

PLANO CITY COUNCIL

October 12, 2009

COUNCIL MEMBERS

Phil Dyer, Mayor
Harry LaRosiliere, Mayor Pro Tem
Lee Dunlap, Deputy Mayor Pro Tem
Pat Miner
Ben Harris
Mabrie Jackson
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, October 12, 2009, at 7:01 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Sr. Pastor Gene Wilkes of Legacy Church. The Pledge of Allegiance was led by Representatives of the Boys and Girls Club of Collin County Plano.

Mayor Dyer presented a proclamation recognizing HopeLine Domestic Violence Awareness Month, presented Special Recognition to Michael Carroll - Good Samaritan and recognized City Manager Muehlenbeck's selection as a Fellow of the National Academy of Public Administration.

Mayor Dyer administered oaths of office to incoming board and commission members.

COMMENTS OF PUBLIC INTEREST

Plano Firefighters Association Treasurer Laddin Gillespie spoke regarding the Pink Fire Department T-shirt program promoting cancer awareness.

CONSENT AGENDA

Upon the request of Mayor Dyer, Consent Agenda Item "N" was removed for individual consideration due to a possible conflict of interest.

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

Approval of Minutes (Consent Agenda Item "A")

September 28, 2009

September 28, 2009 - Special Called Session

Approval of Expenditures

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

Bid No. 2009-193-P for the 2009-2010 Residential and Arterial Pavement Under-sealing and Raising Contract to Nortex Concrete Lift & Stabilization, Inc. in the amount of \$1,470,000. This involves the injection of high density polyurethane foam to under-seal and raise street and alley pavement on residential and arterial thoroughfare locations identified by the City. The use of this material allows repairs to be made without having to replace concrete paving, reducing traffic lane closures and the disruptions associated with concrete replacement. This will establish a fixed price requirements contract with two optional renewals. (Consent Agenda Item "B")

Purchase from an Existing Contract

To approve the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$175,000 from Brodart through an existing contract/agreement with Texas State Contract 715-N1 Print Materials and Multimedia; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

To approve the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$225,000 from Ingram Library Services through an existing contract/agreement with Texas State Contract 715-N1 Print Materials and Multimedia; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "D")

To approve the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$250,000 from Midwest Tapes through an existing contract/agreement with Texas State Contract 715-N1 Print Materials and Multimedia; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

To approve the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$350,000 from Baker & Taylor through an existing contract/agreement with Texas State Contract 715-N1 Print Materials and Multimedia; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

Approval of Change Order

To Control Specialist, Inc. increasing Purchase Order No. 103697 by \$75,000 for emergency repairs to Ridgeview Pump No. 13 and Ridgeview Pump No. 16. Change Order No. 1. (Consent Agenda Item "G")

To HPA, LLP, dba hatch & ulland owen architects, decreasing the Professional Services Contract by \$161,995 for the Oak Point Park Visitor Center design. Contract Modification No. 1 is for additional engineering and design services necessary to complete the construction documents and deletion of post design services. (Consent Agenda Item “H”)

Adoption of Resolutions

Resolution No. 2009-10-1(R): To approve the terms and conditions of an Interlocal Cooperation Agreement for Library Services by and between the City of Plano and Denton County, Texas; providing the terms and conditions for receipt of funding in the amount of \$10,300 from Denton County; authorizing the City Manager to execute all necessary documents; and providing an effective date. (Consent Agenda Item “I”)

Resolution No. 2009-10-2(R): To approve the terms and conditions of an Agreement by and between the City of Plano and Action Target Inc., the sole source provider of a Dust Collection Unit for the Total Containment Trap; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “J”)

Resolution No. 2009-10-3(R): To approve the terms and conditions of an Agreement by and between the City of Plano and Maurice Barnett Geriatric Wellness Center, Inc., for administration of the Senior Transportation Program; and authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

Resolution No. 2009-10-4(R): To approve the terms and conditions of Funding Agreements between the City of Plano, Texas, and various special event organizers. The City Manager is hereby authorized to execute such Agreements with these organizations and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2009-10-5(R): To approve the terms and conditions of Funding Agreements between the City of Plano, Texas, and various arts organizations, which all render services that are beneficial to the public and serve a valid public purpose. The City Manager is hereby authorized to execute such Agreements with these organizations for provision of support of the arts and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2009-10-6(R): To authorize the purchase of street light standards and associated equipment for Parkwood Boulevard from Windhaven Parkway to Spring Creek Parkway from CoServ Electric Company, who is the selected provider of electric service and the selected provider of such equipment; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “O”)

Adoption of Ordinances

Ordinance No. 2009-10-7: To amend Ordinance No. 96-9-29, codified in subsection entitled “State Highway 121” under Section 12-74(b) of Chapter 12, Motor Vehicles and Traffic, of the City of Plano Code of Ordinances, Motor Vehicles and Traffic, to lower the prima facie maximum speed limit from 60 miles per hour (60 mph) to 55 miles per hour (55 mph) on the section of State Highway 121 from the west city limits to the east city limits, providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a penalty clause, a severability clause, a savings clause, a publication clause and an effective date. (Consent Agenda Item “P”)

Ordinance No. 2009-10-8: To repeal Ordinance No. 2003-5-20 codified as Division 1.5, Cross Connection Control Program, of Article II, Water, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, Texas; adopting a new Division 1.5 of Article II, Chapter 21 of the Code of Ordinances of the City of Plano, Texas; to revise definitions, processes, regulations and enforcement provisions; providing a repealer clause, a savings clause, a severability clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “Q”)

END OF CONSENT

Mayor Dyer stepped down from the bench due to a possible conflict of interest.

Resolution No. 2009-10-9(R): To review and approve the City’s written Public Funds Investment Policy; and providing an effective date. (Consent Agenda Item “N”)

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Callison, the Council voted 7-0 to approve the Public Funds Investment Policy and further to adopt Resolution No. 2009-10-9(R).

Mayor Dyer resumed his place at the bench.

Public Hearing and adoption of Ordinance No. 2009-10-10 as requested in Zoning Case 2009-14 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development-189-Retail/General Office on 114.0± acres located at the southeast corner of Preston Road and Park Boulevard, in the City of Plano, Collin County, Texas, to allow for an increase to the maximum lot coverage; 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: Regency Centers, L.P. and other PD Property Owners (Tabled 9/28/09) (Regular Agenda Item “1”)

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Callison, the Council voted 8-0 to remove the item from the table.

Director of Planning Jarrell advised that the applicant requests amendment to allow for an increase in lot coverage in order to be consistent with retail and office districts. She further advised that the Planning and Zoning Commission recommended approval as submitted.

Mayor Dyer opened the Public Hearing. Citizens Maria Schmitz and Alex Glushko spoke in favor of the request. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Miner, the Council voted 8-0 to amend Planned Development-189-Retail/General Office on 114.0± acres located at the southeast corner of Preston Road and Park Boulevard to allow for an increase to the maximum lot coverage as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2009-14 and further to adopt Ordinance No. 2009-10-10.

Public Hearing and consideration of an Appeal of the Planning and Zoning Commission's Denial of Zoning Case 2009-15 - Request for a Specific Use Permit for Public Storage/Mini-Warehouse on 3.1± acres located on the west side of Preston Park Boulevard, 550± feet south of Park Boulevard. Zoned Planned Development-189-Retail/Office-2. Neighborhood #55. Applicant: Regency Centers L.P. (Regular Agenda Item "2")

Director of Planning Jarrell advised that the applicant is appealing denial by the Planning and Zoning Commission and that approval would require a three-quarter vote of the Council. She spoke to the proposal to convert an existing vacant theater into a two-story mini-warehouse building and add another building to the property and to the reduced parking requirements. Ms. Jarrell advised that the Commission felt that a mini-warehouse was not the best reuse of the site, had concern regarding the amount of square footage and felt that the property may provide opportunities for other redevelopment proposals. She advised that notification letters were sent related to the appeal and that 50 in opposition have been received from outside of the 200 foot area with one in favor. Ms. Jarrell responded to Council Member Smith advising that the theater has been vacant for approximately 10-12 years.

Mayor Dyer opened the Public Hearing. Jack Harvard, representing the applicant, spoke to the history of development in the area, construction of several office buildings, rezoning in the 1990's and abandonment of the theater. He spoke to the level of property tax paid and to increasing the property's value, failed efforts to find another use, deed restrictions allowing office only on the first floor, and expansion of usable space with redevelopment. Mr. Harvard spoke to possible difficulties in development of the site as residential, efforts to meet with homeowners, and letters in support received from 100% of the land owners of surrounding properties. He spoke to indoor-accessed storage, plans to landscape along the pedestrian walkways, low levels of traffic and possible alternatives for the site including building removal or installation of gas pumps. Mr. Harvard responded to the Council that the first phase would be renovation of the existing building with construction of a second structure at a later time and advised that the building would look similar to a nearby grocery store. Mayor Dyer spoke to concerns related to parking.

Citizen Glenda Sattler spoke the property owner's unresponsiveness when inquiries were made to develop the site and other opportunities that might be viable. Maria Schmitz represented homeowners in Reflections of Old Shepard, Old Shepard, Eldorado Park and Preston Point in opposition to the request. She spoke to the developer's uncertainty in identifying retail users, the property not being marketed to its full potential, and strong retail sales in the Preston/Park area. Ms. Schmitz spoke to furthering the goals of the Urban Study, limited information being provided to area property owners regarding plans for a second building, and considering recommendations of the Commissioners including a senior living facility, and requested the Council deny the appeal.

Mr. Harvard spoke to efforts made to contact homeowners in the area, the site being ill-suited for residential development and agreement to add stipulations for no outdoor storage, two-story limitation and retail/office uses in the front only. He responded to the Council advising that deed restrictions limit height, pedestrian walkways would remain available, and spoke to use of monument signs and to matching signage on existing retail properties. No one else spoke either for or against the request. The Public Hearing was closed.

Zoning Case 2009-15 (cont'd)

Ms. Jarrell responded to the Council advising that there are no City height restrictions for Office-2 zoning, but that setbacks would limit the height, advised that management would need to control the use of storage units as places of business, and spoke to the size of the property as similar to East Side Village which developed as a mixed-use property. She advised there were no requirements for building materials, spoke to limitations on outdoor storage, advised that the base zoning prohibits recreational vehicle/boat storage and that Council may add stipulations to the SUP. Ms. Jarrell responded to Mayor Pro Tem LaRosiliere, advising that Staff felt that storage on this property would not inhibit the area from transforming into a dense, mixed-use and pedestrian-friendly neighborhood and to balancing the presence of a vacant building. She advised that the SUP would remain in place unless there was action to remove it.

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Miner, the Council voted 8-0 to approve the request for an SUP for Public Storage/Mini Warehouse as requested in Zoning Case 2009-15 with the following stipulations:

1. No outside storage shall be allowed including storage of recreational vehicles;
2. All storage units shall be accessible only from the interior of the buildings, except one loading door entry may be accessible from the exterior of each building;
3. All exterior building facades shall be masonry, and the masonry material and building design shall be architecturally consistent with the adjacent retail shopping center;
4. Maximum height shall be two stories; and
5. Two points of pedestrian access from the property to the adjacent retail shopping center shall be provided.

There being no further discussion, Mayor Dyer adjourned the meeting at 8:54 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary