

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
February 23, 2015**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Jim Duggan
Patrick Gallagher
David Downs

STAFF PRESENT

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Jim Parrish, Deputy City Manager
Mark Israelson, Assistant City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary
Alice D. Snyder, Assistant City Secretary

Mayor LaRosiliere called the meeting to order at 5:00 p.m., Monday, February 23, 2015, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor LaRosiliere then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated in order to consult with an attorney and receive Legal Advice, Section 551.071; to receive information regarding Economic Development, Section 551.087; and to discuss Real Estate, Section 551.072; for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor LaRosiliere reconvened the meeting back into the Preliminary Open Meeting at 6:15 p.m. in the Senator Florence Shapiro Council Chambers.

Consideration and action resulting from Executive Session discussion

No items were brought forward.

Discussion regarding Water Restrictions

This item was not presented.

Equal Rights Ordinance Report

City Secretary Henderson stated the City Secretary's office received 919 petition pages, in 9 separate submissions on two days. She spoke to the petition being in three different forms and it did not comply with the referendum petition requirements of the Plano City Charter, the Texas Election Code, and additionally, the notary requirements of Texas Government Code resulting in no valid signatures.

City Attorney Mims spoke to the referendum process requirements in the City Charter, petition requirements in the Texas Election Code and the deficiencies of the petition presented. She stated an email was sent to petition coordinators providing links to the information three weeks prior to the submission deadline. Ms. Mims advised no action is to be taken by the Council due to the petitions failure to meet the requirements.

Council items for discussion/action on future agendas

Mayor Pro Tem Smith requested a staff report regarding signage for zoning changes. Deputy Mayor Pro Tem Harris requested notice requirements for zoning cases be discussed.

Consent and Regular Agendas

City Manager Glasscock stated Consent Agenda Item "C" will be pulled and not considered at this time.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 6:37 p.m.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary

**PLANO CITY COUNCIL
REGULAR SESSION
February 23, 2015**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Jim Duggan
Patrick Gallagher
David Downs

STAFF PRESENT

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Jim Parrish, Deputy City Manager
Mark Israelson, Assistant City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary
Alice D. Snyder, Assistant City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Monday, February 23, 2015, at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Pastor Ramon Hodridge from Avenue F Church of Christ led the invocation and Deputy Mayor Pro Tem Harris led the Pledge of Allegiance and Texas Pledge.

Comments of Public Interest

Josh Malone, Richard Lindberg, Patti Schwartz, Suzanne Blackstone, Pat Greer, Mark Reid, and Phil Blackstone spoke in opposition of the Equal Rights Ordinance. Coty Rodriguez, Ean Sullivan, Reverend Patrick Price, Dawnetta Miller, Pastor Ramon Hodridge, David M. Smith, and Vicki Verinder spoke in support of the Equal Rights Ordinance. Alyssa Pipe and Melanie Brand generally supported the Equal Rights Ordinance but stated the ordinance did not sufficiently cover bathroom usage.

CONSENT AGENDA

Upon a motion made by Council Member Duggan and seconded by Council Member Downs, the Council voted 8-0 to approve and adopt all items on the Consent Agenda, with the exception of Consent Agenda Item "C", as recommended and as follows:

Approval of Minutes

February 9, 2015 (Consent Agenda Item "A")

Approval of Expenditures

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

Bid No. 2015-116-B for the Park Boulevard and US 75 Pedestrian Crossing project to McMahon Contracting, L.P. in the amount of \$2,085,421; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Bid No. 2015-125-P for the Concrete Sidewalk Requirements Contract I, with two (2) optional renewals, Project No. 6499 for Public Works to XIT Paving & Construction, Inc. in the amount of \$692,000; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Bid No. 2015-87-C for a one (1) year contract with three (3) City optional renewals, for an automated tape library system for Technology Services to CDW Government LLC in the amount of \$155,487; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

CSP No. 2015-30-C for a five (5) year contract for the provision of Fire Uniforms for the Fire Department to Red the Uniform Tailor in the estimated total contract amount of \$910,000; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Purchase from an Existing Contract

To approve the purchase of cable installation for Public Safety Communications in the amount of \$67,245 from ABLE Communications, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (Contract No. 2011-195-C) (Consent Agenda Item “G”)

To approve the purchase of two (2) Vermeer Model No. BC1000XL Brush Chippers in the amount of \$59,574 from Vermeer of Texas-Louisiana through an existing TASB/BuyBoard contract; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 424-13) (Consent Agenda Item “H”)

To rescind award to John Deere & Company on January 12, 2015 in the amount of \$68,430 and to approve the purchase of one (1) John Deere Tractor with Flex Wing Mower for Fleet Services in the amount of \$70,305 from John Deere & Company through an existing contract with TXMAS and authorizing the City Manager to execute all necessary documents.(TXMAS-7-51V050) (Consent Agenda Item “I”)

To approve the purchase of one (1) John Deere 5100M Tractor in the amount of \$48,043 from John Deere & Company through an existing TXMAS contract and one (1) Tiger Triple Flail Mower in the amount of \$49,263 from Tiger Mower Corporation through an existing TASB/BuyBoard contract, for a total amount of \$97,306; and authorizing the City Manager to execute all necessary documents. (TXMAS Contract No. TXMAS-7-51V050 / TASB/BuyBoard Contract No. 447-14) (Consent Agenda Item “J”)

To approve the purchase of office supplies for City departments in the estimated annual amount of \$340,000 from Office Depot, Inc. through an existing contract with The Cooperative Purchasing Network (TCPN); and authorizing the City Manager to execute all necessary documents. (TCPN #R141703) (Consent Agenda Item “K”)

To approve the purchase of firewalls manufactured by Palo Alto Networks for the planned upgrades to the Public Safety Communications area in the amount of \$64,558 from Solid Border, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (DIR-TSO-2700) (Consent Agenda Item “L”)

To approve the purchase of cameras for the Police Department in the amount of \$87,340 from Sigma Surveillance, Inc., d/b/a STS360 through an existing contract; and authorizing the City Manager to execute all necessary documents. (2014-139-C) (Consent Agenda Item “M”)

To approve the purchase of data storage manufactured by NetApp, Inc. for the Jail and Police Facility in the amount of \$143,067 from Lumenate Technologies, LP through an existing contract; and authorizing the City Manager to execute all necessary documents. (DIR-TSO-2636) (Consent Agenda Item “N”)

To approve the purchase of Cisco network equipment for the Public Safety Communications area in the amount of \$160,016 from Presidio Networked Solutions Group, LLC through an existing contract; and authorizing the City Manager to execute all necessary documents. (DIR-TSO-2544) (Consent Agenda Item “O”)

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 ARCADIS-US, Inc. in the amount of \$750,910 for Booster Chlorination at Water Pump Stations; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “P”)

To approve an Architecture Services Agreement by and between the City of Plano and Quimby McCoy Preservation Architecture, LLP in the amount of \$426,177 for preservation and architectural construction plans for Saigling House Architectural Renovation; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “Q”)

Approval of Expenditure

To approve an expenditure for a Trinity Eagle Bridge Trailer in the amount of \$88,000 from Trinity Trailer Sales for Fleet Services to be utilized by Compost Operations; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “R”)

To approve an expenditure for SolarBee Potable Water Mixers in the amount of \$331,534 from Medora Corporation for Public Works; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “S”)

To approve an expenditure for a license agreement for digital orthophotography and LiDAR and contour data in the estimated amount of \$59,004 from North Central Texas Council of Governments (NCTCOG) for the Planning Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “T”)

Adoption of Resolutions

Resolution No. 2015-2-9(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Princeton, Texas to allow employees of the City of Princeton, Texas to participate in training classes offered by the City of Plano, Texas, authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “U”)

Resolution No. 2015-2-10(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Van Alstyne, Texas to allow employees of the City of Van Alstyne, Texas to participate in training classes offered by the City of Plano, Texas, authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “V”)

Resolution No. 2015-2-11(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and CNMK Texas Properties, LLC, a Texas limited liability company; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “W”)

Adoption of Ordinances

Ordinance No. 2015-2-12: To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 21.8± acres of land located at the northwest corner of Independence Parkway and Plano Parkway in the City of Plano, Collin County, Texas, from Planned Development-373-Retail/General Office to Planned Development-495-Single-Family Residence Attached. (Zoning Case 2014-41, Applicant: Plano Parkway Investments LP) (Consent Agenda Item “X”)

Ordinance No. 2015-2-13: To order an election to be held on May 9, 2015, for the purpose of electing four (4) Members of Council, Place No. 1 (District 1), Place No. 3 (District 3), Place No. 5 and Place No. 7 to the City Council to hold office for a period of four years; designating locations of polling places; ordering notices of election to be given as prescribed by law in connection with such election; and providing an effective date. (Consent Agenda Item “Y”)

END OF CONSENT

Ordinance No. 2015-2-14: To transfer the sum of \$250,863 from the Water & Sewer Fund Unappropriated fund balance to the Water & Sewer Fund Operating Appropriation for fiscal year 2014-15 for the purpose of providing funding for one (1) Supervisor position and two (2) Water Quality Technician positions, totaling three (3) positions, and the operational costs related to the Water Quality Program, amending the Budget of the City and Ordinance No. 2014-9-5, Section 1, Item “J” to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. (Regular Item “1”)

City Manager Glascock stated this is the appropriation as discussed at the January 26th Preliminary Open Meeting regarding water quality testing and the second item supports this as well. In response to Council member Downs, Mr. Glascock advised this is a prorated amount for the remainder of the budget year.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to transfer the sum of \$250,863 from the Water & Sewer Fund Unappropriated fund balance to the Water & Sewer Fund Operating Appropriation for fiscal year 2014-15 for the purpose of providing funding for one (1) Supervisor position and two (2) Water Quality Technician positions, totaling three (3) positions, and the operational costs related to the Water Quality Program, amending the Budget of the City and Ordinance No. 2014-9-5, Section 1, Item “J” to reflect the actions taken herein; and further to adopt Ordinance No. 2015-2-14.

Consideration to approve the purchase of three (3) Chevrolet Equinox SUV’s in the amount of \$59,330 from Caldwell Country Chevrolet through an existing TXMAS contract and authorizing the City Manager to execute all necessary documents. (TXMAS Contract No. 071-072-A1) (Regular Item “2”)

Upon a motion made by Council Member Downs and seconded by Council Member Gallagher, the Council voted 8-0, to approve the purchase of three (3) Chevrolet Equinox SUV’s in the amount of \$59,330 from Caldwell Country Chevrolet through an existing TXMAS contract.

Ordinance No. 2015-2-15: To transfer the sum of \$189,210 from the General Fund unappropriated fund balance to the General Fund Operating Appropriation for fiscal year 2014-15 for the purpose of providing funding for two (2) Police Officer positions and the operational costs related to the Neighborhood Patrol Officer Program, amending the Budget of the City and Ordinance No. 2014-9-5, Section 1, Item “A” to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. (Regular Item “3”)

City Manager Glascock stated this is an appropriation as discussed at the January 26th Council meeting and the following item relates to this matter as well. Chief Rushin spoke to the officer positions needed in downtown providing a history of the Downtown Neighborhood Patrol Officer and the increase in entertainment venues and residential living units in the area. He reported challenges in the area include alcohol sales, parking enforcement, DART rail, and fear of crime. Chief Rushin state the addition of two new officers would help meet the staffing demands and spoke to the benefits provided by having officers dedicated to the area and future needs.

Ordinance No. 2015-2-15 (Cont'd.):

Upon a motion made by Council Member Downs and seconded by Council Member Miner, the Council voted 8-0, to transfer the sum of \$189,210 from the General Fund unappropriated fund balance to the General Fund Operating Appropriation for fiscal year 2014-15 for the purpose of providing funding for two (2) Police Officer positions and the operational costs related to the Neighborhood Patrol Officer Program, amending the Budget of the City and Ordinance No. 2014-9-5, Section 1, Item "A" to reflect the actions taken herein; and further to adopt Ordinance No. 2015-2-15.

Ordinance No. 2015-2-16: To repeal Ordinance No. 2014-9-17; establishing the number of certain classifications within the Police Department for fiscal year 2014-15; establishing the authorized number and effective dates of such positions for each classification; establishing a salary plan for the Police Department effective February 23, 2015; and providing a repealer clause, a severability clause and an effective date. (Regular Item "4")

City Manager Glasscock stated the police and fire departments are civil service and an authorizing ordinance is required any time a change is made to the number of staff members.

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0, to repeal Ordinance No. 2014-9-17; establishing the number of certain classifications within the Police Department for fiscal year 2014-15; establishing the authorized number and effective dates of such positions for each classification; establishing a salary plan for the Police Department effective February 23, 2015; and further to adopt Ordinance No. 2015-2-16.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2014-32 - Request to rezone 11.5± acres located on the north side of Mapleshade Lane, 1,425± feet west of Coit Road from Corridor Commercial to Planned Development-Corridor Commercial. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District. Applicant: Coit 190 L.P. and Harkins Plano L.P. (Regular Item "5")

Director of Planning Day stated the item needs to be removed from the table for the Council to take action.

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

Director of Planning Day stated the applicant requested the item be tabled to the April 27, 2015 City Council meeting.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to table the item to the April 27, 2015 City Council meeting.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2014-46 – Request to rezone 14.5± acres from Research/Technology Center to Planned Development- Research/Technology Center located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road in order to allow Office- Showroom/Warehouse with modified development standards. Zoned Research/Technology Center. Applicant: Industrial Developments International, LLC (IDI Gazeley) (Regular Item “6”)

Director of Planning Day stated the applicant requested the item be tabled to the March 17, 2015 City Council meeting.

Upon a motion made by Deputy Mayor Pro Tem Smith and seconded by Council Member Davidson, the Council voted 8-0, to table the item to the March 17, 2015 City Council meeting.

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2014-48 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 6.4± acres of land located on the north side of Park Boulevard, 334± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas, from Planned Development-13-Retail to Single-Family Residence Attached; directing a change 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: Lyons Equities, Inc., Trustee Texas Corp. (Tabled at February 9, 2015 Council meeting.) (Regular Item “9”)

Director of Planning Day stated the item needs to be removed from the table for the Council to take action.

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

Director of Planning Day stated the applicant requested the item be tabled to the March 17, 2015 City Council meeting.

Upon a motion made by Council Member Davidson and seconded by Council Member Miner, the Council voted 8-0, to table the item to the March 17, 2015 City Council meeting.

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2014-49 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 656 so as to allow the additional use of Single-Family Residence Attached on 6.3± acres of land located on the south side of Park Boulevard, 115± feet west of Molly Lane, in the City of Plano, Collin County, Texas, presently zoned Planned Development-6-Retail; 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: Lyons Equities, Inc., Trustee Texas Corp. (Tabled at the February 9, 2015 Council meeting.) (Regular Item “10”)

Public Hearing and consideration of an Ordinance (Cont'd.)

Director of Planning Day stated the item needs to be removed from the table for the Council to take action.

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

Director of Planning Day stated the applicant requested the item be tabled to the March 17, 2015 City Council meeting.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Miner, the Council voted 8-0, to table the item to the March 17, 2015 City Council meeting.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2014-47 - Request for a Specific Use Permit for Mid-Rise Residential on 2.4± acres located at the northeast corner of Spring Creek Parkway and Headquarters Drive. Zoned Commercial Employment. Applicant: Winstead, P.C. (Regular Item "7")

Director of Planning Day stated the property has a base zoning of Commercial Employment with a convenience store/gas station and furniture store located to the north. She reported the project is to construct a mid-rise residential building of six stories with 107 units and that the Planning and Zoning Commission denied the request by a vote of 6-2. Mr. Kirk Williams, representing D Squared Development stated the project fits within the framework of the Mid-rise Residential Ordinance and is allowed in the CE zoning district with a specific use permit. Megan Lasch from D Squared Development presented information regarding the development company. She spoke to the project, financing method, location, amenities, open spaces, unit details and features, including public art. Ms. Lasch provided examples of other projects completed by the development company.

Mayor LaRosiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing. Ms. Day, in response to Council, stated other uses for the property include small office or medical office and that the lot is too small for major development. Council Member Downs expressed concern of land use and spoke to ancillary Toyota or Fed-Ex suppliers possibly developing the property. Ms. Day stated staff recommended approval of the request due to consistency with the Comprehensive Plan and a need for diverse housing stock. She advised there is a five story minimum to comply with mid-rise development standards. Council Member Davidson expressed concerns regarding the location's proximity to a gas station in regards to noise and lighting. Ms. Day stated the developer addressed the exposure to the gas station by design modification and a landscape buffer. Council Member Duggan spoke to the limited appeal of the property for development, the quality of the proposed project, and the need for affordable housing. Mayor LaRosiliere stated the location is not ideal for a business. Deputy Mayor Pro Tem Harris stated the proposed project does not comply with the 1200 feet setback distance requirement from the centerline of the highway. Mayor Pro Tem Smith expressed concerned about the building being isolated from other residential areas. The applicant requested the item be tabled to provide more information.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2014-47 Cont'd.)

Upon a motion made by Council Member Gallagher and seconded by Council Member Duggan, the Council voted 7-1, with Deputy Mayor Pro Tem Harris voting in opposition, to table the item to the March 17, 2015 City Council meeting.

Public Hearing and consideration of a Resolution to support an application for a nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project, located at Palomino Crossing, Block 1, Lot 4; and designating the City Manager to certify this resolution to TDHCA; and declaring an effective date. (Regular Item "8")

Community Service Manager Brown stated this is a companion item to Zoning Case 2014-47 and requested the item be tabled to the March 17, 2015 Council meeting.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Davidson, the Council voted 8-0, to table the item to the March 17, 2015 City Council meeting.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 8:52 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Lisa C. Henderson, City Secretary