

**PLANO CITY COUNCIL**  
**January 24, 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**

Thomas H. Muehlenbeck, City Manager  
LaShon Ross, Interim City Manager  
Frank Turner, Deputy City Manager  
Bruce Glasscock, Deputy City Manager  
Mark Israelson, Assistant City Manager  
Diane C. Wetherbee, City Attorney  
Diane Zucco, City Secretary

Mayor Dyer convened the Council directly from the Preliminary Open Meeting into the Regular Session on Monday, January 24, 2011, at 7:04 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 Pastor Barry Gin of the Plano Chinese Alliance Church and the Pledge of Allegiance was led by Brownie Troop 3037 of Shepard Elementary.

Mayor Dyer presented proclamations recognizing Heart Awareness Month and Thomas Muehlenbeck Week.

Mayor Dyer administered oaths of office to incoming board members Marsha Griggs (Building Standards Commission) and Alan E. Smith (Planning and Zoning Commission) and recognized outgoing members Mark Greer (Building Standards Commission) and James R. Duggan (Planning and Zoning Commission).

**COMMENTS OF PUBLIC INTEREST**

Teresa Cooper and Jay Cooper, residents of the City, spoke regarding pending lawsuits related to water utility deposits and subsequent disconnection of service, code enforcement and police actions, and requested an agenda item.

## **CONSENT AGENDA**

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

**Approval of Minutes** (Consent Agenda Item "A")  
January 10, 2011

### **Approval of Expenditures**

#### **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 Arredondo, Zepeda & Brunz, LLC in the amount of \$58,550 for Canyon Valley Trail - Silverstone Drive to Parker Road and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

### **Adoption of Resolutions**

**Resolution No. 2011-1-16(R):** To repeal Resolution No. 2008-10-18(R) and create a Fire Department Fee Schedule for fire inspections, fire plan reviews, and hazardous occupancies permits; and providing a repealer clause, a severability clause, and an effective date. (Consent Agenda Item "C")

**Resolution No. 2011-1-17(R):** To suspend the February 14, 2011, effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of Cities Served by Oncor to hire legal and consulting services and to negotiate with the Company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel for the Steering Committee; and providing an effective date. (Consent Agenda Item "D")

**Resolution No. 2011-1-18(R):** To repeal prior Council action approving the Agreement with Microsoft Corporation for support services on October 25, 2010; approving a new Agreement by and between Microsoft Corporation and the City of Plano, Texas in an amount not to exceed \$70,620 for support services; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "E")

**Resolution No. 2011-1-19(R):** To approve the terms and conditions of a First Amended Tax Abatement Agreement by and between Air System Components, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "F")

**Resolution No. 2011-1-20(R):** To approve the terms and conditions of a Credit Sales Agreement between Trinity River Mitigation Bank, L.P., and the City of Plano, Texas, for the purchase of 9.7 credits required by the United States Army Corps of Engineers for offsite wetlands mitigation associated with Communications Parkway, between Spring Creek Parkway and Tennyson Parkway; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “G”)

**Resolution No. 2011-1-21(R):** To approve the terms and conditions of a Mitigation Credit Sales Agreement between Wetlands Management, L.P., and the City of Plano, Texas, for the purchase of 1.0 credits required by the United States Army Corps of Engineers for wetlands and open water mitigation associated with Communications Parkway, between Spring Creek Parkway and Tennyson Parkway; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “H”)

**Resolution No. 2011-1-22(R):** To find Officer Kenneth Foale is entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Andrew Toliver v. Kenneth Foale; and providing an effective date. (Consent Agenda Item “I”)

**Resolution No. 2011-1-23(R):** To appoint William Roberts and Scott Seidel to serve for two year terms as investigators as required by Section 2-104 of the Code of Conduct of the City of Plano; and providing an effective date. (Consent Agenda Item “J”)

### **Adoption of Ordinances**

**Ordinance No. 2011-1-24:** To repeal Ordinance 2008-5-23, codified as Article II, Fire Code, of Chapter 8 of the Code of Ordinances of the City; adopting the 2009 Edition of the International Fire Code, with certain additions, deletions, and amendments, as the Fire Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. (Consent Agenda Item “K”)

**Ordinance No. 2011-1-25:** To repeal Ordinance No. 2010-10-21 designating a certain area within the City of Plano as Reinvestment Zone No. 123 for a tax abatement consisting of a 14.36 acre tract of land located at the southwest corner of Shiloh Road and East Plano Parkway in the City of Plano, Texas; and providing an effective date. (Consent Agenda Item “L”)

**Ordinance No. 2011-1-26:** To amend Chapter 12 (Traffic Code), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, to repeal the school zone on the section of eastbound Parker Road from a point 220 feet west of P Avenue to a point 85 feet east of P Avenue, to repeal the school zone on the section of westbound Parker Road from a point 200 feet east of P Avenue to a point 50 feet west of P Avenue, to enact a school zone on the section of eastbound Parker Road from a point 50 feet west of Tarkio Road to a point 310 feet west of Raton Lane, to enact a school zone on the section of westbound Parker Road from a point 760 feet east of P Avenue to a point 50 feet west of Tarkio Road; 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. 2011-1-27:** To amend Section 12-74(b) of Chapter 12 (Traffic Code) of the Code of Ordinances to revise the limits of the speed zone for certain sections of Parker Road 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 “N”)

**Ordinance No. 2011-1-28:** 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 Willow Bend Drive 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 “O”)

## **END OF CONSENT**

**Public Hearing and adoption of Ordinance No. 2011-1-29** as requested in Zoning Case 2010-20 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 607 so as to allow for a 90-foot Commercial Antenna Support Structure on 0.1± acre of land located 250± feet east of Jupiter Road and 530± feet south of 14th Street, in the City of Plano, Collin County, Texas, presently zoned Retail; 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: Bluewave Deployment (T-Mobile) (Regular Agenda Item “1”)

Planning Manager Firgens advised the Council that the applicant is proposing a stealth structure to minimize visual impact with antennas located within and which would accommodate additional carriers. She spoke to surrounding retail zoning and advised that the Planning and Zoning Commission recommended approval subject to the commercial antennae support structure being a stealth “flagpole” design, and the elevation plan drawing being included as an exhibit with the ordinance. Ms. Firgens responded to the Council, advising that letters received in opposition cite possible health issues and aesthetics.

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 the Comprehensive Zoning Ordinance of the City granting Specific Use Permit No. 607 so as to allow for a 90-foot Commercial Antenna Support Structure on 0.1± acre of land located 250± feet east of Jupiter Road and 530± feet south of 14th Street, in the City of Plano; as requested in Zoning Case 2010-20 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2011-1-29.

**Public Hearing and adoption of Ordinance 2011-1-30** as requested in Zoning Case 2010-21 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 608 so as to allow for Long-term Care Facility on 5.4± acres of land located on the east side of Communications Parkway, 500± feet north of Chapel Hill Boulevard, in the City of Plano, Collin County, Texas, presently zoned Regional Employment; 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: Plano SNF Realty, LLC (Regular Agenda Item “2”)

Planning Manager Firgens advised that in November 2009, the Council amended Regional Employment zoning to allow for long-term care facilities with a specific use permit and spoke to surrounding uses. She advised that the Planning and Zoning Commission recommended approval as submitted.

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

Upon a motion made by Council Member Davidson and seconded by Council Member Harris, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City granting Specific Use Permit No. 608 so as to allow for Long-term Care Facility on 5.4± acres of land located on the east side of Communications Parkway, 500± feet north of Chapel Hill Boulevard, in the City of Plano; as requested in Zoning Case 2010-21 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2011-1-30.

**Resolution No. 2011-1-31(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and VuCOMP, Inc., a Delaware corporation; 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 \$57,500 provides for occupancy of not less than 12,500 of existing space by May 31, 2011; retention, transfer or creation of up to 14 full-time jobs by that date with a possible additional 32 by December 31, 2014; business personal property in the amount of no less than \$250,000; real property in the amount of \$275,000 and runs from May 31, 2011 to June 1, 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 VuCOMP, Inc.; and further to adopt Resolution No. 2011-1-31(R).

**Ordinance No. 2011-1-32:** To provide for the issuance and sale of City of Plano, Texas, General Obligation Bonds, Series 2011; levying a tax in payment thereof; awarding the sale thereof; approving the Official Statement; and enacting other provisions relating thereto. (Regular Agenda Item "4")

Vice Chairman of First Southwest Company David Medanich spoke to the City of Plano maintaining its "AAA" rating based on its diverse economy and employment base, debt management and fund reserves. He spoke to the bid received and recommended awarding the bid to Robert W. Baird & Co., Inc. at a rate of 4.19%.

Upon a motion made by Council Member Smith and seconded by Mayor Pro Tem Dunlap, the Council voted 7-0 to provide for the issuance and sale of City of Plano, Texas, General Obligation Bonds, Series 2011; and further to adopt Ordinance No. 2011-1-32.

Nothing further was discussed and Mayor Dyer adjourned the Regular Session at 7:54 p.m. and reconvened the meeting into Executive Session at 7:55 p.m. Mayor Dyer reconvened the meeting back into the open session and adjourned at 10:30 p.m.

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**Phil Dyer, MAYOR**

ATTEST:

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Diane Zucco, City Secretary