

**PLANO CITY COUNCIL**  
**March 14, 2001**

**COUNCIL MEMBERS**

Jeran Akers, Mayor  
Rick Neudorff, Mayor Pro tem  
Phil Dyer, Deputy Mayor Pro tem  
Shep Stahel  
Pat Evans  
Steve Stovall  
John R. Roach, Jr.  
Ken Lambert

**STAFF**

Thomas H. Muehlenbeck, City Manager  
Frank Turner, Executive Director  
Bruce Glasscock, Executive Director/Police Chief  
Rod Hogan, Executive Director  
Diane Wetherbee, City Attorney  
Elaine Bealke, City Secretary

Mayor Akers convened the meeting into open session on Wednesday, March 14, 2001, at 7:04 p.m., in the Council Chamber of the Plano Municipal Center, 1520 Avenue K. All Council Members were present.

The invocation was led by Pastor Skip Pilgrim of Temple Baptist Church.

The Pledge of Allegiance was led by Girl Scout Troop 385 of Haggard Middle School.

Mayor Akers presented a proclamation recognizing "Taste of Plano Day."

**GENERAL DISCUSSION**

No one appeared to speak.

**Receive City Manager's response to comments of public interest made at a previous Council meeting.**

**Discussion regarding Crime Watch Line Access**

City Manager Muehlenbeck spoke regarding access to the Crime Watch voicemail and stated that a blocking feature is part of the system and that the City will issue advertising instructing citizens regarding bypass. Council Member Lambert clarified that the blocking is on the caller's end.

**CONSENT AGENDA**

Upon the request of Staff, Consent Agenda Item "N" was pulled and tabled/held until the March 26, 2001 Council meeting.

Mayor Akers advised that he would be stepping down on Regular Agenda Item "1" due to a conflict of interest.

Deputy Mayor Pro tem Dyer advised that he would be stepping down on Regular Agenda Item "5" due to a conflict of interest.

Upon a motion made by Council Member Roach and seconded by Mayor Pro tem Neudorff, the Council voted 8-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

**Approval of Minutes**

February 26, 2001

**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. 98-10-003** for purchase and installation of office furniture for the new Animal Shelter in the amount of \$35,106. [Consent Agenda Item (B)] (See Exhibit "A")

**Bid No. P063-01** for sidewalk repairs on the Sidewalk Replacement Contract 9, within the City of Plano in the amount of \$406,450. [Consent Agenda Item (C)] (See Exhibit "B")

**Bid No. B067-01** to McMahon Contracting Inc., for the Tree House Lane Reconstruction Project in the amount of \$274,090. [Consent Agenda Item (D)] (See Exhibit "C")

**Bid No. I090-01** for The Purchase of Eight 8,800 GVWR Cab/Chassis with Utility Bodies for use by the Grounds Maintenance Services District 1, East District, Pumping Facilities, and Meter Services Departments through The Houston-Galveston Area Council of Governments Inter-Local Contract Agreement in the amount of \$216,887. [Consent Agenda Item (E)] (See Exhibit “D”)

**Bid No. I088-01** for The Purchase of One Toro Workman through The Houston-Galveston Area Council of Governments Inter-Local Contract Agreement in the amount of \$17,648 for use by the Athletic Fields Maintenance Department. [Consent Agenda Item (F)] (See Exhibit “E”)

**Bid No. I093-01** for The Purchase of One 25,080 GVWR Cab/Chassis with Steel Platform Body and I-Box through the State of Texas GSC Contract in the amount of \$39,638 to be used by the West District Department. [Consent Agenda Item (G)] (See Exhibit “F”)

### **Rejection of Bid**

To reject bids/proposals for Maintenance Contract for the Repair and Rehabilitation of Sanitary Sewer Lines and Laterals – Project No. 5061 (C027-01). (Item pulled and held on 02-12-01.) [Consent Agenda Item (H)] (See Exhibit “G”)

### **Adoption of Resolutions**

**Resolution No. 2001-3-1(R):** To approve the Articles of Incorporation and Bylaws of Cities Aggregation Power Project, Inc., a political subdivision corporation; accepting membership in said corporation; appointing a representative to serve on behalf of the City of Plano; approving payment of an initial membership fee; and providing a repealer clause, a severability clause, and an effective date. (Item pulled and held on 02-26-01.) [Consent Agenda Item (I)]

**Resolution No. 2001-3-2(R):** To approve an expenditure of funds not to exceed thirty thousand one hundred and no/100 dollars (\$30,100) to Special Equipment Services, Inc. for necessary repairs to a Smeal/Pierce aerial ladder of an aerial ladder fire truck; authorizing the execution of all documents in connection therewith by the City Manager; and providing an effective date. [Consent Agenda Item (J)]

**Resolution No. 2001-3-3(R):** To approve an expenditure of funds not to exceed twenty two thousand five hundred and no/100 dollars (\$22,500) to Stewart & Stevenson Services, Inc. for necessary repairs to the engine of an aerial ladder fire truck; authorizing the execution of all documents in connection therewith by the City Manager; and providing an effective date. [Consent Agenda Item (K)]

**Resolution No. 2001-3-4(R):** To certify that the City is eligible to receive financial assistance under the Collin County Parks and Open Space Matching Grant Program as provided by the Collin County Commissioners Court; certifying that the City's matching share is readily available; designating the Director of Parks and Recreation as being responsible for acting for, and on behalf of the City of Plano in dealing with the Collin County Commissioners Court for the purpose of participating in the Collin County Parks and Open Space Matching Grant Program; certifying that a proposed park site located on White Rock Creek between Preston Road and Spring Creek Parkway will be dedicated for public park and recreational uses; and providing an effective date. [Consent Agenda Item (L)]

**Resolution No. 2001-3-5(R):** To ratify and approve an emergency expenditure of two hundred fifty three thousand six hundred twenty and 11/100 dollars (\$253,620.11) for the replacement of the sanitary sewer line in the alley located between 14<sup>th</sup> Place and 15<sup>th</sup> Street from Avenue P to Avenue R in the City of Plano, by Moss Construction, Inc.; and providing an effective date. [Consent Agenda Item (M)]

### **Adoption of Ordinances**

To repeal Ordinance No. 2000-2-26, codified as Article IV, Right-of-Way Management Regulations, of Chapter 19, Streets and Sidewalks, of the Code of Ordinances of the City of Plano; adopting a new and comprehensive right-of-way management ordinance governing any and all construction occurring within the public rights-of-way in the City of Plano; providing for a penalty not to exceed \$2,000 per day for each offense; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (N)] (Item pulled and tabled to 03-26-01.)

### **Approval of Contracts**

To approve a contract made and entered into by and between the City of Plano, the Plano Independent School District and Sharon Rowe, the Elections Administrator of Collin County, Texas, pursuant to the authority in Subchapter D, Section 31.091, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City and School District's May 5, 2001, Joint General Elections and the City of Plano Special Election in the amount of \$12,994. [Consent Agenda Item (O)]

To approve an expenditure for the lease of Mail Room Equipment for 48 months in the total amount of \$38,712 from Pitney Bowes, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendors list; and authorizing the City Manager to execute all documents necessary to effectuate the lease. [Consent Agenda Item (P)]

**Approval of Expenditure**

To approve an expenditure for the purchase of Landscape Maintenance and Mowing through the Collin County Governmental Purchaser's Forum in the amount of \$274,695. (Contract No. C056-01). [Consent Agenda Item (Q)]

**Approval of Change Order**

To Barson Utilities, Inc., increasing the contract by \$99,470 for Parker Road Estates Water Infrastructure Renovation, Change Order No. 1 (Bid No. B9911-023). [Consent Agenda Item (R)]

**END OF CONSENT**

Mayor Akers requested that Regular Agenda Item "3" be considered first.

**Resolution No. 2001-3-6(R)** to appoint James P. Reid to serve as an investigator in determining violations of the Code of Conduct of the City of Plano by a Councilmember and providing an effective date. (Tabled 02-26-01) [Regular Agenda Item (3)]

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

Council Member Roach spoke regarding information received and his confidence in Mr. Reid's ability to represent the City in this manner.

Upon a motion made by Council Member Roach and seconded by Council Member Stovall, the Council voted 8-0 to appoint James P. Reid to serve as an investigator in determining violations of the Code of Conduct of the City of Plano by a Councilmember and providing an effective date; and further to adopt Resolution No. 2001-3-6(R).

Due to a conflict of interest Mayor Akers stepped away down from the bench on the following item.

**Public Hearing and adoption of Ordinance No. 2001-3-7** to amend the Tax Increment Financing (TIF) District No. 2 Project and Financing Plan by increasing the base cost for the Courtyard Theater (also known as the Cox Gym (Performing Arts Center)) from \$4 million to \$4.6 million; and providing an effective date. [Regular Agenda Item (1)]

Director of Finance John McGrane stated that because bids for construction of the Courtyard Theater were higher than anticipated, it is necessary to increase the TIF Number 2 Project and Financing Plan cost for this item from \$4 million to \$4.6 million. He advised that the TIF Number 2 Board has met and recommended approval of this amendment.

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

Upon a motion made by Council Member Lambert and seconded by Council Member Stovall, the Council voted 7-0 to amend the Tax Increment Financing (TIF) District No. 2 Project and Financing Plan by increasing the base cost for the Courtyard Theater (also known as the Cox Gym (Performing Arts Center)) from \$4 million to \$4.6 million; and providing an effective date; and further to adopt Ordinance No. 2001-3-7.

Mayor Akers returned to his place on the bench.

**Public Hearing and adoption of Ordinance No. 2001-3-8** to amend the “Economic Development” Element of the Comprehensive Plan as originally adopted by Resolution No. 87-09-04(R); providing procedures approving the utilization of said element as revised and amended by appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas and providing an effective date. Applicant: City of Plano [Regular Agenda Item (2)]

Planning and Information Manager Jeff Zimmerman stated that the major concepts involved with this element are Plano as an economic center, the ability to respond to changing business trends and be a livable City. He advised that the major theme was business retention and redevelopment and the element has been reviewed and recommended for approval by the Economic Development Board and the Planning and Zoning Commission. Executive Director of the Plano Economic Development Board (PEDB) Sally Bane responded to Council Member Roach, stating that on March 15 the board would be looking at the international strategy developed by a consultant and will bring this along with PEDB recommendations before the Council. She advised that this amendment to the Comprehensive Plan was worked on prior to that strategy being developed and recommended that in the future it be included as a major goal.

Mayor Akers 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 Mayor Pro tem Neudorff, the Council voted 8-0 to amend the “Economic Development” Element of the Comprehensive Plan as originally adopted by Resolution No. 87-09-04(R); providing procedures approving the utilization of said element as revised and amended by appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas and providing an effective date; and further to adopt Ordinance No. 2001-3-8.

**Public Hearing and adoption of Ordinance No. 2001-3-9 as requested in Zoning Case 2001-01** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 1.4± acres on the east side of

Independence Parkway, 540± feet north of McDermott Road in the City of Plano, Collin County, Texas, from Multi-Family-2 (MF-2) to Planned Development-400-Retail (PD-400-R); directing a change accordingly in the official zoning map of the City; and providing a repealer clause, a savings clause, providing a fine for criminal penalties not to exceed \$2,000 for each offense, a severability clause and an effective date. Zoned Multi-Family-2. Neighborhood #3. Applicant: Imperatum Corporation [Regular Agenda Item (4)]

Director of Planning Phyllis Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted and further stated that the item would result in a reduction of 25 multi-family units. She further noted that the City did acquire right-of-way from the retail tract for the completion of McDermott Road and that this is not a consideration for this zoning case. Ms. Jarrell spoke regarding letters received in opposition, which noted concern regarding the proximity of retail development and traffic.

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

Upon a motion made by Mayor Pro tem Neudorff 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, so as to rezone 1.4± acres on the east side of Independence Parkway, 540± feet north of McDermott Road in the City of Plano, Collin County, Texas, from Multi-Family-2 (MF-2) to Planned Development-400-Retail (PD-400-R) as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2001-01; directing a change accordingly in the official zoning map of the City; and providing a repealer clause, a savings clause, providing a fine for criminal penalties not to exceed \$2,000 for each offense, a severability clause and an effective date; and further to adopt Ordinance No. 2001-3-9.

Due to a conflict of interest, Deputy Mayor Pro tem Dyer stepped down from the bench on the following item and did not return to the meeting.

**Public Hearing and adoption of Ordinance No. 2001-3-10 as requested in Zoning Case 2001-02** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to grant a request for a Specific Use Permit (SUP) for a Veterinary Clinic on 8.0± acres on the southwest corner of Coit Road and McDermott Road in the City of Plano, Collin County, Texas; directing a change accordingly in the official zoning map of the City; and providing a repealing clause, a savings clause, providing a fine for criminal penalties not to exceed \$2,000 for each offense, a severability clause and an effective date. Zoned Office-1. Neighborhood #4. Applicant: Beazer Homes Texas, L.P. [Regular Agenda Item (5)]

Director of Planning Phyllis Jarrell advised the Council that the applicant as requested to amend this request and to reduce the acreage to approximately 3.5 acres and

that Planning and Zoning Commission did recommend approval of the request as submitted. She clarified the location of the veterinary clinic and stated that it does include the drainage easement area for purposes of maintenance. Ms. Jarrell advised that if approved by the Council, the ordinance's legal description will be amended to reflect the smaller acreage.

Mayor Akers opened the Public Hearing. Veterinarian John R. Stallings responded to Council Member Stovall regarding the distance from residences stating that the veterinary function would not involve exercising animals and that boarding will be done indoors. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Lambert and seconded by Council Member Evans, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to grant a request for a Specific Use Permit (SUP) for a Veterinary Clinic on 3.5± acres on the southwest corner of Coit Road and McDermott Road in the City of Plano, Collin County, Texas as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2001-02; directing a change accordingly in the official zoning map of the City; and providing a repealing clause, a savings clause, providing a fine for criminal penalties not to exceed \$2,000 for each offense, a severability clause and an effective date and further to adopt Ordinance No. 2001-3-10 as amended.

There being no further discussion, Mayor Akers adjourned the meeting at 7:33 p.m.

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Jeran Akers, MAYOR

ATTEST:

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Elaine Bealke, CITY SECRETARY