

PLANO CITY COUNCIL
November 9, 2009

COUNCIL MEMBERS

Phil Dyer, Mayor
Harry LaRosiliere, Mayor Pro Tem
Lee Dunlap, Deputy Mayor Pro Tem
Pat Miner
Ben Harris
Mabrie Jackson
Lissa Smith
Jean Callison

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Deputy City Manager
Bruce Glasscock, Deputy City Manager
Rod Hogan, Deputy City Manager
Mark Israelson, Assistant City Manager
LaShon Ross, Assistant City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, November 9, 2009, at 7:03 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Associate Pastor Jessie Prince of Grace Outreach Center and the Pledge of Allegiance was led by Mayor Dyer with presentation from the American Legion Honor Guard Post 321 from Plano.

Mayor Dyer presented proclamations recognizing Veterans Day – 2009; Salvation Army of Plano – Red Kettle Kick-Off; and Plano Arbor Day – 2009. He further received a presentation from the Friends of the Plano Public Library and noted Special Recognition received for the Public Art Committee and Cultural Programs Coordinator Christine Eubanks.

Mayor Dyer administered oaths of office to incoming board and commission members and recognized Brian L. Eisenrich who was not in attendance to receive his certificate of appreciation.

COMMENTS OF PUBLIC INTEREST

Citizen Scott Holloway spoke to the negative impacts of a proposed feeder alignment for the Plano Independent Schools including the effect on property values and opportunities for students attending Williams High School.

Mike Pettit requested consideration of his company providing a curb-painting program in the City and spoke to the benefits of providing clear addresses for emergency personnel and visitors. City Attorney Wetherbee advised that the City does not require curb markings and that numerous businesses provide these services.

CONSENT AGENDA

Upon the request of Council Member Jackson, Consent Agenda Item "C" was removed for individual consideration due to a possible conflict of interest.

Upon the request of Deputy Mayor Pro Tem Dunlap, Consent Agenda Item "D" was removed for individual consideration due to a possible conflict of interest.

Upon the request of Council Member Smith, Consent Agenda Item "F" was removed for individual consideration.

Upon a motion made by Council Member Miner and seconded by Council Member Smith, 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 26, 2009

Approval of Expenditures

Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)

Bid No. 2009-198-P for the 2009-2010 Traffic Signal Construction and Maintenance Requirements Contract to Republic Intelligent Transportation Services, Inc. in the amount of \$493,515. This contract is for the construction of new signals at six intersections. It also provides for the modernization of existing signals including the removal of left turn signals in the medians mounted to the new support masts, new wiring, new support poles and masts at six intersections. This will establish a fixed price requirements contract with two optional renewals. (Consent Agenda Item "B")

Approval of Change Order

To SmithGroup/F&S (formerly F&S Partners) decreasing the Architectural Services Contract by \$160,084 for the Carpenter Park Recreation Center Renovation and Expansion. Contract Modification No. 1 deletes the pool from the scope of work. (Consent Agenda Item "E")

Adoption of Resolutions

Resolution No. 2009-11-1(R): To approve the submission of a grant application to the Texas Department of Transportation for funding assistance through the 2009 Texas Transportation Enhancement Program; certifying that the City is eligible to receive financial assistance under the program; certifying that the City's matching share is readily available; authorizing the Director of Parks and Recreation to execute all documents necessary to effectuate the grant; and providing an effective date. (Consent Agenda Item "G")

Resolution No. 2009-11-2(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and the University of Texas at Dallas for training program, providing terms and conditions for educational services, authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "H")

Resolution No. 2009-11-3(R): To authorize the purchase of street light standards and associated equipment for Ridgeview Drive from Independence Parkway to Coit Road from CoServ Electric Company, who is the selected provider of electric service and the selected provider of such equipment; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "I")

Resolution No. 2009-11-4(R): To approve the terms and conditions of a Real Estate Contract by and between the City of Plano, Texas, and Betty Jean Morris for the purchase of 0.491 acres of right of way and 0.029 acres of temporary construction easement, situated in the Dyer Survey, Abstract No. 360, Denton County, Texas, to be used for Marsh Lane widening; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "J")

Resolution No. 2009-11-5(R): To find LaShon Ross, Dan Thompson, and Hugo Esparza are entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Bobby Cole, Lance Haynes, and Allen West v. Brenda Mammel, LaShon Ross, Dan Thompson and Hugo Esparza; and providing an effective date. (Consent Agenda Item "K")

Adoption of Ordinances

Ordinance No. 2009-11-6: To vacate Ordinance No. 2009-10-17, and adopting this ordinance to correct a clerical error, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to grant Specific Use Permit No. 601 so as to allow the additional use of Public Storage/Mini-Warehouse on 3.1± acres of land located on the west side of Preston Park Boulevard, 550± feet south of Park Boulevard, in the City of Plano, Collin County, Texas, presently zoned Planned Development-189-Retail/General Office; 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. (Consent Agenda Item "L")

Ordinance No. 2009-11-7: To amend Section 6-3(c)(1) of Chapter 6, Buildings and Building Regulations of the Code of Ordinances of the City of Plano by adding a new subsection “f”; and amending Section 6-3(c)(2) of Chapter 6, Buildings and Building Regulations of the Code of Ordinances of the City of Plano by adding a new subsection “i”; and amending Section 6-3(c)(3)(a)(2) of Chapter 6, Buildings and Building Regulations of the Code of Ordinances of the City of Plano by adding additional language; providing a repealer clause, a savings clause; a severability clause; and an effective date. (Consent Agenda Item “M”)

END OF CONSENT

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

Purchase from an Existing Contract - To approve an expenditure of a Premier Support Services contract in the amount of \$68,310 from Microsoft Corporation through a State of Texas Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-821). (Consent Agenda Item “C”)

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Callison, the Council voted 7-0 to approve a Premier Support Services contract in the amount of \$68,310 from Microsoft Corporation.

Council Member Jackson resumed her place at the bench.

Due to a possible conflict of interest Deputy Mayor Pro Tem Dunlap stepped down from the bench on the following item.

Approval of Change Order - To Jim Bowman Construction Company, LP, increasing the contract by \$39,207 for Alley Reconstruction – Prairie Creek, Change Order No. 1. Original Bid No. 2007-230-B. (Consent Agenda Item “D”)

Upon a motion made by Council Member Jackson and seconded by Mayor Pro Tem LaRosiliere the Council voted 7-0 to approve a change order to Jim Bowman Construction Company increasing the contract by \$39,207 for alley reconstruction – Prairie Creek.

Deputy Mayor Pro Tem Dunlap resumed his place at the bench.

Adoption of Strategic Plan - To adopt the City Council Strategic Plan for 2009-2024 (Consent Agenda Item “F”)

Deputy City Manager Glasscock spoke to the Strategic Plan in place since 2001 establishing a roadmap for Council and Staff in achieving goals and objectives by reaffirming the City’s mission to provide outstanding services and facilities, opportunities for community input, working cooperatively in achieving the mission of the City, and contributing to the quality of life. He spoke to Council’s identification of six major goals with approximately 37 objectives, prioritization of items to be achieved in 12-18 months, and Staff’s actions following the plan’s adoption. Mr. Glasscock spoke to the Council’s goals guiding each agenda item, the core budget matrix and the operations of each department.

Upon a motion made by Council Member Jackson and seconded by Council Member Smith, the Council voted 8-0 to adopt the City Council Strategic Plan for 2009-2024.

Public Hearing and adoption of Ordinance No. 2009-11-8 as requested in Zoning Case 2009-18 – to amend subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses), subsection 2.825 (RE-Regional Employment) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses); and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, pertaining to restaurants/cafeterias and independent living facility, assisted living facility, long-term care facility, and continuing care facility uses, and related development standards within the Regional Employment Zoning District; 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 “1”)

Director of Planning Jarrell advised that the Planning and Zoning Commission called a Public Hearing to consider amendments to the regulations of retirement housing and restaurants/cafeterias in the Regional Employment (RE) and Regional Commercial (RC) zoning districts. She spoke to retirement housing being appropriate at some locations in these districts and to retaining a specific use permit for this use. Ms. Jarrell spoke to removing the requirement in RE districts that restaurants/cafeterias not exceed ten percent of the combined floor area of all buildings since they are used by office workers and neighborhoods, are consistent with the RE district, will reduce vehicle trips, and allow a larger percentage for other users. She further advised that the Planning and Zoning Commission recommended approval as follows (additions are indicated by underlined text and deletions are indicated by strike-through text).

1. Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) allowing independent living facility, assisted living facility, long-term care facility, and continuing care facility uses with a specific use permit as follows:

Ordinance No. 2009-11-8 (cont'd)

Permitted Use	Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG – Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial
Independent Living Facility	Educ., Inst., Public, & Special	P	P	P	P		P	P			S	S		S
Assisted Living Facility	Educ., Inst., Public, & Special	P	P	P	P		P	P			S	S		S
Long-term Care Facility	Educ., Inst., Public, & Special	P	P	P	P		P	P			S	S		S
Continuing Care Facility	Educ., Inst., Public, & Special	P	P	P	P		P	P			S	S		S

Ordinance No. 2009-11-8 (cont'd)

2. Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow restaurant/cafeteria use by right in the Regional Employment zoning district without the ten percent restriction, and adding End Note 43 as follows:

3.

Permitted Use	Category													
		O-1 - Neighborhood Office												
		O-2 - General Office												
		R - Retail												
		BG -- Downtown Business/Government												
		LC - Light Commercial												
		CE - Commercial Employment												
		CB-1 - Central Business-1												
		LI-1 - Light Industrial-1												
		LI-2 - Light Industrial-2												
		RE - Regional Employment									<u>P</u> 43			
		RC - Regional Commercial												
		RT - Research/Technology Center										*		
		CC - Corridor Commercial												
Restaurant/ Cafeteria	Service		S	P	P	P	P	P	P	P				

End Note: 43 - See Subsection 2.825 (6)(c)

4. Amend Subsection 2.825 (RE - Regional Employment) (6) (Special District Requirements) (c) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) to read as follows:

“A freestanding (sole use and occupant) restaurant/cafeteria is permitted in an RE district ~~as part of the ten percent allowance described above~~ if it has a minimum of 5,000 square feet of gross floor area** and no drive-in window.

** “Gross Floor Area” means the total floor area of a building from the exterior face of a building or from the centerline of a wall separating two buildings, but shall exclude any space where the floor-to-ceiling height is less than six feet and all patios, balconies, and parking facilities.”

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

Ordinance No. 2009-11-8 (cont'd)

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Jackson, the Council voted 8-0 to amend subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses), subsection 2.825 (RE-Regional Employment) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses); and related sections of the Comprehensive Zoning Ordinance of the City pertaining to restaurants/cafeterias and independent living facility, assisted living facility, long-term care facility, and continuing care facility uses, and related development standards within the Regional Employment Zoning District as requested in Zoning Case 2009-18 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2009-11-8.

Resolution No. 2009-11-9(R): To approve the Investment Portfolio Summary for the quarter ending September 30, 2009 and providing an effective date. (Regular Agenda Item “2”)

Treasurer Conklin advised that the quarterly investment report must be formally presented on an annual basis to comply with the Texas Public Funds Investment Act. She spoke to maintaining a market value greater than the book value of assets, the fluctuation of assets over the fiscal year as ad valorem taxes flow into the City and expenses occur, diversification of assets and maturities and comparison of the portfolio to benchmarks. Ms. Conklin spoke to the City’s yield in the quarter and fiscal year as higher than the two-year treasuries.

Upon a motion made by Council Member Miner and seconded by Council Member Callison, the Council voted 8-0 to approve the Investment Portfolio Summary for the quarter ending September 30, 2009; and further to adopt Resolution No. 2009-11-9(R).

Resolution No. 2009-11-10(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and Futurewei Technologies, Inc. a Texas corporation d/b/a Huawei Technologies (USA); authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “3”)

Director of Finance Tacke advised that Huawei Technologies would occupy no less than 75,000 square feet of office space and create 376 job equivalents by July 31, 2010, occupy at least 25,000 additional square feet of office space on or before July 31, 2012 and may add up to a maximum of 218 additional job equivalents by December 31, 2012. She advised that the terms of the agreement run from the date of occupancy or July 31, 2010 (whichever occurs first – June 30, 2017) for a grant in the amount of \$451,200 with an additional \$261,600 for additional jobs.

Upon a motion made by Council Member Miner and seconded by Council Member Harris, the Council voted 8-0 to approve an Economic Development Incentive Agreement between the City and Futurewei Technologies (Huawei Technologies) and further to adopt Resolution No. 2009-11-10(R).

Resolution No. 2009-11-11(R): To cast its ballot for the election of members to the Collin County Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date. (Regular Agenda Item “4”)

City Manager Muehlenbeck advised that the recommendation is to cast the City’s votes for nominee Roy Wilshire.

Upon a motion made by Council Member Jackson and seconded by Council Member Smith the Council voted 8-0 to cast the City of Plano’s 382 Collin County Appraisal District votes for Roy Wilshire and further to adopt Resolution No. 2009-11-11(R).

Resolution No. 2009-11-12(R): To cast its ballot for the election of members to the Denton Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date. (Regular Agenda Item “5”)

City Manager Muehlenbeck advised that the recommendation is to cast the City’s votes for nominee Pearl Ford.

Upon a motion made by Council Member Miner and seconded by Council Member Jackson, the Council voted 8-0 to cast the City’s 19 Denton County Appraisal District votes for Pearl Ford and further to adopt Resolution No. 2009-11-12(R).

There being no further discussion, Mayor Dyer adjourned the meeting at 8:01 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary