

PLANO CITY COUNCIL
February 28, 2011

COUNCIL MEMBERS

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

STAFF

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, February 28, 2011, at 7:01 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member LaRosiliere.

The invocation was led by Sr. Pastor Gene Wilkes of Legacy Church and Mayor Dyer led the Pledge of Allegiance.

Mayor Dyer administered an oath of office to NiCole Williams, incoming member of the Civil Service Commission and presented a Certificate of Appreciation to outgoing member Patrick Gallagher.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon the request of Mayor Dyer, Consent Agenda Item "F" was removed for individual consideration due to a possible conflict of interest.

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

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

Approval of Minutes (Consent Agenda Item “A”)

February 10, 2011

February 14, 2011

February 17, 2011

Approval of Expenditures

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

Bid No. 2011-57-B for Tree Planting and Irrigation Project - Park Boulevard and Brand Road for the Parks Department to Whitmore and Sons, Inc. in the amount of \$65,329 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Purchase from an Existing Contract

To approve the purchase of Replacement of Cat Cages at the Animal Shelter in the amount of \$85,059 from Kellogg Brown & Root Services, Inc., through an existing contract/agreement with The Cooperative Purchasing Network (TCPN) and authorizing the City Manager to execute all necessary documents. (TCPN Contract Number R4958) (Consent Agenda Item “C”)

Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)

To approve an Engineering Services Agreement by and between the City of Plano and BW2 Engineers, Inc. in the amount of \$68,650 for the design of the Chisholm Trail south connection to the City of Richardson and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Approval of Change Order

To J. R. Stelzer Co., increasing the contract by \$28,560 for Southeast Industrial Water Tank Repaint, Change Order No. 1. Original Bid No. 2010- 198-B. (Consent Agenda Item “E”)

Adoption of Ordinances

Ordinance No. 2011-2-7: To amend Sections 15-3, 15-56, 15-57, 15-59, 15-60, 15-61, and 15-65, Chapter 15, Parks and Recreation of the Code of Ordinances of the City of Plano, Texas to replace with provisions containing new language regarding prohibited activities, sports seasons, allocations, tournaments/meets/camps/clinics/tryouts, practice sessions, user fees and insurance; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date. (Consent Agenda Item “H”)

Ordinance No. 2011-2-8: To repeal Ordinance No. 2006-11-27 designating a certain area within the City of Plano as Reinvestment Zone No. 103 for a tax abatement consisting of a 2.8383 acre tract of land located at the southwest intersection of Bishop Road and Infinity Avenue in the City of Plano, Texas; and providing an effective date. (Consent Agenda Item "I")

Ordinance No. 2011-2-9: To amend Section 2-25. Attendance at council meetings, etc., of Article II. City Manager, of Chapter 2. Administration of the Code of Ordinances of the City of Plano, Texas to allow the City Manager to assign a designee to attend council meetings on his behalf; and providing a repealer clause, a severability clause, and an effective date. (Consent Agenda Item "J")

END OF CONSENT

Due to a possible conflict of interest, Mayor Dyer stepped down from the bench on the following item:

To approve of a 90-day contract extension with LegacyTexas Bank for the City's Treasury Department, for the limited purpose of depository services for Utility Billing funds that are currently direct deposited into LegacyTexas Bank and will be transitioned to direct deposit with Frost Bank, and authorizing the City Manager to execute the contract extension and all other necessary documents for Bid No. 2009-217-C; and providing an effective date. (Consent Agenda Item "F")

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member Callison, the Council voted 6-0 to approve a 90-day contract extension with LegacyTexas Bank for the City's Treasury Department, for the limited purpose of depository services for Utility Billing funds that are currently direct deposited into LegacyTexas Bank and will be transitioned to direct deposit with Frost Bank.

Mayor Dyer resumed his seat at the bench.

Resolution No. 2011-2-10(R): To authorize the purchase of twenty (20) additional XpressCheck™ patron self-checkout stations in an amount not to exceed \$124,589 from Integrated Technology Group, the sole source provider of such equipment for the City of Plano - Plano Public Library System; and authorizing the City Manager to execute all necessary documents; and providing an effective date. (Consent Agenda Item "G")

Director of Libraries Ziegler advised that additional equipment would contribute to the self-service model of business and that funding comes from a grant and private donation. She responded to the Council regarding decreases in state funding and Council Member Harris spoke to future discussion regarding offering materials free of charge to non-residents as the practice is tied to grant programs.

Resolution No. 2011-2-10(R) (cont'd)

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member Smith, the Council voted 7-0 to authorize the purchase of twenty (20) additional XpressCheck™ patron self-checkout stations in an amount not to exceed \$124,589 from Integrated Technology Group; and further to adopt Resolution No. 2011-2-10(R).

Consideration of Bid No. 2011-68-B for Screening Wall – Parker & Independence project to Quality Excavation, Ltd. in the amount of \$350,157 and authorizing the City Manager to execute all necessary documents. (Regular Agenda Item “1”)

Deputy Director of Public Works and Engineering Cosgrove spoke to an incomplete summary sheet received from Quality Excavation, Ltd., but advised that necessary information was provided elsewhere in documentation resulting in a minor defect in their bid and to similar consideration given to others. Bryan Robertson of Ratliff Hardscape, Ltd. spoke to the need for bidders to follow policy and stated opposition to acceptance of incomplete bids. City Attorney Wetherbee advised that the bid from Quality Excavation, Ltd. should not be disqualified since it contained all necessary information. Mr. Cosgrove responded to the Council regarding issues related to bids for environmentally safe products and to funding for this project included in the budget.

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Council Member Callison, the Council voted 7-0 to award Bid No. 2011-68-B for Screening Wall – Parker & Independence project to Quality Excavation, Ltd. in the amount of \$350,157.

Resolution No. 2011-2-11(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Applied Concepts, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “2”)

Director of Finance Tacke advised that the agreement in the amount of \$250,000 provides for occupancy of not less than 31,400 of existing commercial space; retention, transfer or creation of up to 104 full-time jobs by February 28, 2011, with a possible additional 36 by December 31, 2014; business personal property in the amount of no less than \$200,000; real property in the amount of \$500,000 and expires on September 30, 2017.

Upon a motion made by Council Member Harris and seconded by Council Member Smith, the Council voted 7-0 to approve an Economic Development Incentive Agreement with Applied Concepts, Inc. and further to adopt Resolution No. 2011-2-11(R).

Resolution No. 2011-2-12(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Keste, LLC and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “3”)

Director of Finance Tacke advised that the agreement in the amount of \$150,000 provides for occupancy of not less than 32,000 of existing office space; retention, transfer or creation of up to 90 full-time jobs by June 30, 2011, with a possible additional 60 by June 30, 2012; business personal property in the amount of no less than \$500,000; real property in the amount of \$858,000 and expires on April 30, 2018.

Upon a motion made by Council Member Davidson and seconded by Deputy Mayor Pro Tem Miner, the Council voted 7-0 to approve an Economic Development Incentive Agreement with Keste, LLC and further to adopt Resolution No. 2011-2-12(R).

Resolution No. 2011-2-13(R): To establish the area defined herein as the “Plano Eruv District,” for the purpose of accommodating Orthodox Jewish citizens to “carry” and transport within said “Plano Eruv District” on the Sabbath and other Jewish Holy Days in accordance with Jewish religious law; and providing an effective date. (Regular Agenda Item “4”)

David McCall, citizen of the City, spoke to establishment of eruv districts for religious purposes and other currently designated locations. He responded to the Council, advising that placement of markers will be done through an agreement between the temples and owners of utility poles and that the boundaries are created to benefit particular parishioners.

Upon a motion made by Council Member Smith and seconded by Deputy Mayor Pro Tem Miner, the Council voted 7-0 to establish the area defined herein as the “Plano Eruv District,” and further to adopt Resolution No. 2011-2-13(R):

Public Hearing and adoption of Ordinance No. 2011-2-14 as requested in Zoning Case 2011-02 to amend Subsections 2.824 (RC - Regional Commercial), 2.825 (RE - Regional Employment), 2.827 (LI-1 - Light Industrial-1), and 2.828 (LI-2 - Light Industrial-2) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and Subsection 3.302 (Nonresidential Uses), of Section 3.300 (Exterior Wall Construction Standards for Structures) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, regarding the use of metal as an exterior wall construction material in nonresidential zoning districts; and providing a publication clause, 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 Manager Firgens spoke to the use of metal as an exterior material currently allowed in the Light-Industrial-1 and 2 districts only with approval of the façade plan by the Planning and Zoning Commission and a proposed amendment to allow use in all non-residential zoning. She reviewed the types of metal utilized and features and provided Council with examples. Ms. Firgens advised that the Commission recommended approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

Ordinance No. 2011-2-14 (cont'd)

1. Amend Subsection 3.302 (Nonresidential Uses) of Section 3.300 (Exterior Wall Construction Standards for Structures) of Article 3 (Supplementary Regulations) to read as follows:

1. Except as otherwise regulated by this ordinance, exterior wall construction in districts permitting nonresidential uses shall be of such material that conforms to the International Building Code unless an alternative has been approved by the Building Official. ~~However, metal and membrane exterior walls are prohibited in all zoning districts with the following exception:~~

~~Metal and membrane exterior wall construction is permitted in the Light Industrial 1 and Light Industrial 2 districts with approval of a facade plan as part of the site plan review process by the Planning & Zoning Commission only under the following conditions:~~

- ~~a. The metal or membrane exterior wall construction is not visible from a public thoroughfare or residential zoning district.~~
- ~~b. The lot containing the building is located at least 1,000 feet from any residential zoning district boundary line unless separated by a Type C or larger thoroughfare.~~

2. Metal exterior wall construction within nonresidential zoning districts shall be permitted provided that a maximum of 25% of any exposed exterior wall may consist of metal. This percentage may be exceeded in accordance with the following:

- a. For high-rise buildings only, a maximum of 50% of any exposed exterior wall may consist of metal. High-rise buildings shall be defined by the International Building Code, and as amended by the city.

- b. Within the LI-1 and LI-2 districts only, up to 100% of any exposed exterior wall may consist of metal with approval of a facade plan as part of the site plan review process by the Planning & Zoning Commission only under the following conditions:

i.a. The metal exterior wall is not visible from a public thoroughfare or residential zoning district.

ii.b. The lot containing the building is located at least 1,000 feet from any residential zoning district boundary line unless separated by a Type C or larger thoroughfare.

3. Membrane exterior wall construction is permitted within the LI-1 And LI-2 districts only, with approval of a facade plan as part of the site plan review process by the Planning & Zoning Commission only under the following conditions:

- a. The membrane exterior wall is not visible from a public thoroughfare or residential zoning district.

Ordinance No. 2011-2-14 (cont'd)

- b. The lot containing the building is located at least 1,000 feet from any residential zoning district boundary line unless separated by a Type C or larger thoroughfare.

~~4.2. Special Requirements for Parking Structures~~

Except in BG and CB-1 zoning districts, all exterior walls of parking structures shall be architecturally designed to be integrated with the primary building on the site, including consistent architectural design elements and building materials between structures.

2. Amend Subsection 2.827 (LI-1 - Light Industrial-1) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), such portion of Subsection to read as follows:

6. Special District Requirements

- a. ~~Metal exterior buildings are prohibited in the LI-1 district, except that such buildings may be permitted by approval of a site plan. See Subsection 3.302 (Nonresidential Uses) for provisions regarding metal and membrane exterior building materials.~~

3. Amend Subsection 2.828 (LI-2 - Light Industrial-2) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), such portion of Subsection to read as follows:

6. Special District Requirements

- a. ~~Metal exterior buildings are prohibited in the LI-1 district, except that such buildings may be permitted by approval of a site plan. See Subsection 3.302 (Nonresidential Uses) for provisions regarding metal and membrane exterior building materials.~~

4. Amend Subsection 2.824 (RC - Regional Commercial) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), such portion of Subsection to read as follows:

6. Special District Requirements

- b. Seventy-five percent of any exposed exterior wall of main buildings, parking structures, and accessory buildings shall consist of glass, native stone, clay-fired brick or tile, or a combination of these materials. All exterior building materials made of glass shall have a maximum exterior visible reflectance of 20%. Other finishes and materials may be used at the sole discretion of the Planning & Zoning Commission if adopted as part of the site plan approval and if permitted by building and fire codes. Any finish and material permitted by building and fire codes may be used on the remaining 25% of any exposed exterior wall, except that for high-rise buildings only this percentage may be increased to 50% for use of metal only.

Ordinance No. 2011-2-14 (cont'd)

The Planning & Zoning Commission may allow, at its sole discretion, the use of concrete, concrete block, and tile, as described in the City of Plano Building Code on exterior walls that are not visible from public thoroughfares. These finishes must be consistent in color with the remainder of the building. These would include the walls of service courts and other facilities that are secluded from view by the specific design of a building or group of buildings.

5. Amend Subsection 2.825 (RE - Regional Employment) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), such portion of Subsection to read as follows:

6. Special District Requirements

- ii. Seventy-five percent of any exposed exterior wall of main buildings, parking structures, and accessory buildings shall consist of glass, native stone, clay-fired brick or tile, or a combination of these materials. All exterior building materials made of glass shall have a maximum exterior visible reflectance of 20%. Other finishes and materials may be used at the sole discretion of the Planning & Zoning Commission if adopted as part of the site plan approval and if permitted by building and fire codes. Any finish and material permitted by building and fire codes may be used on the remaining 25% of any exposed exterior wall, except that for high-rise buildings only this percentage may be increased to 50% for use of metal only. The Planning & Zoning Commission may allow, at its sole discretion, the use of concrete, concrete block, and tile, as described in the City of Plano Building Code on exterior walls that are not visible from public thoroughfares. These finishes must be consistent in color with the remainder of the building. These would include the walls of service courts and other facilities that are secluded from view by the specific design of a building or group of buildings.

Mayor Pro Tem Dunlap stated concern regarding issues of colors, reflectivity, integrated finishes and the use of corrugated or galvanized metals. Ms. Firgens spoke regarding the Commission's approach to regulation by limiting the percentage of metal used on exterior surfaces rather than evaluating characteristics. She spoke to requests for metal surfaces in the LI-1, LI-2, Regional Commercial and Regional Employment districts that are currently forwarded to the Commission and advised that the recommendation does not propose changes to membrane structures. Ms. Firgens advised that there are no proposed regulations for color or building material. The Council discussed possible revisions to the percentages proposed and attracting businesses interested in new materials.

Mayor Dyer opened the Public Hearing. No one appeared to speak for or against the item. The Public Hearing was closed.

Council Member Harris spoke in support of permitting a lower percentage of metal surface for non-high rise structures than the 25% recommended with the exception of those in the LI-1 and LI-2 districts in order to more gradually integrate the change.

Ordinance No. 2011-2-14 (cont'd)

A motion was made by Council Member Davidson and seconded by Deputy Mayor Pro Tem Miner to amend sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, related to the use of metal as an exterior wall construction material in nonresidential zoning districts as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2011-02; and further to adopt Ordinance No. 2011-2-14. The Council voted 6-1 with Council Member Harris voting in opposition. The motion carried.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 8:14 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary