

**PLANO CITY COUNCIL**  
**May 24, 2004**

**COUNCIL MEMBERS**

Pat Evans, Mayor  
Shep Stahel, Mayor Pro Tem  
Ken Lambert, Deputy Mayor Pro Tem  
Steve Stovall  
Phil Dyer  
Scott Johnson  
Sally Magnuson  
Jean Callison

**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, May 24, 2004, at 7:00 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Associate Pastor Steve Lucas of Grace Community Church.

The Pledge of Allegiance was led by Jr. Girl Scout Troop 658 of Thomas Elementary School.

Mayor Evans presented proclamations recognizing “American Stroke Month” and “Clean Air Month – 2004.” She further recognized the “Outdoor Air Quality” Poster Contest Winners and the Organizers/Coordinators of the Blackland Prairie Festival.

City Manager Muehlenbeck recognized Executive Director Turner for twenty years of service to the City of Plano.

**GENERAL DISCUSSION**

James Higginbotham, citizen of the City, spoke to citizen efforts regarding the tax freeze for those over 65 years of age or disabled and thanked the Council for their consideration.

John Blackington and Leslie Bails, citizens of the City, spoke in opposition to the tax freeze for those over 65 years of age or disabled, regarding the diverse income levels of seniors and concern that it will pass tax increases on to younger residents.

## CONSENT AGENDA

Council Members Stovall advised he would be stepping down on that portion of Consent Agenda Item “R” related to Collin Intervention to Youth due to a possible conflict of interest and Council Member Dyer advised that he would be stepping down on that portion of Consent Agenda Item “R” related to Hope’s Door due to a conflict of interest.

Upon the request of citizen, Richard Simmons, Consent Agenda Item “U” was removed for individual consideration.

Council Member Dyer advised he would be stepping down on Regular Agenda Item “3” due to a conflict of interest.

Upon a motion made by Council Member Dyer and seconded by Council Member Johnson, 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”]  
May 10, 2004

**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. B086-04** to establish an annual fixed-price contract for Water Meters – Turbine and Compound types in the estimated annual amount of \$190,290 with two optional one-year renewals. [Consent Agenda Item “B”] (See Exhibit “A”)

**Bid No. C084-04** to establish an annual fixed-price contract with two optional one-year renewals for Tires – New in the estimated annual amount of \$183,904. [Consent Agenda Item “C”] (See Exhibit “B”)

**Bid No. C080-04** to establish an annual fixed-price contract with two optional one-year renewals for Tire Re-Capping Service in the estimated annual amount of \$63,750. [Consent Agenda Item “D”] (See Exhibit “C”)

**Bid No. P090-04** to establish an annual fixed price contract with one optional renewal for Supply and Installation of Thermoplastic Pavement Marking Material in the estimated annual amount of \$76,548. [Consent Agenda Item “E”] (See Exhibit “D”)

**Bid No. P091-04** to establish an annual fixed price contract with one optional renewal for Installation of Ceramic and Acrylic Pavement Marking Buttons in the estimated annual amount of \$116,100. [Consent Agenda Item “F”] (See Exhibit “E”)

**Bid No. B097-04** for Jack Carter and Enfield Park Parking Lot improvements in the amount of \$363,404. This bid includes replacement of the north parking lot, a portion of the drive, and relocation of a portion of bike trail at Jack Carter Park. Enfield Park improvements include replacement of paved leave-outs, ADA compliance for handicapped parking, and curb repairs at both of the parking lots. [Consent Agenda Item “G”] (See Exhibit “F”)

**Bid No. B096-04** for construction of Los Rios Boulevard - Phase I (Jupiter Road to Parker Road) in the amount of \$4,259,892. [Consent Agenda Item “H”] (See Exhibit “G”)

### **Adoption of Resolutions**

**Resolution No. 2004-5-8(R)** To approve the terms and conditions of an agreement by and between City of Plano and the Texas Department of Transportation (TxDOT), pertaining to the installation of traffic signal equipment at five intersections along State Highway 121 with subsequent reimbursement by TxDOT; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item “I”]

**Resolution No. 2004-5-9(R)** To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and Collin County, Texas, providing terms and conditions for the extension of Los Rios Boulevard from Parker Road to Morton Vale Road; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item “J”]

**Resolution No. 2004-5-10(R)** To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, and the North Central Texas Council of Governments providing terms and conditions for the funding of an Expanded Yard Waste Diversion Program; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item “K”]

**Resolution No. 2004-5-11(R)** To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, and the North Central Texas Council of Governments providing terms and conditions for the funding of an Environmental Discovery Center and Educational Kiosk; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item “L”]

**Resolution No. 2004-5-12(R)** To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, and the North Central Texas Council of Governments providing terms and conditions for the funding of a Greening Plano’s Outdoor Venues Program; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item “M”]

**Resolution No. 2004-5-13(R)** To approve the terms and conditions of four (4) funding agreements in a total amount not to exceed \$3,100 between the City of Plano, Texas, and Great Land Choral Society, Dallas Chinese Choral Society, Chinese Music Society of Dallas, and Texas Performing Chinese Arts Association, which all render services that are beneficial to the public and serve a valid public purpose; authorizing the City Manager to execute such funding agreements with these organizations for support of the arts; and providing an effective date. [Consent Agenda Item “N”]

**Resolution No. 2004-5-14(R)** To amend the recreation room rental fees and pool rental fees to include Liberty Recreation Center; establishing a nine hole golf fee for Pecan Hollow Golf Course, rescinding the membership fees for Douglass Community Center, and establishing an effective date. [Consent Agenda Item “O”]

**Resolution No. 2004-5-15(R)** To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item “P”]

**Resolution No. 2004-5-16(R)** To authorize the City Manager to administer various federally funded grant programs by establishing procedures for making forgivable and non-forgivable loans to low and moderate income applicants for the purpose of renovating existing residential structures, or building or acquiring affordable housing; and declaring an effective date. [Consent Agenda Item “Q”]

**Resolution No. 2004-5-17(R)** To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Software Spectrum, Inc.; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item “S”]

### **Adoption of Ordinances**

**Ordinance No. 2004-5-18** - To amend Ordinance No. 2003-11-8 and the Comprehensive Zoning Ordinance, Ordinance No. 86-3-14, as heretofore amended, to correct a clerical error and to add Heritage Resource Designation No. H-29 to a 0.5± acre property, situated in the City of Plano, Collin County, Texas, on the south side of 17th Street, 95± feet east of H Avenue, presently zoned Urban Residential, and retaining the base zoning classification; directing a change accordingly in the official zoning map of the City; and providing a repealer clause, a savings clause, a severability clause, a penalty clause and an effective date. (Zoning Case 2003-54) [Consent Agenda Item “T”]

**Ordinance No. 2004-5-19** - To abandon all right, title and interest of the City, in and to that certain sanitary sewer easement situated in Madison Estates which is located south of 14<sup>th</sup> Street and west of Rigsbee Drive in the City Limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Pulte Homes of Texas, L.P., to the extent of its interest; authorizing the City Manager, to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item “V”]

### **Award of Contract**

To approve and authorize for the selection of Huitt-Zollars, Inc. to provide Professional Engineering Services for an amount not to exceed \$176,500 in connection with the design of Shiloh Road – Royal Oaks Drive to Parker Road and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item “W”]

To approve the terms and conditions of the Agreement between the City of Plano and Susan Allen, Firearms Examiner, for professional services related to examiner duties for the Integrated Ballistics Information System. This agreement, for an amount not to exceed \$95,000 overlaps three fiscal budget years. [Consent Agenda Item “X”]

### **Approval of Expenditure**

To approve an expenditure in the amount of \$67,200 with Affiliated Telephone Inc. for Nortel Networks Callpilot voice mail application; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. (C100-02) [Consent Agenda Item “Y”]

### **Approval of Contract Amendment**

To approve a contract amendment with Lockwood, Andrews & Newnam, Inc., for Professional Engineering Services in the amount of \$14,000 in connection with construction of McDermott Road, Phase I, Ohio Road to Robinson Road; and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item “Z”]

### **Approval of Change Order**

**Bid No. B001-04** - To Jim Bowman Construction Co., L.P. increasing the contract by \$187,610 for the 2003-2004 Residential Slab Replacement Project, Zone M5 and L5W, Change Order No. 1. [Consent Agenda Item “AA”]

**Bid No. B073-03** - To Tiseo Paving Company, increasing the contract by \$118,688 for Premier Drive - Ruisseau Drive to Heritage Drive; Change Order No. 1. [Consent Agenda Item “BB”]

**Bid No. C118-03** - To White Glove Janitorial & Floor Services, increasing the estimated annual contract amount by \$67,032 for the addition of custodial services for Liberty Park Recreation Center; Change Order No. 1. [Consent Agenda Item “CC”]

**END OF CONSENT**

**Resolution No. 2004-5-20(R)** To approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Development Block Grant Funds in the amount of \$600,844 and Home Funds in the amount of \$154,289 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date. Approved by City Council March 22, 2004. [Consent Agenda Item “R”]

Due to a possible conflict of interest in a portion of this item related to Collin Intervention to Youth, Council Member Stovall stepped down from the bench.

Upon a motion made by Council Member Dyer and seconded by Mayor Pro Tem Stahel the Council voted 7-0 to approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Development Block Grant Funds in the amount of \$600,844 and Home Funds in the amount of \$154,289 for the provision of various community services; authorizing its execution by the City Manager; with the exception of Hope’s Door.

Council Member Stovall resumed his place on the bench.

Due to a conflict of interest in a portion of this item related to Hope’s Door, Council Member Dyer stepped down from the bench.

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Magnuson, the Council voted 6-0 to approve that portion related to Hope’s Door. The Council further adopted Resolution No. 2004-5-20(R).

Council Member Dyer resumed his place on the bench.

**Ordinance No. 2004-5-21** - To adopt Section 12-104.1 of Chapter 12 (Motor Vehicles And Traffic) of the City of Plano Code of Ordinances to prohibit parking of motor vehicles for time periods longer than four (4) hours during specified hours along portions of K Avenue within the City limits of the City of Plano; declaring it unlawful and a misdemeanor to park motor vehicles for periods longer than four (4) hours 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 “U”]

Richard Simmons, citizen of the City, thanked the Council and spoke in support of the request and regarding enforcement.

**Ordinance No. 2004-5-21 (cont'd)**

Upon a motion made by Mayor Pro Tem Stahel and seconded by Deputy Mayor Pro Tem Lambert, the Council voted 8-0 to adopt Section 12-104.1 of Chapter 12 (Motor Vehicles And Traffic) of the City of Plano Code of Ordinances to prohibit parking of motor vehicles for time periods longer than four (4) hours during specified hours along portions of K Avenue within the City limits of the City of Plano; declaring it unlawful and a misdemeanor to park motor vehicles for periods longer than four (4) hours 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; and further to adopt Ordinance No. 2004-5-21.

**Ordinance No. 2004-5-22** - Amending Article II, "Ad Valorem Tax," of Chapter 20, "Taxation" of the Plano City Code of Ordinances, as amended, by adding a new Section 20-18 relating to ad valorem tax limitation for residential homestead property owners who are disabled or 65 years of age or older; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date. [Regular Agenda Item "1"]

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Mayor Pro Tem Stahel, the Council voted 8-0 to amend Article II, "Ad Valorem Tax," of Chapter 20, "Taxation" of the Plano City Code of Ordinances, as amended, by adding a new Section 20-18 relating to ad valorem tax limitation for residential homestead property owners who are disabled or 65 years of age or older; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date; and further to adopt Ordinance No. 2004-5-22.

**An Ordinance** to order a special election to be held on September 11, 2004 for the purpose of determining whether to provide a tax limitation on the increase of ad valorem taxes on homestead property of persons disabled or 65 years of age or older as allowed by Texas Constitution Art. 8 Sec. 1-b(h). Tabled 5/10/04 [Regular Agenda Item "2"]

Upon a motion made by Council Member Magnuson and seconded by Council Member Dyer, the Council voted 8-0 to remove the item from the table.

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Mayor Pro Tem Stahel, the Council voted 8-0 to deny the request to order a special election to be held on September 11, 2004 for the purpose of determining whether to provide a tax limitation on the increase of ad valorem taxes on homestead property of persons disabled or 65 years of age or older as allowed by Texas Constitution Art. 8 Sec. 1-b(h).

Due to a conflict of interest, Council Member Dyer stepped down from the bench on the following item.

**Public Hearing and Consideration of a request** to amend the allowed uses of \$75,000 in 2003 Community Development Block Grant funds previously awarded to Hope's Door. [Regular Agenda Item "3"]

Neighborhood Services Manager Buffington advised the Council that in 2003, funds were awarded to Hope's Door to purchase land for the construction of a new facility but that the agency is now requesting approval to use these funds to make repairs on their existing facility.

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 Stovall and seconded by Council Member Magnuson the Council voted 8-0 to amend the allowed uses of \$75,000 in 2003 Community Development Block Grant funds previously awarded to Hope's Door.

Council Member Dyer resumed his place on the bench.

**Resolution No. 2004-5-23(R):** To adopt the Briarwood Neighborhood Action Plan as proposed by the Briarwood Neighborhood Planning Team, and approving its use by the appropriate personnel and departments of the City Of Plano for the purpose of guiding future development and provision of City services within the Briarwood Neighborhood; and providing an effective date. [Regular Agenda Item "4"]

Briarwood resident Amy Johnson spoke regarding the character of the neighborhood and its preservation. She reviewed the plan which covers neighborhood maintenance and the goal of creating a positive community image and preserving the quality of existing residential properties through the encouragement of rehabilitation and code compliance. Ms. Johnson spoke regarding providing better access to area parks by ensuring their accessibility, assuring safe and efficient mobility for cars, trucks, and pedestrians while protecting the stability and residential character of the neighborhood, preserving neighborhood trees and creeks as part of the resources that contribute to the character and beauty of the neighborhood and enhancing the recognition of the Briarwood area and further developing neighborhood identity and cohesiveness. She spoke regarding the objectives for each area addressed by the plan.

Mayor Pro Tem Stahel spoke regarding the geographic characteristics of the area, community spirit and volunteers who will help the elderly maintain their properties.

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

**Resolution No. 2004-5-23(R) (cont'd)**

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Stovall, the Council voted 8-0 to adopt the Briarwood Neighborhood Action Plan as proposed by the Briarwood Neighborhood Planning Team, and approving its use by the appropriate personnel and departments of the City Of Plano for the purpose of guiding future development and provision of City services within the Briarwood Neighborhood; and providing an effective date; and further to adopt Resolution No. 2004-5-23(R).

**Public Hearing and Ordinance No. 2004-5-24 as requested in Zoning Case 2004-14** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 539 so as to allow the additional use of a new car dealer on 23.8± acres of land located on the northeast corner of the Dallas North Tollway and Spring Creek Parkway in the City of Plano, Collin County, Texas, presently zoned Commercial Employment; 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. Neighborhood #16 Applicant: Classic BMW [Regular Agenda Item "5"]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted and that the preliminary site plan was approved subject to City Council approval of the zoning request. She spoke to neighborhood concerns regarding screening and advised that the Council may include additional landscaping stipulations.

Mayor Evans opened the Public Hearing. Lee Maas, representing the applicant, reviewed the history of the automaker and the dealership and spoke to the growth of BMW ownership in the City of Plano. He spoke to meetings held with area neighbors and accommodations made to address their concerns. Carlo Silvestri, representing the applicant, reviewed plans for the site and spoke to the additional landscaping and berming. Eric Maas, representing the applicant, spoke to benefits provided employees, community involvement and commitments by BMW and the dealership. Lee Maas spoke to the responses received from the neighborhood regarding changes in screening. No one else spoke either for or against the request. The Public Hearing was closed.

Ms. Jarrell responded to the Council that a stipulation regarding landscaping may be included in the specific use permit.

**Ordinance No. 2004-5-24 (cont'd)**

Upon a motion made by Council Member Stovall and seconded by Council Member Magnuson, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 539 so as to allow the additional use of a new car dealer on 23.8± acres of land located on the northeast corner of the Dallas North Tollway and Spring Creek Parkway in the City of Plano, Collin County, Texas, presently zoned Commercial Employment as requested in Zoning Case 2004-14 and as recommended by the Planning and Zoning Commission with stipulations (*A landscaped edge consisting of trees, shrubs and berms shall be installed along the northern property line. The landscaped edge shall be a minimum of 25 feet in width and a maximum 50 feet in width*); 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. 2004-5-24.

There being no further discussion, Mayor Evans adjourned the meeting at 8:23 p.m.

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Pat Evans, **MAYOR**

ATTEST:

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Elaine Bealke, City Secretary