

PLANO CITY COUNCIL
January 14, 2013

COUNCIL MEMBERS PRESENT

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

STAFF PRESENT

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, January 14, 2013, at 7:03 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Executive Pastor Jessie Prince of Grace Outreach Center led the invocation and Mayor Dyer led the Pledge of Allegiance.

Mayor Dyer read a proclamation recognizing the Centennial Celebration of the Texas Section of The American Society of Civil Engineers.

COMMENTS OF PUBLIC INTEREST

Citizens Annette Maule, Partrice Hein, Alissa Schutz, Joseph Greco, and Theresa Carter stated concern regarding potential issues related to the opening of a Condom Sense store near their residences. Yochai Robkin, representing the Dallas Area Torah Association of Plano, stated concern regarding the store's proximity to a house of worship. Mayor Dyer thanked the speakers for their input and City Attorney Wetherbee advised that a Certificate of Occupancy is not an approval of the nature of a business, but rather its structural composition. She and City Manager Glasscock advised that once the business is open, it will be reviewed by the Legal and Police Departments and if determined to be a sexually-oriented business, enforcement will follow through the district attorney. Dale Rude and Raul Trujillo invited Council Members to attend a music night kick off at Tino's Too.

CONSENT AGENDA

Upon the request of Council Member Dunlap, Consent Agenda Items “B” and “C” were removed for individual consideration due to possible conflicts of interest.

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

Approval of Minutes (Consent Agenda Item No. “A”)
December 18, 2012

Approval of Expenditures

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

Bid No. 2013-51-B for the Spring Creek Parkway Corridor project to Tiseo Paving Company, in the amount of \$5,222,097 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item No. “D”)

Bid No. 2013-52-B for Clearview Park Renovation to Cole Construction, Inc. in the amount of \$851,814 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item No. “E”)

Purchase from an Existing Contract

To approve the purchase of twenty-one (21) Holmatro Hydraulic Rescue Tool Systems from Metro Fire Apparatus Specialists, Inc., in the amount of \$326,590 for the Fleet Department, to be utilized by the Fire Department, through an existing contract/agreement with TASB/BuyBoard, and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 363-10) (Consent Agenda Item No. “F”)

To approve the purchase of three (3) Rosenbauer America Pumpers and one (1) Rosenbauer America Aerial from Daco Fire Equipment, in the amount of \$2,546,957 for the Fleet Department, to be utilized by the Fire Department, through an existing contract/agreement with HGAC, and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. FS12-11) (Consent Agenda Item No. “G”)

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 Texas Municipal Engineering, Inc. in the amount of \$206,122 for the Water Main Rehabilitation Huntington Park – Timbercreek Estates project within the City of Plano and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item No. “H”)

To approve the terms and conditions of a Subdivision Improvement Agreement between the City of Plano and JEN TEXAS 1, LLC in the amount of \$248,644 for increasing the size of an existing sanitary sewer line within the Villas of Pecan Creek development and for offsite sanitary sewer improvements across Parker Road and Jupiter Road adjacent to the development; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item No. "I")

Approval of Change Order

To J.R. Stelzer Company, increasing the contract by \$96,000 for Wentworth and Tennyson Elevated Tanks, Change Order No. 1. Original Bid No. 2012-328-B. (Consent Agenda Item No. "J")

Adoption of Resolutions

Resolution No. 2013-1-1(R): To approve the terms and conditions of an Interlocal Cooperation Contract by and between Texas Parks and Wildlife Department and the City of Plano (Plano Fire-Rescue); authorizing its execution by the City Manager and providing an effective date. (Consent Agenda Item No. "K")

Resolution No. 2013-1-2(R): To approve the settlement of a claim by Bester Munyaradzi and authorizing the City Manager to execute any and all documents necessary to settle such claim; and providing an effective date. (Consent Agenda Item No. "L")

Adoption of Ordinances

Ordinance No. 2013-1-3: To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 23.7± acres of land located on the north side of Plano Parkway, 800± feet east of Los Rios Boulevard and 32.9± acres of land located at the southeast corner of Plano Parkway and North Star Road, in the City of Plano, Collin County, Texas, from Research/Technology Center to 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: Plano Distribution Center, LTD., Prologis Logistics Services Inc., and Union Pacific Railroad Company. (Zoning Case 2012-31) (Consent Agenda Item No. "M")

Ordinance No. 2013-1-4: To amend Ordinance No. 2012-10-15 codified as Section 21-147, Water Charges, of Article IV, Chapter 21, Utilities, of the Code of Ordinances of the City of Plano to include charges for water meters up to ¾ inch in size and providing a repealer clause, a severability clause, a savings clause, and an effective date. (Consent Agenda Item No. "N")

END OF CONSENT

Bid No. 2013-53-P for the Pavement Requirements Contract (a fixed price requirements contract) with two (2) City optional renewals, Project No. 6280 to Jerusalem Corporation, in the amount of \$1,481,900 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item No. "B")

Bid No. 2013-40-B for the 2011-12 Residential Concrete Pavement Project Zone J3, Project No. 6229 to Jim Bowman Construction Company, LP, in the amount of \$1,772,788 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item No. "C")

Public Hearing to provide the citizens and residents with the opportunity to review and provide comment on the projects for the proposed 2013 Bond Referendum. (Regular Agenda Item No. "1")

Mayor Dyer opened the Public Hearing. No one spoke regarding the proposed 2013 Bond Referendum. The Public Hearing was closed.

Public Hearing and adoption of Ordinance No. 2013-1-5 as requested in Zoning Case 2012-30, amending Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and Subsection 3.109 (Farmers' Market) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) 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 farmers' markets; 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 No. "2")

Planning Manager Firgens spoke to the difficulty in enforcing zoning for the current farmers' market definition by the Property Standards Department because it specifies food items that can be sold. She stated that the types of items sold does not affect the overall land use compatibility with surrounding land uses and spoke to the recommendation of a broader definition that regulates the land use aspect of farmers' markets, thus allowing the Health Department to regulate specific food items. Ms. Firgens advised that groups interested in the establishment of a farmers' market have been involved in the process and that the Planning and Zoning Commission recommended approval with the following: (Additions are indicated in underlined text and deletions are shown as strike through text)

Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to include the following definition for farmers' market use:

Farmers' Market

The retail sale of farm produce by ~~A farmers' market is an establishment or location used by farmers and other individual vendors within a covered lease space, for the primary purpose of selling fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey. Sale of any type of meat, fish or poultry, eggs, refrigerated dairy products, and home-canned or packaged items shall be prohibited~~ primarily for retail sale of food products that meet all applicable federal, state, and local laws regulating the preparation and sale of such products.

Ordinance No. 2013-1-5 (cont'd)

Amend Subsection 2.502 (Schedule of Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow farmers' market by right in the Retail zoning district, and with Specific Use the Permit in the Central Business-1 and the Urban Mixed-Use zoning districts as follows:

Nonresidential Zoning Districts

Permitted Uses	Category														
		O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial	UMU - Urban Mixed-Use
<u>Farmers' Market</u>	Retail			P	S	P		S	S	S				P	S

Amend Subsection 3.109 (Farmers' Market) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) as follows:

- ~~1. All farmers' market shall be located in a covered space providing shelter for vendors and customers.~~
- ~~1. 2. All vendor facilities shall be located on a concrete or asphalt surface providing adequate drainage.~~
- ~~2. 3. A maximum of 20% of the vendor stalls may be leased to vendors of non-food products.~~

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

Ordinance No. 2013-1-5 (cont'd)

A motion was made by Council Member Miner and seconded by Deputy Mayor Pro Tem Harris to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and Subsection 3.109 (Farmers' Market) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-30; and further to adopt Ordinance No. 2013-1-5. The Council voted 7-1 with Council Member Davidson voting in opposition. The motion carried.

Public Hearing and adoption of Ordinances requested in Zoning Cases 2012-32 through 2012-34, and 2012-36 through 2012-40 all of which are limited to the repeal of certain Specific Use Permits for Private Clubs. The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano. All locations are located within the City of Plano, Collin County, Texas, and the repeal of each ordinance will amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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. (Regular Agenda Item No. "3")

Ordinance No. 2013-1-6 - Zoning Case 2012-32 - To rescind Specific Use Permit #6 for Private Club on 0.1± acre located 190± feet west of U.S. Highway 75, on the north side of Lexington Drive. Zoned Corridor Commercial with Specific Use Permit #6 for Private Club.

Ordinance No. 2013-1-7 - Zoning Case 2012-33 - To rescind Specific Use Permit #13 for Private Club on 7.0± acres located southeast of the intersection of Country Club Drive and Aliso Road. Zoned Single-Family Residence-7 with Specific Use Permit # 13 for Private Club.

Ordinance No. 2013-1-8 - Zoning Case 2012-34 - To rescind Specific Use Permit #21 for Private Club on 1.0± acre located 350± feet east of Preston Road and on the south side of Park Boulevard. Zoned Planned Development-189-Retail/General Office/Preston Road Overlay district with Specific Use Permit #21 for Private Club.

Ordinance No. 2013-1-9 - Zoning Case 2012-36 - To rescind Specific Use Permit #269 for Private Club on 2.0± acres located at the northeast corner of Preston Road and Old Shepard Place. Zoned Planned Development-186-Retail/General Office/Preston Road Overlay District with Specific Use Permit #268 for Restaurant and Specific Use Permit #269 for Private Club.

Ordinance No. 2013-1-10 - Zoning Case 2012-37 - To rescind Specific Use Permit #295 for Private Club on 206.9± acres located on the north side of Ridgeview Drive, 1,000± feet west of Custer Road. Zoned Single-Family Residence-7, Planned Development-104-Regional Commercial, Planned Development-476-Regional Employment, Planned Development-477- Multifamily Residence-2, and Planned Development-484-Multifamily Residence-2/State Highway 121 Overlay District with Specific Use Permit #294 for Golf Course and Specific Use Permit #295 for Private Club.

Ordinance No. 2013-1-11 - Zoning Case 2012-38 - To rescind Specific Use Permit #374 for Private Club on 0.1± acre located 80± feet west of K Avenue, 50± feet north of 22nd Street. Zoned Light Commercial with Specific Use Permit #374 for Private Club.

Ordinance No. 2013-1-12 - Zoning Case 2012-39 - To rescind Specific Use Permit #415 for Private Club on 0.1± acre located 175± feet east of Dallas North Tollway, 1,000± feet north of Park Boulevard. Zoned Regional Commercial/Dallas North Tollway Overlay District with Specific Use Permit #415 for Private Club.

Ordinance No. 2013-1-13 - Zoning Case 2012-40 - To rescind Specific Use Permit #459 for Private Club on 0.3± acre located 570± feet east of Coit Road, 200± feet south of Mapleshade Lane. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District with Specific Use Permit #459 for Private Club.

Planning Manager Firgens advised that in 2005, voters approved the sale of alcoholic beverages for on-premise consumption through a mixed beverage permit issued by the Texas Alcoholic Beverage Commission and that prior to that time, the only option for locations was a private club with a specific use permit approved by the City. She stated that from 2007 to 2008, the City Council rescinded numerous SUPs for Private Clubs as restaurants switched to mixed-beverage permits and that there are still a number in place where operations have ceased or owners have changed permit type. Ms. Firgens stated that notification was provided to property owners and that the Planning and Zoning Commission recommends approval of all eight requests as submitted.

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

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to adopt all the ordinances listed as recommended by the Planning and Zoning Commission and as designated by their zoning case number.

Discussion and Direction on Downtown Vision Plan Strategy and Update and recommended actions contained within the Plan (Regular Agenda Item No. "4")

Director of Planning Jarrell spoke to Staff completion of an update to the 1999 Downtown Plano Transit Village Plan to renew the vision and develop strategies for the area's revitalization. She spoke to accomplishments related to the goals set in 1999 for housing, commercial space, entertainment venues and infrastructure improvements and the opportunity for additional projects and improvements. Ms. Jarrell spoke to goals for the next ten years including: additional housing, repurposing commercial space, sidewalk improvements, and continued redevelopment. She spoke to possible City contributions through the creation of a Public Improvement District and the extension of Tax Increment Finance (TIF) District No. 2 and advised that adoption of the plan does not obligate the City to expenditures. Ms. Jarrell responded to Deputy Mayor Pro Tem Harris, advising that continuation of the TIF would likely be without participation by the school district. The Council stated a consensus in directing Staff to move forward with the plan.

Nothing further was discussed. Mayor Dyer adjourned the meeting at 9:36 p.m.

Phil Dyer, MAYOR

ATTEST

Diane Zucco, City Secretary