

PLANO CITY COUNCIL
January 11, 2010

COUNCIL MEMBERS

Phil Dyer, Mayor
Harry LaRosiliere, Mayor Pro Tem
Lee Dunlap, Deputy Mayor Pro Tem
Pat Miner
Ben Harris
Mabrie Jackson (resigned)
Lissa Smith
Jean Callison

STAFF

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

Mayor Dyer convened the Council into the Regular Session on Monday, January 11, 2010, 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 Mayor Pro Tem LaRosiliere.

The invocation was led by Steve Sharp, Worship Pastor of Meadows Baptist Church and the Pledge of Allegiance was led by Cub Scout Pack 18 of Saigling Elementary.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon the request of Staff, Consent Agenda Item "E" was pulled and held until the January 25, 2010 meeting.

Upon the request of Staff, Consent Agenda Item "F" was removed for individual consideration.

Mayor Dyer advised that he would be stepping down on Regular Agenda Items "2" and "3" due to possible conflicts of interest.

Council Member Miner spoke to revisions in the minutes to reflect his absences.

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Smith, the Council voted 6-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows with revision to Consent Agenda Item "A":

Approval of Minutes (Consent Agenda Item "A")

December 7, 2009
December 10, 2009 (with revision)
December 14, 2009
December 22, 2009

Approval of Expenditures

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

Bid No. 2010-31-B for Erosion Control Briarwood - Eight Locations to ARK Contracting Services, LLC in the amount of \$996,155. (Consent Agenda Item "B")

Purchase from an Existing Contract

To approve the purchase of three (3) Rear Loader Bodies and three (3) Automated Side Loader Bodies in the amount of \$517,175 from Heil of Texas, through an existing contract/agreement with Texas Association School Buyboard Program, and authorizing the City Manager to execute all necessary documents. (#280-07). (Consent Agenda Item "C")

To approve the purchase of three (3) Rear Loader Chassis and three (3) Automated Side Loader Chassis in the amount of \$869,527 from Bond Equipment Company, through an existing contract/agreement with Texas Association School Buyboard Program, and authorizing the City Manager to execute all necessary documents. (#281-07). (Consent Agenda Item "D")

Adoption of Resolutions

To approve the terms and conditions of a Professional Services Agreement by and between Alternative Service Concepts, LLC, and the City of Plano; authorizing its execution of all necessary documents by the City Manager; and providing an effective date. (Item pulled and held to 1-25-10) (Consent Agenda Item "E")

END OF CONSENT

Resolution No. 2010-1-1(R) - To accept the findings and opinions of the Annual Audit; authorizing the City Manager to publish the results thereof; and providing an effective date. (Consent Agenda Item "F")

Director of Finance Tacke advised that the City received a “clean” opinion and recognized Staff’s efforts to bring the information to Council in a timely manner to assist in bond sales. Finance Committee Member Council Member Harris thanked Staff for their efforts.

Upon a motion made by Council Member Callison and seconded by Deputy Mayor Pro Tem Dunlap, the Council voted 6-0 to accept the findings and opinions of the Annual Audit and further to adopt Resolution No. 2010-1-1(R).

Public Hearing and adoption of Ordinance No. 2010-1-2 as requested in Zoning Case 2009-20 to amend Section 3.300 (Exterior Wall Construction Standards for Structures) and Section 3.1200 (Landscaping Requirements) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, pertaining to above ground and/or at-grade parking structures; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item “1”)

Planning Manager Firgens advised that the request resulted from direction from the Council to explore crafting regulations for the exterior of parking structures and consideration of aesthetics, costs, and appropriateness of recommendations. She advised that the Planning and Zoning Commission recommended approval of the request subject to the following stipulations:

Amend Section 3.300 (Exterior Wall Construction Standards for Structures) of Article 3 (Supplementary Regulations) to read as follows:

3.300 Exterior Wall Construction Standards for Structures

Exterior wall construction for structures shall be in accordance with the standards in the following subsections. For the purposes of this section, exterior wall construction refers to the exterior material or finish of a wall assembly.

3.301 Residential Structures

- (1) Exterior wall construction for residential structures of three stories or less shall consist of a minimum of 75% masonry with no single wall face of any residence containing less than 50% of its exposed surface of masonry construction as herein specified. The construction standard applies only to the first floor of a building in the following zoning districts:

Ordinance No. 2010-1-2 (cont'd)

Abbreviated Designation	Zoning District Name
A	Agricultural
BG	Downtown Business/Government
CB-1	Central Business-1
CE	Commercial Employment
ED	Estate Development
MF-1	Multifamily Residence-1
MF-2	Multifamily Residence-2
MF-3	Multifamily Residence-3
PH	Patio Home
R	Retail
SF-A	Single-Family Residence Attached
SF-6	Single-Family Residence-6
SF-7	Single-Family Residence-7
SF-9	Single-Family Residence-9
SF-20	Single-Family Residence-20
2F	Two-Family Residence

Exterior wall construction for all residential uses in districts where permitted other than those listed above shall meet the requirements of the City of Plano Building Code.

~~3.302~~(2) Where more than 40% of existing residential structures along both sides of a street and lying between the two nearest intersecting streets, do not meet the above minimum structure standards, then such standards shall not apply.

~~3.303~~(3) Standards for masonry construction in all districts shall be defined as that form of construction composed of stone, brick, concrete, hollow clay tile, concrete block or tile, or other similar building unit or materials or combination of these materials laid up unit by unit and set in mortar. Brick veneer construction is included in the definition of masonry. Exterior plasters as defined in the City of Plano Building Code and cementitious lap siding shall be acceptable masonry construction alternatives. (ZC 2000-01; Ordinance No. 2000-3-28)

~~3.305~~(4) Unless specified as part of a planned development district, the above masonry requirements shall not apply to UR districts. In addition, exterior plasters, as noted above, are not permitted in UR districts unless specified as part of a planned development. (ZC 97-52; Ordinance No. 98-2-15)

Ordinance No. 2010-1-2 (cont'd)

3.302 Nonresidential Uses

- (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:

- (4) (a) The metal or membrane exterior wall construction is not visible from a public thoroughfare or residential zoning district.
- (2)(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) 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.

Amend Section 3.1200 (Landscaping Requirements) of Article 3 (Supplementary Regulations) to include the following:

3.1200 Landscaping Requirements

(1) Nonresidential Landscaping Requirements

(f) Landscaping for Above Ground and/or At-Grade Parking Structures

These standards shall apply to all nonresidential districts, except BG and CB-1, and shall be in addition to other landscaping requirements as required in Section 3.1200 and within the overlay districts.

- (i) Where an above ground and/or at-grade parking structure is located 100 feet or less from the adjacent street right-of-way, the required landscaping shall comply with the following regulations:

1. A minimum ten-foot landscape edge shall be provided adjacent to the exterior perimeter of the parking structure.

Ordinance No. 2010-1-2 (cont'd)

2. Within the required landscape edge, one shade tree (three-inch caliper minimum) shall be provided for every 50 lineal feet of parking structure frontage, exclusive of entry drives and pedestrian access points. Ornamental trees (eight to ten feet height minimum) can be substituted for shade trees at a ratio of 2:1.
 3. Additionally, ten shrubs (five gallon minimum) per required shade tree shall be provided within the required landscape edge. If a decorative trellis is used as part of the façade structure, vines may count as part of the minimum shrub requirement.
 4. A maximum of 60% of any one species is allowed for any required plantings stated above.
- (ii) Where an above ground and/or at-grade parking structure is located greater than 100 feet from the adjacent street right-of-way, the required landscaping shall comply with the following regulations:
1. Within a maximum of ten feet from the exterior perimeter of the parking structure, one shade tree (three inch caliper minimum) shall be provided for every 50 lineal feet of parking structure frontage, exclusive of entry drives and pedestrian access points. Ornamental trees (eight to ten feet height minimum) can be substituted for shade trees at a ratio of 2:1.
 2. A maximum of 60% of any one species is allowed for any required plantings stated above.

Ms. Firgens responded to the Council regarding discussions with landscape architects to determine the appropriate size for trees and their location.

Mayor Dyer opened the Public Hearing. Shane Jordan, citizen of Plano, spoke to removing the term “shade” from tree recommendations. Ms. Firgens advised that there are provisions for an ornamental tree substitution. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Miner and seconded by Council Member Harris, the Council voted 6-0 to amend Section 3.300 and Section 3.1200 of Article 3 and related sections of the Comprehensive Zoning Ordinance of the City, pertaining to above ground and/or at-grade parking structures as requested in Zoning Case 2009-20 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2010-1-2.

Due to possible conflicts of interest Mayor Dyer stepped down from the bench on the following two items.

Public Hearing and adoption of Ordinance No. 2010-1-3 as requested in Zoning Case 2009-21 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 9.3± acres located at the southeast corner of Spring Creek Parkway and Communications Parkway, in the City of Plano, Collin County, Texas, from Agricultural to 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, and an effective date. Applicant: Rutledge Haggard (Regular Agenda Item “2”)

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

Deputy Mayor Pro Tem Dunlap opened the Public Hearing. Shane Jordan, representing the applicant, advised that contact was made with the area homeowners association who felt project was acceptable. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Callison and seconded by Council Member Smith, the Council voted 5-0 to amend the Comprehensive Zoning Ordinance of the City so as to rezone 9.3± acres located at the southeast corner of Spring Creek Parkway and Communications Parkway from Agricultural to Regional Employment as requested in Zoning Case 2009-21 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2010-1-3.

Public Hearing and adoption of Ordinance No. 2010-1-4 as requested in Zoning Case 2009-22 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 603 so as to allow the additional use of Long-term Care Facility on 6.1± acres of land located on the east side of Communications Parkway, 290± feet south of Spring Creek Parkway, in the City of Plano, Collin County, Texas, presently zoned Agricultural; 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. Applicant: Acres of Sunshine, Ltd. (Regular Agenda Item “3”)

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

Deputy Mayor Pro Tem Dunlap opened the Public Hearing. Shane Jordan, representing the applicant, advised that he was available for any questions. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Callison and seconded by Council Member Smith, the Council voted 5-0 to amend the Comprehensive Zoning Ordinance of the City, granting Specific Use Permit No. 603 so as to allow the additional use of Long-term Care Facility on 6.1± acres of land located on the east side of Communications Parkway, 290± feet south of Spring Creek Parkway, as requested in Zoning Case 2009-22 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2010-1-4.

Mayor Dyer resumed his seat at the bench.

Resolution No. 2010-1-5(R) to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Scarbrough, Medlin & Associates, Inc., a Texas corporation; authorizing its execution by the City Manager and providing an effective date. (Regular Agenda Item “4”)

Director of Finance Tacks advised that the agreement of up to \$25,000 provides for occupancy of 13,500 square feet of commercial space; retention, transfer or creation of up to 50 full-time job equivalents and runs from January 1, 2010 to December 31, 2019.

Upon a motion made by Council Member Harris and seconded by Council Member Smith, the Council voted 6-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and Scarbrough, Medlin & Associates, Inc., and further to adopt Resolution No. 2010-1-5(R).

There being no further discussion, Mayor Dyer adjourned the meeting at 7:49 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary