

PLANO CITY COUNCIL
April 14, 2003

COUNCIL MEMBERS

Pat Evans, Mayor
Phil Dyer, Mayor Pro tem
Steve Stovall, Deputy Mayor Pro tem
Shep Stahel
Scott Johnson
Sally Magnuson
John R. Roach, Jr.
Ken Lambert

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 meeting into open session on Monday, April 14, 2003, at 7:01 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Dr. Robert Hasley, Sr. Pastor of St. Andrew United Methodist Church.

The Pledge of Allegiance was led by representatives of the Boys & Girls Clubs of Collin County – Plano.

A presentation was made to the Planning, Engineering and Building Inspections Departments by representatives of the Plano Area Habitat for Humanities. Mayor Evans presented a proclamation recognizing “Sexual Assault Awareness Month.”

Mayor Evans administered oaths of office to incoming Library Advisory Board member Sue W. Yeh and Self Sufficiency Committee member Earnest R. Burke.

Mayor Evans presented a certificate of appreciation to outgoing Retirement Security Plan Committee member Stephen D. Liddell.

GENERAL DISCUSSION

Tom Whan, citizen of the City, spoke regarding his prior presentations related to flooding issues in the area of Buffalo Bend and the request that the City make an independent investigation of the existing plan and the alternate concept plan.

CONSENT AGENDA

Council Member Lambert requested that Consent Agenda Item "L" be removed for individual consideration.

City Manager Muehlenbeck requested that Consent Agenda Item "O" be pulled and held.

Deputy Mayor Pro tem Stovall and Council Member Stahel advised that due to possible conflicts of interest they would be stepping down on Consent Agenda Items "R" and "S."

Upon a motion made by Council Member Roach and seconded by Mayor Pro tem Dyer, 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)]

March 18, 2003

March 24, 2003

April 7, 2003

Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following:

Bid No. B059-03 for construction of Cottonwood Creek Aerial Crossing Repair in the amount of \$87,570 [Consent Agenda Item (B)] (See Exhibit "A")

Adoption of Resolutions

Resolution No. 2003-4-7(R): To approve the terms and conditions of a modification and extension of lease agreement between the City of Plano and Ken Grantham; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (C)]

Resolution No. 2003-4-8(R): To approve the terms and conditions of an interlocal agreement by and between the City of Plano, Texas and the City of Dallas, Texas; for the operation of a Police/School Liaison Officer to work within the corporate limits of the City of Dallas, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (D)]

Resolution No. 2003-4-9(R): To ratify an agreement by the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for a “Click It or Ticket” Project, PIN 17560006409000, conducting a two week occupant protection enforcement effort during the Memorial Day Holiday and a two week effort during the Thanksgiving Holiday; authorizing the City Manager to execute any other documents necessary to effectuate the action taken; and providing an effective date. [Consent Agenda Item (E)]

Resolution No. 2003-4-10(R): To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (F)]

Resolution No. 2003-4-11(R): To ratify the expenditure for the purchase and installation of nine (9) LED scoreboards at Heritage Yards located at 4525 Hedgcoxe, in the City of Plano, Texas by Olen Williams, the sole source provider of such services and equipment; and providing an effective date. [Consent Agenda Item (G)]

Resolution No. 2003-4-12(R): To approve a grant program under Chapter 380 of the Texas Local Government Code to provide funding for signage and landscaping improvements in the Research Technology District and providing an effective date. [Consent Agenda Item (H)]

Adoption of Ordinances

Ordinance No. 2003-4-13: To amend Ordinance No. 98-4-5, codified in the City of Plano Code of Ordinances under Chapter 12, Motor Vehicles and Traffic, Article V, Stopping Standing and Parking, Section 12-101, Prohibited On Certain Streets at All Times, to include a provision for the prohibition of stopping, standing, or parking of motor vehicles along the east side of I Avenue from 14th Street to 170 feet south of 15th Street; authorizing and directing the Traffic Engineer for the City of Plano to cause placement of traffic control devices to give notice of the restriction; and providing a severability clause, a penalty clause, and an effective date. [Consent Agenda Item (I)]

Ordinance No. 2003-4-14: To repeal Ordinance No. 96-11-23, currently codified under Chapter 12, Motor Vehicles and Traffic, Article IV, Speed, Section 12-74(b), Subsection “Hedgcoxe Road” of the City of Plano Code of Ordinances, and adopting a new subsection entitled “Hedgcoxe Road” that establishes the prima facie speed limit for motor vehicles operating along Hedgcoxe Road within the corporate limits of the City of Plano; authorizing and directing the Traffic Engineer to cause placement of traffic control devices indicating the speed limit; and providing a repealer clause, a severability clause, a savings clause, a penalty clause and an effective date. [Consent Agenda Item (J)]

Ordinance No. 2003-4-15: To repeal Subsection D of Section I, and Sections III and IV of Ordinance No. 87-2-5 (February 9, 1987), currently codified as Section 2-119 and Sections 2-126 through 2-132 of Chapter 2, Article V, Records Management Program, of the City of Plano Code of Ordinances, and replacing with revised regulations that provide for the management and maintenance of electronically stored records and that modify the record destruction process; and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (K)]

Ordinance No. 2003-4-16: To amend Sections 19-92, Penalty, 19-93, Permit Required, Application; Petition, and 19-94, Issuance of Permit of Article V, Street and Thoroughfare Closures Chapter 19 Streets and Sidewalks of the Plano Code of Ordinances to require payment of a fifty dollar fee for a temporary street closure permit; providing a repealer clause, a savings clause, a penalty clause, a severability clause, and an effective date. [Consent Agenda Item (M)]

Ordinance No. 2003-4-17: To amend in part Section 1 of Ordinance No. 85-9-20, currently codified under Chapter 21, Utilities, Article IV, Service Charges Generally, Section 21-133(d)(1)(a) of the Plano Code of Ordinances, to increase the service charge for a requested flow and/or pressure test on a City fire hydrant from \$30.00 to \$75.00; and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (N)]

To repeal Ordinance No. 2000-2-16 codified as Division 1.5, Cross Connection Control Program, of Article II, Water, of Chapter 21, Utilities, of the Code of Ordinances; adopting a new Division 1.5 of Article II, Chapter 21 of the Code of Ordinances; to revise definitions, processes, regulations and enforcement provisions; providing a repealer clause, a savings clause, a severability clause, a penalty clause and an effective date. [Consent Agenda Item (O)] (Pulled and held)

Ordinance No. 2003-4-18: To repeal Ordinance No. 2002-9-10; increasing fees for registration of dogs, cats, potbellied pigs, ferrets, and dangerous animals; increasing impoundment and adoption fees for dogs, cats, ferrets, and other animals, and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (P)]

Approval of Change Order

To Robert L. Reich, Inc. increasing the contract by \$40,597 for the Plano Joint Use Facility, Change Order No. 6 (Bid No. B040-02) [Consent Agenda Item (Q)]

END OF CONSENT

Ordinance No. 2003-4-19: To amend Chapter 14, Article I, In General, of the City of Plano Code of Ordinances to include Section 14-12, "Facsimile Firearms,"; prohibiting the display or brandishing of a facsimile firearm, providing specific defenses; and providing a penalty clause, a severability clause, and an effective date. [Consent Agenda Item (L)]

Ordinance No. 2003-4-19 (cont'd)

Police Chief Rushin advised that the ordinance would regulate the display and brandishing of facsimile firearms in the City. He responded to Council Member Lambert that, to his knowledge, no cities other than Carrollton have enacted a similar ordinance and that no efforts have been made on the state level. Chief Rushin responded to Council Member Johnson regarding work with the Legal Department in drafting the ordinance and to Council Member Magnuson advising that efforts will be undertaken to educate the community.

Council Member Lambert stated concern regarding enforcement and that the ordinance will not address the problem of education and that he would be voting in opposition. Mr. Lambert spoke to the possibility of the ordinance giving police officers a false sense of security.

Chief Rushin spoke to an educational display featuring facsimile firearms available for use by school liaisons and crime prevention officers and advised the Council that Staff will brainstorm on getting the word out to the community. Council Member Lambert stated support for providing education regarding facsimile firearms.

Council Member Magnuson spoke to the benefits of the ordinance and an education program. Council Member Roach spoke to the court system determining application of the ordinance and Mayor Evans spoke to the City providing protection for its citizens and police officers. Council Member Stahel spoke to bringing the issue to the attention of both adults and children. In response to Council Member Roach, Chief Rushin advised that Staff could bring the facsimile firearm display to the next Council meeting.

A motion was made by Council Member Magnuson and seconded by Council Member Stahel to amend Chapter 14, Article I, In General, of the City of Plano Code of Ordinances to include Section 14-12, "Facsimile Firearms,"; prohibiting the display or brandishing of a facsimile firearm, providing specific defenses; and providing a penalty clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2003-4-19. The Council voted 7-1 with Council Member Lambert voting in opposition. The motion carried.

Due to possible conflicts of interest, Deputy Mayor Pro tem Stovall and Council Member Stahel stepped down from the bench on the following two items which were read concurrently.

Approval of State Contract - To approve an expenditure for a Gartner Group executive training program in an amount of \$55,080 to Department of Information Resources (DIR); and authorizing the City Manager to execute all necessary documents to effectuate the purchase. [Consent Agenda Item (R)]

Approval of Agreement - To approve an annual enterprise agreement in an amount of \$394,500 with SHI-GS, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendors list; and authorizing the City Manager to execute all necessary documents to effectuate the purchase. (QISV #1223695478500) [Consent Agenda Item (S)]

Upon a motion made by Council Member Roach and seconded by Council Member Magnuson, the Council voted 6-0 to approve an expenditure for a Gartner Group executive training program in an amount of \$55,080 to Department of Information Resources (DIR); and authorizing the City Manager to execute all necessary documents to effectuate the purchase and to approve an annual enterprise agreement in an amount of \$394,500 with SHI-GS, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendors list; and authorizing the City Manager to execute all necessary documents to effectuate the purchase.

Deputy Mayor Pro tem Stovall and Council Member Stahel resumed their places on the bench.

Resolution No. 2003-4-20(R): To adopt the 2003-2004 Action Plan for the use of HOME Investment Partnership Funds for Program Year 2003-2004; and declaring an effective date. [Regular Agenda Item (1)]

Neighborhood Services Manager Buffington advised the Council that the City has become eligible for participation in the HOME program and that the Community Relations Commission has recommended use of funds for housing rehabilitation, new housing construction and administrative costs. He advised that the Commission has held a Public Hearing and recommend approval.

Upon a motion made by Council Member Lambert and seconded by Council Member Magnuson, the Council voted 8-0 to the 2003-2004 Action Plan for the use of HOME Investment Partnership Funds for Program Year 2003-2004; and declaring an effective date; and further to adopt Resolution No. 2003-4-20(R).

Resolution No. 2003-4-21(R): To authorize the filing of an application in an amount not exceeding \$750,000 for federal funds under the HOME Investment Partnerships Act; designating Thomas H. Muehlenbeck as Chief Executive Officer; and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. [Regular Agenda Item (2)]

Resolution No. 2003-4-21(R) (cont'd)

Upon a motion made by Council Member Magnuson and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to authorize the filing of an application in an amount not exceeding \$750,000 for federal funds under the HOME Investment Partnerships Act; designating Thomas H. Muehlenbeck as Chief Executive Officer; and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date; and further to adopt Resolution No. 2003-4-21(R).

Public Hearing and adoption of Ordinance No. 2003-4-22 as requested in Zoning Case 2003-03 – to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to zone 0.6± acre located on the south side of Parker Road at Rainier Road in the City of Plano, Collin County, Texas, to Single-Family-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, and an effective date. The property does not currently have a zoning designation. Neighborhood #46. Applicant: City of Plano [Regular Agenda Item (3)]

Development Review Manager Elgin advised the Council that this request would establish zoning for a tract of land recently annexed into the City and stated that the Planning and Zoning Commission recommended Single-Family-7 zoning be applied to the property. He stated that letters received from adjacent property owners included two in support and one in opposition with the letter in opposition requesting office zoning. Mr. Elgin responded to Mayor Pro tem Dyer stating that restrictions would most likely keep development to one lot.

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 Mayor Pro tem Dyer and seconded by Council Member Johnson, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to zone 0.6± acre located on the south side of Parker Road at Rainier Road in the City of Plano, Collin County, Texas, to Single-Family-7 as requested in Zoning Case 2003-03 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. 2003-4-22.

There being no further discussion, Mayor Evans adjourned the meeting at 7:43 p.m.

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary