

**PLANO CITY COUNCIL**  
**May 9, 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  
Alice Snyder, Assistant City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, May 9, 2011, at 7:05 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 Callison.

The invocation was led by Father Tom Cloherty of Prince of Peace Catholic Community and the Pledge of Allegiance was led by Jr. Girl Scout Troop 68.

Mayor Dyer presented the Standberry Scholarship recipients; presented special recognition to the Plano Senior High School Speech and Debate teams; proclaimed Asian Pacific Heritage Month; proclaimed Bike to Work Week and Day; proclaimed Public Service Recognition Week and recognized Employee of the Year Adrian Magallanes.

**COMMENTS OF PUBLIC INTEREST**

No one appeared to speak.

**CONSENT AGENDA**

Upon the request of Staff, Consent Agenda Item "L" was pulled.

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

Upon the request of Mayor Dyer, Consent Agenda Items "E" and "O" were removed for individual consideration due to possible conflicts of interest. He further advised that he would step down on Regular Agenda Item "2" due to a possible conflict of interest.

Upon the request of Mayor Pro Tem Dunlap, Consent Agenda Items "J" and "K" were removed for individual consideration.

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

**Approval of Minutes** (Consent Agenda Item "A")

April 20, 2011

April 25, 2011

**Approval of Expenditures**

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

**CSP No. 2011-114-B** for the construction of Fire Station 4 Addition to Lee Lewis Construction, Inc., in the amount of \$1,926,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

**Bid No. 2011-154-B** for the replacement of a complete underground irrigation system for the Parks and Recreation Department to Jonesplan of Texas, LLC in the amount of \$110,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "D")

**Purchase from an Existing Contract**

To approve the purchase of office, lobby, and classroom furniture for the Carpenter Park Recreation Center renovation in the amount of \$97,253 from Plano Office Supply through existing contracts with Texas Multiple Award Schedule (TXMAS) and Collin College (#B-3059) contracts and authorizing the City Manager to execute all necessary documents. (TXMAS Contracts 3-711010-38, 7-7110140-7, 9-711020-15, City of Plano Interlocal Agreement 2009-74-I). (Consent Agenda Item "F")

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

To approve an Engineering contract by and between the City of Plano and Freese and Nichols, Inc. in the amount of \$120,561 for Stormwater Quality Ordinance Development and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "G")

To approve an Engineering contract by and between the City of Plano and HDR Engineering, Inc., in the amount of \$397,432 for the engineering design of the Spring Creek Parkway Corridor project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "H")

**Adoption of Resolutions**

**Resolution No. 2011-5-1(R):** To approve the terms and conditions of Standard DOT Title VI Assurances between the State of Texas and the City of Plano for the adoption of the Texas Department of Transportations's federally-approved Title VI Program, authorizing its execution by the Mayor; and providing an effective date. (Consent Agenda Item "I")

### **Adoption of Resolutions (cont'd)**

To approve the terms and conditions of a First Amendment to Development Agreement by and between the City of Plano, Texas, and Tenth Street Plano, L.P.; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "L") (Item pulled)

**Resolution No. 2011-5-2(R):** To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for a "Click It or Ticket" Project, to be conducted during Memorial Day Holiday period; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "M")

**Resolution No. 2011-5-3(R):** To authorize the filing of application for federal funds in an amount not to exceed \$47,600 under the Edward Byrne Memorial Justice Assistance Grant (JAG) State Formula Program through the Office of the Governor of Texas, Criminal Justice Division; designating Gregory W. Rushin as authorized representative of the City of Plano for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. (Consent Agenda Item "N")

### **END OF CONSENT**

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

**Bid No. 2011-138-B** for University Estates Waterline Rehabilitation to RKM Utility Services, Inc. in the amount of \$1,172,862 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Upon a motion made by Council Member Harris and seconded by Council Member Davidson, the Council voted 6-0 to approve Bid No. 2011-138-B for University Estates Waterline Rehabilitation to RKM Utility Services, Inc. in the amount of \$1,172,862.

Mayor Pro Tem Dunlap resumed his place at the bench.

Due to possible conflicts of interest, Mayor Dyer stepped down from the bench on the following two items which were considered concurrently.

**CSP No. 2011-128-C** for a 2-year revenue generating contract with 3 City optional renewals for Back-up Bank Depository Services for the Treasury Department to LegacyTexas Bank, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

**Ordinance No. 2011-5-4:** To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 31.3± acres located generally at the northeast corner of Coit Road and Mapleshade Lane in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-215-Corridor Commercial, and 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive in the City of Plano, Collin County, Texas, from Corridor Commercial and Light Industrial-1 to Planned Development-216-Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Coit 190, L.P. and Harkins Plano L.P. Zoning Case 2011-05 (Public Hearing held and item approved by Council 4/25/11). (Consent Agenda Item “O”)

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member Smith, the Council voted 6-0 to approve CSP No. 2011-128-C for a 2-year revenue generating contract with 3 City optional renewals for Back-up Bank Depository Services for the Treasury Department to LegacyTexas Bank and to adopt Ordinance No. 2011-5-4 to rezone 31.3± acres located generally at the northeast corner of Coit Road and Mapleshade Lane in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-215-Corridor Commercial, and 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive in the City of Plano, Collin County, Texas, from Corridor Commercial and Light Industrial-1 to Planned Development-216-Corridor Commercial.

Mayor Dyer resumed his place at the bench.

**Resolution No. 2011-5-5(R):** To provide for opposition to the Federal Communications Commission notice of inquiry relating to acceleration of broadband deployment and providing an effective date. (Consent Agenda Item “J”)

Assistant City Manager Israelson stated that the resolution opposes a Federal Communications Commission notice of inquiry gathering information regarding broadband deployment in municipalities, the federal government coming in and looking at management of rights-of way and if there are barriers to deployment of broadband. He stated the City has 100 percent deployment. Mr. Israelson also informed Council that every resident has access to broadband with multiple carriers to choose from and the City believes there should be local control. He stated that he believed cities can contract with the broadband companies to make sure that service is provided within their individual communities.

Mayor Pro Tem Dunlap spoke to the operations of the City and inquired who owned the rights-of-way whereas Mr. Israelson stated the City does (the citizens of Plano). Mayor Pro Tem Dunlap stated that the City has encouraged, supported and received mutual positive relationships with the cable companies; if another company wants to come to the City, they would also want to use the rights-of-way; and that the City would want the companies to put the rights-of-way put back together in a timely way. Mayor Pro Tem Dunlap stated if this would become federal or state legislation, it would preclude this from occurring.

**Resolution No. 2011-5-5(R) (cont'd)**

Mr. Israelson advised that the City is operating under a statewide franchise for telecommunications and cable. He stated the State of Texas has gone a step further as far as granting authority for companies to come in and deploy their services within individual communities. He stated that companies coming into the City file for a franchise with the State of Texas and utilize our rights-of-way and the City works with them as far as the utilization and how they go about the construction practices. Mayor Pro Tem Dunlap thanked Mr. Israelson for the information he provided.

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Deputy Mayor Pro Tem Miner, the Council voted 7-0 to provide for opposition to the Federal Communications Commission notice of inquiry relating to acceleration of broadband deployment and providing an effective date and further adopt Resolution No. 2011-5-5(R).

**Resolution No. 2011-5-6(R):** To approve the terms and conditions of a contract between Interfaith Housing Coalition and the City of Plano for Homelessness Prevention and Rapid Re-Housing Program funds in the amount of \$31,465; and approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item "K")

Community Services Manager Day advised that this item is part of the American Reinvestment and Recovery Act and spoke to contracts with four different service providers. She informed the Council that the only one still operating at the end of the term is Interfaith Housing Coalition. She stated that one of the service providers did not spend all of their funds and the City is requesting that the Council authorize Interfaith Coalition to continue their program through August to expend the additional \$31,000. Ms. Day informed Council if the money is not spent, it will be returned to the federal government and reissued to other cities.

Mayor Pro Tem Dunlap stated that this was federal money given to the City as an effort to create jobs and to using it to help our citizens.

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Council Member Smith, the Council voted 7-0 to approve the terms and conditions of a contract between Interfaith Housing Coalition and the City of Plano for Homelessness Prevention and Rapid Re-Housing Program funds in the amount of \$31,465 and further adopt Resolution No. 2011-5-6(R).

**Public Hearing and adoption of Ordinance No. 2011-5-7** as requested in Zoning Case 2011-06, to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) and Subsection 2.826 (RT-Research/Technology Center) 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, with regard to development standards and uses within the Research/Technology Center zoning district; 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 "1")

## Public Hearing and adoption of Ordinance No. 2011-5-7 (cont'd)

Planning Manager Firgens spoke of Council direction to develop a plan for the Research/Technology Center district, as well as looking at regulations. She advised that the Planning and Zoning Commission recommended retaining: prohibition of open storage and restriction on delivery vehicles within the district; limitations on the number of dock doors; and limitations on the gross floor area for office-showroom warehouse uses (a minimum of 30% of the floor area for office showroom use has to be dedicated to office use).

Ms. Firgens further stated areas of the ordinance that the City is proposing to amend are those that appear to be adding substantial cost or unnecessary restrictions without providing commensurate benefit to the district. She stated that the Planning and Zoning Commission recommends approval as follows (additions are indicated by underlined text and deletions are indicated by strike-through text).

1. Amend (4) (Off-Street Parking and Loading Requirements) (d) of Subsection 2.826 (RT-Research/Technology Center) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), such portion of subsection to be deleted as follows:

4. Off-Street Parking and Loading Requirements

- ~~d. 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 (one space per 300 square feet) for 75% of the gross floor area of any building.~~

2. Amend (5) (Landscaping) of Subsection 2.826 (RT-Research/Technology Center) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), such portion of subsection to read as follows:

- ~~5. Landscaping (ZC 2006-02; Ordinance No. 2006-4-24)~~

- ~~A minimum of 20% of the total, lot area shall be landscaping which may include courtyards, plazas, walkways, water features, and related treatments in addition to plant materials. (See '3.1200 Landscaping Requirements'.) Per the development standards and incentives in Section 3.1700 (Storm Water Management), up to 50% of this required landscape area may be placed outside of the parking lot and/or landscaping along street rights-of-way if designated as storm water conservation area on a site specific storm water management plan per Section 3.1700.~~

## Public Hearing and adoption of Ordinance No. 2011-5-7 (cont'd)

### 5. Landscaping (See Section 3.1200 Landscaping Requirements and Section 4.700 190 Tollway/Plano Parkway Overlay District).

This would comply with the City's standard landscaping requirements for non-residential developments.

- A landscape edge shall be provided adjacent to all streets
  - Eight square feet of permeable interior landscaping must be provided per parking space.
  - One shade tree or an approved ornamental tree for every 15 parking spaces.
  - For corner lots at the intersection of Type D or larger thoroughfares:
    - A minimum of ten percent of the site area devoted to landscaping.
    - A minimum 15-foot wide landscape edge shall be located along all street right-of-way.
3. Amend (7) (Special District Requirements) (b) of Subsection 2.826 (RT-Research/Technology Center) of Section 2.800 (District Charts) (b) of Article 2 (Zoning Districts and Uses), such portion of subsection to read as follows:

#### 7. Special District Requirements

b. Retail and service uses identified with an “\*” in Subsection 2.502, Schedule of Permitted Uses, may not occupy more than ten percent of the gross floor area\*\* of a building unless the building and the designated location and amount of said uses are part of an approved site plan for more than one building, and the amount of space for these uses does not exceed ten percent of the combined floor area of all constructed buildings. The space for these uses may be redistributed within and among the buildings with the approval of a revised site plan. If a site plan includes multiple lots, all property owners must authorize the application. These uses may not be distributed among noncontiguous parcels of land.

A freestanding (sole use and occupant) restaurant/cafeteria is permitted in an RT 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.

4. 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 by right in the Research/Technology Center zoning district and adding End Note 44 as follows:

**Public Hearing and adoption of Ordinance No. 2011-5-7 (cont'd)**

Permitted uses	Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG – Downtown	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LJ-1 - Light Industrial-1	LJ-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial
<b>Restaurant/ Cafeteria</b>	<b>Service</b>		S	P	P	P	P	P	P	P	P <sub>43</sub>	P	P <sub>44</sub>	P

44	See '2.826 RT – Research/Technology Center.
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Planning Manager Firgens stated that Staff has sent out invitations several times throughout the process asking property owners for feedback to the Planning & Zoning Commission as part of this evaluation of the Research/Technology Center district. Deputy Mayor Pro Tem Miner commended the Staff and Commission for the good work, forethought, discussion, and seeking of public input.

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

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member LaRosiliere, the Council voted 7-0 to amend Subsection 2.502 of Section 2.500 and Subsection 2.826 of Section 2.800 of Article 2 and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, with regard to development standards and uses within the Research/Technology Center zoning district; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2011-06; and further to adopt Ordinance No. 2011-5-7.

Mayor Dyer stepped down on the following item at 7:44 p.m. and did not return to the bench.

**Public Hearing and adoption of Ordinance No. 2011-5-8** as requested in Zoning Case 2010-07 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 11.1± acres located on the east side of Ohio Drive, 641± feet north of Razor Boulevard in the City of Plano, Collin County, Texas, from Retail to Planned Development-213-Single-Family Residence-6; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Megatel Homes, Inc. (Regular Agenda Item “2”)

Planning Director Jarrell advised that the applicant is requesting to rezone the property to develop a residential subdivision and retaining 3 acres as retail. She advised that the Planning and Zoning Commission recommended approval as follows.

**Restrictions:**

The permitted uses and standards shall be in accordance with the Single-Family Residence-6 (SF-6) zoning district unless otherwise specified herein.

**General Provisions of the Planned Development**

1. The zoning exhibit shall be adopted as part of the ordinance.
2. A maximum of nine lots shall have a minimum lot width of 50 feet; all other lots shall comply with the minimum lot width requirements for the SF-6 district.

Ms. Jarrell stated the Comprehensive Plan recommends residential development for this property and policies recommend creating additional opportunities for housing in the City where appropriate and removing excessive retail zoning where it is unlikely to occur. Ms. Jarrell informed Council there were four letters of opposition.

Council Member Davidson inquired as to how many homes are slotted to be put in this area. Ms. Jarrell informed her 50 lots are planned.

Mayor Pro Tem Dunlap opened the Public Hearing. Don Plunk, representing Megatel Homes, Inc. advised that the property was purchased in the last week and spoke to limited interest in retail uses. Mr. Plunk stated the corner is being held for retail because it mirrors existing retail on the northwest corner of Ohio Drive and Razor Road in which portions have already been developed. No one else spoke for or against the item. The Public Hearing was closed.

Council Member LaRosiliere spoke to the positive migration from Retail to Single Family uses.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Smith, the Council voted 6-0 to rezone 11.1± acres located on the east side of Ohio Drive, 641± feet north of Razor Boulevard in the City of Plano, Collin County, Texas, from Retail to Planned Development-213-Single-Family Residence-6; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2011-07 and further to adopt Ordinance No. 2011-5-8.

Nothing further was discussed and Mayor Pro Tem Dunlap adjourned the meeting at 7:51 p.m.

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Phil Dyer, MAYOR

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Lee Dunlap, Mayor Pro Tem

ATTEST:

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Alice Snyder, Assistant City Secretary