

**PLANO CITY COUNCIL**  
**July 22, 2002**

**COUNCIL MEMBERS**

Pat Evans, Mayor  
Phil Dyer, Mayor Pro tem  
Steve Stovall, Deputy Mayor Pro tem  
Shep Stahel  
Scott Johnson  
Sally Magnuson  
Jim McGee  
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, July 22, 2002, 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 Assistant English Minister Eugene Hung of Plano Chinese Alliance Church.

The Pledge of Allegiance was led by Junior Girl Scout Troop 1378.

Fay Moses Wilkins was not in attendance to receive her oath of office. Corey Todres and Kimberly S. Daly were not in attendance to receive their certificates of recognition.

Mayor Evans received a presentation of a \$10,000 check for Air Quality Awareness by North Texas Commission and a presentation regarding John A. Sasso Award to Neighborhood Services Division.

**GENERAL DISCUSSION**

Charles Elias, citizen of the City, addressed the Council regarding concerns related to coyotes in the area of Bob Woodruff Park and the City's unsuccessful trapping efforts. He requested the coyotes be removed from the parks as soon as possible and that ongoing efforts be provided to keep them out. Mayor Evans stated that if appropriate, a response will come forward at a future Council meeting.

The Council resumed discussion of the Preliminary Open Meeting at this time.

### **Discussion Regarding Exemption for Non-Profit Organizations**

City Attorney Wetherbee spoke regarding amendments to the tax code that would permit local charitable organizations to seek property tax exemptions and stated that these may be granted either by the governing body or by election if a petition is filed. She advised that criteria for granting an exemption is set forth in the statute, the comptroller's office is the determiner as to whether or not the organization meets the criteria and that the governing body's only role is to determine whether the exemption should be granted. Ms. Wetherbee spoke regarding unknowns with regard to the effect on tax revenues and stated that it is not clear as to whether the Council of each taxing unit has the discretion to grant or deny individually these exemptions. She further advised that the comptroller's office has indicated that requests should be treated uniformly and that the Council has asked for additional information before moving forward. Mayor Evans spoke to determining how many organizations might be involved, the amount of property evaluations and stated that the item will be revisited at a future meeting.

### **Comprehensive Monthly Financial Report**

Treasurer Mallar presented the Comprehensive Monthly Financial Report for the month of June 2002, advising the Council that information has been added to the financial summary related to the preliminary re-estimated annual budget and health claims and property liability loss funds. She spoke to the general fund being down overall due to decreases in sales tax revenues, license/permit revenues, housing permits and annualized building permit values. Ms. Mallar spoke to the water and sewer billings being increased on an annualized basis, a leveling off of the hotel/motel occupancy tax and reviewed the investment report.

### **Council items for discussion/action on future agendas**

No items were discussed.

### **Consent and Regular Agenda**

Deputy Mayor Pro tem Stovall advised he would be stepping down on Consent Agenda Item "N," Consideration of a resolution to approve the terms and conditions of a real estate contract by and between the City of Plano, Texas and Collin Intervention to Youth, Inc. due to a possible conflict of interest.

### **Council Reports**

Mayor Evans spoke regarding a presentation made to the City of Plano from the Western World Series for the National Softball Association and the event being held at Heritage Fields.

Council Member McGee advised that he has been appointed to be a representative to the steering committee for the *Adopt-a-School Bus Program* by County Judge Ron Harris and spoke regarding the program's efforts to assist in the replacement of older school busses. Mr. McGee spoke to this being a pilot program and stated that the steering committee will take applications from school districts applying for grants.

## **CONSENT AGENDA**

Mayor Pro tem Dyer, Deputy Mayor Pro tem Stovall, and Council Member McGee advised they would be stepping down on Consent Agenda Item "N" due to conflicts of interest.

Upon a motion made by Council Member Stahel 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)]**

June 19, 2002

June 24, 2002

### **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. B103-02** for Research Technology District Streetscape (Project No. 5078) in the amount of \$149,672. This project is for the construction of monuments, flagpoles, landscaping, and irrigation at four locations in street medians in the Research Technology District. [Consent Agenda Item (B)] (See Exhibit "A")

**Bid No. B102-02** for Custer/Russell Creek Park Improvements in the amount of \$392,550. [Consent Agenda Item (C)] (See Exhibit "B")

**Bid No. C9911-0333** for purchase of Playground Equipment for Custer/Russell Creek Park Site in the amount of \$45,932. [Consent Agenda Item (D)] (See Exhibit "C")

**Bid No. B104-02** for construction of Los Rios Boulevard from Kite Landing Lane to Plano East Senior High School in the amount of \$480,692. [Consent Agenda Item (E)] (See Exhibit "D")

**Bid No. B098-02** for construction of Eastside No. 2 Sanitary Sewer Rehabilitation Project in the amount of \$555,095 for four locations in the City. [Consent Agenda Item (F)] (See Exhibit "E")

**Bid No. B093-02** for the Monthly Rental/Annual Lease of one (1) John Deere 4.0 Cubic Yard Articulating Loader for use by the Solid Waste Department in the total amount of \$31,527. [Consent Agenda Item (G)] (See Exhibit "F")

**Bid No. C105-02** for a fixed-price contract for Breakaway Sign Post & Accessories in the estimated annual amount of \$31,600 for the Signs & Markings/Sign Shop Departments for an annual contract with renewals. [Consent Agenda Item (H)] (See Exhibit "G")

**Bid No. B073-02** for Cab, Chassis & Vans for various departments in the amount of \$446,839. [Consent Agenda Item (I)] (See Exhibit "H")

### **Adoption of Resolutions**

**Resolution No. 2002-7-1(R):** To ratify the terms and conditions of a grant agreement by and between United States Environmental Protection Agency ("EPA") and the City of Plano, Texas in the total amount of \$115,000 for vulnerability assessments and related security improvements at large drinking water utilities; and providing an effective date. [Consent Agenda Item (J)]

**Resolution No. 2002-7-2(R):** To approve and authorize refunds of property tax overpayments in the amount of \$3,346; and providing an effective date. [Consent Agenda Item (K)]

**Resolution No. 2002-7-3(R):** To approve and authorize refunds of property tax overpayments in the amount of \$4,217; and providing an effective date. [Consent Agenda Item (L)]

**Resolution No. 2002-7-4(R):** To approve the terms and conditions of an interlocal agreement by and between the City of Plano, Texas and the City of Dallas a home-rule corporation, Dallas County, Texas; providing the terms and conditions 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 (M)]

### **Adoption of Ordinances**

**Ordinance No. 2002-7-5:** To amend Ordinance No. 99-9-29 codified as Section 12-73 of Article IV (Speed) of Chapter 12 (Motor Vehicles and Traffic) of the City of Plano Code of Ordinances by deleting the school zone on Carmel Drive at Custer Road from Section 12-73(b); amending Section 12-73(e) to include a previously omitted school zone on Carmel Drive at Custer Road; providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause and an effective date. [Consent Agenda Item (O)]

**Ordinance No. 2002-7-6:** To amend Ordinance No. 99-9-29 codified as Section 12-73 of Article IV (Speed) of Chapter 12 (Motor Vehicles and Traffic) of the City of Plano Code of Ordinances by deleting one of the two references for the school zone on Winding Hollow Lane at Channel Isle Drive from Section 12-73(b); amending section 12-73(b) to include a previously omitted school zone on Winding Hollow Lane at Southern Knolls Lane; providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause and an effective date. [Consent Agenda Item (P)]

**Ordinance No. 2002-7-7:** To amend Ordinance No. 99-9-29 codified as Section 12-73 Subsection (b), of Article IV (Speed) of Chapter 12 (Motor Vehicles and Traffic) of the City of Plano Code of Ordinances by including a previously omitted school zone on Parker Road at P Avenue; providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause and an effective date. [Consent Agenda Item (Q)]

**Ordinance No. 2002-7-8:** To amend Ordinance No. 99-9-29 codified as Section 12-102 (a) of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to prohibit parking of motor vehicles at specified areas on Bettye Haun Drive, Blue Ridge Trail, Crossbend Road, Devonshire Drive, Highhedge Drive, Mission Ridge Road, Mollimar Drive, Montana Trail, Mount Vernon Way, Parkhaven Drive, Rainier Road, Red River Drive, Roundrock Trail, and Russell Creek Drive within the City limits of the City of Plano on school days; declaring it unlawful and a misdemeanor to park motor vehicles upon certain sections of such roadways; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (R)]

**Ordinance No. 2002-7-9:** To amend Ordinance No. 2000-9-20 codified as Section 12-102(c), Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to prohibit parking, stopping or standing of motor vehicles along the east side of Wilson Drive from the intersection of Glencliff Drive south to the intersection of Grandview Drive within the City limits of the City of Plano on school days between the hours of 7:15 a.m. to 8:15 a.m., and 2:30 p.m. to 3:15 p.m.; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (S)]

**Ordinance No. 2002-7-10:** To establish Section 12-102(e) Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to prohibit parking of motor vehicles along specified sections of 17th Street, P Avenue, R Avenue, Blue Ridge Trail, Country Place Drive, John Clark Parkway, Mollimar Drive, Nevada Drive, Old Orchard Drive, Preston Meadow Drive, San Gabriel Drive, Scenic Drive, and Wilson Drive within the City limits of the City of Plano during specified times during school days; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (T)]

**Ordinance No. 2002-7-11:** To amend a specific section of Ordinance No. 99-9-29 codified as Section 12-73, Subsection (g), of Article IV (Speed) of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to reflect new school zone hours; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. [Consent Agenda Item (U)]

**Ordinance No. 2002-7-12:** To amend a subsection of Ordinance No. 2001-9-13, codified as Article XX, Residential Code, Division 2, Section 6-710, Subsection R302 of Chapter 6 of the City of Plano Code of Ordinances by adding a provision on encroachments and providing a repealer clause, a severability clause, a savings clause, a penalty clause and an effective date. [Consent Agenda Item (V)]

**Ordinance No. 2002-7-13:** To amend Article IV of Chapter 11, "Licenses and Business Regulations" of the Code of Ordinances of the City of Plano to provide definitions, restrictions and regulations for solicitation within the City of Plano, repealing Ordinance No. 2001-8-19; providing penalty, severability, repealing and publication clauses, and an effective date. [Consent Agenda Item (W)]

**Ordinance No. 2002-7-14:** To abandon all right, title and interest of the City, in and to those certain water line easements granted to Jupiter Water Systems, Inc. as recorded in Volume 900 at Page 433, Volume 900 at Page 436, Volume 900 at Page 439, and Volume 900 at Page 445 and assigned by assignment of right-of-way easements recorded in Volume 2985, Page 493, in the land records of Collin County, Texas and being situated in the R.C. Ingraham Survey, Abstract 462 and the William McCreary Survey, Abstract Number 601, which are located south of Chaparral Road approximately 2500 feet east of Jupiter Road within 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, to the extent of its interests; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (X)]

### **Purchase of Existing Bid**

To award a bid for the purchase of one (1) medium-duty cab and chassis and a light air utility conversion unit in the amount of \$321,570 through an interlocal agreement with the City of Bedford. (Bids No. 02-0509A and 02-0509B) [Consent Agenda Item (Y)]

### **Approval of Contract**

To approve the terms and conditions of the agreement between the City of Plano and Whitehead & Mueller, a local environmental consulting firm in the amount of \$133,900 for lead remediation services at the Tri-City Academy Gun Range. [Consent Agenda Item (Z)]

To approve and authorize for the selection of Wier and Associates to provide Professional Engineering Services for an amount not to exceed \$134,000 in connection with the design of Premier Drive – Ruisseau Drive to Heritage Drive and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (AA)]

To approve and authorize a professional services contract with TEAM Consultants, Inc. to provide construction materials testing services for an amount not to exceed \$48,106 in connection with construction of Spring Creek Parkway from Dallas N. Tollway to White Rock Creek and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (BB)]

### **Approval of Change Order**

To Philpot Motor Company, increasing the contract for \$41,422 for the purchase of two Crown Victoria cars with Police package through the Tarrant County Joint Venture/Cooperative Purchasing Program (Bid No. 2001-125) and authorizing the City Manager to execute all documents necessary to effectuate this purchase. [Consent Agenda Item (CC)]

### **END OF CONSENT:**

Due to conflicts of interest, Mayor Pro tem Dyer, Deputy Mayor Pro tem Stovall and Council Member McGee stepped down from the bench on the following item.

**Resolution No. 2002-7-15(R):** To approve the terms and conditions of a real estate contract by and between the City of Plano, Texas and Collin Intervention to Youth, Inc., a Texas non-profit corporation for the purchase of a 5,227 square foot tract of land located in the Joseph Klepper Survey, Abstract No. 213, Collin County, Texas and for Right of First Refusal Regarding a 1.07 acre tract of land located in the Joseph Klepper Survey, Abstract No. 213, Collin County, Texas, for an addition to Haggard Park; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (N)]

**Resolution No. 2002-7-15(R) (cont'd)**

Upon a motion made by Council Member Magnuson and seconded by Council Member Johnson, the Council voted 5-0 to approve the terms and conditions of a real estate contract by and between the City of Plano, Texas and Collin Intervention to Youth, Inc., a Texas non-profit corporation for the purchase of a 5,227 square foot tract of land located in the Joseph Klepper Survey, Abstract No. 213, Collin County, Texas and for Right of First Refusal Regarding a 1.07 acre tract of land located in the Joseph Klepper Survey, Abstract No. 213, Collin County, Texas, for an addition to Haggard Park; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-7-15(R).

Mayor Pro tem Dyer, Deputy Mayor Pro tem Stovall and Council Member McGee resumed their seats on the bench.

**Ordinance No. 2002-7-16:** To extend until February 5, 2006 the franchise granted to TCI of Plano, Inc. to own, operate, and maintain a cable communications system in the City of Plano which is set to expire on or about February 5, 2003; and providing a repealer clause, a severability clause and an effective date. (Second reading) (First Reading held 06/10/02) [Regular Agenda Item (1)]

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member McGee, the Council voted 8-0 to extend until February 5, 2006 the franchise granted to TCI of Plano, Inc. to own, operate, and maintain a cable communications system in the City of Plano which is set to expire on or about February 5, 2003; and providing a repealer clause, a severability clause and an effective date; and further to adopt Ordinance No. 2002-7-16.

**Ordinance No. 2002-7-17:** To provide for the issuance and sale of City of Plano, Texas, General Obligation Bonds Refunding and Improvement Bonds, Series 2002, in the aggregate principal amount of \$56,130,000; levying a tax in payment thereof; and enacting other provisions relating thereto. [Regular Agenda Item (2)]

David Medanich of First Southwest Company spoke to the competitive bids taken for the bonds and the City's maintaining its "AAA" ratings from Moody's, Standard & Poor's and Fitch, Inc., historical sales information. He stated that approximately \$42 million was advance refunding of a Series 1992 bond issue and that after all costs were factored there is a savings of \$4.9 million. Mr. Medanich responded to Mayor Pro tem Dyer that this sale would replace existing debt with new debt at a lower rate. Ben Brooks of Vinson and Elkins reviewed the bond ordinance, stating it includes a new issue which comes from the City's 1998 bond election for street improvements and 2001 various capital improvements approved by voters. He stated that the ordinance authorizes issuance of the bonds, sets interest rates and securities, and calls for the redemption and awards sale of the bonds to Merrill Lynch & Company.

City Manager Muehlenbeck spoke regarding the City's "AAA" bond rating, the ratings' services support of the immediate action taken by the Council when sales tax began declining, and the concern expressed regarding the drawdowns of the ending balances in the reserve funds.

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member McGee, the Council voted 8-0 to provide for the issuance and sale of City of Plano, Texas, General Obligation Bonds Refunding and Improvement Bonds, Series 2002, in the aggregate principal amount of \$56,130,000; levying a tax in payment thereof; and enacting other provisions relating thereto; and further to adopt Ordinance No. 2002-7-17.

**Public Hearing and adoption of Ordinance No. 2002-7-18** to request to establish and designate a certain area as Reinvestment Zone No. 70 for commercial/industrial tax abatement consisting of a 15.587-acre tract of land located at 5000 Headquarters Drive, 75024 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 (3)]

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 Stahel and seconded by Deputy Mayor Pro tem Stovall, the Council voted 8-0 to establish and designate a certain area as Reinvestment Zone No. 70 for commercial/industrial tax abatement consisting of a 15.587-acre tract of land located at 5000 Headquarters Drive, 75024 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. 2002-7-18.

**Resolution No. 2002-7-19(R):** To approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin , the Collin County Community College District, and Networks Associates, Inc. dba Network Associates, Inc., and providing for a commercial/industrial tax abatement for Networks Associates, Inc., dba Network Associates, Inc., and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (4)]

City Manager Muehlenbeck spoke to the creation of 775 jobs. Treasurer Mallar stated that the proposed 50% real property and business personal property tax abatement would begin January 1, 2002 and continue through the year 2012.

**Resolution No. 2002-7-19(R) (cont'd)**

Upon a motion made by Mayor Pro tem Dyer and seconded by Council Member McGee, the Council voted 8-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin , the Collin County Community College District, and Networks Associates, Inc. dba Network Associates, Inc., and providing for a commercial/industrial tax abatement for Networks Associates, Inc., dba Network Associates, Inc., and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-7-19(R)

**Public Hearing** pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to use or taking of a portion of City of Plano Park, known as Jack Carter Park, for sanitary sewer and temporary construction easement facilities. [Regular Agenda Item (5)]

City Engineer Upchurch advised the Council regarding problems associated with the current alignment of a sanitary sewer main, overflows that have occurred in the area and plans to relocate the line. He reviewed the area, stated that all due care has been taken to minimize the impact on the park and that this is the only alignment that would minimize the problem and improve the sanitary sewer flow. He responded to Mayor Evans that there will still be connection to the outdoor pool at Jack Carter Park.

Director of Parks and Recreation Wendell stated that Staff and the Parks and Recreation Planning Board have reviewed the location and feel there would be no impact on present or future uses at the park. He confirmed that proper planning has been done to minimize disruption to park users and recommended approval.

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

**Ordinance No. 2002-7-20:** To approve a project for a Sanitary Sewer Easement and a Temporary Construction Easement to the City of Plano, requiring the use or taking of a portion of City of Plano public park land, known as Jack Carter Park; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date. [Regular Agenda Item (6)]

Upon a motion made by Council Member Stahel and seconded by Council Member Magnuson, the Council voted 8-0 to To approve a project for a Sanitary Sewer Easement and a Temporary Construction Easement to the City of Plano, requiring the use or taking of a portion of City of Plano public park land, known as Jack Carter Park; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date; and further to adopt Ordinance No. 2002-7-20.

**Resolution No. 2002-7-21(R):** To approve the granting of a sanitary sewer easement and a temporary construction easement being in the William Miller Survey, Abstract No. 615, City of Plano, Collin County, Texas across a portion of City of Plano park known as Jack Carter Park and authorizing the execution of the easements by the City Manager; and providing an effective date. [Regular Agenda Item (7)]

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Stahel, the Council voted 8-0 to approve the granting of a sanitary sewer easement and a temporary construction easement being in the William Miller Survey, Abstract No. 615, City of Plano, Collin County, Texas across a portion of City of Plano park known as Jack Carter Park and authorizing the execution of the easements by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-7-21(R).

**Resolution No. 2002-7-22(R):** To approve an expenditure of funds not to exceed sixty nine thousand five hundred thirty nine and no/100 dollars (\$69,539) to Tiseo Paving Company for realignment of a 15-inch sanitary sewer main along San Simeon Way east of Independence Parkway; authorizing the execution of all documents in connection therewith by the City Manager; and providing an effective date. [Regular Agenda Item (8)]

City Engineer Upchurch advised that Staff is recommending the bid submitted by Tiseo Paving Company.

Upon a motion made by Council Member Stahel and seconded by Council Member McGee, the Council voted 8-0 to To approve an expenditure of funds not to exceed sixty nine thousand five hundred thirty nine and no/100 dollars (\$69,539) to Tiseo Paving Company for realignment of a 15-inch sanitary sewer main along San Simeon Way east of Independence Parkway; authorizing the execution of all documents in connection therewith by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-7-22(R).

**Public Hearing and adoption of Ordinance No. 2002-7-23 as requested in Zoning Case 2002-21** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 25.8± acres located on the southwest corner of Chaparral Road and Jupiter Road in the City of Plano, Collin County, Texas, from Planned Development-19-Multi-Family-2 (PD-19-MF-2) to Planned Development-19-Multi-Family-2/Patio Home (PD-19-MF-2/PH); 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 #22. Applicant: Douglas Properties, Ltd. [Regular Agenda Item (9)]

**Ordinance No. 2002-7-23 (cont'd)**

Director of Planning Jarrell advised the Council that in 1997 this property was rezoned to allow for multi-family development and that now patio home development is desired. She advised that Planning and Zoning Commission recommended approval subject to the following stipulations:

Recommended for approval as Planned Development-Multi-Family-2/Patio Home subject to the following stipulations:

The site may be developed in accordance with either Multi-Family-2 or Patio Home or Single-Family-Detached requirements subject to the following:

1. If developed as Multi-Family-2, the following stipulations shall apply:
  - a. No reclamation of the 100-year floodplain;
  - b. 30-foot wide landscape edge along Chaparral Road and Jupiter Road;
  - c. 50-foot wide open space area along the southern property line;
  - d. Maximum number of 412 units; and
  - e. Maximum effort shall be made to preserve trees within the 100-year floodplain and the required 50-foot open space area as noted above.
2. If developed as Patio Home standards, the following stipulations apply:
  - a. 15-foot landscape edge along Chaparral Road and Jupiter Road; and
  - b. Maximum 136 single-family residential units.
3. If developed as Single-Family-Detached, the base development standards of the respective Single-Family-Detached district shall apply.

Mayor Evans opened the Public Hearing. Jim Douglas of Douglas Properties advised the Council that the development would result in a decrease in density and that a site plan has been submitted for 122 units. He responded to Council Member Stahel that there are plans to incorporate at least one pond and work around existing trees. No one else spoke either for or against the request. The Public Hearing was closed.

**Ordinance No. 2002-7-23 (cont'd)**

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro tem Stovall, 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 rezone 25.8± acres located on the southwest corner of Chaparral Road and Jupiter Road in the City of Plano, Collin County, Texas, from Planned Development-19-Multi-Family-2 (PD-19-MF-2) to Planned Development-19-Multi-Family-2/Patio Home (PD-19-MF-2/PH); as requested in Zoning Case 2002-21 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. 2002-7-23.

**Public Hearing and adoption of Ordinance No. 2002-7-24 as requested in Zoning Case 2002-23** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 472 so as to allow the additional use of a Private Club in conjunction with a proposed restaurant on one lot on 1.1± acres of land located on the east side of U.S. Highway 75, 1,300± feet north of Parker Road in the City of Plano, Collin County, Texas, presently zoned Corridor 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. Neighborhood #37. Applicant: Fairview Farm Land Company,Ltd. [Regular Agenda Item (10)]

Director of Planning Jarrell advised the Council that that Planning and Zoning Commission recommended approval 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 Council Member Johnson and seconded by Council Member Stahel, 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. 472 so as to allow the additional use of a Private Club in conjunction with a proposed restaurant on one lot on 1.1± acres of land located on the east side of U.S. Highway 75, 1,300± feet north of Parker Road in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial as requested in Zoning Case 2002-23 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

**Public Hearing and adoption of Ordinance No. 2002-7-25 as requested in Zoning Case 2002-26** - To amend Subsection 3-1004 (Placement of All Dumpsters) of Section 3-1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations for Principle Permitted Uses and Specific Uses) and related sections of the Zoning Ordinance regarding the placement and screening of refuse and recycling containers of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano [Regular Agenda Item (11)]

Development Review Manager Elgin advised the Council that the item proposes to amend the screening standards for refuse and recycling containers within the City. He stated that it would clear up some inconsistencies with current ordinance language, codify policies, require that a new development provide either space or an enclosure for both a recycling container and a standard refuse container, clarify screening requirements and service access, and include an option for existing development to reduce required parking to accommodate commercial recycling and community recycling containers. He responded to Council Member Stahel that the current ordinance does not provide an exception to screening requirements for recycling nor a reduction in required parking and that the proposed ordinance does not demand recycling.

Council Member Magnuson spoke to each business being free to contract for recycling services. She spoke regarding the challenges of addressing contamination in recycling and the benefits of education. Council Member McGee spoke to the possibility of the City offering recycling services and the Council further spoke to the importance of education.

Upon a motion made by Council Member Stahel and seconded by Council Member Magnuson, the Council voted 8-0 to amend Subsection 3-1004 (Placement of All Dumpsters) of Section 3-1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations for Principle Permitted Uses and Specific Uses) and related sections of the Zoning Ordinance regarding the placement and screening of refuse and recycling containers of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended and as requested in Zoning Case 2002-26 and as recommended by the Planning and Zoning Commission, and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2002-7-25.

**Consideration and action resulting from Executive Session Discussion: Personnel – Board and Commission Members Reappointments** [Regular Agenda Item (12)]

### Board of Adjustment

Upon a motion made by Mayor Pro tem Dyer and seconded by Council Member Magnuson, the Council voted 8-0 to reappoint Kevin Cain, Bob Deputy, Stephen Karl Harvey, Chris Polito, Arthur E. Stone and Jackie Westbrook to the Board of Adjustment. (One position remains for appointment.)

### Building Standards Commission

Council Member Stahel requested this item be brought back for further consideration and the Council concurred.

### Planning and Zoning Commission

Upon a motion made by Council Member McGee and seconded by Council Member Stahel, the Council voted 8-0 to reappoint Joyce R. Beach, Lee Dunlap, Carolyn Kalchthaler, and Bill Neukranz to the Planning and Zoning Commission. (Zero positions remain for appointment.)

### **Personnel – Board and Commission Members Reappointments** [Regular Agenda Item (13)]

#### Animal Shelter Advisory Committee

Upon a motion made by Council Member Johnson and seconded by Council Member Stahel, the Council voted 8-0 to reappoint Craig Gussow, Joanna M. Richardson, DeAnne L. Rogers and Gregory “Greg” Thomisee to the Animal Shelter Advisory Committee. (Two positions remain for appointment.)

#### Civil Service Commission

City Manager Muehlenbeck recommended the reappointment of Bryan K. Gallerson. Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to reappoint Bryan K. Gallerson to the Civil Service Commission. (Zero positions remain for appointment.)

#### Community Relations Commission

Upon a motion made by Council Member Magnuson and seconded by Council Member Johnson, the Council voted 8-0 to reappoint Shaheen Salam, Matt Shaheen, and Stella Mercedes Vea to the Community Relations Commission. Ms. Magnuson spoke to working to reduce the membership. (Zero positions remain for appointment.)

### Cultural Affairs Commission

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member McGee, the Council voted 8-0 to reappoint L. Kenyon Elliott and C. Larry Tucker to the Cultural Affairs Commission. (Two positions remain for appointment.)

### Heritage Commission

Upon a motion made by Council Member McGee and seconded by Council Member Magnuson, the Council voted 8-0 to reappoint Lisette Briley, Walter G. Unglaub, and Sidney S. Wall, Jr. to the Heritage Commission. (One position remains for appointment.)

### Keep Plano Beautiful Commission

Upon a motion made by Council Member McGee and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to reappoint Karen E. Minato and Barbara Gargiulo to the Keep Plano Beautiful Commission. (Four positions remain for appointment.)

### Library Advisory Board

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Johnson, the Council voted 8-0 to make no reappointments to the Library Advisory Board. (Three positions remain for appointment.)

### Parks and Recreation Planning Board

Upon a motion made by Council Member Stahel and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to reappoint Charles N. Bell and Jim Norton to the Parks and Recreation Planning Board. (Three positions remain for appointment.)

### Plano Housing Authority

Upon a motion made by Mayor Evans and seconded by Deputy Mayor Pro tem Stovall, the Council voted 8-0 to reappoint Linda S. Hester to the Plano Housing Authority. (One position remains for appointment.)

### Plano Transition and Revitalization Commission

Upon a motion made by Mayor Pro tem Dyer and seconded by Council Member Magnuson, the Council voted 8-0 to reappoint Jim Biggerstaff, Elta Chandler, and Larry May to the Plano Transition and Revitalization Commission. (The Community Relations Commission member position remains for appointment and the Council concurred to receive a recommendation from that board.)

### Public Arts Committee

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Magnuson, the Council voted 8-0 to reappoint E. J. Copeland, Kathryn McGill and Don McKinney to the Public Arts Committee. (Zero positions remain for appointment.)

### Retirement Security Plan Committee

City Manager Muehlenbeck recommended the reappointment of Stephen D. Liddell. Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to reappoint Stephen D. Liddell to the Retirement Security Plan Committee. (Two City employee positions remain for appointment.)

### Self Sufficiency Committee

Upon a motion made by Council Member McGee and seconded by Council Member Stahel, the Council voted 8-0 to reappoint Gloria Ndubueze to the Self Sufficiency Committee. (Two positions remain for appointment.)

### Senior Citizens Advisory Board

Upon a motion made by Council Member Lambert and seconded by Council Member Magnuson, the Council voted 8-0 to reappoint Grace Fuller to the Senior Citizens Advisory Board. (Six positions remain for appointment.)

### Tax Increment Financing Reinvestment Zone No. 1 Board

Upon a motion made by Council Member Stahel and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to reappoint Michael Booth and Council Member Shep Stahel to the Tax Increment Financing Reinvestment Zone No. 1 Board. (Two positions remain for appointment.)

### Technology Commission

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Johnson, the Council reappointed William Karnes, Judith Pafford and James "Jim" Ryan to the Technology Commission. (One position remains for appointment.)

### Transportation Advisory Committee

Upon a motion made by Council Member McGee and seconded by Council Member Johnson, the Council voted 8-0 to reappoint Nat Cohen, Tom Lohr and Julie Prince to the Transportation Advisory Committee. (Zero positions remain for appointment.)

**Discussion and Direction** to request the Planning and Zoning Commission to study and recommend appearance standards for elevated parking facilities [Regular Agenda Item (14)]

Council Member Johnson stated his request that the Planning and Zoning Commission study and recommend standards, particularly aesthetic, for parking garages. He spoke to standards along the Dallas North Tollway and to the anticipated increase in the number of multi-story parking facilities. The Council concurred to add this item to the Planning and Zoning Commission's work program at a medium priority level.

**Discussion and Direction** regarding Alley Speed Bump Policy [Regular Agenda Item (15)]

Deputy Mayor Pro tem Stovall spoke regarding the policy for speed bumps in alleys stating that 80% of all houses adjacent to the alley must approve any installation or removal and requested consideration of the policy by the Transportation Advisory Commission.

Zahir Shamsey, citizen of the City, spoke regarding his efforts at petition completion for removal of speed bumps citing instances where homeowners were unresponsive.

Deputy Mayor Pro tem Stovall spoke regarding the difficulty in achieving 80% approval and City Attorney Wetherbee spoke to referring the item to the Transportation Advisory Commission who would recommend consideration of alleys either be combined in the *Safe Streets Program* or brought forward as a separate policy which was the Council's consensus.

There being no further discussion, Mayor Evans adjourned the meeting at 8:39 p.m.

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Pat Evans, **MAYOR**

ATTEST:

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Elaine Bealke, City Secretary