

PLANO CITY COUNCIL
January 8, 2007

COUNCIL MEMBERS

Pat Evans, Mayor
Scott Johnson, Mayor Pro Tem
Sally Magnuson, Deputy Mayor Pro Tem
Shep Stahel
Jean Callison
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
Elaine Bealke, City Secretary

Mayor Evans convened the Council into the Regular Session Monday, January 8, 2007, 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 Senior Pastor Randy Bailey of Four Corners Church.

The Pledge of Allegiance was led by Tejas Council Girl Scout Troop 388.

Mayor Evans presented Special Recognition to City of Plano Employee Clarence Boyd for his twenty-five years of service.

COMMENTS OF PUBLIC INTEREST

Warner Richeson, citizen of the City, spoke to the Council regarding delivery of a referendum petition.

Karen Dubrow, citizen of the City, requested a future agenda item to address economic development incentives.

Richard Simmons, citizen of the City, spoke regarding citizen concern for the spending of tax dollars and regarding water issues. He spoke to the City allowing development above the capacity to support demands for water and requested information on plans to mitigate the problem.

BOARD AND COMMISSION REPORT

Library Advisory Board Chair Akers reviewed membership of the committee and spoke to its mission to act as a liaison between the community, Library Department and City Council and to advise the Council on the development of quality services and facilities to meet the diverse information needs and interests of the community. He reviewed the 2005/06 goals and objectives which include the board being an advocate of the library system, representing the public interest in proposing new products and services, conducting ongoing reviews of the Harrington genealogy relocation project and to meeting/corresponding with members of the Council. Mr. Akers spoke to the board receiving input from members of the Library Staff, and the setting of goals for 2007 which include development of a closer relationship with Friends of the Plano Public Library and the Plano Public Library Foundation. He spoke to exploring the goal of sponsoring one event or program to publicize the library system and encouraged everyone to offer suggestions for future goals. Mr. Akers spoke to public input regarding the number of computers available and the scheduling of meeting rooms. He spoke to Staff attendance at board meetings and regarding the knowledgeable and willing service received at library facilities.

Mr. Akers responded to the Council regarding the increased demand for “electronic” books. Library Director Baumbach responded to the Council regarding the changing trends with regard to periodicals and regarding the challenges of keeping up with format of materials. She further advised that while the City’s data base includes information from the Collin County Community College District, citizens would need to acquire a different card to borrow those materials.

CONSENT AGENDA

Upon a motion made by Council Member Stahel and Council Member LaRosiliere, 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)]

December 11, 2006

December 19, 2006

Approval of Expenditures

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

Bid No. 2007-31-C for Fire Department Winter Coats to GST Public Safety Supply LLC in the estimated annual amount of \$24,892. This will establish an annual fixed price contract with three optional one-year renewals. [Consent Agenda Item (B)] (See Exhibit “A”)

Bid No. 2007-11-C for Traffic Calming Devices to Professional Pavement Products, Inc. and 3M in the estimated annual amount of \$171,436. This will establish an annual fixed price contract with three optional one-year renewals. [Consent Agenda Item (C)] (See Exhibit “B”)

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 approve the purchase of Emergency Light Bars and Siren Units in the amount of \$69,125 from Emergency Vehicle Equipment Company through an existing contract/agreement with Tarrant County, and authorizing the City Manager to execute all necessary documents. Contract #2005-139 [Consent Agenda Item (D)]

To approve the purchase of two (2) Unmarked Dodge Charger Police Sedans in the amount of \$40,258 from Dallas Dodge through an existing contract/agreement with HGAC Cooperative Purchase Program, and authorizing the City Manager to execute all necessary documents. (#VE03-06) [Consent Agenda Item (E)]

Adoption of Resolutions

Resolution No. 2007-1-1(R): To ratify and approve the expenditure of \$47,361 to Southwest Parks & Playgrounds LP for the emergency purchase of replacement playground equipment that was destroyed by fire at Cheyenne Park and authorizing the execution of all documents in connection therewith by the City Manager and providing an effective date. [Consent Agenda Item (F)]

Resolution No. 2007-1-2(R): To approve a Memorandum of Understanding between the City of Murphy and the City of Plano to provide automatic fire and EMS aid to an area of the City of Plano that immediately abuts the City of Murphy and provides for training opportunities for the City of Murphy Fire-Rescue; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (G)]

Resolution No. 2007-1-3(R): To approve and authorize the refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (H)]

Resolution No. 2007-1-4(R): To ratify the expenditure of funds in the amount of \$59,315 to Mohawk Ltd. for a Communications Trailer with Supporting Tower; authorizing the execution of any and all documents in connection therewith by the City Manager; and providing an effective date. (2007-30-G) [Consent Agenda Item (I)]

Adoption of Ordinances

Ordinance No. 2007-1-5: To amend the Plano Code of Ordinances, Chapter 12, Motor Vehicles and Traffic, Article V, Stopping, Standing, and Parking, Section 12-101, Prohibited on certain streets at all times, to prohibit stopping, standing, or parking of motor vehicles on the north side of Streamwood Lane between Shetland Road and Winding Hollow Lane within the City limits of the City of Plano; declaring it unlawful and a misdemeanor to stop, stand, or park motor vehicles upon such sections of such roadway within the limits herein defined; 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, and an effective date. [Consent Agenda Item (J)]

Ordinance No. 2007-1-6: To amend Section 1-5 of Chapter 1. General Provisions of the Code of Ordinances of the City of Plano regarding corporation and association liability for criminal offenses; providing a repealer clause, a savings clause; a severability clause; and providing an effective date. [Consent Agenda Item (K)]

END OF CONSENT

Resolution No. 2007-1-7(R): To accept the findings and opinions of the Annual Audit; authorizing the City Manager to publish the results thereof; and providing an effective date. [Regular Agenda Item (1)]

Director of Finance McGrane spoke to the 8.3% increase in the net assets of governmental activities, the 6.7% increase in total net assets and the decrease in the total cost of City programs with no new major programs added. He spoke to the \$9.4 million increase in the unreserved and undesignated fund balance and regarding the bonds issued. Mr. McGrane advised that copies of the audit will be available at City libraries and on the web site.

Director, Public Sector Service Terry Kile of Deloitte & Touche advised that the opinion is "clean and unqualified" and spoke to the single audit performed due to grant funds received. He spoke regarding the presentation of financial statements in two formats and stated that there was full access to books and no problems with management in the course of the audit. Mr. Kile spoke to the review of internal controls, noting that there were no material weaknesses. He spoke to recommendations related to computer system controls and future requirements by the Governmental Accounting Standards Board.

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 8-0 to accept the findings and opinions of the Annual Audit; authorizing the City Manager to publish the results thereof; and providing an effective date; and further to adopt Resolution No. 2007-1-7(R).

Public Hearing and adoption of Ordinance No. 2007-1-8 to designate a certain area within the City of Plano as Reinvestment Zone No. 105 for a tax abatement consisting of a 7.5250 acre tract of land located approximately at the northwest corner of Wynwood Drive and Wyngate Boulevard, in the City of Plano, Texas establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (2)]

Director of Finance McGrane advised the Council that Wynwood Resources, Ltd. and Morgan Newton Company L.P. are relocating and that 75 employees will be moved in the abatement process. He stated that the tax abatement will be for five years and equal to 50% for real and business personal property. Mr. McGrane stated that based on the current tax rate and additional property improvements, the approximate savings in City ad valorem tax would be \$5,900. He responded to Council Member Stahel that the company is relocating from outside the City.

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

Upon a motion made by Council Member Ellerbe and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 8-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 105 for a tax abatement consisting of a 7.5250 acre tract of land located approximately at the northwest corner of Wynwood Drive and Wyngate Boulevard, in the City of Plano, Texas establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2007-1-8.

Resolution No. 2007-1-(9): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin Texas, the Collin County Community College District, Wynwood Resources, Ltd., a Texas Limited Partnership and Morgan Newton Company L.P., a Texas Limited Partnership, and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (3)]

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 8-0 approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin Texas, the Collin County Community College District, Wynwood Resources, Ltd., a Texas Limited Partnership and Morgan Newton Company L.P., a Texas Limited Partnership, and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2007-1-(9).

Public Hearing and adoption of Ordinance No. 2007-1-10 as requested in Zoning Case 2006-30 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Specific Use Permit No. 256 for Commercial Antenna Support Structure on 0.1± acre out of the Daniel Rowlett Survey, located at the northeast corner of Old Alma Drive and Alma Drive in the City of Plano, Collin County, Texas, to increase the height of the antenna support structure to 120 feet; 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. Applicant: Maray Adams [Regular Agenda Item (4)]

Director of Planning Jarrell advised the Council that the request is to increase the height of an antenna support structure so that it would allow collocation of additional mobile phone service providers. She further stated that the Planning and Zoning Commission recommended approval of the request as submitted.

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

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Mayor Pro Tem Johnson, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Specific Use Permit No. 256 for Commercial Antenna Support Structure on 0.1± acre out of the Daniel Rowlett Survey, located at the northeast corner of Old Alma Drive and Alma Drive in the City of Plano, Collin County, Texas, to increase the height of the antenna support structure to 120 feet as requested in Zoning Case 2006-30 and as recommended by the Planning and Zoning Commission; 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; and further to adopt Ordinance No. 2007-1-10.

Public Hearing and adoption of Ordinance No. 2007-1-11 as requested in Zoning Case 2006-32 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 14.8± acres out of the D. M. Tucker Survey, Abstract No. 913, located on the northwest corner of Parker Road and Parkwood Boulevard in the City of Plano, Collin County, Texas, from Regional Employment to Planned Development-185-Regional Commercial; 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. Applicant: Cencor Realty Services [Regular Agenda Item (5)]

Director of Planning Jarrell spoke to the applicant requesting to rezone the property to create a planned development district and the design standards that would guide development which include a maximum of 250 multifamily residential dwelling units located on upper floors, a central north-south pedestrian oriented private roadway, façade requirements and a minimum height of two stories along the north-south roadway. She spoke to similarities to Legacy Town Center and Downtown with regard to parking and signage.

Ordinance No. 2007-1-11 (cont'd)

Ms. Jarrell spoke to the City's Future Land Use plan designation of Major Corridor Development in which residential development is generally not appropriate and to this property's proximity to another multifamily residential development. She stated that the Planning and Zoning Commission recommended approval of the request as submitted.

Ms. Jarrell clarified which buildings would contain residential units and responded to Council Member Stahel that the City has tried to move away from tying site plans to zoning requests and toward controlling design through planned development stipulations. She spoke to the design being governed by the north-south street and the prohibition of multifamily units on the first floor. Ms. Jarrell responded to Council Member Dunlap, stating that there may be those that park in the adjacent Cinemark parking lot and will need to cross a roadway to access the area. She spoke to the applicant's request to comply with specified building materials on 60% of the façade elevations on the second and higher floors rather than 75% and to parking garage height restrictions. Development Review Manager Elgin spoke to the "jog" in a driveway due to the location of its intersection with Parkwood Boulevard's transition area.

Mayor Evans opened the Public Hearing. David Palmer, of Cencor Realty Services, advised the Council that the developer's intent is not to compete with grocer anchored retail on other corners in close proximity but rather to keep movie customers in the area. He spoke to marketing residential units to "empty nesters" and the possibility that garden offices or a health club may be included. Mr. Palmer responded to the Council that the second level of the garage would be reserved for residents. He responded to Council Member Dunlap that the requirements set forth in the ordinance would ensure that it develops in this manner and stated that he would not be uncomfortable tying the zoning to the site plan. Mr. Palmer responded to Council Member Dunlap that an elevated crosswalk or pavers to reduce vehicular flow may be utilized to address concerns with regard to those parking in the Cinemark lot and walking across to the development. He spoke to those patrons that would park in his garage and walk across to the movie theater. Mr. Palmer spoke regarding plans for the parking garage and regarding the angled parking planned along the north-south street. He advised regarding talks with potential users and Mr. Dunlap spoke to ensuring that the site develops as planned. Mr. Palmer advised the Council that the types of stores may be those selling knick-knacks or antiques.

Richard Simmons, citizen of the City, stated concern that residents may not park in designated areas. No one else spoke either for or against the request. The Public Hearing was closed.

Ordinance No. 2007-1-11 (cont'd)

Council Member Stahel spoke to tying the site plan to the zoning and Ms. Jarrell spoke to moving away from this practice due to possible changes in plans and the possibility of having to go through the Public Hearing process again and because of State of Texas vesting laws for projects. She spoke to the planned development requirements forcing a pedestrian oriented design and Council Member Ellerbe stated agreement utilizing planned development requirements. Council Member Dunlap spoke to there being some issues that may need addressing on the site plan. Council Member Stahel spoke in support of the concept and to ensuring that the resultant development is done as presented.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 14.8± acres out of the D. M. Tucker Survey, Abstract No. 913, located on the northwest corner of Parker Road and Parkwood Boulevard in the City of Plano, Collin County, Texas, from Regional Employment to Planned Development-185-Regional Commercial as requested in Zoning Case 2006-32 and as recommended by the Planning and Zoning Commission; 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; and further to adopt Ordinance No. 2007-1-11.

Due to possible conflicts of interest, Council Member Dunlap stepped down from the bench on the following two items.

Resolution No. 2007-1-12(R): To repeal Resolution No. 2006-12-15(R) approving a grant and maintenance agreement for the construction and maintenance of a water fountain at Legacy Town Center by and between the Shops at Legacy (North), L.P. and the City of Plano; and providing an effective date. [Regular Agenda Item (6)]

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member Callison, the Council voted 7-0 to repeal Resolution No. 2006-12-15(R) approving a grant and maintenance agreement for the construction and maintenance of a water fountain at Legacy Town Center by and between the Shops at Legacy (North), L.P. and the City of Plano; and providing an effective date; and further to adopt Resolution No. 2007-1-12(R).

Ordinance No. 2007-1-13: To repeal Ordinance No. 2006-12-16 transferring the sum of \$1,000,000 from the General Fund Unappropriated Fund Balance to the General Fund Operating Appropriation for Fiscal Year 2006-07 for the purpose of providing partial funding for the construction and maintenance of a water fountain within Legacy Town Center; and providing an effective date. [Regular Agenda Item (7)]

Ordinance No. 2007-1-13 (cont'd)

Upon a motion made by Council Member Callison and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 7-0 to repeal Ordinance No. 2006-12-16 transferring the sum of \$1,000,000 from the General Fund Unappropriated Fund Balance to the General Fund Operating Appropriation for Fiscal Year 2006-07 for the purpose of providing partial funding for the construction and maintenance of a water fountain within Legacy Town Center; and providing an effective date; and further to adopt Ordinance No. 2007-1-13.

There being no further discussion, Mayor Evans adjourned the meeting at 8:25 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary