuing evolution of Downtown Plano. Ms Jarrell spoke to the two components of the proposed contract to include the analysis to identify additional retail which downtown Plano may support and additionally meet with downtown merchants, property owners, City Council, and hold a public meeting regarding the latest trends in urban retail.

Upon a motion made by Mayor Pro Tem Magnuson and seconded by Council Member Ellerbe, the Council voted 8-0 to approve a Professional Services Contract with Gibbs Planning Group to provide retail consulting services for Downtown Plano, Parker Road Station and other areas in the DART Rail/K Avenue corridor, in an amount not to exceed \$40,000, and authorizing the City Manager to execute any and all documents necessary to effectuate the contract.

Public Hearing and adoption of Ordinance No. 2008-2-11 – To amend Section 21-205 of Article VI. Impact Fees, of Chapter 21. Utilities, of the City of Plano Code of Ordinances to limit the application of the ordinance to the issuance of all Building Permits for Capital Improvements on Preliminary Plats approved by the City of Plano on or before February 18, 2008 and cease collection of all fees on and after February 18, 2009; providing a severability clause, a repealing clause; and establishing an effective date. [Regular Agenda Item (2)]

Senior Planner Sims provided a brief presentation covering the definition of Impact Fees (a charge to a developer/builder for extending or expanding infrastructure to serve new development), history of Plano's Impact Fee Program, current status of the program, receipt of public input, and issues and benefits relating to a phase out of the program. Mr. Sims spoke to collection rates and the current balance. He spoke to the issues for program discontinuation including basic infrastructure in place, re-focus on infill/redevelopment, non-DART cities having greater resources and to a slowing of the City's growth. Mr. Sims spoke to public input and direction of discussion with the Developers' Council, Homeowners' Council, City Council, and Planning and Zoning Commission (Impact Fee Advisory Committee). Mr. Sims spoke to the phase-out process and continuance of fee collections for building permits with preliminary plats approved by the City on or before February 18, 2008 and ceasing collection of impact fees on February 18, 2009.

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

Ordinance No. 2008-2-11 (Con't)

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Stahel, the Council voted 8-0 to amend Section 21-205 of Article VI. Impact Fees, of Chapter 21. Utilities, of the City of Plano Code of Ordinances to limit the application of the ordinance to the issuance of all Building Permits for Capital Improvements on Preliminary Plats approved by the City of Plano on or before February 18, 2008 and cease collection of all fees on and after February 18, 2009; providing a severability clause, a repealing clause; and establishing an effective date; and further to adopt Ordinance No. 2008-2-11.

Public Hearing and adoption of Ordinance No. 2008-2-12 – To amend the “Economic Development Element” of the Comprehensive Plan originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said chapter as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date. Applicant: City of Plano [Regular Agenda Item (3)]

Senior Planner Sims spoke to the update of “Economic Development Element” of the Comprehensive Plan to reflect current trends and issues since the last update in 2001, matching the present format of the Comprehensive Plan, and serving as a general guide for economic development. Mr. Sims spoke to the update process, revisions, and advised that the request was recommended for approval as submitted by the Planning and Zoning Commission. City Manager Muehlenbeck spoke to the need to consider sustaining land for commercial development or corporate relocations.

Mayor Evans stated concern that recommended size restrictions on mixed-use developments may discourage future requests. Ms. Jarrell advised that the document represents recommendations and considerations of the Urban Center Study Report. She spoke to requests being considered on an individuation basis. Council Member Stahel and Director of Planning Jarrell spoke to linking services with housing.

Long Range Planning Manager Zimmerman spoke to the Urban Center Mixed Use Policy statement providing much greater detail for addressing concerns than the Economic Development Element. The Council discussed acreage at Park Boulevard and Preston Road. Mr. Zimmerman spoke to the importance of retail, office development and the ability to add multi-family development to projects.

Mayor Evans opened the Public Hearing. No one spoke either for or against the requests. The Public Hearing was closed.

Ordinance No. 2008-2-12 (Con't)

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Ellerbe, the Council voted 8-0 to amend the "Economic Development Element" of the Comprehensive Plan originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said chapter as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas as recommended by the Planning and Zoning Commission; and providing an effective date; and further to adopt Ordinance No. 2008-2-12.

Public Hearing and Consideration of an Ordinance as Requested in Zoning Case 2007-57 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 589 so as to allow the additional use of Day Care Center on 0.5± acre of land located 100± feet west of N Avenue, 370± 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, and an effective date. Tabled 12/10/2007 & 1/14/2008. Applicant: University of Gymnastics [Regular Agenda Item (4)]

Upon a motion made by Deputy Mayor Pro Tem Callison and seconded by Council Member Dunlap, the Council voted 8-0 to remove Zoning Case 2007-57 from the table. Planning Director Jarrell stated the applicant requested to withdraw the case from consideration.

Upon a motion made by Mayor Pro Tem Magnuson and seconded by Council Member Dunlap, the Council voted 8-0 to accept the applicant's withdrawal of Zoning Case 2007-57 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 589 so as to allow the additional use of Day Care Center on 0.5± acre of land located 100± feet west of N Avenue, 370± feet south of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Light Industrial-1.

Public Hearing and Adoption of Ordinances Requested in Zoning Cases 2007-59, 2007-69 – 2007-73 all of which are limited to the repeal of certain Specific Use Permits for Private Clubs. The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano. The repeal of each will amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, 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.
[Regular Agenda Item (5)]

Ordinance No. 2008-2-13 as requested in Zoning Case 2007-59 – Request to rescind Specific Use Permit #195 for Private Club on one lot on 0.1± acre located 240± feet north of Park Boulevard, 740± feet west of Ohio Drive. Zoned Retail. [Regular Agenda Item (5a)]

Ordinances Requested in Zoning Cases 2007-59, 2007-69 – 2007-73 (Con't)

Ordinance No. 2008-2-14 as requested in Zoning Case 2007-69 – Request to rescind Specific Use Permit #258 for Private Club on one lot on 0.1± acre located on the north side of Park Boulevard, 1,370± feet east of Preston Road. Zoned Retail. [Regular Agenda Item (5b)]

Ordinance No. 2008-2-15 as requested in Zoning Case 2007-70 – Request to rescind Specific Use Permit #260 for Private Club on one lot on 2.3± acres located on the north side of Plano Parkway, 200± feet east of U.S. Highway 75. Zoned Corridor Commercial. [Regular Agenda Item (5c)]

Ordinance No. 2008-2-16 as requested in Zoning Case 2007-71 – Request to rescind Specific Use Permit #264 for Private Club on one lot on 1.3± acres located on the east side of Preston Road, 550± feet north of Parker Road. Zoned Planned Development 184-Retail/Office-2. [Regular Agenda Item (5d)]

Ordinance No. 2008-2-17 as requested in Zoning Case 2007-72 – Request to rescind Specific Use Permit #274 for Private Club on one lot on 1.0± acre located 390± feet north of 15th Street, 755± feet west of U.S. Highway 75. Zoned Planned Development-474-Corridor Commercial. [Regular Agenda Item (5e)]

Ordinance No. 2008-2-18 as requested in Zoning Case 2007-73 – Request to rescind Specific Use Permit #305 for Private Club on one lot on 1.2± acres located on the west side of Preston Road, 670± feet south of Park Boulevard. Zoned Retail. [Regular Agenda Item (5f)]

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

Mayor Evans opened the Public Hearing. No one spoke either for or against the requests. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro Tem Callison and seconded by Council Member Ellerbe, Council voted 8-0 to adopt all the ordinances listed below as recommended by the Planning and Zoning Commission and as designated by their Zoning Case Number. The repeal of each will amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, 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.

Zoning Case 2007-59 – Request to rescind Specific Use Permit #195 for Private Club on one lot on 0.1± acre located 240± feet north of Park Boulevard, 740± feet west of Ohio Drive; and further to adopt Ordinance No. 2008-2-13. [Regular Agenda Item (5a)]

Ordinances Requested in Zoning Cases 2007-59, 2007-69 – 2007-73 (Con't)

Zoning Case 2007-69 – Request to rescind Specific Use Permit #258 for Private Club on one lot on 0.1± acre located on the north side of Park Boulevard, 1,370± feet east of Preston Road; and further to adopt Ordinance No. 2008-2-14.

Zoning Case 2007-70 – Request to rescind Specific Use Permit #260 for Private Club on one lot on 2.3± acres located on the north side of Plano Parkway, 200± feet east of U.S. Highway 75; and further to adopt Ordinance No. 2008-2-15.

Zoning Case 2007-71 – Request to rescind Specific Use Permit #264 for Private Club on one lot on 1.3± acres located on the east side of Preston Road, 550± feet north of Parker Road; and further to adopt Ordinance No. 2008-2-16.

Zoning Case 2007-72 – Request to rescind Specific Use Permit #274 for Private Club on one lot on 1.0± acre located 390± feet north of 15th Street, 755± feet west of U.S. Highway 75; and further to adopt Ordinance No. 2008-2-17.

Zoning Case 2007-73 – Request to rescind Specific Use Permit #305 for Private Club on one lot on 1.2± acres located on the west side of Preston Road, 670± feet south of Park Boulevard; and further to adopt Ordinance No. 2008-2-18.

There being no further discussion, Mayor Evans adjourned the meeting at 8:02 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary