

PLANO CITY COUNCIL
May 29, 2007

COUNCIL MEMBERS

Pat Evans, Mayor
Sally Magnuson, Mayor Pro Tem
Jean Callison, Deputy Mayor Pro Tem
Shep Stahel
Scott Johnson
Loretta L. Ellerbe
Harry LaRosiliere
Lee Dunlap

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Evans convened the Council directly into the Regular Session from the Preliminary Open Meeting on Tuesday, May 29, 2007, at 7:17 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Pastor Isiah Joshua, Jr. of the Shiloh Missionary Baptist Church.

The Pledge of Allegiance was led by Council Member Stahel.

Mayor Evans presented Special Recognition to Sgt. Kenneth Mandell on his return from Iraq and to James Garrison - Council's Volunteer of the Month.

Update Regarding Research/Technology District

Long Range Planning Manager Zimmerman spoke regarding the location of the district and to it being a low-density employment center with office, research and development, and assembly companies in a campus environment. He spoke regarding consideration of the southeast and southwest corners of 14th Street and Plano Parkway by the Planning and Zoning Commission which did not result in zoning cases. Mr. Zimmerman spoke to the allowed uses established to ensure internal compatibility in the district with retail and restaurant both requiring 10% of the built floor area of the development and restaurants being a minimum of 5,000 square feet. He spoke to the uses not allowed in the area and special standards put in place to create an image and identity.

Director of Research & Technology Marketing & Redevelopment of the Plano Economic Development Board David Ellis spoke regarding the large “flex” spaces typically built for large telecom assembly and electronics manufacturers. He advised that there are fifty existing buildings and spoke to the rental rates and the history of vacancies. Mr. Ellis stated that the current occupancy is at 74%, spoke to the movement of large manufacturing offshore and to the increase in office use in the area. He spoke regarding amenities located in the City of Richardson.

Mr. Zimmerman spoke regarding challenges and opportunities for the area including the evolving market conditions, the increased demand for small manufacturing buildings and office space, vacant/underused properties and preserving land for future economic development as there is increased pressure for residential use. He spoke to there being less interest in the area north of the railroad tracks, finding the right uses for the SH 190 frontage and regarding recent purchases for institutional uses. He responded to the Council regarding consideration for residential uses and concerns expressed related to the police shooting range and further advised that schools are permitted in the district. Mr. Zimmerman spoke to matching amenities and services with the needs of a daytime population, the current locations of retail and restaurants and to there being no nearby fitness center. He spoke to the possible options including allowing restaurants without the 10% restriction, rezoning specific locations to retail use, considering retail rezoning on an individual basis or identifying and rezoning locations for a different use.

Council Member Stahel spoke to the planned school addressing residential construction occurring in the panhandle of Richardson and to recognizing the proximity of the gun range when considering the encouragement of development.

Mayor Evans spoke to the potential of the area and to providing amenities. She spoke to space available near SH 190 and major intersections that would be appropriate for restaurants or retail development. Mr. Zimmerman and Director of Planning Jarrell spoke to a possible review of the area by the Planning and Zoning Commission. Council Member Ellerbe spoke to the item being reviewed by the current members.

Ms. Jarrell responded to the Council regarding restaurants, advising that the 10% restriction could be removed, but that the minimum size could be retained. She responded that currently the types of retail allowed are uses that are considered to be supportive of an area with a large concentration of employees and that hotels are allowed by right. Council Member Stahel stated agreement regarding inclusion of fitness centers. Ms. Jarrell responded to the Council advising that options can be brought back to the Commission for review with follow-up to Council prior to any Public Hearing process to amend the ordinance.

Mr. Ellis responded to the Council stating that the types of amenities being requested are “sit-down” restaurants and hotels with meeting room space and Council Member Stahel spoke to hotels as an allowed use.

Mr. Stahel spoke to putting the word out in the development community. Mayor Evans spoke to creating more attractive destinations and to making a change as a way to let developers know what the City is looking for.

Mayor Evans advised that the Council would be open to uses suggested by the Commission that would be compatible with the property located in the area of the shooting range. City Manager Muehlenbeck spoke to the Commission having flexibility when considering the tract and to continued study of the area. Mayor Pro Tem Magnuson spoke to letting developers know that the City is open for ideas.

Council Items for Discussion/Action on Future Agendas

No items were discussed.

Consent Agenda

Council Member Stahel advised that he will be stepping down on Consent Agenda Item "C," CSP No. 2007-85-B for a Web-Based Publishing Solution to Limehouse Software Inc. due to a possible conflict of interest.

Council Reports

No reports were presented.

BOARD AND COMMISSION REPORT

Planning and Zoning Commission 2nd Vice Chair Jim Duggan spoke to their role being: to make recommendations to the City Council on zoning petitions, development and recommendations regarding updates to the various Comprehensive Plan elements, approval of plats and site plans for new development and redevelopment and service as the City's Impact Fee Advisory Committee. He spoke regarding the Commission's activities and a reduction in the number of zoning cases primarily due to removal of the requirement for a Specific Use Permit for Private Clubs.

Mr. Duggan spoke to other activities in 2006 including: review and approval of the Transition and Revitalization Commission's Urban Centers and Buffington Workforce Housing studies, changes made to procedures regarding speaker times, and acceptance of two reports on the City's Water and Wastewater Impact Fee Program. He spoke to the work program including: Comprehensive Plan updates for Land Use and Transportation Elements, elimination of unused private club permits and obsolete planned development zoning, new single family and urban townhouse zoning districts, revisions to parking requirements, and Traffic Impact Analysis Ordinance amendments. Mr. Duggan advised that since May of 2006, the Commission has completed updates to the Parks and Recreation, Utilities, and Public Services and Facilities Elements of the Comprehensive Plan.

Mr. Duggan spoke to new issues and trends including the preservation of land for economic development purposes, rezoning commercial land to allow residential development, smaller lot sizes for single-family development, determining appropriate locations for mixed-use development outside of urban centers, and the redevelopment of vacant corner gas stations. He responded to City Manager Muehlenbeck regarding the importance of maintaining tracts of land for large corporate relocations or users. Mayor Evans spoke to retaining a level of commercial zoning and to addressing parking requirements for garden centers. Council Member Ellerbe spoke to businesses that overbuild parking.

COMMENTS OF PUBLIC INTEREST

Jack Lagos, citizen of the City, spoke to a promissory note not appearing in financial statements of the Arts of Collin County Commission, Inc. and to the Council taking a look at it and perform an audit to address this item and see if there are other concerns.

CONSENT AGENDA

Upon a motion made by Council Member Stahel and seconded by Council Member Dunlap, 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 (A)]

May 9, 2007

May 14, 2007

Approval of Expenditures

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

Bid No. 2007-135-B for the Cloisters Water Rehabilitation Project to RKM Utility Services, Inc., in the amount of \$1,123,825. This project consists of the replacement of approximately 10,700 L.F. of 8" water main in residential areas. [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. 2007-131-B for the 2006-07 Arterial Concrete Pavement Rehabilitation Project, Park Boulevard and Roundrock Trail to Jerusalem Corporation in the amount of \$854,950. This project involves replacement of arterial street paving, curb and gutter, sidewalk repair and barrier free ramp construction, on Park Boulevard between Independence Parkway and Alma Road and on Roundrock Trail between Park Boulevard and Parker Road. [Consent Agenda Item (D)] (See Exhibit "B")

Approval of Change Order

To RKM Utility Services, Inc. increasing the contract by \$59,945 for the Parker Road Estates West Water Rehabilitation Project, Change Order #2. (Original Bid #2006-178-B). This change order is for adjusting the quantities to reflect the actual constructed quantities so that the final pay request can be processed. [Consent Agenda Item (E)]

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 Birkhoff, Hendricks & Conway, L.L.P., in the amount of \$197,900 for Highlands Lift Station and Sewer Line; and authorizing the City Manager to execute all necessary documents. This agreement is for an engineering design for the replacement of the Highlands Lift Station, elimination of the Ohio North Lift Station and construction of a gravity sewer line between the two lift stations. [Consent Agenda Item (F)]

To approve an engineering contract by and between the City of Plano and Birkhoff, Hendricks & Conway, L.L.P., in the amount of \$153,300 for Shiloh Pump Station; and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (G)]

Adoption of Resolutions

Resolution No. 2007-5-14(R): To ratify and approve an expenditure of \$47,502 to Vermeer Equipment of Texas for emergency repairs to a tub grinder used in the City's composting operations; approving all actions taken by the City Manager; and providing an effective date. [Consent Agenda Item (H)]

Resolution No. 2007-5-15(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County Community College District providing terms and conditions for the provision of library automation services to Collin County Community College District; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement approved herein; and providing an effective date. [Consent Agenda Item (I)]

Resolution No. 2007-5-16(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Allen Public Library providing terms and conditions for the provision of library automation services to Allen Public Library; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement approved herein; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2007-5-17(R): To approve the terms and conditions of an Economic Development Program Agreement by and between the City of Plano, Texas, and Denbury Onshore, LLC, a Delaware limited liability company to promote state and local economic development and to stimulate business and commercial activity in the City and County, and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2007-5-18(R): To approve an expenditure of \$65,000 annually to the Star Community Newspapers to publish all legal notices required by the laws of the State of Texas and the City of Plano; authorizing the City Manager to execute any and all documents in connection therewith; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2007-5-19(R): To approve a bid of \$30,840 to repair the Chatsworth-Springview Aerial Crossing by and between North Texas Contracting, Inc., and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

Adoption of Ordinances

Ordinance No. 2007-5-20: To rescind Ordinance No. 2006-9-29 relating to City of Plano Retirement Security Plan as Restated January 1, 2006 2nd Version, and adopting a new City of Plano Retirement Security Plan, as Restated Plan January 1, 2007 to revise Section 6.2 “Early Pension” in Article VI “Amount of Retirement Benefits”; authorizing its execution by the City Manager; providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (N)]

Ordinance No. 2007-5-21: To adopt and enact Supplement No. 78 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 (O)]

Ordinance No. 2007-5-22: To transfer the sum of \$89,100 from the Convention & Tourism Unappropriated Fund Balance to the Civic Center Equipment Replacement Appropriation for Fiscal Year 2006-07 for the purpose of replacing and refurbishing various Plano Centre features; amending the budget of the City and Ordinance 2006-9-9, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. [Consent Agenda Item (P)]

Ordinance No. 2007-5-23: To abandon all right, title, and interest of the City, in and to that certain sanitary sewer easement which is located within the City limits of Richardson, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Hassie Hunt Exploration Company, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (Q)]

Ordinance No. 2007-5-24: To grant a permit to Capital One National Association to drill a water well to supply irrigation needs at Capital One Corporate Campus, Plano, Texas, located north of Hedgecoxe Road between Preston Road and Dominion Parkway; authorizing the City Manager to execute any and all documents in connection therewith; and providing an effective date. [Consent Agenda Item (R)]

END OF CONSENT

Due to a possible conflict of interest, Council Member Stahel stepped down from the bench on the following item.

CSP No. 2007-85-B for a Web-Based Publishing Solution to Limehouse Software Inc. in the amount of \$65,250. [Consent Agenda Item (C)] (See Exhibit "C")

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Johnson, the Council voted 7-0 to approve CSP No. 2007-85-B for a Web-Based Publishing Solution to Limehouse Software Inc. in the amount of \$65,250.

Council Member Stahel resumed his seat at the bench.

Public Hearing and adoption of Ordinance No. 2007-5-25: To designate a certain area within the City of Plano as Reinvestment Zone No. 107 for a Tax Abatement consisting of a 5.109 acre tract of land located east of Windcrest Drive and south of Tennyson Parkway, in the City of Plano, Texas establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (1)]

Director of Finance McGrane advised that KDC-Plano Investments I, LP is constructing a new 100,000 square foot building, will maintain 200 employees and add 75. He spoke to the estimated amount of \$500,000 in business personal property for the first year with \$1 million for the remaining years and \$19 million in real property. Mr. McGrane advised that the abatement will be for a period of ten years and equal to 25% for both real and business personal property.

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

Upon a motion made by Council Member Ellerbe and seconded by Council Member Dunlap, the Council voted 8-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 107 for a Tax Abatement consisting of a 5.109 acre tract of land located east of Windcrest Drive and south of Tennyson Parkway, in the City of Plano, Texas establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2007-5-25.

Resolution No. 2007-5-26(R): To approve the terms and conditions of an Agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, KDC-Plano Investments I, LP, a Texas Limited Partnership and Denbury Onshore LLC, a Delaware limited liability company, and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (2)]

Director of Finance McGrane responded to the Council, advising that the company is in oil exploration and that the abatement will be submitted to the college district for consideration. City Manager Muehlenbeck advised that Collin County will be considering these items on an individual basis.

Upon a motion made by Council Member Stahel and seconded by Council Member LaRosiliere, the Council voted 8-0 to approve the terms and conditions of an Agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, KDC-Plano Investments I, LP, a Texas Limited Partnership and Denbury Onshore LLC, a Delaware limited liability company, and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2007-5-26(R).

Ordinance No. 2007-5-27: To amend Section I of Ordinance No. 98-9-32 to extend the franchise granted to CoServ Gas for the transporting, delivery, sales, and distribution of gas in and out of, and through the City of Plano which is set to expire on or about November 23, 2007; and providing a repealer clause, a severability clause and an effective date. (Second Reading). (First reading held and approved 4-23-2007). [Regular Agenda Item (3)]

Director of Customer and Utility Services Israelson advised that this is a five-year extension of the CoServ franchise agreement.

Upon a motion made by Mayor Pro Tem Magnuson and seconded by Council Member Ellerbe, the Council voted 8-0 to amend Section I of Ordinance No. 98-9-32 to extend the franchise granted to CoServ Gas for the transporting, delivery, sales, and distribution of gas in and out of, and through the City of Plano which is set to expire on or about November 23, 2007; and providing a repealer clause, a severability clause and an effective date; and further to adopt Ordinance No. 2007-5-27.

Public Hearing and adoption of Ordinance No. 2007-5-28 as requested in Zoning Case 2007-08 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 57.8± acres located at the southeast corner of State Highway 121 and Spring Creek Parkway in the City of Plano, Denton County, Texas, from Agriculture to Commercial 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: Thompson McSpedden Family Partners [Regular Agenda Item (4)]

Ordinance No. 2007-5-28 (cont'd)

Director of Planning Jarrell advised that the Planning and Zoning Commission recommended the request for approval and that they found, based upon the traffic impact analysis that the thoroughfares can accommodate anticipated traffic volumes at an acceptable level of service.

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

Upon a motion made by Council Member LaRosiliere and seconded by Mayor Pro Tem Magnuson, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 57.8± acres located at the southeast corner of State Highway 121 and Spring Creek Parkway in the City of Plano, Denton County, Texas, from Agriculture to Commercial Employment as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-08; 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; and further to adopt Ordinance No. 2007-5-28.

There being no further discussion, Mayor Evans adjourned the meeting at 8:34 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary