

PLANO CITY COUNCIL
August 28, 2006

COUNCIL MEMBERS

Pat Evans, Mayor
Scott Johnson, Mayor Pro Tem
Sally Magnuson, Deputy Mayor Pro Tem
Shep Stahel
Jean Callison
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
Elaine Bealke, City Secretary

Mayor Evans convened the Council into the Regular Session on Monday, August 28, 2006, at 7:06 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council members were present.

The invocation was led by Abdul Hadi Khan of the Islamic Association of Collin County.

The Pledge of Allegiance was led by Brownie Troop 841.

Mayor Evans recognized Henry Delafield as Volunteer of the Month and presented a proclamation for *Library Card Sign-up Month, September 2006*.

COMMENTS OF PUBLIC INTEREST

John Lovell, citizen of the City, stated concern that the City has given exclusive right to remove construction debris to one company. He spoke to customer service problems encountered with the company and requested the situation be rectified or individuals be given the right to hire dependable haulers of their own choice. Mayor Evans advised that the City Manager would look into the situation and respond to Mr. Lovell.

BOARD/COMMISSION REPORTS

Director of Finance and member of the Retirement Security Plan Committee McGrane advised the Council regarding establishment of the plan in 1983 when the City opted out of Social Security and the purpose of providing retirement and incidental benefits to all full-time employees who meet eligibility requirements. He advised that the benefits provided are paid from the trust fund which is funded totally by the City.

Mr. McGrane spoke to the Committee, investment manager, actuary and trustee bank as components of the plan and reviewed the assets and investments and number of retirees currently covered. He advised that contributions will be increasing from 2.7% to 3.13% and spoke to changes in post-retirement mortality tables.

Council Member Stahel spoke to the monies being a benefit to employees in addition to the target salaries of five percent above median for the Metroplex. Mr. McGrane clarified for the Council that the employee is required to make contributions to the Texas Municipal Retirement System, whereas for the RSP they do not contribute. He spoke to the number of retirees increasing in the future and to this being taken into consideration on actuary tables.

CONSENT AGENDA

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

Approval of Minutes [Consent Agenda (A)]

August 14, 2006
August 19, 2006

Approval of Expenditures

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

Bid No. 2006-153-B for the Purchase of Two (2) Trailer Mounted Message Boards from K K Systems, Inc. in the amount of \$30,000 for the Streets Department. [Consent Agenda (B)] (See Exhibit "A")

RFP No. 2006-134-B for Consultant for Service Prioritization Assessment to Andrea Margaret Thomas, dba National Service Research in the amount of \$17,800. [Consent Agenda (C)] (See Exhibit "B")

Bid No. 2006-221-G for Collin County Solicitation #06098-06 - To approve an expenditure and authorize the City Manager to execute such documents as to effectuate the purchase with Audience Central Corporation for PIER Software Subscription License in the amount of \$30,600 for a crisis-ready, web-based system for managing public information and internal communications; 2005 UASI Grant. [Consent Agenda (D)] (See Exhibit "C")

Purchase from Existing Contract/Agreement: (Purchase of products/services through Cooperative Purchasing Interlocal Contract with another governmental/quasi-governmental agency or an additional purchase from current City of Plano annual purchase agreement).

To approve the purchase of one (1) Heil 10 yard Refuse Side Loader in the amount of \$55,114 from Heil of Texas, and one (1) GMC TT7500 Cab/Chassis in the amount of \$49,712 from Rush Truck Center through an existing contract/agreement with H-GAC Cooperative Purchasing Program and authorizing the City Manager to execute all necessary documents. (RC08-06/HT11-05). [Consent Agenda (E)]

Adoption of Resolutions

Resolution No. 2006-8-11(R): To review and approve the City's written Public Funds Investment Policy; and providing an effective date. [Consent Agenda (F)]

Resolution No. 2006-8-12(R): To approve the terms and conditions of a Professional Services Contract by and between the City of Plano, Texas and Grant Thornton, LLC for auditing services with regard to the 401(a) Plan; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda (G)]

Resolution No. 2006-8-13(R): To approve a license agreement by and between the City of Plano, Texas, and Jeff Barnes, dba 15th Street Café, a Sole Proprietorship, for use of a 276± square foot portion of property owned by the City of Plano and situated on the west side of the restaurant located at 1112 East 15th Street. [Consent Agenda (H)]

Resolution No. 2006-8-14(R): To amend an existing Public Right-of-Way Use Agreement by and between the City of Plano, Texas and TCDFW Acquisitions, LP, a Texas Limited Partnership, relocating the electrical duct bank crossing; providing for annual payment; updating Exhibit "A" to the agreement; and providing an effective date. [Consent Agenda (I)]

Adoption of Ordinances

Ordinance No. 2006-8-15: To amend Ordinance No. 2004-8-16 codified as Article II, Fire Code, Section 8-17 of Chapter 8 of the City of Plano Code of Ordinances to require sprinkler protection in combustible attics of buildings two or more stories in height and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda (J)]

Ordinance No. 2006-8-16: To amend Ordinance No. 2004-8-8, codified as Article II, Building Code, Division 2, Section 6-37, Subsection 8 of Chapter 6 of the City of Plano Code of Ordinances to require sprinkler protection in combustible attics of buildings two or more stories in height and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda (K)]

END OF CONSENT

Second Public Hearing on the Tax Increase for Fiscal Year 2006-2007. First public hearing held 8/24/06 [Regular Agenda (1)]

Second Public Hearing on the Tax Increase for Fiscal Year 2006-2007 (cont'd)

Mayor Evans opened the Public Hearing. William E. Mathews, citizen of the City, spoke to the effect of increased appraisal values on taxes and to not considering these increases as an entitlement. Council Member Stahel spoke to the budget's increase over the reestimated budget and Council Member Ellerbe spoke to generating revenue from sales tax and property taxes paid by commercial businesses. Mayor Evans spoke to the low increase in appraisal rates for existing properties. No one else spoke either for or against the request. The Public Hearing was closed. No one else spoke either for or against the request. The Public Hearing was closed.

Mayor Evans stated that this has been the second Public Hearing on the tax rate increase and that the 2006-07 budget and tax rate is scheduled to be adopted at the September 11 Regular Council Meeting.

Ordinance No. 2006-8-17: To amend existing franchise Ordinance No. 2003-12-12 between the City of Plano and TXU Electric Delivery Company, a Texas Corporation, its successors and assigns, to provide for a different payment schedule; providing an extension of the franchise term; providing for TXU Electric Delivery acceptance; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; and providing a repealer clause; a severability clause and an effective date. Second Reading – First Reading Held and Approved 07-24-06 [Regular Agenda (2)]

Director of Customer and Utility Services Israelson spoke to this item providing quarterly payments in exchange for a five-year extension of the franchise to 2018. He advised that the quarterly payments would begin immediately and would allow the City to accrue interest.

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Mayor Pro Tem Johnson, the Council voted 8-0 to amend existing franchise Ordinance No. 2003-12-12 between the City of Plano and TXU Electric Delivery Company, a Texas Corporation, its successors and assigns, to provide for a different payment schedule; providing an extension of the franchise term; providing for TXU Electric Delivery acceptance; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; and providing a repealer clause; a severability clause and an effective date; and further to adopt Ordinance No. 2006-8-17.

Public Hearing and adoption of Ordinance No. 2006-8-18 as requested in Zoning Case 2006-16 To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 34.1± acres located on the north side of Windhaven Parkway, 2,900± feet east of Dallas North Tollway in the City of Plano, Collin County, Texas, from Planned Development-242-Multifamily-2 and Planned Development-243-Retail/General Office to Planned Development-154-Single-Family Residence-6; 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 (3)]

Ordinance No. 2006-8-18 (cont'd)

Director of Planning Jarrell advised the Council that this request is for continuation of a planned development district approved last year for a single-family development which differs from others in that the lots would be square rather than long and narrow. She advised that they would be Single Family-6 in description, but would have different lot dimensions, setbacks and lot coverages. Ms. Jarrell advised that the Comprehensive Plan speaks to some recommendations for converting commercial property to residential and that currently part of this property is zoned Retail and Office. She stated that approval would not result in a shortage of land for neighborhood retail or service uses and is consistent with the intent of reducing the overall impact of zoning imbalance on the City's land use system. Ms. Jarrell stated that rezoning would result in the removal of between 375 and 400 multifamily units and that the Planning and Zoning Commission recommended approval as PD-154-SF-6 subject to:

1. The minimum lot area shall be 5,600 square feet.
2. The minimum lot width for corner lots shall be 80 feet. The minimum lot widths for interior lots shall be 75 feet.
3. The minimum lot depth shall be 75 feet.
4. The minimum front yard setback shall be ten feet. For front-entry garages, the minimum front yard setback for the garage only shall be 20 feet. For side-entry garages, the minimum front yard setback shall be ten feet.
5. The minimum side yard setback for corner lots shall be ten feet. The minimum side yard setbacks for interior lots shall be five feet.
6. The minimum rear yard setback shall be 15 feet.
7. The maximum lot coverage shall be 55% total for primary and accessory buildings.
8. Lots backing to the creek, at the eastern boundary of the PD district, may develop in conformance to base SF-6 standards.

Ms. Jarrell responded to the Council, that the developer feels that a square lot offers more "street presence" and allows for a first floor master bedroom. She stated that should lots backing to the creek at the eastern boundary not develop to base SF-6 standards, they may revert to the square lots. Ms. Jarrell spoke to this creek not being a part of the park system and stated that the Subdivision Ordinance would allow lots to back to the creek, spoke to the requirement for a drainage easement and an area outside the easement should City vehicles need to go into the location. She advised that there is not a trail system in this area and that there will be a homeowner's association (HOA).

Mayor Evans opened the Public Hearing. Ashley Frysinge of Kimley-Horn & Associates, representing the applicant, spoke to removal of multifamily units and the configuration to allow for large homes with smaller yards. She responded to the Council that the open areas will be maintained by the HOA and that the creek area would be owned by the HOA, but that an easement would be dedicated to the City allowing for maintenance if needed. Ms. Frysinge spoke to the creek being left in its natural state, to it being a focal point and stated that there would be room should a trail connection be considered in the future. City Attorney Wetherbee responded to Mayor Pro Tem Johnson stating that the dedication of park property could not be a condition of zoning approval.

The Council discussed the locations of parks to the south and continuation of the hike and bike trails. Ms. Jarrell spoke to review of plans by Parks Department and Planning Staffs and in relation to the Master Park Plan and reviewed the process for dedication of park land. She reviewed the three types of ownership in flood plain areas including ownership by the City, spoke to a HOA owning the property and taking on the maintenance responsibility where the City has the right, but not the obligation for maintenance and further spoke to commercial property owners where they own and maintain the flood plain and the City has a drainage easement. Council Member Ellerbe spoke to the possibility that too much maintenance may be performed.

Ms. Frysinge advised that the creek along this property is an unnamed tributary. Ms. Wetherbee spoke to the acquisition of park land being an independent process and Ms. Frysinge spoke to working with the City during the platting process to dedicate a future easement for a trail system if necessary. Mayor Pro Tem Johnson spoke to possible objections in the future by owners of individual lots.

The Council spoke regarding the possibility of a hike and bike trail at this location and whether there are other forks in the creek that may be suitable. Mr. Muehlenbeck reviewed a park system map and advised that there is a branch of the trail in the area that comes up to Windhaven Parkway and dead ends. Ms. Jarrell spoke to there being another trail that follows the main branch of White Rock Creek further east and goes north to the Legacy area. Mr. Muehlenbeck responded to Council Member LaRosiliere that a continuation of the trail beyond the dead end is not part of the trail plan. Mayor Pro Tem Johnson spoke to the tributary continuing under Spring Creek Parkway and Windhaven Parkway. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison, 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 34.1± acres located on the north side of Windhaven Parkway, 2,900± feet east of Dallas North Tollway in the City of Plano, Collin County, Texas, from Planned Development-242-Multifamily-2 and Planned Development-243-Retail/General Office to Planned Development-154-Single-Family Residence-6; directing a change accordingly in the official zoning map of the City as requested in Zoning Case 2006-16 and as recommended by the Planning and Zoning Commission; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2006-8-18.

Discussion and Direction Regarding Council Stipend/Salary Increase [Regular Agenda (4)]

Council Member Ellerbe stated concern that discussion of the Council's stipend was not held at the retreat and spoke to reconsidering options with regard to an increase. She spoke to leaving it as determined during the Budget Worksession of \$1,000 for Council Members and \$1,400 for the Mayor, waiting until next year for discussion or raising it a smaller amount.

Discussion and Direction Regarding Council Stipend/Salary Increase (cont'd)

Deputy Mayor Pro Tem Magnuson advised that she was in agreement with the amount set during the worksession and spoke regarding positive feedback received. Mayor Pro Tem Johnson spoke to support for the increase by those in the community. Ms. Ellerbe spoke to increasing the stipend to \$750 for Council Members and \$1,050 for the Mayor and to future discussion during the Council's retreat.

Council Member Stahel spoke to positive comments received from citizens for the amounts set during the worksession and trying to develop economic diversity on the Council. Council Member LaRosiliere stated support for \$1,000 for Council Members and \$1,400 for the Mayor, spoke to addressing those who may wish to run in the future and regarding the increase still not compensating for the time and effort involved in serving. Council Member Callison spoke to the proposal not accomplishing diversity and stated her opposition to the increase at this time.

Council Member Ellerbe stated agreement that this would not be enough of an incentive for those with a business to run and spoke to the increase putting the City out of line with others in the area. Mayor Pro Tem Johnson spoke to the Council previously receiving reimbursement for insurance and to considering the increases and adjustments made to employees over the years and stated support for the increase as set during the budget worksession.

Mayor Evans stated concern that the time is not right, spoke to the lack of input from the public regarding the increase and to waiting until an election year to consider an incentive to running for office. She spoke regarding the proposed increase in the tax rate and to the possibility of the revised stipend amounts not being considered as a reimbursement of expenses. Mayor Evans spoke to Council Members as volunteers, to current reimbursements for gas, parking, etc. and to the level recommended not being in line with that of other cities. Council Member Stahel spoke to previous discussions of an increase.

After discussion, a motion was made by Council Member Ellerbe and seconded by Council Member Dunlap, to rescind the increase in the stipend for the Mayor and Council Members. The Council voted 4-4 with Mayor Pro Tem Johnson and Council Members Stahel, Magnuson and LaRosiliere voting in opposition. The motion failed which left the stipend at the previously recommended amount of \$1,000 for Council Members and \$1,400 for the Mayor.

There being no further discussion, Mayor Evans adjourned the meeting at 8:30 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary