

**PLANO CITY COUNCIL  
PRELIMINARY AND REGULAR OPEN MEETING**

**September 2, 2003**

**COUNCIL MEMBERS**

Pat Evans, Mayor  
Steve Stovall, Mayor Pro Tem  
Shep Stahel, Deputy Mayor Pro Tem  
Scott Johnson  
Phil Dyer  
Sally Magnuson  
Jean Callison  
Ken Lambert

**STAFF**

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

Mayor Evans called the meeting to order at 5:06 p.m., Tuesday, September 2, 2003, in the Council Chambers of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Johnson.

**PRELIMINARY OPEN MEETING**

Proclamations

Mayor Evans recognized "Food Safety Month."

Mayor Evans recognized City Manager Tom Muehlenbeck as the recipient of the Outstanding Professional Award from the Texas Community Forestry Awards Program.

City Secretary Bealke recognized Assistant City Secretary Diane Zucco for ten years of service to the City of Plano and also for her service and dedication to the City Secretary Department.

## **Personnel Appointments**

### **Animal Shelter Advisory Committee**

Dr. John Carver was nominated by the Council to fill the Veterinarian position, Rick Barker to fill the Municipality Representation position, and Roger Bolin, Jeffrey Cosby, and Eloisa Muzquiz to fill the resident positions with Mr. Cosby and Ms. Muzquiz to fill interim positions. (5 positions)

### **Civil Service Commission**

Mayor Evans advised that there are no openings on this Commission.

### **Community Relations Commission**

Victoria Hoyos-Arango and Patrick Ng were nominated by the Council. (1 position)

### **Cultural Affairs Commission**

Nathan Brinkley and Alex Johnson were nominated by the Council. (1 position)

### **Heritage Commission**

Mayor Evans advised that there are no openings on this Commission.

### **Keep Plano Beautiful Commission**

Mayor Evans advised that there are no openings on this Commission.

### **Library Advisory Board – 1 Interim Term**

Hilton Kong was nominated by the Council to fill the interim position and Betty Mahan and Kimberly Nelson were nominated to fill the regular positions. (3 positions)

### **Parks and Recreation Planning Board**

Mayor Evans advised that there are no openings on this Commission.

### **Plano Housing Authority**

Karen Sparks was nominated by the Council. (1 position) Mayor Pro Tem Stovall and Mayor Evans spoke to identifying that three terms may be served on this board.

### **Plano Transition and Revitalization Commission**

Mayor Evans advised that there are no openings on this Commission.

### **Public Arts Committee**

Michael Coleman, Alex Johnson, and Peggy Jernigan were nominated by the Council to fill the regular positions, and Robert Drotman was nominated to fill the interim position. Mayor Pro Tem Stovall spoke to looking again at the nomination of Mr. Johnson due to multiple nominations. (4 positions)

### **Retirement Security Plan Committee**

Ronald Timmons was recommended by the City Manager and the Council concurred with the nomination to fill the employee position. (1 employee position)

### **Self Sufficiency Committee**

Carl Pribanic and Evelyn Sandburg were nominated by the Council. (2 positions)

### **Senior Citizens Advisory Board**

Tiffany Duncan and Naomi Sanit were nominated by the Council. (2 positions)

### **Tax Increment Financing Reinvestment Zone #2 Board**

Michael Tucker was nominated by the Council. (1 position)

### **Technology Commission**

Jeffrey Cosby and Patrick Ng were nominated by the Council. (1 position)

### **Transportation Advisory Committee**

Jess Fox, Michael Hutchison, and Raj Minocha were nominated by the Council. (3 positions)

Mayor Evans stated that nominations provided will represent a short list of names from which to appoint at the next Council meeting.

## **Mobility Report**

Transportation Engineering Manager Neal spoke to traffic enforcement in the City, safety in the City and in the schools and working with the Risk Management Department in accomplishing the school crossing guard program. He stated that completion of the pedestrian crosswalk on Communications Parkway for Presbyterian Hospital will be delayed for two weeks, and that the K Avenue project has started today with goals being to slow traffic down and create pedestrian safety. Mr. Neal spoke to the Phase 1 test in this area which includes a traffic enforcement program with signage and painted crosswalks and stated that the impact on traffic speed has been minimal. He further stated that Phase 2 includes closing the left-hand lane of K Avenue by the Municipal Center and Municipal Parkway and spoke to creating on-street parallel parking. Mr. Neal spoke to public acceptance for traffic safety test areas and to compiling a survey of the local merchants.

Mr. Neal responded to the Council regarding the 30 mph posted speed limit in the downtown area and spoke to actual driving speeds. Mayor Evans spoke to looking into lowering speed limits and providing pedestrian rights-of-way in downtown shopping areas. Mr. Neal responded with regard to looking into the posting of speed limits less than 30 mph, the requirement of an engineering study in order to do this, and to concerns with court decisions handed down without the benefit of a traffic study.

## **Strategic Plan Review**

Executive Director Glasscock spoke to the final draft of the Strategic Plan from the Council retreat. He spoke to minor verbiage changes made and reviewed additions to the overarching themes and goals.

Mayor Evans recommended that West Side Community Center be referred to as the West Side Recreation Center under short-term actions for Premier City for Families. After a brief discussion, the Council concurred to revise Objective 3 of Major Business Center to remove references to the actual projects. Deputy Mayor Pro Tem Stahel recommended that Development of a Branding Strategy be added to short-term actions of Major Business Center. Mr. Glasscock noted that Screening Wall Maintenance Policy is listed under two categories to which the Council concurred.

Mr. Glasscock stated that with Council concurrence this will be brought back for final approval.

## **Discussion and Direction Regarding Voting and Alternate Voting Delegates for NLC Annual Business Meeting**

After a brief discussion, the Council concurred to appoint Mayor Pro Tem Stovall as the voting delegate and Deputy Mayor Pro Tem Stahel as the alternate voting delegate for the NLC Annual Business Meeting.

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

No items were brought forward.

### **Consent and Regular Agenda**

Council Member Magnuson advised that she will be stepping down on Regular Item 2, ordinance and Zoning Case 2003-34 to amend the Comprehensive Zoning Ordinance, and Regular Item 3, request to amend the Transportation Element of the Comprehensive Plan due to possible conflicts of interest.

Council Member Dyer advised that he will be stepping down on Consent Item "B," resolution regarding a public hike and bike trail easement and Regular Item 1, appeal of the Planning and Zoning Commission's denial of a planned development due to possible conflicts of interest.

### **Council Committee Reports**

No reports were made.

### **CONSENT AGENDA**

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

#### **Adoption of Resolutions**

**Resolution No. 2003-9-1(R):** To ratify and approve the terms and conditions of an interlocal cooperation agreement by and between the City of Plano and the City of Allen, Texas providing terms and conditions for the repair and maintenance of Fire Department vehicles and equipment; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (A)]

#### **Adoption of Ordinances**

**Ordinance No. 2003-9-2:** To amend Ordinance No. 2002-4-15, codified as Article II, Building Code, Division 2, Section 6-37, Subsection 10 of Chapter 6 of the City of Plano Code of Ordinances to require all zoning districts to meet the exterior wall construction standards under the International Building Code; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (C)]

### **Approval of Reimbursement**

To approve and authorize reimbursement to Alcatel USA Sourcing, L.P. for participation in water, sanitary sewer and drainage improvements associated with the construction of the Alcatel USA Addition in the amount of \$71,008. [Consent Agenda Item (D)]

### **END OF CONSENT**

Council Member Dyer stepped down from the bench on the following two items.

**Resolution No. 2003-9-3(R):** To approve and accept a Special Warranty Deed and a non-exclusive public hike and bike trail easement from AGF Lewisville 13 II, LTD. ("Grantor") to the City of Plano, Texas; and providing an effective date. [Consent Agenda Item (B)]

Upon a motion made by Council Member Magnuson and seconded by Council Member Lambert, the Council voted 6-0 to approve and accept a Special Warranty Deed and a non-exclusive public hike and bike trail easement from AGF Lewisville 13 II, LTD. ("Grantor") to the City of Plano, Texas; and providing an effective date and further to adopt Resolution No. 2003-9-3(R).

**Consideration of an Appeal of the Planning and Zoning Commission's Denial of the Harvard Addition, Concept Plan, Preliminary Site Plan and Conveyance Plat** – A proposed church campus, drive-thru carwash, convenience store with gas pumps, and three office developments on six lots on 29.7± acres between Preston Road and Ohio Drive, 155± feet north of Spring Creek Parkway. Zoned Planned Development-101-Retail/Office-2 (PD-101-R/O-2) [Agenda Item 1]

Director of Planning Jarrell spoke to previous stipulations for hike and bike trail easements, and to stipulations for a 250-foot wide trail easement being provided along the single-family development to the north and a 30-foot wide trail easement along the multi-family development along the north side of the property. She stated that Commission review of the concept plan and the conveyance plat/preliminary site plan found that the appearance of parking within the easement seemed to be a violation of the zoning stipulation and that it was for this reason the Commission denied the request. Ms. Jarrell spoke to Consent Item "B" addressing terms and conditions of the easement, reviewed provisions of the agreement, and further stated that plans are now in compliance with the provisions of the zoning requirement.

### **Consideration of an Appeal (cont'd)**

Upon a motion made by Council Member Lambert and seconded by Mayor Pro Tem Stovall the Council voted 6-0 to approve the appeal of the Planning and Zoning Commission's Denial of the Harvard Addition, Concept Plan, Preliminary Site Plan and Conveyance Plat – A proposed church campus, drive-thru carwash, convenience store with gas pumps, and three office developments on six lots on 29.7± acres between Preston Road and Ohio Drive, 155± feet north of Spring Creek Parkway.

Council Member Dyer returned to his seat on the bench.

The following two items were considered concurrently.

Council Member Magnuson stepped down from the bench on the following two items.

**Consideration and adoption of Ordinance No. 2003-9-4 as requested in Zoning Case 2003-34** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 7.0± acres located on the northwest corner of Chase Oaks Boulevard and future Seabrook Drive in the City of Plano, Collin County, Texas, from Planned Development-107-Office-2 to Single-Family-Attached; 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 #67 Applicant: Mockingbird Properties Tabled 08-25-03 [Agenda Item 2]

Upon a motion made by Deputy Mayor Pro Tem Stahel and seconded by Mayor Pro Tem Stovall, the Council voted 6-0 to remove Item 2 from the table.

**Consideration of a request to amend the Transportation Element of the Comprehensive Plan** to consider and adopt changes to the Thoroughfare Plan removing Seabrook Drive east of Stadium Drive to Chase Oaks Boulevard. Seabrook Drive is a Type "F" collector street between Alma Drive and Chase Oaks Boulevard. Applicant: City of Plano Tabled 08-25-03 [Agenda Item 3]

Upon a motion made by Council Member Lambert and seconded by Council Member Dyer, the Council voted 6-0 to remove Item 3 from the table.

Planning Director Jarrell spoke to previous zoning requests to rezone property immediately south of this tract and to a request by the applicant for additional zoning on the northern part of the property to single-family attached. She stated that the question for the Council to consider is whether or not there is more benefit to having continuous residential development along Chase Oaks Boulevard as opposed to having office development between two residential properties. Ms. Jarrell stated that the Commission does recommend approval of the zoning change.

Ms. Jarrell spoke to the Thoroughfare Plan Amendment request, consideration of whether or not Seabrook Drive should be extended as identified on the plan, and to the wide mix of uses such as Clark Stadium, PISD bus facilities, and a city park. She stated that Seabrook Drive does generate an outlet for these uses. She spoke to considering the benefits of Seabrook Drive to the overall area and providing additional traffic circulation versus the benefits of having one continuous single family attached development along Chase Oaks Boulevard with removal of Seabrook Drive.

Ms. Jarrell responded to the Council that letters sent from the school district indicated that Seabrook Drive does benefit their facilities and that no discussions with the school district have been made regarding funding. She spoke to looking now at the issue of land use and zoning and to determining who pays for what at the time of development. Mayor Evans stated that the school district indicated they have not allocated any monies for Seabrook Drive. Deputy Mayor Pro Tem Stahel stated that this did not indicate that they would not contribute to funding at some point.

Deputy Mayor Pro Tem Stahel spoke to Seabrook Drive as the first step to consider and stated that he feels the benefits of keeping the road outweigh the benefits of removing it from the plan and further stated that he does support the retention of Seabrook Drive. Mayor Pro Tem Stovall spoke to existing school district facilities being there for a number of years and to nothing having been done by the district to date to complete this road. He spoke in support of both pieces of property functioning together and not being separated and stated that he supports removal of Seabrook Drive and the zoning change. Council Member Lambert stated he has no problem with the zoning, but does object to the removal of Seabrook Drive unless an official position is received from the school district and board to include funding scenarios.

City Manager Muehlenbeck responded to the Council that his conversations with Superintendent Otto indicated that the school district was very receptive to retaining Seabrook Drive and to including financial participation and further stated that the "Buddies" would be talking. Mayor Evans stated that PISD President King indicated to her that Seabrook Drive was not needed. Council Member Lambert stated that in his conversation(s) with school district individuals the indication was to retain the road. He spoke to leaving Seabrook Drive on the plan and tabling this item tonight and talking with the school district at a future time to include discussions of funding. Mayor Evans stated that what she has been told is that this is a Council decision, spoke to the appreciable difference in the quality of the neighborhood being considered, and stated that she supports the removal of Seabrook Drive. She stated that the community will function better. Mr. Lambert stated that he supports the zoning case but does not support the removal of Seabrook Drive at this stage until an official position has been determined by the school district. Deputy Mayor Pro Tem Stahel recommended voting on Item 3 first to consider extension of Seabrook Drive as the logical sequence.

Upon a motion made by Mayor Pro Tem Stovall and seconded by Council Member Dyer, the Council voted 4-2 to amend the Transportation Element of the Comprehensive Plan to consider and adopt changes to the Thoroughfare Plan removing Seabrook Drive east of Stadium Drive to Chase Oaks Boulevard. Deputy Mayor Pro Tem Stahel and Council Member Lambert voted in opposition. The motion carried.

Upon a motion made by Council Member Lambert and seconded by Council Member Dyer, the Council voted 6-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 7.0± acres located on the northwest corner of Chase Oaks Boulevard and future Seabrook Drive in the City of Plano, Collin County, Texas, from Planned Development-107-Office-2 to Single-Family-Attached as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2003-34; 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 to further adopt Ordinance No. 2003-9-4.

Mayor Evans advised at 6:06 p.m. that the Council will recess and convene into Executive Session in Training Room A in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, to discuss matters of Personnel, Section 551.074 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

The Council reconvened back into the open session in Training Room A at 6:30 p.m. to discuss the following items:

**Consideration and Action Resulting From Executive Session Discussion: Board of Adjustment, Building Standards Commission, Planning and Zoning Commission**

Board of Adjustment

City Secretary Bealke read into the record that the Council discussed nominating George Elwell as an interim alternate member and recommended changing the current status of member Arthur Stone from alternate to regular. The Council concurred to make these nominations. (1 regular position)

Building Standards Commission

City Secretary Bealke read into the record that the Council discussed nominating Nathan Brinkley (regular term) and Byron Betler (interim term) as alternate members, and recommended changing the current status of member John Houcek from alternate to regular. The Council concurred to make these nominations. (2 alternate positions)

Planning and Zoning Commission

City Secretary Bealke read into the record that the Council discussed nominating Harry LaRosiliere. The Council concurred to make this nomination.

Nothing further was discussed. Mayor Evans finally adjourned the meeting in Training Room A at 6:35 p.m.

---

Pat Evans, **MAYOR**

---

Elaine Bealke, **City Secretary**