

**PLANO CITY COUNCIL**  
**June 9, 2003**

**COUNCIL MEMBERS**

Pat Evans, Mayor  
Steve Stovall, Mayor Pro Tem  
Shep Stahel, Deputy Mayor Pro Tem  
Phil Dyer  
Scott Johnson  
Sally Magnuson  
Jean Callison  
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, June 9, 2003, at 7:07 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Mayor Pro Tem Stovall.

The invocation was led by Pastor George Feiser of Grace Community Church.

The Pledge of Allegiance was led by Boy Scout Troop 27 - Plano 3rd Ward Church of Jesus Christ Latter Day Saints.

Mayor Evans presented a Certificate of Appreciation to Richard Garza for service on the Building Standards Commission. Amy Morenz was unable to attend to receive a Certificate of Appreciation for service on the Library Advisory Board.

**GENERAL DISCUSSION**

Lisa Kristof, citizen of the City, thanked the Council for improving the parking situation at the dog park and spoke to the upcoming American Kennel Club's "Responsible Dog Ownership Day" proposing that by utilizing volunteers and community members, a day be organized to promote responsible dog ownership. She spoke regarding the amount of time spent by Animal Services Staff at the dog park and citations/warnings issued. Ms. Kristof requested that Staff be stationed inside the park to monitor dog registration/rabies tags. Mayor Evans advised that the City Manager would report back with a response.

Bert Bader, IV and Tim Politz, citizens of the City, expressed concerns related to utility poles being erected along Ridgeview Drive stating that the community was designed without above ground utilities within or on the immediate perimeter. They spoke regarding there being no benefit to the community, increased safety risks, violations of ordinances, decline in property values, and Coserv's failure to notify homeowners. Mr. Bader requested the City review the situation, look into why an open field in the area is not being utilized, and that Coserv stop construction.

City Engineer Upchurch responded that he is not aware of any ordinances being violated, that a permit has been issued, and further that it is not uncommon for poles to be located along the right-of-way of major thoroughfares. Mr. Upchurch advised that he was unsure if the poles will provide service to this community, stated that the Subdivision Ordinance and Right-of-Way Management Ordinance allow for overhead poles and that at this time only electrical lines are being placed. He spoke to alternatives for utility placement and expenses and advised that sidewalks would be widened once construction is complete. Mr. Upchurch advised that he has not been able to contact Coserv regarding further discussions and that notification is required in the case of over 500 feet of underground utility construction. He stated he would visit with community representatives and if there were any violations he would follow up.

## **CONSENT AGENDA**

Citizen of the City Sonja Hammar requested that Consent Agenda Item "C" be removed for individual consideration.

City Manager Muehlenbeck advised that Consent Agenda Item "E" would be pulled and held.

Council Member Callison advised that she would be stepping down on Regular Agenda Item 6 due to possible conflicts of interest.

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 7-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

### **Approval of Minutes** [Consent Agenda Item (A)]

May 27, 2003  
June 2, 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 C078-03** for Auto & Truck Non OEM Parts in the estimated annual amount of \$80,000. [Consent Agenda Item (B)] (See Exhibit "A")

**Adoption of Resolutions**

**Resolution No. 2003-6-4(R):** To authorize the purchase and installation of underground electric power infrastructure for Archgate Park from Oncor, the sole source provider of such services and equipment; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase and installation of electric power service; and providing an effective date. [Consent Agenda Item (D)]

To approve the terms and conditions of an agreement by and between the City of Plano, the City of Richardson and the City of Garland for expansion of the Tri-City Police Training Academy; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (E)] (This item was pulled and held.)

**Adoption of Ordinances**

**Ordinance No. 2003-6-5:** To repeal Section VII of Ordinance No. 99-12-4, codified as Section 13-8(d), Municipal Court Technology Fund, of Chapter 13, Municipal Court, of the Code of Ordinances of the City of Plano, Texas, repealing the termination date for the municipal court technology fund; providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (F)]

**Ordinance No. 2003-6-6:** To authorize the collection of a fee for processing payment by credit card to the Municipal Court; imposing a processing fee for payments by credit card to the Municipal Court; and providing a severability clause, and an effective date. [Consent Agenda Item (G)]

**Ordinance No. 2003-6-7:** To amend Section 11-145 of Article IV of Chapter 11, "Licenses and Business Regulations" of the Code of Ordinances of the City of Plano by adding Subsection (e) prohibiting solicitation upon residential premises that are posted with a no solicitation sign; providing severability, savings, repealing, penalty and publication clauses; and an effective date. [Consent Agenda Item (H)]

**Approval of Change Order:**

To Mario Sinacola & Sons Excavating, Inc., increasing the contract by \$145,126 for Parker Road Widening from Midway Road to West City Limits (Bid No. B185-01) [Consent Agenda Item (I)]

**Purchase from Existing Contract:**

To purchase detector cards and opticom equipment in the amount of \$132,745 to be installed at various signalized intersections within the City of Plano from two existing City of Plano Contracts (C089-01 and C050-02). [Consent Agenda Item (J)]

**END OF CONSENT:**

**Resolution No. 2003-6-8(R):** To approve the terms and conditions of four (4) funding agreements in a total amount not to exceed \$4,000 between the City of Plano, Texas, and Collin County Ballet Theatre, Dallas Asian American Youth Orchestra, Dallas Chinese Choral Society, 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 (C)]

Council Member Dyer responded to Sonja Hammar, citizen of the City, that the Cultural Affairs Commission hears requests from individual groups. Ms. Hammar stated concerns regarding the application process including its decentralization, spoke to an applicant that is not in “good standing” and others whose offices are located in other cities. Council Member Dyer spoke regarding standards in place and suggested tabling the request until clarification can be provided.

City Manager Muehlenbeck spoke to policies/procedures when funding is provided from the hotel/motel tax and stated that this program is separate and is intended for young, start-up groups. He advised that the Cultural Affairs Commission has guidelines which do not require groups to have 501(c)(3) status and further stated that grants are up to \$1,000 with organizations being eligible for up to two years. Mr. Muehlenbeck advised that one group referred to as not being in “good standing” is new to the 501(c)(3) process and that all organizations provided Plano addresses on their applications.

Mayor Evans and Council Member Dyer spoke to the organizations providing a benefit to the citizens whether or not that they have headquarters in the City. Creative Arts Manager Wear advised that all performances being funded are scheduled to be held in the City.

Council Member Lambert requested confirmation that organizations are eligible for the small grants for up to two years without having 501(c)(3) status. Mr. Wear responded to Council Member Lambert stating that the recommendation is to accept the Plano Arts and Cultural Endowment (PACE) donation and fund the grants. City Attorney Wetherbee stated that applicants are required to show they are in “good standing” as non-profit organizations in the state, not necessarily as a 501(c)(3).

Mr. Wear advised that after discussion with the Comptroller’s office, the Collin County Ballet Theatre is not in good standing as a form is still due and that they are not in immediate danger of having their charter revoked. Council Member Dyer stated concerns if an organization is not in “good standing.”

**Resolution No. 2003-6-8(R) (cont'd)**

City Manager Muehlenbeck responded to Council Member Lambert that these grants are different than those covered by policies set in place by the Council, but that the general conditions stated that an organization and any person/organization it contracts with shall comply with all applicable laws, regulations, ordinances, and codes of the United States, the State of Texas and the City of Plano. Mr. Wear advised that the event for the Collin County Ballet Theater would take place in October. City Attorney Wetherbee advised that the Council could approve the request contingent on the group being in good standing. City Manager Muehlenbeck spoke to segmenting the monies so that those groups in compliance would be funded immediately.

Upon a motion made by Council Member Dyer and seconded by Council Member Callison, the Council voted 7-0 to approve the terms and conditions of four (4) funding agreements in a total amount not to exceed \$4,000 between the City of Plano, Texas, and Collin County Ballet Theatre, Dallas Asian American Youth Orchestra, Dallas Chinese Choral Society, 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 with the stipulation that \$3,000 be released immediately to those organizations in good standing and that \$1,000 funding for the Collin County Ballet Theatre be withheld pending documentation of their "good standing" status; and further to adopt Resolution No 2003-6-8(R) with said stipulation.

**Resolution No 2003-6-9(R):** To approve the terms and conditions of an amendment to City of Plano and Collin County Texas agreement to participate in the City of Plano Tax Increment Financing Reinvestment Zone Number Two; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (1)]

City Manager Muehlenbeck advised the Council that Collin County has agreed to contribute an amount equal to 80% of its Tax Increment into the Tax Increment Fund.

Upon a motion made by Council Member Dyer and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 7-0 to approve the terms and conditions of an amendment to City of Plano and Collin County Texas agreement to participate in the City of Plano Tax Increment Financing Reinvestment Zone Number Two; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No 2003-6-9(R).

**Resolution No 2003-6-10(R):** to approve the assignment by Willow Bend Associates Limited Partnership of its rights and obligations under a master agreement for Tax Increment Reinvestment Zone Number One through a series of assignments to Willow Bend Shopping Center Limited Partnership; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (2)]

**Resolution No 2003-6-10(R) (cont'd)**

Finance Director McGrane advised the Council that as part of refinancing a construction loan, Taubman Realty Group Limited Partnership has requested that the Master Agreement be assigned to a new entity. He responded to Council Member Lambert that there is no effective change in ownership.

Upon a motion made by Council Member Lambert and seconded by Council Member Magnuson, the Council voted 7-0 to approve the assignment by Willow Bend Associates Limited Partnership of its rights and obligations under a master agreement for Tax Increment Reinvestment Zone Number One through a series of assignments to Willow Bend Shopping Center Limited Partnership; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No 2003-6-10(R).

**Public Hearing and an ordinance as requested in Zoning Case 2002-68** to create Section 4-1000 (Transit Overlay District) of Article 4 of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to establish a Transit Overlay District; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano. Tabled from 3/24/03 and 05/12/03 [Regular Agenda Item (3)]

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Council Member Dyer, the Council voted 7-0 to remove the item from the table.

Senior Planner Adams advised the Council that Staff has included information regarding the allowed uses, development standards, and height limitations for the Corridor Commercial district as this would be the underlying zoning for the area. He advised that the only area that would be eligible for a maximum height of 20 stories would be along Park Boulevard near Archerwood Street. Mr. Adams spoke regarding the *DART Systems Plan* and the effect it may have on the Parker Road Station and spoke to the possibility of delaying consideration of the overlay district until the system plan is available. He advised that the alternatives would be to approve the overlay district, return the item to the Planning and Zoning Commission with specific direction or deny the request as proposed.

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

City Manager Muehlenbeck spoke to the work being done on the *DART 2025 Plan* and stated concern with moving forward before having a better idea of what is included. Council Member Lambert spoke to finding out what would be included in the plan and stated that if a developer were to come forward, the Council would then consider their request.

**Zoning Case 2002-68 (cont'd)**

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 7-0 to deny without prejudice Zoning Case 2002-68 to create Section 4-1000 (Transit Overlay District) of Article 4 of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to establish a Transit Overlay District; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date so that it can come back at the appropriate time.

Director of Planning Jarrell advised that Staff would start over once there is a clear vision for the area and Mayor Evans stated that the DART 2025 Plan would be released in approximately one year.

**Public Hearing and an ordinance as requested in Zoning Case 2002-69** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to apply the Transit Overlay District to 54.8± acres located on the northwest and southwest corners of Park Boulevard and K Avenue, extending west to include property along Exchange Drive to a point 450± feet east of U.S. Highway 75 in the City of Plano, Collin County, Texas; 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 #59. Applicant: City of Plano. Tabled from 3/24/03 – remained on table 05/12/03 [Regular Agenda Item (4)]

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Council Member Magnuson, the Council voted 7-0 to remove the request from the table.

Senior Planner Adams stated Staff's recommendation to deny the request without prejudice.

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 Lambert and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 7-0 to deny without prejudice Zoning Case 2002-69 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to apply the Transit Overlay District to 54.8± acres located on the northwest and southwest corners of Park Boulevard and K Avenue, extending west to include property along Exchange Drive to a point 450± feet east of U.S. Highway 75 in the City of Plano, Collin County, Texas; 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.

**Public Hearing and consideration of the “Spring Creek Parkway/Jupiter Road Area Plan”** and approving it as a general guide for decisions relating to land use, transportation, and public facilities and services within the study. [Regular Agenda Item (5)]

Planning and Information Manager Zimmerman advised that Staff requests the item be tabled. He responded to Deputy Mayor Pro Tem Stahel stating that there is an interrelationship between the study and the Parker Road Station with a critical question being a DART extension. Mr. Zimmerman responded to Mayor Evans that most of the land in this study is held by private owners, that there are considerations for some development, and that it would be 13-15 years before the rail line would be extended. He further advised that information regarding a possible extension of the line would be available in 6-12 months, that there is potential for the northwest corner of K Avenue and Spring Creek Parkway to be partially developed within about a year, and speculations that the Parker Road station would not be replaced as a main station. Council Member Lambert spoke to indications that a Spring Creek station would be unlikely if the line were not extended to the north. Mr. Zimmerman spoke regarding right-of-way issues and stated that there are no current plans that would preclude a station at that location. Director of Planning Jarrell recommended tabling the request for two weeks allowing time for property owners to be present for discussion.

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 7-0 to table consideration of the “Spring Creek Parkway/Jupiter Road Area Plan” and approving it as a general guide for decisions relating to land use, transportation, and public facilities and services within the study until the June 23, 2003 Council meeting.

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

**Public Hearing and adoption of Ordinance No. 2003-6-11 as requested in Zoning Case 2003-11** – to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to amend Planned Development-427-Office-2 on 41.9± acres located on the southwest corner of Parker Road and Communications Parkway in the City of Plano, Collin County, Texas, to revise floor area ratio and building square footage requirements; 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 #40. Applicant: Presbyterian Hospital of Plano. [Regular Agenda Item (6)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as follows: (Strike-through text indicates proposed deletions.)

1. No structure shall be located within 60 feet of any dedicated street.

**Ordinance No. 2003-6-11 (cont'd)**

2. All structures above two stories shall be located a minimum of up to 125 feet from a residential district.
3. Eight-story medical office building shall be a maximum of 125 feet in height, and shall be setback a minimum of 160 feet from the zoning district boundary line.
4. Ten story buildings shall be a maximum height of 150 feet and shall be set back a minimum of 300 feet from the zoning district boundary line.
5. Submittal of the landscape and screening plan for staff approval.
6. A minimum of 10% of the site shall be landscaped area.
7. A minimum 30-foot wide landscape buffer shall be placed adjacent to all zoning district boundaries except where abutting defined open space on adjacent properties.
8. A three-foot high berm with a minimum three-foot high living screen shall be constructed along the southern edge of the property to the existing creek.
9. Dedication of a fifteen-foot wide utility easement adjacent to Midway and Parker Roads for the future placement of underground utilities.
- ~~10. Maximum FAR: 0.7:1.~~
11. Office portion of the development to be restricted to medical offices only.
- ~~12. —Maximum total square footage allowed on the site shall be 815,000 square feet.~~

Ms. Jarrell spoke regarding the planned expansion, changes to an existing parking garage, the hospital being one of the first non-residential developments west of the Dallas North Tollway and stated the existing stipulations were put in place in response to a concept plan. She stated that the request includes removal of the maximum floor area ratio to allow for future plans.

Mayor Evans opened the Public Hearing. Phil Wentworth representing Presbyterian Hospital of Plano responded to Council Member Lambert that total square footage could get up to up to 1,260 square feet and that they are requesting flexibility for increased density if needed. No one else spoke either for or against the request. The Public Hearing was closed.

**Ordinance No. 2003-6-11 (cont'd)**

Upon a motion made by Council Member Magnuson and seconded by Deputy Mayor Pro Tem Stahel, the Council voted 6-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to amend Planned Development-427-Office-2 on 41.9± acres located on the southwest corner of Parker Road and Communications Parkway in the City of Plano, Collin County, Texas, to revise floor area ratio and building square footage requirements as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2003-6-11; 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. 2003-6-11.

Council Member Callison resumed her place on the bench.

**Public Hearing adoption of Ordinance No. 2003-6-12 as requested in Zoning Case 2003-12** – to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 491 so as to allow the additional use of a private club on 0.1± acre of land located on the east side of Bishop Road, 342± feet south of Legacy Drive in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-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. Neighborhood #16. Applicant: The Shops at Legacy, LP [Regular Agenda Item (7)]

Director of Planning Jarrell advised the Council 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 Stahel and seconded by Council Member Dyer, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 491 so as to allow the additional use of a private club on 0.1± acre of land located on the east side of Bishop Road, 342± feet south of Legacy Drive in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1 as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2003-12; 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. 2003-6-12.

**Public Hearing and adoption of Ordinance No. 2003-6-13 as requested in Zoning Case 2003-13** - to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 492 so as to allow the additional use of a private club on 0.1± acre of land located on the south side of Legacy Drive, 300± feet west of Parkwood Boulevard in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-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. Neighborhood #16. Applicant: The Shops at Legacy, LP [Regular Agenda Item (8)]

Director of Planning Jarrell advised the Council 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 Stahel and seconded by Council Member Magnuson, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 492 so as to allow the additional use of a private club on 0.1± acre of land located on the south side of Legacy Drive, 300± feet west of Parkwood Boulevard in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1 as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2003-13; 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. 2003-6-13.

There being no further discussion, Mayor Evans adjourned the meeting at 8:14 p.m.

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Pat Evans, **MAYOR**

ATTEST:

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Elaine Bealke, City Secretary