

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
April 25, 2016**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Angela Miner
Rick Grady
Ron Kelley
Tom Harrison
David Downs

STAFF PRESENT

Bruce Glasscock, City Manager
Jack Carr, 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 5:00 p.m., Monday, April 25, 2016, in the Senator Florence Shapiro Council Chambers of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor LaRosiliere then stated that the Council would retire into Executive Session, in Training Room A, in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated in order to consult with an attorney and receive Legal Advice and discuss Litigation, Section 551.071; to receive information regarding Economic Development, Section 551.087; and 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 5:23 p.m. in the Senator Florence Shapiro Council Chambers.

Consideration and action resulting from Executive Session discussion

No items were discussed.

Personnel – Appointment

Parks and Recreation Planning Board

Upon a motion made by Council Member Kelly and seconded by Council Member Harrison, the Council voted 8-0 to appoint Andrew Wight as an interim member.

Comprehensive Monthly Financial Report – March, 2016

Director of Finance Tacke advised that the March 2016 report finds General Fund revenues as a percentage of the budget are down 1.8 percent compared to last year while Water and Sewer revenues are up 2.9 percent. She stated that actual General Fund revenues are up \$13 million, primarily due to an increase in the maintenance and operations portion of the ad valorem taxes and building permit revenue. She advised that General Fund expenditures as a percent of budget are down by .9 percent from last year's expenditures and Water and Sewer expenditures are up by .5 percent from last year's expenditures. General Fund expenditures are up by \$5.2 million due to a 3% non-civil and civil service pay increase and an increase in staffing. She advised that the unemployment rate is at 3.4% and sales tax collections were down \$1.4 million for the month. Ms. Tacke spoke to the real estate recap stating properties were on the market an average of 31 days and sold at 99 percent of asking price. Ms. Tacke advised the Water and Sewer revenues and hotel/motel taxes were up for the month.

Public Works Departmental Report

Director of Public Works Cosgrove spoke to the department's three divisions and their responsibilities and challenges. He stated the Environmental Waste Services division is responsible for waste collection and customer service, recycling, and compost operations. Mr. Cosgrove added the division will need additional staff and equipment to meet growth needs; re-routing will be implemented in 2017; recycling revenue is down; yard waste, bulky waste, and house hazardous waste collection has increased; and a rate increase is anticipated.

Mr. Cosgrove spoke of the Public Works Operation division areas of responsibility which include administration, streets, drainage, utility cuts, signals, signs and marking, construction, utility locates and valves, water and wastewater, meters, backflow, and pumping facilities. He stated asset management is essential for maintaining the city's infrastructure. Mr. Cosgrove reported after-hours calls have increased; CMOM may have a large influence on future budgets; there is an increased difficulty securing contractors for projects, an increased workload; and need for additional staff for asset management.

Mr. Cosgrove discussed the Fleet Services division and its responsibilities. He advised asset management is a high priority for this division; vehicles and equipment will be evaluated for replacement; there are logistical issues with the "2 for 1" sticker program for vehicle registration; the retained vehicle program was updated; and finding good staff is becoming difficult. At the conclusion of Mr. Cosgrove's presentation Council requested a tour of Public Works facilities be scheduled in the future.

Parks and Recreation Departmental Report

Director of Parks and Recreation Fortenberry spoke to accomplishments of being awarded the NRPA Gold Medal, the opening of Oak Point Park Nature Preserve and Retreat Center, Toyota Texas Music Revolution, installation of free WiFi at recreation centers and select parks, the opening of McCall Plaza, the collaboration with Go Ape! for a rope course at Oak Point Park, an updated work order asset management system, flood clean-up, a record number of athletic tournaments hosted, and Chisholm Trail/Big Lake improvements.

She reported the following projects were in progress: Senior Recreation Center expansion, Carpenter Park renovation, Oak Point Recreation Center renovation/expansion, Jack Carter Pool renovation, Jack Carter Park renovation, Saigling House, Skate Park, Downtown, Cultural District designation, Carpenter Park Pool addition, Enfield Park maintenance facility, various trail connection, Bob Woodruff Dog Park, Douglass Community Center exterior improvements, Stimpson and Drake Park, and Municipal Center irrigation and landscape renovation. Ms. Fortenberry stated recent events included the Liberty Block Party, Boo Bash, Haunt Jaunt, Christmas Crafts, Senior Health Fair, Fireworks, Dickens in Historic Downtown Plano, TMC's Family Night and Luau, and the Daddy Daughter Dance.

She advised challenges include facility vandalism and retirement of key staff members. Ms. Fortenberry introduced the Assistant Director of Parks and Recreation Reeves and stated the Leisure magazine was available for class and program listings.

Median Improvements and Maintenance Update

Park Services Manager Fox spoke to the history of the median landscape advising the program was established in the 1980's and the current maintenance program consist of approximately 150 thoroughfare miles, 7,000 trees, and 350 irrigation systems maintained on a bi-weekly cycle. He discussed the citizen and business survey responses, conducting tree evaluations and inventory, a new Urban Forestry Master Plan is in progress, awareness of tree removals, and public engagement. Mr. Fox stated Texas Department of Transportation would like to establish a model for their Green Ribbon grant utilizing medians on Preston Road as the pilot design project. He advised the improvements are valued at \$750,000 and the State would maintain for the first year with the City responsible for future maintenance.

Consent and Regular Agendas

No items were discussed.

Council Items for Discussion/Action on Future Agendas

No items were discussed.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 7:04 p.m.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary

**PLANO CITY COUNCIL
REGULAR SESSION
April 25, 2016**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Angela Miner
Rick Grady
Ron Kelley
Tom Harrison
David Downs

STAFF PRESENT

Bruce Glasscock, City Manager
Jack Carr, 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 25, 2016, at 7:04 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Executive Pastor Terry Boldts with Northeast Bible Church led the invocation and the Boys and Girls Clubs of Collin County-Plano led the Pledge of Allegiance and Texas Pledge.

Mayor LaRosiliere proclaimed April as National Sexual Assault Awareness Month, May 1-7 as National Correctional Officers and Employees Week, and recognized the Budget and Research Department for receiving the Distinguished Budget Presentation Award from the Government Finance Officers Association.

COMMENTS OF PUBLIC INTEREST

Randy Moir spoke in support of preserving the Collinwood House.

CONSENT AGENDA

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to approve and adopt all items on the Consent Agenda, as follows:

Approval of Minutes

April 11, 2016
(Consent Agenda Item "A")

Approval of Expenditures

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

Rescind Award of Bid No. 2016-0094-B for Audio Visual Equipment for the Municipal Center Third Floor to 32 Degree Tec., Inc. (Consent Agenda Item “B”)

Purchase from an Existing Contract

To approve the purchase of one (1) Bobcat S750 Skid-Steer Loader, two (2) Bobcat T750 Compact Track Loaders, and one (1) Bobcat T770 Compact Track Loader for Fleet Services to be utilized by Parks and Recreation in the amount of \$227,073 from Bobcat Company 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 “C”)

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 VRX, INC., in the amount of \$58,542, for Bridge Repairs – Part II; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

To approve a Professional Services Agreement by and between the City of Plano and Pipeline Analysis, LLC, in the amount of \$123,388, for the Inflow & Infiltration Study – J Place and Upper White Rock Basins project; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

To approve a Professional Services Agreement by and between the City of Plano and Pacheco Koch, LLC, in the amount of \$234,721, for Russell Creek Drive Improvements – Independence to Sutherland – Paving, Drainage, and Slope Stabilization; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Adoption of Resolutions

Resolution No. 2016-4-12(R): To direct Oncor Electric Delivery Company, LLC, to file certain information with the City of Plano, setting a procedural schedule for the gathering and review of necessary information in connection therewith, setting dates for the filing of the City’s analysis of the company’s filing and the company’s rebuttal to such analysis, ratifying the hiring of legal counsel and consultants, reserving the right to require the reimbursement of the City of Plano’s rate case expenses, setting a public hearing for the purposes of determining if the existing rates of Oncor Electric Delivery Company, LLC are unreasonable or in any way in violation of any provision of law and the determination by the City of Plano of just and reasonable rates to be charged by Oncor Electric Delivery Company, LLC, noting compliance with open meetings law, and providing notice of passage. (Consent Agenda Item “G”)

Adoption of Ordinances

Ordinance No. 2016-4-13: To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 6.5± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located at the northwest corner of G Avenue and 13th/14th Connector in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development - 123 – Downtown Business/Government; 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: Plano Housing Corporation (Consent Agenda Item “H”)

Ordinance No. 2016-4-14: To abandon all right, title and interest of the City in and to that certain Right-of-Way, subject to retaining a Utility Easement, being a 0.507141 acre tract of land out of the Daniel Rowlett Survey, Abstract No. 738, in the City of Plano, Texas, said 0.507141 acre tract also being part of a variable width public Right-of-Way, dedicated to the City of Plano, Texas per street dedication plat called Wagner Way-Carpenter Road-Chase Oaks Boulevard-Stadium Drive Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet F, Slide 29, of the plat records of Collin County, Texas; quitclaiming all right, title and interest of the City in such Right-of-Way to the owner of the property underlying the Right-of-Way, Legacy Central, LLC, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “I”)

END OF CONSENT

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission’s Denial of Zoning Case 2015-29 – Request to rezone 9.4± acres located at the northwest and southwest corners of McDermott Road and Robinson Road from Neighborhood Office to Single-Family Residence Attached. Zoned Neighborhood Office. Applicant: Rasor & 121 LP. (Tabled at April 11, 2016 Council meeting.) (Regular Item “1”)

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.

Ms. Day spoke to the project, location, surrounding uses, and provided site photographs of the area. She stated Staff recommends a stipulation that residential development is permitted north of McDermott Road only if a minimum of 25 lots are provided due to the isolated nature of the tract. Ms. Day advised the land is currently zoned Neighborhood Office but the Parks Master Plan indicates the purchase of the flood plain to connect the trail in this area and the designation does not limit the property owner’s ability to develop land. She stated the Planning and Zoning Commission voted 8-0 to deny the request, triggering a super majority vote by Council to approve the case.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2015-29 (Cont'd.)

Kirk Williams, representing the applicant, spoke to the project in attempt to clarify the information circulating regarding the project. He stated the project is an extension of existing zoning and of equal density as surrounding neighborhoods. Mr. Williams added the project meets the requirements of existing City development regulations and traffic would be lighter than if developed as Neighborhood Office. Adam Buczek, representing the applicant, provided a brief overview of the project. R.J. Grogan, Jr., representing the applicant, discussed the project and requested Council's support.

Mayor LaRosiliere opened the public hearing. Peter Berk spoke in favor of the project supporting residential uses versus commercial uses. Melissa Tollinger, Barry Malone, Doug Kruger, Mark Bina, Debra Crown, Daryl Crown and Scott Swindell spoke in opposition citing traffic, drainage, school capacity, and multi-unit development as concerns. Cards turned in to register an opinion but not speak – 2 in support, 5 in opposition, and 1 not specified. Mayor LaRosiliere closed the public hearing. Mr. Williams responded to citizen concerns as to traffic and drainage.

In response to Council, Ms. Day spoke to the current City policies regarding drainage. Council Member Harrison discussed his concerns related to increased traffic in the area. Deputy Mayor Pro Tem Harris stated he was concerned about school capacity and changing property zoned commercial to residential. Council Member Grady stated he does not see the need to rezone the property at this time. In response to Council, Ms. Day clarified the uses in the surrounding area and the type of uses for the property as it is currently zoned. Mayor LaRosiliere stated he felt residential is an appropriate use for the property. Council Member Downs advised he does not see the impact to schools and that office uses will cause more traffic than if zoned residential.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 5-3, with Mayor LaRosiliere and Council Members Downs and Miner voting in opposition, to deny the appeal of the Planning & Zoning Commission's Denial of Zoning Case 2015-29 – Request to rezone 9.4± acres located at the northwest and southwest corners of McDermott Road and Robinson Road from Neighborhood Office to Single-Family Residence Attached. Zoned Neighborhood Office.

Consideration of an Appeal of the Planning & Zoning Commission's denial of the Concept Plan for The Preserve at Legacy Trail North & South – 59 Single-Family Residence Attached lots and five common area lots on 8.1± acres located at the northwest and southwest corners of McDermott Road and Robinson Road. Zoned Neighborhood Office. Applicant: Rasor & 121 LP. (Tabled at April 11, 2016 Council meeting.) (Regular Item "2")

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 Deputy Mayor Pro Tem Harris and seconded by Council Member Grady, the Council voted 8-0, to remove the item from the table.

Ms. Day stated this item is a companion to the previous item and should be denied based on the Council's previous action.

Consideration of an Appeal of the Planning & Zoning Commission's denial of the Concept Plan for The Preserve at Legacy Trail North & South (Cont'd.)

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to deny the appeal of the Planning & Zoning Commission's denial of the Concept Plan for The Preserve at Legacy Trail North & South – 59 Single-Family Residence Attached lots and five common area lots on 8.1± acres located at the northwest and southwest corners of McDermott Road and Robinson Road. Zoned Neighborhood Office.

Public Hearing and adoption of Ordinance No. 2016-4-15 as requested in Zoning Case 2016-005 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Planned Development-472-Corridor Commercial on 10.9 acres of land located at the southeast corner of U.S. Highway 75 and 13th/14th Connector, in the City of Plano, Collin County, Texas, to modify the adopted site plan and associated regulations; 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: HD Development Properties, L.P. (Regular Item “3”)

Development Review Manager Hill stated the request is to amend the planned development regulations to add a restaurant pad site. He spoke to the property's current use and that the amended regulations would also include changes to the open storage requirements. Mr. Hill advised Staff and the Planning and Zoning Commission recommend approval as follows:

(Proposed additions are indicated by underlined text; deletions are indicated by strikethrough text.)

Restrictions:

1. The ~~amended~~ site plan ~~approved in Zoning Case 93-28 and~~ is adopted by this ordinance ~~shall be a part of PD-472-CC.~~
2. Open storage shall be limited to the areas identified on the ~~amended~~ site plan.
3. Buildings and building expansions shall be limited to those shown on the ~~amended~~ site plan.
4. ~~All improvements and site changes shown on the amended plan must be accomplished prior to occupancy of the expanded garden center, with the exception of the right turn lane from the U.S. 75 service road onto 13th St. and the final landscaping along the improved 13th/14th Street connector.~~

Mayor LaRosiliere opened the public hearing. Bill Lisle spoke in opposition to the request related to open storage. Mayor LaRosiliere closed the public hearing.

Jim Dewey, representing the applicant, asked the Council to support the request.

Upon a motion made by Council Member Downs and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to amend Planned Development-472-Corridor Commercial on 10.9 acres of land located at the southeast corner of U.S. Highway 75 and 13th/14th Connector, in the City of Plano, Collin County, Texas, to modify the adopted site plan and associated regulations, as requested in Zoning Case 2016-005; and further to adopt Ordinance No. 2016-4-15.

With no further business, Mayor LaRosiliere adjourned the meeting at 8:37 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Lisa C. Henderson, City Secretary