

**PLANO CITY COUNCIL**  
**October 28, 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, October 28, 2002, at 7:16 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Reverend Garry Page of the Calvary Temple.

The Pledge of Allegiance was led by Cub Scout Pack 1999 of Centennial Elementary School.

The Council resumed discussion of Preliminary Open Meeting items.

**Comprehensive Monthly Financial Report**

Director of Finance McGrane advised that this report represents the end of the fiscal year and spoke regarding levels for the General, Water & Sewer, Civic Center and Solid Waste Funds.

Mr. McGrane responded to Council Member McGee that he would provide a summary of the tax abatements for the City.

### **Proclamations and Special Recognitions**

Representatives from Target Corporation presented a grant to the Plano Police Department for the Purchase of Video Equipment.

Mayor Evans spoke regarding the death of former Plano Mayor Harry Rowlinson.

### **Discussion and Direction Regarding Spring Creek/Jupiter Area Plan**

Planning and Information Manager Zimmerman spoke to receiving Council input regarding the Spring Creek/Jupiter Area Plan, making revisions and bringing the document forward. He advised that DART Representative Jack Wierzenski was present to respond to questions developed by Staff related to a future DART rail station.

Mr. Wierzenski advised that DART will have a system plan update completed in approximately one year and that issues are still being determined. He stated that it would be highly unlikely that another station would be added if service were not extended northward and that cost-effectiveness is one of the considerations. Mr. Wierzenski spoke regarding the purchase of the "Payless" site to have land available should an extension occur, stated that a station would need good automobile and pedestrian access provided by the City, that the likely timing would be 2013 or later and spoke to cities making a commitment to be included on the system plan. He stated that it is unknown whether there would be commuter or light rail service, spoke regarding the differing station-spacing requirements for each and the frequency of stops and regarding land use being left to the cities. Mr. Wierzenski responded to the Council stating that there could be another station going north depending on land use.

Mayor Evans advised that discussion of this item would resume following the regular meeting.

### **Discussion and Direction Regarding Public Arts Steering Committee**

Executive Director Hogan presented slides illustrating how art can be incorporated into public/private development, and spoke to receiving Council direction regarding the committee's recommendations for a two-percent allocation of capital projects over \$1 million. He spoke to inclusion of public art enhancements as a design element and regarding Haggard Park renovations to allow for savings up to \$50,000 to be appropriated for a public art project. He advised that work needs to be done on funding issues for private sector participation.

Deputy Mayor Pro tem Stovall spoke to allocating funds for a public art project at Haggard Park as being a good starting place as the park represents a major entrance point to the City. Mr. Hogan responded to Council Member Lambert stating that the budget for Haggard Park renovations is approximately \$1.4 million, that it was a line item for park improvements in the bond, and that at the time the bid is awarded, the Council will receive a breakdown to ensure that a contingency is included. Mayor Evans stated and the Council concurred to move forward with this recommendation.

Mr. Hogan stated that allocation of two percent (2%) of selected capital improvement projects (CIP) with budgets of \$1 million or above for the inclusion of artist designed enhancements would be included in a resolution in order to provide flexibility as projects come up. City Attorney Wetherbee spoke to an alternate scenario of consideration when the annual budget is approved and requested Council direction regarding these recommendations and whether there were any projects that should not be included. The Council spoke to an open review process with the exception of underground projects and Mr. Hogan spoke to review by the art committee.

Council Member McGee spoke to budgetary concerns and Mr. Hogan responded that this request would be blended into the budget approval and capital improvement process for next year and stated that while the Council could set aside funding for grants, it is recommended that design elements on CIP projects over \$1 million be reviewed by the arts committee and be funded within the bond allocation. He stated that there would be flexibility as to whether funding would be "on top" or incorporated and that a resolution would give the Council an opportunity to approve specific art projects on an annual basis and incorporate them into the CIP. Ms. Wetherbee spoke to the resolution notifying the public that these types of elements are included in public infrastructure or improvements and gives guidance as to the planning process. She further stated that if using bond funds, monies could not be aggregated from various projects and that supplementation from other sources would provide more flexibility. Mr. Hogan stated that discussion at the steering committee level has been to incorporate the arts funding into the stated bond dollar amount.

Council Member Lambert spoke to receiving high bids for CIP projects and having to determine which other items would be excluded and stated a preference to consider requests as bids come in and to receiving alternate bids for artwork. Mr. Hogan stated that bids could be structured with "layered in" items, that the recommendations would not be mandated, and that consideration would be given during the budget and CIP process regarding the inclusion of public art. He spoke to the committee looking at the five-year plan to determine those projects that might be applicable and stated that these are procedural/policy issues still to be considered by the committee.

Deputy Mayor Pro tem Stovall spoke to the two percent allocation as being a recommended starting point. Ms. Wetherbee spoke to Council review and flexibility to abandon allocation for a particular project or across the board at any time.

Council Member Lambert spoke to review of architectural contracts and stated concern regarding dedicating part of the contingencies without having bids in and existing bond issues where this recommendation was not included. Executive Director Turner spoke to the recommended two percent as becoming a design objective and stated that items could be identified during the CIP process. Council Member McGee spoke to the plan making a blanket statement covering every CIP project over \$1 million and stated that the City would be paying 2% to do the projects. Mr. Hogan spoke to the committee recommending projects with the Council having an opportunity for review and to establishing a framework in planning for public art.

Mayor Evans spoke to Staff drafting a resolution for Council consideration to address flexibility and review.

Council Member Lambert spoke regarding the current year's CIP program level and to looking at items during the budget review process.

Council Member Stahel stated his recommendation to review on a "transaction basis," concern regarding how the artist designed enhancements may conflict with the architect's design and recommended that the project list be narrowed to major buildings, not be mandated and should be considered as part of a project and entire design feature. Deputy Mayor Pro tem Stovall spoke to parks as offering an opportunity for public art. Council Member Stahel stated concern that an artist's overlay would be created for items such as bridges where there currently exists a focus on design enhancements. Mr. Hogan spoke to leaving control to the lead engineer/architect.

Mayor Pro tem Dyer stated agreement with the development of a resolution to include flexibility for the Council and concern regarding including the word "mandate."

Deputy Mayor Pro tem Stovall spoke to the recommendation "that Council adopt a public art requirement for private development projects over one million dollars" and requested that the word requirement be replaced by recommended.

Mr. Hogan stated that the steering committee would bring forward recommendations for the remaining points.

## **Personnel**

### Keep Plano Beautiful

Upon a motion made by Council Member McGee and seconded by Council Member Stahel, the Council voted 8-0 to appoint Robert W. Mitchell to an interim term on the Keep Plano Beautiful Commission.

### Animal Shelter Advisory Committee

DeAnne Rogers requested Council consideration for the chair position on this committee.

Council Member Stahel spoke to, at this point, having a chair with veterinarian experience and made a motion to appoint Oliver Clark Mulkey, III, DVM as chairperson of the Animal Shelter Advisory Committee. Council Member Johnson seconded the motion and the Council voted 8-0. The motion carried.

### Retirement Security Plan Committee

Executive Director Turner stated the City Manager's recommendation of Stephen D. Liddell as chairperson.

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Stahel, the Council voted 8-0 to appoint Stephen D. Liddell as chairperson of the Retirement Security Plan Committee.

### **Council Items for Discussion/Action on Future Agendas**

Council Member Lambert spoke to scheduling an item for the last meeting in November addressing grants to outside agencies for events and applicable commissions which would allow for discussion of applications and uniformities, the amount of funds to be committed to the various types of entities, the possibility of using one contract, what types of organizations are funded, accounting checks/balances, which boards/commissions have oversight, and a review of the one-dollar per capita requirement. Mr. Lambert spoke to putting guidelines in place prior to preparation of the City's budget.

### **Consent and Regular Agenda**

Deputy Mayor Pro tem Stovall and Council Member Stahel advised that due to conflicts of interest they will be stepping down on Consent Items "P," resolution to approve the purchase of software and hardware maintenance for the Plano Public Library System, "R," to approve an expenditure for the purchase of hardware from Gateway Companies, and "S," to approve the renewal and subsequent renewals of an existing agreement with Remote Services, Inc.

Mayor Evans advised that Consent Item "K," resolution to approve the terms and conditions of a modification of lease agreement between the City of Plano and Ken Grantham would be pulled and held for future consideration.

### **Council Reports**

No reports were given.

### **GENERAL DISCUSSION**

Sonja Hammar, citizen of the City, spoke regarding the orientation held for the Animal Shelter Advisory Committee, committees not being required to comply with open meetings laws and requested a future agenda item for discussion and implementation of a policy. She further spoke regarding the City's web site and listed committees that have not been meeting, in support of posting the Animal Shelter Advisory Committee on the web site and regarding this board's postings being a variance from the normal time of 72 hours.

Ms. Wetherbee stated that recognizing the need to notify the public, a resolution has been passed requiring all non-decision making boards to post agendas 24 hours prior to a meeting and not exclude the public. Ms. Wetherbee advised that decision-making boards do comply with the open meetings act as required by law. Ms. Hammar spoke to the state's definition of a meeting being a posted agenda, a quorum in attendance and a discussion and formulation of opinion and stated that the Animal Shelter Advisory Committee, being state-mandated, should comply with "meeting regulations." Mayor Evans spoke to posting notice on the web site.

DeAnne Rogers, citizen of the City, requested information as to why an application for the Animal Shelter Advisory Committee's "member at large" position was accepted after the deadline when other applications were available. She stated that applications for the "municipality" and "shelter representative" positions were accepted after the deadline and inquired whether or not notices for these positions were sent out or posted, and if so, where notice was provided and for how long. Executive Director Turner advised that the City Manager will bring back a response.

Charles Richmond, citizen of the City, stated concerns regarding the situation at the Plano Animal Shelter, including the euthanizing of animals and spoke in support of putting policies in place. He spoke regarding the practice of taking in animals in from other area shelters, restrictions on volunteers, inquired as to what administrative reasons are for euthanasia, and stated concerns regarding investigations at the shelter.

## **CONSENT AGENDA**

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro tem Stovall, 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)]

October 14, 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. B136-02** for construction of Spring Creek Parkway from Midway Road to Dallas North Tollway (South Half) and Improvements to Communications Parkway in the amount of \$1,167,142. [Consent Agenda Item (B)] (See Exhibit "A")

**Bid No. P139-02** for sidewalk repairs on the Sidewalk Replacement Contract 10A, 2002-2003, within the City of Plano. This project will involve the repair of sidewalk in the residential areas bounded by: 1) Plano Parkway, White Rock Creek, Park Boulevard, and Coit Road and 2) Parker Road, Preston Road, Hedgcoxe Road, and Coit Road in the amount of \$638,100. [Consent Agenda Item (C)] (See Exhibit “B”)

**Bid No. P140-02** for sidewalk repairs on the Sidewalk Replacement Contract 11A, 2002-2003, within the City of Plano. This project will involve the repair of sidewalk in the residential areas bounded by: 1) 15<sup>th</sup> Street, Custer Road, Park Boulevard and Independence Parkway; 2) Legacy Drive, Coit Road, Hedgcoxe Road, and Custer Road; 3) Spring Creek Parkway, Independence Parkway, Legacy Drive and Custer Road; 4) Jupiter Road, Parker Road, Shiloh Road and Park Boulevard; and 5) 14<sup>th</sup> Street, Shiloh Road, 18<sup>th</sup> Street, and Los Rios Boulevard in the amount of \$1,020,750. [Consent Agenda Item (D)] (See Exhibit “C”)

**Bid No. P146-02** for curb and median repairs on the Repair of Major Thoroughfare Curb & Gutter, Monolithic Median Nose and Concrete and Brick Median Paving Construction Project, within the City of Plano in the amount of \$288,540. [Consent Agenda Item (E)] (See Exhibit “D”)

**Bid No. C118-02** for Professional Wait Staff for Food Service at Plano Centre in the estimated annual amount of \$185,000 [Consent Agenda Item (F)] (See Exhibit “E”)

**Bid No. B131-02** for five (5) Hybrid Electric Cars in the amount of \$104,230 for various departments [Consent Agenda Item (G)] (See Exhibit “F”)

### **Rejection of Bid**

To reject all bids received for the Best Value Bid for Municipal Court Collection Services and Verification of Financial Responsibility (C143-02). [Consent Agenda Item (H)] (See Exhibit “G”)

### **Adoption of Resolutions**

**Resolution No. 2002-10-30(R):** To repeal Resolution No. 77-11-13(R) and establish the policies and procedures for the acceptance and processing of petitions requesting installation or removal of alley speed bumps upon alleyways within the City of Plano and the method of payment for such improvements; providing a repealer clause, a severability clause and an effective date. [Consent Agenda Item (I)]

**Resolution No. 2002-10-31(R):** To approve the terms and conditions of an amendment to the interlocal agreement between the City of Allen, the City of Frisco and the City of Plano for a Joint Radio Communications System; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (J)]

**To approve the terms and conditions of a modification of lease agreement** between the City of Plano and Ken Grantham; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (K)] (This item pulled and held.)

**Resolution No. 2002-10-32(R):** To authorize the purchase of various library materials such as books, books-on-tape, and compact disks for the Plano Public Library System in the amount of \$350,000 from Brodart Company through the Northeast Texas Library System (NETLS); authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. [Consent Agenda Item (L)]

**Resolution No. 2002-10-33(R):** To authorize the purchase of specialized online database library materials for the Plano Public Library System in the amount of \$26,600 from InfoUSA, a sole source supplier of such materials; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. [Consent Agenda Item (M)]

**Resolution No. 2002-10-34(R):** To authorize the purchase of various library materials, including books, books-on-tape, audio cassettes, compact disks, and videocassettes, from Baker & Taylor under State Contract 715-N1 in the amount of \$350,000 for use by the Plano Public Library System; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. [Consent Agenda Item (N)]

**Resolution No. 2002-10-35(R):** To authorize the purchase of various library materials for the Plano Public Library System in the amount of \$88,557 from Dun & Bradstreet, Moody's, Standard & Poor's, and Proquest Information and Learning (formerly Bell & Howell), the sole source suppliers of such materials; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. [Consent Agenda Item (O)]

### **Adoption of Ordinances**

**Ordinance No. 2002-10-36:** To declare the necessity and order the paving and improvement of a portion of Spring Creek Parkway from approximately 370 feet east of Midway Road to the Dallas North Tollroad in the City of Plano, Collin County, Texas; approving the plans and specifications for such work; directing the preparation of estimates; invoking the procedure provided by Chapter 313 of the Texas Transportation Code; determining that a part of the costs shall be borne by the abutting properties and the owners thereof; providing for the assessment of the portion of the costs to be borne by the property owners and for the fixing of a lien to secure payment of such assessment; stating the time and manner proposed for payment of all such costs; authorizing the City Secretary to cause a notice of the enactment of this ordinance to be filed in the land records of Collin County, Texas; and providing an effective date. [Consent Agenda Item (Q)]

### **Approval of Contract Payment**

To approve payment of the annual maintenance fee for the City's contract with Motorola Communications, for annual maintenance services for the 800 MHz Trunked Radio System; [year six of a five-year contract with two (2) twelve-month (12) options for renewal]; with the total expenditure for year six not to exceed \$181,390, authorizing the expenditure, and authorizing the City Manager to execute all necessary documents. Bid No. C9708-250. [Consent Agenda Item (T)]

### **Approval of Agreement**

To approve a contract by and between the City of Plano and Plano Economic Development Board in the amount of \$602,654 to initiate, promote, monitor and perform activities related to economic development. [Consent Agenda Item (U)]

To approve the terms and conditions of a consulting services agreement by and between the City of Plano and Schrader & Cline, LLC, authorizing its execution by the City Manager; and providing an effective date. This agreement is for the study of Economic Development Practices related to the City's goal of "Major Business Center." [Consent Agenda Item (V)]

### **END OF CONSENT**

Due to conflicts of interest Deputy Mayor Pro tem Stovall and Council Member Stahel stepped down from the bench on the following three items.

**Resolution No. 2002-10-37(R):** To approve the purchase of software and hardware maintenance for the Plano Public Library System for the Horizon System from epixtech, inc., a sole source supplier of said services, in an amount not to exceed \$56,797; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. [Consent Agenda Item (P)]

Upon a motion made by Council Member McGee and seconded by Council Member Magnuson, the Council voted 6-0 to approve the purchase of software and hardware maintenance for the Plano Public Library System for the Horizon System from epixtech, inc., a sole source supplier of said services, in an amount not to exceed \$56,797; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date; and further to adopt Resolution No. 2002-10-37(R).

**Approval of QISV** - To approve an expenditure for the purchase of hardware in an amount of \$65,958 from Gateway Companies, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendor list; and authorizing the City Manager to execute all necessary documents to effectuate the purchase. (QISV#14604313982001/33963) [Consent Agenda Item (R)]

**Approval of QISV (cont'd)**

Upon a motion made by Council Member Magnuson and seconded by Council Member McGee, the Council voted 6-0 to approve an expenditure for the purchase of hardware in an amount of \$65,958 from Gateway Companies, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendor list; and authorizing the City Manager to execute all necessary documents to effectuate the purchase.

**Approval of Renewal** - To approve the renewal and subsequent renewals of an existing agreement with Remote Services, Inc. for Configurable Network Computing (CNC) consulting services for the OneWorld Financial Suite in an amount not to exceed \$135,000 annually; and authorizing the City Manager to execute all documents necessary to effectuate the agreement [Consent Agenda Item (S)]

Upon a motion made by Council Member Lambert and seconded by Council Member Magnuson, the Council voted 6-0 to approve the renewal and subsequent renewals of an existing agreement with Remote Services, Inc. for Configurable Network Computing (CNC) consulting services for the OneWorld Financial Suite in an amount not to exceed \$135,000 annually; and authorizing the City Manager to execute all documents necessary to effectuate the agreement

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

**Public Hearing and adoption of Ordinance No. 2002-10-38** to request to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 68 for commercial/industrial tax abatement consisting of a 22.780-acre tract of land located in Legacy Business Park at the southwest corner of Legacy Drive and White Rock Creek 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 (1)]

Director of Finance McGrane stated that the proposed 50% real property and business personal property tax abatement on the improvements will be for ten years beginning in January 2004 and continuing through the year 2013. He further advised that at least 290 jobs will be created.

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

**Ordinance No. 2002-10-38 (cont'd)**

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Stahel, the Council voted 8-0 to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 68 for commercial/industrial tax abatement consisting of a 22.780-acre tract of land located in Legacy Business Park at the southwest corner of Legacy Drive and White Rock Creek 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. 2002-10-38.

**Resolution No. 2002-10-39(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 Crossmark, Inc., CHI Management Group, LP, Markatec, LLC, CTE Acquisition, LLC, BST Acquisition, LLC, Markatec Retail Marketing, LLC, and GLE Acquisition, LLC, and providing for a commercial/industrial tax abatement for Crossmark, Inc., and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (2)]

Upon a motion made by Deputy Mayor Pro tem Stovall 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 Crossmark, Inc., CHI Management Group, LP, Markatec, LLC, CTE Acquisition, LLC, BST Acquisition, LLC, Markatec Retail Marketing, LLC, and GLE Acquisition, LLC, and providing for a commercial/industrial tax abatement for Crossmark, Inc., and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-10-39(R).

**Resolution No. 2002-10-40(R):** To adopt the City of Plano Heritage Preservation Plan 2002 and approving it as a guide for the Heritage Preservation efforts of the City (while not binding the City to specific expenditures), private investment in historic resources, and code and ordinance amendments relating to development, redevelopment, preservation and revitalization of the historic areas of the City of Plano, Texas; and providing an effective date. [Regular Agenda Item (3)]

Heritage Preservation Officer Watson advised that the Preservation Plan would provide an inventory identifying those properties that meet criteria set forth in the preservation ordinance, increase public awareness and serve as a starting point for code/procedural development. He spoke regarding areas of concentrated historic resources and advised that recommendations include designations of the Downtown and Haggard Addition as Heritage Districts and the Douglass Community and Old Towne as Conservation Districts. Mr. Watson spoke to consideration of a number of individual designations and looking at certificate of appropriateness amendments. He stated that the plan is an evolving document and will be updated over time.

**Resolution No. 2002-10-40(R) (cont'd)**

Mr. Watson responded to Council Member Lambert stating that designation offers a seventy-five percent tax exemption on the value of improvements, stabilization (sometimes an increase in property values), use of the conservation code rather than the building code, a sense of cohesiveness, and a sense of "protection" as most districts currently include no deed restrictions. He stated that it would be up to property owners to decide if they wanted to move forward with designation. Mr. Watson responded to the Council stating that preservation becomes an element of economic development and that the exemption is for all taxing entities.

Mayor Evans spoke to the effect designation of the Haggard Addition and Old Towne may have on revitalization and the possible problems marketing small, older homes to young families if additions could not be made. She spoke regarding timelines for determining the age when historic designation might be considered. Mr. Watson spoke regarding the post-World War II era coming into significance, stated that designation adds to revitalization, advised that there is a higher level of regulation in a *Heritage* district, and that neighborhoods may determine their level of designation. Mayor Evans spoke to the large number of homes contained in these neighborhoods. Council Member Stahel spoke to allowing for expansion as long as exterior renovations are consistent in style and preserve the architectural integrity of the home. Mr. Watson stated that horizontal additions to the rear would be preferred, that lots in the area are large enough to accommodate such expansion and that neighborhoods would participate in the development of guidelines.

Upon a motion made by Council Member Stahel and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to adopt the City of Plano Heritage Preservation Plan 2002 and approving it as a guide for the Heritage Preservation efforts of the City (while not binding the City to specific expenditures), private investment in historic resources, and code and ordinance amendments relating to development, redevelopment, preservation and revitalization of the historic areas of the City of Plano, Texas; and providing an effective date; and further to adopt Resolution No. 2002-10-40(R).

**Public Hearing** pertaining to a presentation of alternatives and recommendations for the placement of an Outdoor Warning Siren in the area north of Independence Parkway and Legacy Drive. Council will provide direction and action on this matter at the conclusion of the Public Hearing. Tabled 09-09-02 [Regular Agenda Item (4)]

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

Director of Public Safety Communications Timmons advised that per Council's request, Staff has determined that cellular tower sites in the area of Davis Library are located along Coit Road, south of Legacy Drive and at Independence Parkway/Legacy Drive. He advised that Staff sought alternate solutions that would provide adequate coverage, address public safety, and be provided minimal cost. Mr. Timmons stated that Staff contacted the siren manufacturer who indicated that they were not aware of their product being mounted horizontally and advised against use in this manner citing concerns related to performance. He advised regarding fees related to determining the distribution pattern, study structure modifications, and changes for a roof-mount unit. Mr. Timmons spoke to concerns received from area homeowners, consideration of alternate sites and stated that after evaluation and discussion with the manufacturer, Staff believes that placement of the warning siren at the Joint Use Facility on a 66' pole provides optimum level of coverage, is most cost-effective, and provides the greatest buffer between the pole and the nearest homes.

Mr. Timmons responded to Mayor Pro tem Dyer that the Beverly Park location was reviewed, found to be in close proximity to another siren and would provide coverage if another siren were purchased. The Council spoke regarding the size of Beverly Park and the proximity of homes. Mr. Timmons reviewed the coverage that would be provided for various locations, the planned location at Davis Library, and requirements that would need to be met for placement on park land near the library.

Mayor Evans opened the Public Hearing. Alton Smith, citizen of the City, spoke regarding the agreement between the City and homeowners associations, coverage currently provided to the area, and neighborhood opposition. Robert DuBois, citizen of the City, spoke to providing safety for children, locating the siren at Bethany Elementary School and regarding the agreement between the City and homeowners. James D. Shy, representing the Whiffletree Homeowners Association, spoke regarding the Joint Use Facility, neighborhood opposition and requested the agreement be honored. Bruce McCullough, citizen of the City, spoke regarding the work done and wording included in the agreement. He spoke to the spirit of the resolution being broken only if there are no viable alternatives, and stated concern that other stipulations may be broken. Dale Hoenshell, citizen of the City, spoke to doing further investigation regarding equipment installation in an alternate method including receiving input from an engineer or an alternate provider, obtaining a cost estimate, consideration of the Independence Parkway/Legacy Drive location, and issues related to equipment if it is unusable. No one else spoke either for or against the request. The Public Hearing was closed.

Mayor Pro tem Dyer spoke regarding alternatives available, the specificity of the agreement and in support of honoring the resolution.

Mr. Timmons stated that the Independence/Legacy would not serve as a stand-alone site, that no locations are available at Hedgcoxe/Coit which would in conjunction provide coverage and that the combination of Independence/Legacy and Coit/Legacy would leave a small area with less coverage. Council Member Lambert spoke to the proximity these locations to existing sirens. Mr. Timmons spoke regarding Wal-Mart property at Independence/Hedgcoxe, the noise level resulting from double coverage, the cost for an additional site, and the proximity of some locations to residences.

Council Member Magnuson spoke regarding the direct impact placement of a tower would have at alternate sites and providing the necessary coverage outweighing aesthetic concerns. Council Member Lambert spoke to covering one neighborhood while leaving out another and stated that when the agreement was created, the Council realized that changes may need to be made in the future. Deputy Mayor Pro tem Stovall spoke regarding the City's liability should coverage not be provided.

A motion was made by Council Member Lambert and seconded by Deputy Mayor Pro tem Stovall, to approve locating an Outdoor Warning Siren in the area north of Independence Parkway and Legacy Drive. The Council voted 7-1 with Mayor Pro tem Dyer voting in opposition. The motion carried.

**Public Hearing and adoption of Ordinance No. 2002-10-41 as requested in Zoning Case 2002-48** - Request to amend Section 1-600 (Definitions) of Article 1 (General Regulations), Subsection 2-502 (Schedule of Permitted Uses) of Section 2-500 (Permitted Uses) and Subsection 2-827 (RT - Research/Technology Center) D. (Off-Street Parking and Loading Requirements) and G. (Special District Requirements) 4. of Section 2-800 (District Charts) of Article 2 (Zoning Districts and Uses) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, pertaining to loading facilities, permitted uses, definitions of uses, and other development standards; 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 (5)]

Planning and Information Manager Zimmerman stated that this issue was remanded to the Planning and Zoning Commission for study, that time was spent in the Research/Technology District looking into the impact dock door stipulations have on businesses in the area and that the Commission recommends approval with the stipulations below:

Recommended for approval as shown below. (New language is underlined; strikethroughs note language to be eliminated.)

#### 1-600 DEFINITIONS

Loading Space - An off-street space or berth and/or an associated building opening used for the loading or unloading of vehicles including railroad cars.

#### 2-502 Schedule of Permitted Uses

Print Shop, Major use allowed with approval of a Specific Use Permit in the RT district (See attached chart).

**Ordinance No. 2002-10-41 (cont'd)**

2-827 RT - RESEARCH/TECHNOLOGY CENTER

D. OFF-STREET PARKING AND LOADING REQUIREMENTS - See Section 3-1100.

1. Maximum Loading Facilities - Buildings in RT districts shall not exceed the following ratios for loading ~~docks~~ spaces:

<b>Square Feet of Gross Floor Area in Structure</b>	<b>Maximum <del>Docks</del> Permitted Loading Spaces or Berths</b>
0 to <del>10,000</del> <u>20,000</u>	<del>One</del> <u>Four</u>
<u>Over 20,000</u>	<u>One for each additional 10,000 square feet up to a maximum of twelve</u>
<del>10,000 to 50,000</del>	<del>One for each additional 20,000 square feet.</del>
<del>Above 50,000</del>	<del>One for each additional 25,000 square feet.</del>

2. The design and orientation of the building(s) shall minimize the exposure of loading and trash collection areas from adjacent streets and from adjacent properties unless they are part of the same approved preliminary site plan. No loading ~~docks~~ spaces shall face streets. No loading ~~docks~~ spaces or areas shall be located within 100 feet of the boundary line of a residential district. In addition, the Planning & Zoning Commission may require a combination of wing walls extended from a building, screening walls, landscaped berms and plant materials to further obscure the view of loading and trash collection areas. The above screening elements shall be designed and located in conformance with applicable yard and setback requirements. Screening must extend the entire length of ~~dock~~ loading area.

Screening elements should be a minimum of eight (8) feet in height at installation. Berms should not exceed a slope of three (3) feet, horizontal to one (1) foot, vertical. Retaining walls may be used on the interior side of the berm, but should not face adjacent streets or properties. The height shall be measured from the top of curb of adjacent streets or from the average grade of property lines, with adjacent tracts of land. Depending upon the average grade of the adjacent streets and properties, the minimum height at installation may be increased to as high as twelve (12) feet.

**Ordinance No. 2002-10-41 (cont'd)**

Plant materials used for screening shall include a combination of shade and ornamental trees (four (4) inches minimum caliper), conifers (eight (8) feet minimum height) and shrubs (five (5) gallon minimum). The plant materials shall be arranged in a manner which significantly obscures the view from adjacent streets and properties.

Proposed screening elements shall be identified on the preliminary site plan. A detailed plan showing the angles of view and the specific placement of screening elements shall be submitted with the final site plan.

3. ~~Dock~~ Loading areas in RT districts are intended to provide for short-term pick-up and delivery. On site storage of delivery vehicles, including trailers and shipping containers, is prohibited. No delivery vehicles shall be parked outside of the designated ~~dock~~ loading areas.
4. In order to accommodate future changes in use, approved site plans shall include adequate land area to increase parking to the minimum requirements for office development (1 space per 300 square feet) for 75% of the gross floor area of any building.

**G. SPECIAL DISTRICT REQUIREMENTS**

4. Any existing development or properties with a valid preliminary site plan or site plan approved prior to the zoning of a property as RT shall be exempted from the "Area, Yard and Bulk," "Off-Street Parking and Loading," and "Landscaping" requirements specified for RT districts and the preceding standards shall apply except for Subsection 2-827-D-3 regarding "~~dock~~ loading areas." Notwithstanding Subsection 2-703, if such a development is destroyed or partially destroyed, it may be reconstructed but not expanded. (ZC 2000-36; Ordinance No. 2000-6-26)

Mr. Zimmerman responded to the Council regarding the Commission's decision to keep the 30/70 split between office/warehouse and spoke to relaxing restrictions related to the number of dock doors while tightening them by reference to "loading space" rather than "loading docks." He spoke regarding the classification of manufacturing, regarding the need for storage as items move in and out, input received from businesses either operating in the area or looking for space, and stated his thoughts that these revisions would not dilute the original intent of the R/T district whose standards include requirements for orientation, screening and outdoor storage.

Mayor Evans opened the Public Hearing. Doug Boyd, representing ESI, spoke regarding his company and their need for 40,000-45,000 square feet of space in one location with a minimum of four dock doors for operation. He spoke regarding the lease rates in the R/T district and responded to Council Member McGee regarding the benefits that the proposed amendments would have for a start-up company. He stated that his office space would be 65% and spoke regarding warehouse space needed for inventories. Scott Jessen, of Richardson, Texas, spoke as a commercial real estate businessman regarding companies' distribution needs and flexible space, in support of the R/T district and stated that it needs some "tweaking." He responded to the Council regarding the rates for lease space and issues of subleasing, and stated that adjusting the ratio of office/warehouse would have a negative impact. Mr. Jessen responded regarding lease activity in the Metroplex and stated that, in east Plano, 75% of the leases were in non-R/T areas and that the proposed amendments may have resulted in more leases for the district. He responded regarding the synergy in the Telecom Corridor, the movement of companies to the north and responded to Council Member McGee advising that start up companies generally locate near where their founder lives.

Tom O'Dwyer, Argent Property Company, spoke regarding changing market dynamics, suppliers locating near their customers, and the quality of development in the R/T district. He spoke to constraints imposed by the dock door limitations, asked that the zoning ordinance be amended so that a use allowed by right would not be precluded from the district based on dock door issues and spoke to the effect of current restrictions on leasing larger buildings. Mr. O'Dwyer stated concern related to changing the 30/70 ratio and spoke regarding the number of leases made at grandfathered locations. He spoke regarding the percentage of office use in light industrial companies. Director of Planning Jarrell stated that the item was posted to include consideration of the entire section regarding the R/T district and that the Planning and Zoning Commission did not recommend any changes to the percentages of use. Mr. O'Dwyer stated that costs in the R/T district have become too pricy for industrial users and requested the Council make decisions that will allow a continuation of leases with companies that have located in the R/T district over the last four years. No one else spoke either for or against the request. The Public Hearing was closed.

Council Member Stahel spoke to the positive input received from users in the R/T district and to their concerns regarding dock doors. He spoke to protecting the "vision" and recommended four loading spaces for the first 25,000 square feet, one space for each additional 25,000 and deferred comment on changing the office/warehouse ratio to 50/50.

Mr. Jessen responded to Mayor Pro tem Dyer stating that increasing the dock doors to seven for 100,000 square feet would help in the ability to be competitive, and advised regarding concerns when facilities were subdivided to a number of tenants.

City Attorney Wetherbee advised that the item was posted to cover any aspect of the district.

### **Ordinance No. 2002-10-41 (cont'd)**

Deputy Mayor Pro tem Stovall recommended allowing eight doors for 100,000 square feet rather than seven. Mr. Zimmerman advised Council Member Lambert that grandfathered areas had no restrictions on the maximum number of doors. Council Member Magnuson stated concern regarding the limitations that may occur when space is subdivided.

A motion was made by Council Member Magnuson and seconded by Council Member Lambert to approve a request to amend Section 1-600 (Definitions) of Article 1 (General Regulations), Subsection 2-502 (Schedule of Permitted Uses) of Section 2-500 (Permitted Uses) and Subsection 2-827 (RT - Research/Technology Center) D. (Off-Street Parking and Loading Requirements) and G. (Special District Requirements) 4. of Section 2-800 (District Charts) of Article 2 (Zoning Districts and Uses) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended as requested in Zoning Case 2002-48 and as recommended by the Planning and Zoning Commission, pertaining to loading facilities, permitted uses, definitions of uses, and other development standards; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2002-10-41. The Council voted 5-3 with Deputy Mayor Pro tem Stovall and Council Members Stahel and McGee casting the opposing votes. The motion carried.

The Council resumed discussion of the Preliminary Open Meeting.

### **Discussion and Direction Regarding Spring Creek/Jupiter Area Plan**

Mayor Evans resumed discussion of the Spring Creek/Jupiter Area Plan Preliminary agenda item and spoke to emphasis needed regarding Plano Centre. Council Member Lambert stated he feels that more emphasis is needed to which the Council concurred. The Council spoke to definitions of a "successful" convention center as breaking even, making money, and avoiding losses. Council Member Lambert spoke to a 2001 expansion study of Plano Centre not being reflected in this report. Planning and Information Manager Zimmerman stated that Staff can work with Plano Centre Staff to better reflect this information. Planning Director Jarrell spoke to the report centering more on the operational aspects of the center and stated that the Jupiter/Spring Creek study reflects more on land use and transportation. She stated that the thought was to determine what land uses might enhance center operations, spoke to natural affinities between land uses, and to what it would take to make Plano Centre monetarily successful. Ms. Jarrell further spoke to possible negative affects on the center and recommended that these aspects all be kept in mind. Executive Director Hogan requested direction from the Council on the financial aspects of the center and to making money and how the "civic portion" might be handled with regard to meeting and convention space.

Mayor Evans spoke to determining what the best use of land might be surrounding Plano Centre. Council Member Lambert spoke to community college expansion, office type uses, hotel space, and Plano Centre being a real destination and apartments or townhouses not adding anything. He stated that he would like to see what the true impact on the community will be, the amount of money that will be generated, and sales tax received. Mr. Zimmerman stated that the intent of the questions was to receive more definition and understanding from the Council in order to make sure that the right questions were being asked. He stated that what is needed from the Council is what their definition of success actually is. Council Member McGee stated that criteria for the definition of success should be directed to attracting people who rent rooms, buy food and shop, all in the City of Plano. Council Member Lambert stated that the hotels are paying a tremendous amount of money toward the operation of Plano Centre and that this is what the tax is intended for. Council Member Stahel spoke to the issue being should amendments be made to the land use plan to support or reinforce Plano Centre, that residential is there, retail to some extent, office technology further out, and that the real question is what to do with the land to the south.

Dennis Wilson of Townscape, Inc. stated that by all measures Plano Centre is a success, but that the market can be broadened by expanding the facility. He stated that this can be done by doubling the floor area and possibly by adding a hotel. Mr. Wilson spoke to determining what can be done with the study to reinforce Plano Centre with current existing site limitations, and stated that while office space might not have a significant impact in this area, that it would have a regional impact. He spoke to placement of a hotel by the Plano Centre and supplementing the hotel's losses but stated that a hotel placed at Central Expressway could be successful on its own and only be a short distance to the center. Mr. Wilson spoke to the "natural" surrounding area of the center and to addressing all these issues and further emphasized that Plano Centre is successful.

Mayor Evans spoke to what the major intent for non-residential development might be proposed for the study particularly for attracting a DART rail location. She spoke to creating jobs as the more important, stated that jobs are more likely to attract a DART station, it is unknown how traffic volumes will be affected, and that current access is good to which Council Member Lambert spoke to problems at Spring Creek Parkway and Central Expressway. Rod Kelly of Parson's Transportation Group, Inc. spoke to increasing the density in this area to Office and to the ability for the infrastructure to handle this. He spoke to congestion at the Spring Creek Parkway and Central Expressway area and to possible funding of an additional interchange at this location as being a good approach. Council Member McGee spoke to light industrial developing in this area, and to concerns with changing to office-tech. He stated that in his opinion, along with the possible development of DART, the demand will then be for retail/commercial/urban settings and not office-tech.

Planning Director Jarrell stated that the frontage of Central Expressway has more potential for retail development due to the number of cars going by. She stated that traffic volumes drop substantially on the K Avenue side and that the presence of a DART station could provide some benefits for retail. Council Member Lambert spoke to the opportunity for Plano Centre to be a true destination and to having a vision for this area being something more than just a residential location surrounding the Plano Centre. He spoke to looking at expansion and a hotel.

Deputy Mayor Pro tem Stovall spoke to the asking price of land being too high in this area, and to this not changing any time soon and further stated that he concurs with Mr. Lambert. Mr. Lambert spoke to the experts informing the Council what "it would take." Mr. Zimmerman stated that the intent was for the Council to communicate their "vision" to Staff after which time refinements could be made to the report rather than Staff second-guessing. Mr. Wilson spoke to scenarios discussed with the Planning and Zoning Commission regarding a residential/office/commercial mix, the high price of the land, and to the problems of melding uses together in the area. Council Member McGee spoke to pieces of a puzzle that do not fit, starting with Plano Centre and to determining what could be done to make it successful such as with a hotel/convention center scenario next to a community college. He stated that a picture could better be drawn of what could then happen in the "ripple affect," and with the possibility of a DART station. Mr. McGee spoke to looking at the big picture and further stated that he feels there actually is no cohesion here.

Mr. Zimmerman spoke to difficulty in working this out all together and to not having all the knowledge needed on the DART facility, and stated that the idea was to have a starting point which could be altered as more is learned about DART. He stated that a true mixed-use development was going to be difficult and that as more information comes from DART that adjustments can be made. Mr. Zimmerman spoke to the use of a large amount of non-residential zoning on the "Moore tract," the degree of monetary success needed in order to be helpful to Plano Centre, and to a \$7 Million overpass "Galatyn Park style ramp" across Central Expressway connecting the two service roads and whether or not this "supposed success" would warrant this type expense. Council Member McGee spoke to making this type of assumption and to doing those things that might make this happen. Council Member Lambert spoke to past decisions that made dreams come true and to doing what it takes to make it happen.

Mr. Zimmerman stated that the intent would be to place this use into the Comprehensive Plan with a mixed-use development based on a rail line coming in and a station being somewhere in this vicinity and that speculation still would exist as to how it would all fit. Mayor Evans spoke to seeing an alternate "dream plan." Mr. Zimmerman stated that options could be brought back.

There being no further discussion, Mayor Evans adjourned the meeting at 11:44 p.m.

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Pat Evans, **MAYOR**

ATTEST:

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Elaine Bealke, City Secretary