

**PLANO CITY COUNCIL**  
**December 12, 2011**

**COUNCIL MEMBERS**

Phil Dyer, Mayor  
Pat Miner, Mayor Pro Tem  
Lissa Smith, Deputy Mayor Pro Tem  
Ben Harris  
André Davidson  
James Duggan  
Patrick Gallagher  
Lee Dunlap

**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, December 12, 2011, at 7:10 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

Imam Yaseen Shaikh of the Islamic Association of Collin County led the invocation and Cadette Girl Scout Troop 656 led the Pledge of Allegiance.

The Friends of the Plano Public Library made a presentation to the Plano Public Library System and Mayor Dyer recognized the graduates of the 2011 Management Preparation Program of Plano.

**COMMENTS OF PUBLIC INTEREST**

Scott Bryson requested the City remove fluoride from the water supply.

**CONSENT AGENDA**

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

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

November 21, 2011  
November 22, 2011  
November 28, 2011

**Approval of Expenditures**

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

**Rejection of Bid No. 2011-319-B** for the construction of Carpenter Park (South) Improvements, Project No. 6104, from all bidders and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

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

To approve a Professional Services Agreement by and between the City of Plano and CP&Y, Inc., in the amount of \$96,235 for the Mapleshade Lane - 400 Feet East of Silverglen Drive To SH 190 project; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

To approve a Professional Services Agreement by and between the City of Plano and Bury+Partners-DFW, Inc., in the amount of \$188,000 for Greenhollow Estates Waterline Rehabilitation Project No. 6164; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

To approve and authorize a contract with Mesa Design Associates, Inc. to provide Landscape Architectural Services in conjunction with the revised and updated master plan of Oak Point Park & Nature Preserve in an amount not to exceed \$137,829 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. (Consent Agenda Item “E”)

**Approval of Contract Modification**

To approve and authorize Contract Modification No. 2 for additional design services for Aquatic Center Renovation in the amount of \$84,240 from Brinkley Sargent Architects; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

**Approval of Change Order**

To approve of a change order to The Atkins Group, increasing the contract by \$110,000 for the following new projects: Research, New Ad Creative Campaign, Social Media Campaign, Website and Research with the RFQ for Advertising Agency (CVB), Change Order #1. RFQ No. 2010-138-B (Consent Agenda Item “G”)

**Approval of Expenditure**

To approve the purchase of property appraisal services for the Park Boulevard Corridor Intersection Improvements, Project No. 5989.1 in the amount of \$91,500 from Integra Realty Resources, DFW, LLP through an existing City of Plano contract and authorizing the City Manager to execute all necessary documents. (Contract No. 2012-43-D) (Consent Agenda Item “H”)

To approve the purchase of property appraisal services for the Independence Parkway Corridor, Project No. 5987.1 in the amount of \$104,500 from Integra Realty Resources, DFW, LLP through an existing City of Plano contract and authorizing the City Manager to execute all necessary documents. (Contract No. 2012-43-D) (Consent Agenda Item “I”)

## **Adoption of Resolutions**

**Resolution No. 2011-12-1(R):** To review and approve the City's written Public Funds Investment Policy; and providing an effective date. (Consent Agenda Item "J")

## **Adoption of Ordinances**

**Ordinance No. 2011-12-2:** To repeal Ordinance No. 2009-10-8 codified as Division 1.5, Cross Connection Control Program, of Article II, Water, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, Texas; adopting a revised Division 1.5 of Article II, Chapter 21 of the Code of Ordinances of the City of Plano, Texas; to revise definitions, processes, regulations and enforcement provisions; providing a penalty clause, a severability clause, a savings clause, a repealer clause, and an effective date. (Consent Agenda Item "K")

**Ordinance No. 2011-12-3:** To amend Section 12-74(b) of Chapter 12 (Traffic Code) of the Code of Ordinances to amend the prima facie maximum speed limits for motor vehicles operating on certain sections of Los Rios Boulevard within the corporate limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item "L")

**Ordinance No. 2011-12-4:** To amend Chapter 12 (Traffic Code), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, to revise the effective times for the school zone on the section of Parker Road from a point 250 feet west of Clark Parkway to a point 300 feet east of Oak Arbor Drive; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item "M")

**Ordinance No. 2011-12-5:** To adopt and enact Supplement Number 96 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date. (Consent Agenda Item "N")

## **END OF CONSENT**

**Ordinance No. 2011-12-6:** To add Sections 6-711 through 6-715, Article XXI Outdoor Toilet Facilities to Chapter 6 Buildings and Building Regulations of the Code of Ordinances of the City of Plano, Texas, to regulate portable toilet facilities in areas that are subject to a Land Occupancy Permit where the property is used as Commercial Amusement (Outdoor), Fair Grounds/Exhibition Area, or Private Recreation Facility or Area pursuant to the City of Plano Zoning Ordinance; and providing a penalty clause, a severability clause, a savings clause, a repealer clause, and an effective date. (Tabled at 11/14/11 Council meeting) (Regular Agenda Item "1")

Upon a motion made by Council Member Dunlap and seconded by Mayor Pro Tem Miner, the Council voted 8-0 to remove the item from the table.

Chief Building Official Mata advised that following the November 14 Council Meeting revisions were made to the proposed ordinance to expand the scope of the fixture count and include screening in areas where they are placed for an indefinite period of the time.

**Ordinance No. 2011-12-6 (cont'd)**

Upon a motion made by Mayor Pro Tem Miner and seconded by Deputy Mayor Pro Tem Smith, the Council voted 8-0 to add Sections 6-711 through 6-715, Article XXI Outdoor Toilet Facilities to Chapter 6 Buildings and Building Regulations of the Code of Ordinances of the City of Plano, Texas; and further to adopt Ordinance No. 2011-12-6.

**Public Hearing and adoption of Ordinance No. 2011-12-7** as requested in Zoning Case 2011-32 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 27.4± acres located at the southwest corner of Spring Creek Parkway and Dallas North Tollway, in the City of Plano, Collin County, Texas, from Regional Employment to Commercial Employment; with Specific Use Permit No. 615 so as to allow the additional use of New Car Dealer; 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: Scheef and Stone, L.L.P. (Regular Agenda Item "2")

Director of Planning Jarrell advised that the Planning and Zoning Commission recommended approval of the request as submitted.

Mayor Dyer opened the Public Hearing. Kirk Williams, representing the applicant, requested Council approval. No one else spoke for or against the request, the Public Hearing was closed.

Upon a motion made by Mayor Pro Tem Miner and seconded by Deputy Mayor Pro Tem Smith, the Council voted 8-0 to rezone 27.4± acres located at the southwest corner of Spring Creek Parkway and Dallas North Tollway, in the City of Plano, Collin County, Texas, from Regional Employment to Commercial Employment; with Specific Use Permit No. 615 so as to allow the additional use of New Car Dealer; as requested in Zoning Case 2011-32 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2011-12-7.

**Public Hearing and adoption of Ordinance No. 2011-12-8** as requested in Zoning Case 2011-34 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 616 so as to allow the additional use of Arcade on 2.1± acres of land located on the south side of Chase Oaks Boulevard, 300± feet west of U.S. Highway 75, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; 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, a publication clause, and an effective date. Applicant: One Bank and Trust (Regular Agenda Item "3")

Director of Planning Jarrell advised that the Planning and Zoning Commission recommended approval subject to City Council waiving the 300-foot distance requirement from residentially zoned property.

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

**Ordinance No. 2011-12-8 (cont'd)**

Upon a motion made by Council Member Harris and seconded by Council Member Davidson, the Council voted 8-0 to grant Specific Use Permit No. 616 so as to allow the additional use of Arcade on 2.1± acres of land located on the south side of Chase Oaks Boulevard, 300± feet west of U.S. Highway 75, in the City of Plano, Collin County, Texas, as requested in Zoning Case 2011-34 and as recommended by the Planning and Zoning Commission waiving the 300-foot distance requirement from residentially zoned property; and further to adopt Ordinance No. 2011-12-8.

**Public Hearing and adoption of Ordinance No. 2011-12-9** as requested in Zoning Case 2011-36 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, amending Section 1.600 (Definitions) of Article 1 (General Regulations) and Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance, as heretofore amended, regarding transit centers and transit stations/turnarounds and other related facilities; 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 “4”)

Director of Planning Jarrell advised that the Planning and Zoning Commission recommended approval subject to the following: (Additions are indicated in underlined text and deletions as struck through.)

Amend Section 1.600 (Definitions) of Article 1 (General Regulations) such portion of section to read as follows:

**Transit Center/Station:** Any premises for the loading and unloading of passengers by a public or private transit company including and the temporary parking of transit vehicles between routes or during stop overs and excluding overnight parking, and storage and maintenance of transit vehicles. This definition shall not include bus stops along rights-of-way.

**Transit Station/Turnaround:** Passenger terminal or loading facilities for a privately or publicly-owned transit system.

**Transportation and Utility Structures/Facilities:** Permanent facilities and structures operated by companies engaged in providing transportation and utility services including, but not limited to, railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs, and water pumping stations

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) such portion of subsection to read as follows:

	Nonresidential Zoning Districts Permitted Uses	Category
Transit Center/Station	Trans. Utility & Comm.	O-1 - Neighborhood Office
S P		O-2 - General Office
S		R - Retail
S P		BG - Downtown Business/Government
S P		LC - Light Commercial
S P		CE - Commercial Employment
S P		CB-1 - Central Business-1
S P		LI-1 - Light Industrial-1
S P		LI-2 - Light Industrial-2
S		RE - Regional Employment
S		RC - Regional Commercial
S P		RT - Research/Technology Center
S P		CC - Corridor Commercial

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

Upon a motion made by Mayor Pro Tem Miner and seconded by Deputy Mayor Pro Tem Smith, the Council voted 8-0 to amend Section 1.600 (Definitions) of Article 1 (General Regulations) and Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and related sections regarding transit centers and transit stations/turnarounds and other related facilities as requested in Zoning Case 2011-36 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2011-12-9.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 7:47 p.m.

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**Phil Dyer, MAYOR**

ATTEST:

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Diane Zucco, City Secretary