

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
April 13, 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 (arrived at 5:38 p.m.)

**COUNCIL MEMBERS ABSENT**

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

Mayor LaRosiliere called the meeting to order at 5:05 p.m., Monday, April 13, 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; to discuss Real Estate, Section 551.072; and Personnel, Section 551.074; 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 6:28 p.m. in the Senator Florence Shapiro Council Chambers.

## **Consideration and action resulting from Executive Session discussion-**

### a) Personnel – Appointments

#### Board of Adjustment

Upon a motion made by Council Member Gallagher and seconded by Council Member Miner, the Council voted 7–0 to appoint Phillip Pierceall as an alternate member.

## **Collinwood House Staff Report**

Director of Parks and Recreation Fortenberry provided a brief history of the Collinwood House project. She stated as directed by Council in December, 2014 the City released a Request for Proposal (RFP) to enter into a lease to rehabilitate, use, operate, secure and maintain the Collinwood House at the lessees expense. Ms. Fortenberry reported the one response received was deemed non-responsive due to the request for City funding. She advised staff recommends releasing a RFP to move the house at movers expense and if no satisfactory proposals are received deconstruct the house and incorporate materials into the park.

M’Lou Hyttinen, Rick Joosten, Joan Biggerstaff, Wyatt Haggard, and Candace Foufoulakis spoke in support of keeping the Collinwood House in its current location. Clint Haggard expressed support, yielding his time to speak to Ms. Hyttinen.

Council deliberated the options and provided time to the responding party, the Heritage Farmstead Association, to secure donations to cover all costs related to Collinwood House, reporting back by the May 11<sup>th</sup> City Council meeting.

Nothing further was discussed. Remaining items were presented during the Regular meeting. Mayor LaRosiliere adjourned the meeting at 7:20 p.m.

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**Harry LaRosiliere, MAYOR**

ATTEST:

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Lisa C. Henderson, City Secretary

**PLANO CITY COUNCIL  
REGULAR SESSION  
April 13, 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

**COUNCIL MEMBERS ABSENT**

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

Mayor LaRosiliere convened the Council into the Regular Session on Monday, April 13, 2015, at 7:20 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Senior Pastor Sam Fenceroy from Mt. Olive Church of Plano led the invocation and Plano Police Explorer Post 911 led the Pledge of Allegiance and Texas Pledge.

Mayor LaRosiliere presented a National Volunteer Week Proclamation and the City of Plano received an award from the Urban Land Institute.

**Solid Waste Contract Report**

Director of Public Works Cosgrove gave a brief history of the contract dating back to 1979 and spoke to the change in the way trash collection is handled including recycling and compost, and changes in state and federal regulations. He stated the O & M and debt service allocation has been the same for the last 15 years and is out of compliance with the contract. Mr. Cosgrove advised the new contract amends debt service compliance, includes recycling and composting accommodation, waste conversion, wastewater sludge, Collin County clean up event, one-half ton accounting for direct haul, external operational audit option, and a five-year contract renewal. He stated there will be a change in the Solid Waste Committee membership that having 4 out of the 7 members will be Solid Waste Contract Member cities and issuance of debt for CIP will be posted and added the contract will be on the April 27 agenda for approval.

## **Street Project Update**

Director of Public Works Cosgrove provided information regarding the number of miles of the streets within the City. He stated street repair is needed due to aging roads, more traffic, weather, utilities, trees, lower level inspections and poor concrete. Mr. Cosgrove spoke to the residential growth, life of the streets and the worst thoroughfares within the city.

Mr. Cosgrove stated the options for funding street repairs include bond funds, capital reserves, operating budget, and Collin County bond funds. He discussed the number and type of repairs completed by city crews and outside contractors. Mr. Cosgrove spoke to temporary and permanent rehabilitation methods and contracting methods for various projects. He highlighted completed projects and upcoming projects for FY2015-16.

Mr. Cosgrove stated the department's objective is to complete work orders within 30-45 days, and in the future, a new work order asset management system will be in place. He advised that one third of the streets will be assessed each year and a new ultra-thin asphalt overlay repair method will be tested this year. Mr. Cosgrove spoke to department goals and plans to reduce completion time of repairs.

## **May 9, 2015 Election – Collin County and Denton County Voting Locations**

City Secretary Henderson spoke to Collin County's change to the vote center format for voting on Election day and advised Election day voting in Denton County would be precinct specific. She provided information on voting locations in Collin and Denton Counties and stated that two underutilized locations, Hughston Elementary and Thomas Elementary, will not be used during this election.

## **Council items for discussion/action on future agendas**

No items were discussed.

## **Consent and Regular Agendas**

No items were discussed.

## **COMMENTS OF PUBLIC INTEREST**

Mary Compton spoke in favor of keeping the Collinwood House in its current location.

## **CONSENT AGENDA**

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

### **Approval of Minutes**

March 17, 2015

March 23, 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. 2015-92-B** for the purchase and installation of sewage ejectors for the Municipal Center to Hoffman Texas, Inc., dba Roto-Rooter Service & Plumbing in the amount of \$53,338; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

**Bid No. 2015-142-B** for Centralized Waste Collection Station to Mart, Inc. in the amount of \$575,000; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

**CSP No. 2015-58-B** for the construction of Fire Station 2 and 6, PD 802 Renovations to Thos. S. Byrne, Ltd., in the amount of \$5,400,000; and authorizing the City Manager to execute all documents. (Consent Agenda Item "D")

**Bid No. 2015-179-B** for the Independence Parkway Paving Repairs Project No. 6359 for Public Works to Jim Bowman Construction Company, L.P. in the amount of \$4,236,710; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

**Bid No. 2015-115-C** for a one (1) year contract with three (3) City optional renewals for Athletic Field Mowing and Landscape Maintenance for the Parks Department to Lawn Star Landscape in the estimated annual amount of \$54,892; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

**Bid No. 2015-78-C** for a one (1) year contract with three (3) City optional one (1) year renewals for Median and Right-of-Way Landscape Maintenance for the Parks Department to Carruthers Landscape Management, Inc. in the estimated annual amount of \$140,000, which includes the bid price plus optional contract services for unforeseen/unplanned projects and services; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "G")

**Bid No. 2015-158-B** for Bluebonnet Trail Signal and Crossing at Preston Road to Jim Bowman Construction Co., L.P. in the amount of \$210,208; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "H")

**RFP No. 2015-083-B** for Design, Fabrication, and Installation of Exhibits at Oak Point Park Nature and Retreat Center for Parks and Recreation to Réalisations Inc. Montréal in the amount of \$249,750; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

### **Purchase from an Existing Contract**

To approve the purchase of cable installation for Oak Point Park Nature and Retreat Center in the amount of \$77,268 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 “J”)

To approve the purchase of one (1) Kenworth T800 Truck/Tractor for Fleet Services to be utilized by Compost Operations & Marketing in the amount of \$139,374 from MHC Kenworth through an existing TASB/BuyBoard contract; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 430-13) (Consent Agenda Item “K”)

To approve the purchase of one (1) Freightliner M2106 Grapple Truck for Fleet Services to be utilized by the Environmental Waste Services Division in the amount of \$142,385 from Freightliner of Austin through an existing TASB/BuyBoard contract; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 430-13) (Consent Agenda Item “L”)

To approve the purchase of one (1) Crane Carrier Refuse Truck Chassis in the amount of \$167,763 from Bond Equipment Company, Inc. and one (1) DaDee Scorpion Automated Single Arm Body in the amount of \$112,045 from DaDee Manufacturing for a total amount of \$279,808 for Fleet Services, to be utilized by the Environmental Waste Services Division through existing TASB/BuyBoard contracts; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 425-13 and 430-13) (Consent Agenda Item “M”)

### **Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)**

To approve a Professional Construction Materials Testing Agreement by and between the City of Plano and GME Consulting Services, Inc., in the amount of \$74,146 for Royal Oaks Drive – Jupiter Road to Spring Creek Parkway - Paving and Water Improvements; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “N”)

To approve the terms and conditions of a Discretionary Service Agreement by and between the City of Plano and Oncor Electric Delivery Company in the amount of \$76,502; providing for the relocation of an existing pad mounted transformer at 15th Place; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “O”)

To approve a Professional Services Agreement by and between the City of Plano and Brown & Gay Engineers, Inc., in the amount of \$199,998 for the Dallas North Estates Project No. 6528; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “P”)

### **Approval of Change Order**

To Lone Star Civil Construction, Inc. for the Preston Road Corridor Project, increasing the contract by \$157,826, Change Order No. 1, original Bid No. 2013-92-B; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “Q”)

To Lone Star Civil Construction, Inc., increasing the contract by \$105,313 for the Residential Concrete Pavement Rehab, Zone M5, Project No. 6424, Change Order No.1, Bid No. 2014-221-B; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “R”)

### **Approval of Expenditure**

To approve an expenditure for a compactor system in the amount of \$62,676 from Industrial Disposal Supply Company, LTD dba IDS for Public Works, Environmental Waste Division; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “S”)

To approve the purchase and installation of Generator Controls at the Shiloh Pump Station in the amount of \$252,125 from Legacy Contracting, L.P. dba Control Specialist Services, L.P.; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “T”)

### **Adoption of Resolutions**

**Resolution No. 2015-4-1(R):** To approve the terms and conditions of a First Amendment to the Economic Development Incentive Agreement by and between the City of Plano, Texas and Mustang Technology Group, L.P., a Texas Limited Partnership; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “U”)

**Resolution No. 2015-4-2(R):** To approve the terms and conditions of an Agreement with the State of Texas for State contracted traffic signal construction with the City of Plano providing limited materials and labor; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “V”)

**Resolution No. 2015-4-3(R):** To approve the terms and conditions of a Memorandum of Understanding between the City of Plano, the Regional Transportation Council, and the North Central Texas Council of Governments for which the City will be reimbursed for the purchase of a 2.628 acre tract of vacant land located at 1106 Avenue K in the City of Plano, Collin County, Texas, for future development as a passenger station for the Cotton Belt Rail station; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “W”)

### **Adoption of Ordinances**

**Ordinance No. 2015-4-4:** To adopt and enact Supplement Number 110 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 “X”)

## END OF CONSENT

The Council took a brief recess at 8:05 p.m. and reconvened into open session at 8:15 p.m.

**Public Hearing and adoption Ordinance No. 2015-4-5** as requested in Zoning Case 2014-40 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 50.6± acres of land located at the southwest corner of State Highway 121 and future Ridgeview Drive in the City of Plano, Collin County, Texas, from Regional Employment and Regional Commercial to Planned Development-497-Single-Family Residence Attached; directing a change accordingly 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: Headquarters 121 Venture, Ltd. (Regular Item "1")

Director of Planning Day spoke to the project location, existing zoning, and requested zoning change. She stated the Planning and Zoning Commission recommends approval of the request with stipulations to mitigate the impact of State Highway 121 on a residential use as follows:

### Restrictions:

The permitted uses and standards shall be in accordance with the Single-Family Residence Attached (SF-A) zoning district unless otherwise specified herein.

1. Residential lots adjacent to State Highway 121 must be set back a minimum of 550 feet.
2. A minimum 100-foot wide irrigated landscape edge (as measured from the front property line), to be owned and maintained by the HOA, shall be provided adjacent to State Highway 121. The landscape edge shall include a landscaped berm with a minimum height of 6 feet and a minimum slope of 4:1 consisting of trees, shrubs, groundcover, and related elements. A minimum of one 3-inch caliper shade tree and one 3-inch caliper ornamental tree (7-foot planted height) shall be placed per 50 feet of frontage.
3. Prior to preliminary site plan approval, the applicant must submit an Environmental Noise Study to verify that residential lots will be in conformance with the City of Plano's Performance Standards.
4. A minimum 6-foot ornamental iron fence to be owned and maintained by the Homeowner's Association is required along the rear property line of all residential lots adjacent to State Highway 121.

### **Public Hearing and adoption Ordinance No. 2015-4-5 (Cont'd.)**

Ms. Day provided additional information regarding the property topography, the site location in relation to State Highway 121, access, and sound mitigation options. Bryan Klein from Ion group, representing the developer, spoke to the developments features including 194 single family homes, a 20-acre park, and location. He provided a site layout of the proposed plan, the development features, and compliance with the current City standards for development. Mr. Klein spoke to the location near State Highway 121 and the set-back requirements. He stated the property is appropriate for commercial development as zoned, due to visibility and access from State Highway 121. Mr. Klein spoke to the sound study and additional construction measures to reduce noise inside the homes closest to State Highway 121. He added the development is compatible with the adjacent residential, would cause less traffic than commercial uses, is consistent with the policies for rezoning, and will increase the tax base by \$80,000,000. In response to Council Member Davidson, Mr. Klein stated there will be an amenity area but the features are yet to be determined. Ms. Day confirmed for Deputy Mayor Pro Tem Harris that a stipulation for a specific percentage of Single-Family Attached homes can be added to the ordinance.

Mayor LaRosiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing. Mayor LaRosiliere clarified the location and access of the development. The Council expressed concern for the noise from State Highway 121 and discussed options for mitigation determining the results of the noise study would provide the best options for noise reduction.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Miner, the Council voted 7-0, to rezone 50.6± acres of land located at the southwest corner of State Highway 121 and future Ridgeview Drive in the City of Plano, Collin County, Texas, from Regional Employment and Regional Commercial to Planned Development-497-Single-Family Residence Attached with the stipulations recommended by the Planning and Zoning Commission and the additional stipulation of no more than 30% of the development be Single-Family Attached homes, as requested in Zoning Case No. 2014-40; and further to adopt Ordinance No. 2015-4-5.

**Consideration of a request for reconsideration of the appeal 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) pursuant to Resolution No. 2002-9-23(R). (Regular Item "2")

Council Member Davidson stated after the March 17, 2015 meeting, she was not comfortable with her vote and is asking the Council to reconsider the appeal of Zoning Case No. 2014-47 at the next meeting.

Upon a motion made by Council Member Davidson and seconded by Deputy Mayor Pro Tem Harris, the Council voted 6-1, with Mayor Pro Tem Smith voting in opposition, to reconsider the appeal 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) pursuant to Resolution No. 2002-9-23(R).

**Resolution No. 2015-4-6(R):** To approve the terms and conditions of a lease agreement between the City of Plano and SWC Tollway and 121, LLC for the lease of city-owned property located on the north side of Headquarters Drive and east of Leadership Drive, upon which is located a city-owned elevated water tank intended to be removed; authorizing its execution by the City Manager; and providing an effective date. (Regular Item “3”)

Director of Special Projects Jarrell spoke to the lease agreement with J.C. Penney and Legacy West development partners for the removal of the water tower adjacent to the J.C. Penney Campus and allow the property to be included in the overall development plan for Legacy West as public open space. She provided terms of the lease agreement including an initial 20-year term with renewal options, removal of water tank within 12 months at lessee’s expense, relocation of the communication antennae at lessee expense to other towers, and warning siren relocation if necessary. Ms. Jarrell added the property must be maintained as open space with no permanent structures.

Director of Public Works Cosgrove provided information about the history and location of current water tanks stating this particular water tank was built in 1985. He spoke to state regulatory requirements regarding elevated storage requirement and alternate capacity requirements. Mr. Cosgrove stated removal will not impact ability to provide water service and that the City has sufficient pumping and storage capacity to meet usage demands. He advised the tank has not been in service since September, 2010 and the system can handle peak demand if the tank was removed.

Upon a motion made by Council Member Miner and seconded by Council Member Davidson, the Council voted 7-0, to approve the terms and conditions of a lease agreement between the City of Plano and SWC Tollway and 121, LLC for the lease of city-owned property located on the north side of Headquarters Drive and east of Leadership Drive, upon which is located a city-owned elevated water tank intended to be removed; and further to adopt Resolution No. 2015-4-6(R).

**Resolution No. 2015-4-7(R):** To approve the terms and conditions of a development agreement by and between Texas InTownHomes, LLC and the City of Plano for the Rice Field development project located at the southwest corner of 18th Street and G Avenue, authorizing its execution by the City Manager; and providing an effective date. (Regular Item “4”)

Director of Special Projects Jarrell spoke to the Rice Field Project and development agreement with InTownHomes. She stated InTownHomes plans to develop 61 single family homes. Ms. Jarrell advised the agreement provides an additional \$250,000 in TIF funds to complete the infrastructure including a new alley and relocation of existing utility lines. She states the project will begin July 2015 and 60 percent of the homes must be completed by end of 2017 and a call back provision in the agreement requires reimbursement to the City for a portion of the expended funds for non-performance.

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Smith, the Council voted 7-0, to approve the terms and conditions of a development agreement by and between Texas InTownHomes, LLC and the City of Plano for the Rice Field development project located at the southwest corner of 18th Street and G Avenue; and further to adopt Resolution No. 2015-4-7(R).

**Resolution No. 2015-4-8(R):** To approve the terms and conditions of a development agreement between the City of Plano and 14th and J, LLC for development of Municipal Center South; authorizing its execution by the City Manager; and providing an effective date. (Regular Item “5”)

Director of Special Projects Jarrell spoke to the project and the property to be developed includes Municipal Center South building and parking lot, the Christie Property, and the fire lane. She stated the proposed development includes two 5-story buildings with commercial and restaurant on the ground level with apartments above. Ms. Jarrell advised the property will have three floors of underground parking and one floor at grade level. She spoke to the provisions of the development agreement include a minimum of 170 units, 12,000 square feet of non-residential use on the first floor with two of the lease spaces finished out as restaurants with venting and grease traps, an easement to the City of 120 parking spaces in the parking garage for public use, an easement for space for the trash compactor to be relocated, and no heritage tax exemptions will be allowed. Ms. Jarrell stated the City will be required to convey the property for \$1,700,000, waive planning and inspection fees, reimburse developer for \$1,250,000 for infrastructure improvements, \$700,000 for parking spaces and a portion of the demolition costs. Ms. Jarrell advised there are provisions in the agreement for non-performance. She spoke to the funding sources stating the incentives are paid by Tax Increment Financing Reinvestment Zone No. 2 funds except for neighborhood empowerment zone fee waivers and that the developer must begin construction by September 2015 and be completed by August 2017.

Upon a motion made by Council Member Miner and seconded by Council Member Duggan, the Council voted 7-0, to approve the terms and conditions of a development agreement between the City of Plano and 14th and J, LLC for development of Municipal Center South; and further to adopt Resolution No. 2015-4-8(R).

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 9:13 p.m.

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**Harry LaRosiliere, Mayor**

ATTEST

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Lisa C. Henderson, City Secretary