

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
April 28, 2014**

**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  
Paige Mims, City Attorney  
Lisa C. Henderson, City Secretary

Mayor LaRosiliere called the meeting to order at 5:00 p.m., Monday, April 28, 2014, 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 and discuss Litigation, Section 551.071; to receive information regarding Economic Development, Section 551.087; and Real Estate, Section 551.072; and to discuss 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 left the meeting after executive session at 5:58 p.m.

Mayor Pro Tem Smith reconvened the meeting back into the Preliminary Open Meeting at 6:07 p.m. in the Senator Florence Shapiro Council Chambers.

**Consideration and action resulting from Executive Session discussion  
Personnel Appointments/Reappointments –**

Board of Adjustment

Upon a motion made by Council Member Duggan and seconded by Council Member Downs, the Council voted 7–0 to appoint Jim Norton as an alternate member and hold the appointment for the other alternate position.

North Texas Municipal Water District Board

Upon a motion made by Council Member Gallagher and seconded by Council Member Downs, the Council voted 7–0 to reappoint Shep Stahel.

## **Personnel Appointments**

### Tax Increment Financing Reinvestment Zone No. 2

Upon a motion made by Council Member Miner and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to appoint Farrah Ahmed as an interim member .

## **Comprehensive Monthly Financial Report**

Director of Finance Tacke advised that the March 2014 report finds General Fund revenues up 4.1 percent compared to last year while Water and Sewer revenues are down 4.1 percent. She stated that actual General Fund revenues are up \$10.1 million, primarily due to an increase in collection of ad valorem taxes of \$6.7 million and sales tax of \$2.5 million. She spoke to the improvement in sales tax is due to business to business sales. She advised that General Fund expenditures are up slightly but tracking with last year's expenditures and Water and Sewer expenditures are down slightly. General Fund expenditures are up due to a 3% non-civil and 2% civil service pay increase and professional contracts for the facility department due to timing of encumbrances. She advised that the unemployment rate is at 5.2% and sales tax collections were up \$220,000 for the month. Ms. Tacke spoke to the real estate recap stating properties were on the market an average of 38 days and sold at 97 percent of asking price. Ms. Tacke advised the Water and Sewer revenues were down due to the more stringent water restrictions and the expenses were up due to a 12% rate increase from North Texas Municipal Water District. She stated hotel/motel taxes were up for the month.

## **Parks and Recreation Update**

Director of Parks and Recreation Fortenberry stated the department has 30 projects currently underway. Ms. Fortenberry spoke to the department's accomplishments including completing the 20 year re-accreditation process, being a national gold medal finalist in the National Parks and Recreation Association large city category, 4 employees receiving their Certified Park and Recreation Professional status, the City's ranking as number one provider of health and safety classes for the Red Cross for the North Texas, Oklahoma, and Arkansas region by providing 9,400 programs, improving the Asset Management program, and completing the intercity trail connection going under Highway 75.

Ms. Fortenberry spoke to the Oak Point Recreation Center renovations being in the planning stages and will include expanding the weight room, cardio space, and swimming pool locker rooms, along with repairs and freshening up the entire facility. She stated the center will be closed down for 3-4 months during the renovation and the project will be completed in approximately 1 year. Ms. Fortenberry spoke to the new Oak Point Nature and Retreat Center including displays with interactive features, class rooms, catering kitchen, meeting spaces and outdoor breakout spaces. She stated the facility will be located between the parking lot and lake allowing for views of the lake and the building will have a lodge look consistent with the rest of the park facilities with a completion date of next spring.

Ms. Fortenberry spoke to improvements at Jack Carter Park. She stated due to the condition of the pool and location in the flood plain, it would be more cost effective to rebuild the pool with leisure amenities in another underutilized location in the park. Ms. Fortenberry spoke to a May 15, 2014 Master Planning meeting with area residents and advised park improvements may include sand

volleyball courts, a skate park by the new pool location, and moving the maintenance shop/yard out of the flood plain. She stated the existing soccer fields would be relocated to accommodate improvements. Ms. Fortenberry responded to Deputy Mayor Pro Tem Harris regarding the park's location and access issues.

Ms. Fortenberry spoke to Suburbia Music Festival hours, location, testing of sound levels to make sure decibel levels are appropriate for area neighborhoods and meet the decibel limit set by the contract, road closures, temporary park improvement removal timeline, parking locations, shuttles and other ways to access the event. She stated benchmark criteria will be evaluated to determine the value of the event. Ms. Fortenberry provided an email address for festival comments.

Deputy Mayor Pro Tem Harris requested a briefing on pool operating and maintenance cost.

### **Community Investment Program (CIP) Presentation**

Director of Engineering Carr spoke to reports available outlining the Community Investment Program updates. Mr. Carr stated for the current fiscal year, there are 5 water projects, 7 sewer projects, 6 drainage projects, and 28 paving projects at a total cost of \$69 million. He highlighted the Spring Creek Parkway/Custer Road roadway alignment improvements, alleyway reconstruction projects, the Custer Pump Station project, and a combined sanitary sewer/drainage project to provide erosion control by sewer line supports. Mr. Carr spoke to working with contractors and homeowners to minimize interruption when working on street repair projects in residential areas. He reported on street improvements on 14<sup>th</sup> Street, 15<sup>th</sup> Street, and Independence Parkway.

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

Mayor Pro Tem Smith requested an update on the Love Where You Live program.

### **Consent and Regular Agendas**

City Manager Glasscock requested that Consent Agenda Item "O" pulled for individual consideration.

Nothing further was discussed. Remaining items were presented during the Regular meeting. Mayor Pro Tem Smith adjourned the meeting at 6:58 p.m.

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**Harry LaRosiliere, MAYOR**

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**Lissa Smith, MAYOR Pro Tem**

ATTEST

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Lisa C. Henderson, City Secretary

## **PLANO CITY COUNCIL**

**April 28, 2014**

### **COUNCIL MEMBERS PRESENT**

Lissa Smith, Mayor Pro Tem

Ben Harris, Deputy Mayor Pro Tem

Pat Miner

André Davidson

Jim Duggan

Patrick Gallagher

David Downs

### **COUNCIL MEMBERS ABSENT**

Harry LaRosiliere, Mayor

### **STAFF PRESENT**

Bruce Glasscock, City Manager

Frank Turner, Deputy City Manager

LaShon Ross, Deputy City Manager

Paige Mims, City Attorney

Lisa C. Henderson, City Secretary

Mayor Pro Tem Smith convened the Council into the Regular Session on Monday, April 28, 2014, at 7:04 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Council Member David Downs led the invocation and Plano Police Explorer Post 911 led the Pledge of Allegiance.

Mayor Pro Tem Smith presented a Re-Accreditation certificate to the Building Inspections Department and administered the Oath of Office to Frederick Bemenderfer of the Plano Housing Authority.

### **Comments of Public Interest**

No one appeared to speak.

### **CONSENT AGENDA**

City Manager Glasscock requested that Consent Agenda Item "O" be pulled for individual consideration.

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

**Approval of Minutes** (Consent Agenda Item “A”)

April 5, 2014  
April 14, 2014

**Approval of Expenditures**

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

**CSP No. 2014-116-B** for the purchase of an Animal Services Multi-Purpose Trailer from Deerskin Manufacturing, Inc. in the amount of \$168,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

**Bid No. 2014-154-C** for a one (1) year contract with three (3) optional one year renewals for Annual Supply of Herbicides, Insecticides and Miscellaneous Chemicals for the Parks and Recreation Department to Winfield Solutions, Helena Chemical Company, Howard Fertilizer and Chemical, Agrium Advanced Technologies, Red River Specialties, Inc. and John Deere Landscapes in the total estimated annual amount of \$200,179 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

**Bid No. 2014-150-B** for the Dog Park Renovation at Jack Carter Park to North Rock Construction, LLC in the amount of \$496,133 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

**Approval of Contract Modification**

To approve and authorize the First Modification to the Interlocal Cooperation Agreement, by and between the City of Plano, Texas, the City of Allen, Texas, and the City of The Colony, Texas, modifying Paragraph 3.01 of the existing agreement to add three (3) additional Talkgroups to the PAWM system; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “E”)

**Approval of Change Order**

To Jim Bowman Construction Company, L.P., increasing the contract by \$132,237 for the 2011-12 Residential Concrete Pavement Rehab, Zone J3, Project No. 6229, Change Order No. 2, Bid No. 2013-40-B. (Consent Agenda Item “F”)

**Approval of Expenditure**

To approve the purchase of software support and maintenance services for CommandPoint Record Management System (RMS) and the Automated Field Reporting (AFR) from Northrop Grumman Systems Corporation, the sole source provider, in the five year total amount of \$1,617,517 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

### **Adoption of Resolutions**

**Resolution No. 2014-4-7(R):** To repeal Resolution No. 2010-3-10(R) which adopted the City of Plano Water Management Plan; adopting a new Water Management Plan for the City of Plano, Texas, to promote responsible use of water and to provide for best management practices resulting in on-going, long term water savings; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “H”)

**Resolution No. 2014-4-8(R):** To authorize The Great Update Rebate program related to housing improvement financial incentives; and providing an effective date. (Consent Agenda Item “I”)

**Resolution No. 2014-4-9(R):** To certify funding and support for the 2014 Transportation Alternatives Program with the North Central Texas Council of Governments and the Texas Department of Transportation; designating the Director of Parks and Recreation as being responsible for acting for and on behalf of the City of Plano in dealing with the North Central Texas Council of Governments and the Texas Department of Transportation for the purpose of participating in the 2014 Transportation Alternatives Program; and providing an effective date. (Consent Agenda Item “J”)

**Resolution No. 2014-4-10(R):** To approve the terms and conditions of a Public Right-of-Way Use Agreement by and between the City of Plano, Texas, and Tollway-121 Partners, Ltd, (“Company”) a Texas limited partnership, duly organized and existing under the laws of the State of Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

**Resolution No. 2014-4-11(R):** To approve the terms and conditions of an Agreement by, between, and among the City of Plano, Texas, the City of Allen, Texas, and the City of The Colony, Texas, acting by and through their respective duly authorized officials, for the purpose of providing and procuring dispatch center support resources, personnel, and equipment in accordance with the terms and conditions of the Agreement; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

### **Adoption of Ordinances**

**Ordinance No. 2014-4-12:** To amend Section 12-74(b) of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to amend the prima facie maximum speed limits for motor vehicles operating on certain sections of Corporate Drive, International Parkway, Mapleshade Lane, and Midway Road within the corporate limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200.00 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 “M”)

**Ordinance No. 2014-4-13:** To amend Sections 21-53 through 21-60.2 of Article II, Division 4, Drought and Emergency Response Plan, of Chapter 21, Utilities of the Code of Ordinances of the City of Plano to identify the authority of the City to declare drought and emergency stages and applicable requirements, correct errors and inconsistencies, and providing a penalty clause, a savings clause, a severability clause, a repealer clause, a publication clause and an effective date. (Consent Agenda Item “N”)

#### **END OF CONSENT**

**Ordinance No. 2014-4-14:** To authorize the issuance of “City of Plano, Texas, General Obligation Refunding and Improvement Bonds, Series 2014,” specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; providing for the redemption of certain outstanding obligations of the City; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and an Escrow Agreement and the approval and distribution of an Official Statement pertaining thereto; and providing an effective date. (Consent Agenda Item “O”)

City Manager Glasscock spoke to the bond issuance stating through a competitive bidding process, \$29,325,000 in bonds were awarded to JP Morgan Securities at 2.815608% interest rate.

Upon a motion made by Council Member Miner and seconded by Council Member Davidson, the Council voted 7-0 to authorize the issuance of “City of Plano, Texas, General Obligation Refunding and Improvement Bonds, Series 2014” and further to adopt Ordinance No. 2014-4-14.

#### **Dallas North Tollway Frontage Road – Plano Parkway to Park Boulevard Update**

Director of Engineering Carr stated the North Texas Tollway Authority completed a value study of the section of the Dallas North Tollway from Keller Springs to State Highway 121 to consider operational/capacity improvements. He stated the study resulted in the need of wider, braided ramps at different levels for ease of access. Mr. Carr spoke to the constraints of providing access to commercial activity centers, no increase in traffic congestion on the service road, and minimizing the acquisition of right of way.

Mr. Carr spoke to the City’s concerns of degradation of service level during peak traffic periods and the proximity of businesses to the service road on the southbound side prevents a third lane. He provided a schematic of the proposed changes to the service roads indicating where the lanes will change from three to two lanes and back to three lanes. Mr. Carr stated the capacity of roadway is based on the number of lanes at the intersections and that the number of lanes at the intersections will not change. He advised engineers and staff have reviewed the project and support moving forward. Mr. Carr clarified the location of the lanes to be changed and the toll areas.

## **Plano Tomorrow Update – Comprehensive Plan Revision**

Comprehensive Planning Manager Schwarz spoke to the revision of the existing plan created in 1986 and in 2009 Staff started revision process and which stalled due a reduction in staff and a change in priorities during the economic downturn. She stated in 2013 the process was restarted through public outreach programs finding out what was important to Plano residents and that a summary was presented to the Council in January 2014. Ms. Schwarz spoke to the Planning and Zoning Commission's role as the steering committee for plan update development and the topics covered to date. She stated the Commission has covered a vision statement, regional matters, the natural environment, the economic environment, and quality of life. The Council provided direction to Ms. Schwarz to return periodically with presentations at Preliminary Open Meetings on the major changes and topics.

**Public Hearing and adoption of Ordinance No. 2014-4-15** as requested in Zoning Case 2014-02 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to amend Planned Development-20-Mixed-Use on 135.3± acres of land located at the northeast corner of Preston Road and Rasor Boulevard, in the City of Plano, Collin County, Texas, to modify the development standards related to Multifamily Residence; 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: Catalyst Urban Development (Regular Agenda Item "1")

Director of Planning Day spoke to the current uses of Planned Development-20-Mixed-Use and the remaining undeveloped 5.5 acres. She stated the request is to modify the current density requirements to allow for 350 multifamily residential units surrounding a parking structure equating to 63 units per acre. Ms. Day spoke to the secondary request of modifying the roof pitch requirement from 6:12 to 3:12. Ms. Day advised that the Planning & Zoning Commission recommended the item for approval as follows: (Additions are indicated in underlined text.)

### 1. Sub-Area A (Preston Rd. Mixed-Use)

#### a. Uses Permitted

i. By Right: All those uses permitted in the Retail, Office-2 districts, one regional theater and single-family attached residences. South of Towne Square Drive, a maximum of 350 multifamily residential units are permitted, and are exempt from the requirements stated in 1.a.ii.

ii. By Specific Use Permit: All those uses permitted by specific use permit in the Retail and Office-2 districts, plus multifamily. Multifamily residential units are limited to the second floor and above and may not exceed 10% of total floor area in Sub-Area A.

**Ordinance No. 2014-4-15 Con't.**

6. Architecture and Landscape Design - General Requirements

h. Building Design

i. Except for a flat roof screened by a parapet, the minimum pitch of the primary roof shall be 6:12 or greater. Roof extensions over doorways, balconies, and porches may be of any pitch, except as noted below:

1. The minimum pitch of the primary roof shall be 3:12 or greater for multifamily buildings in Sub-Area A, south of Towne Square Drive.

Mayor Pro Tem Smith opened the Public Hearing. Paris Rutherford of Catalyst Urban Development spoke to the partnership with LandPlan Development on the project. He spoke to amenities of the multi-family development which include a resort style pool, dog park, yoga lawn, club room, fitness center and community garden providing a luxurious living lifestyle for the expected mid-career resident. Mr. Rutherford stated for aesthetic purposes, a variance to the roof pitch requirement of 6:12 to 3:12 is requested. He presented a rendering of the proposed development. Deputy Mayor Pro Tem Harris spoke to the density minimum and structured garage area. Mr. Rutherford responded to Council Member Downs regarding the amenities and the targeted demographic. No one spoke else for or against. Mayor Pro Tem Smith closed the Public Hearing.

A motion was made by Council Member Downs and seconded by Council Member Gallagher to amend Planned Development-20-Mixed-Use on 135.3± acres of land located at the northeast corner of Preston Road and Rasor Boulevard, in the City of Plano, Collin County, Texas, to modify the development standards related to Multifamily Residence; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2014-02, further amending the recommendation to include a minimum of 40 units per acre and a maximum of 350 multifamily residential units are permitted if structured parking is included; and further to adopt Ordinance No. 2014-4-15. The Council voted 6-1 with Deputy Mayor Pro Tem Harris voting in opposition. The motion carried.

**Public Hearing and adoption of Ordinance No. 2014-4-16** Public Hearing and consideration of an Ordinance as requested in Zoning Case 2014-06 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 647 so as to allow the additional use of Automobile Leasing/Renting on 0.1± acre of land located 205± feet north of Granite Parkway and 517± feet east of the Dallas North Tollway, in the City of Plano, Collin County, Texas, presently zoned Central Business-1; 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: Enterprise Holdings (Regular Agenda Item "2")

**Ordinance No. 2014-4-16 Con't.**

Director of Planning Day spoke to the applicants request for a specific use permit for Automobile Leasing/Renting in a lease space in Granite Park facing the Dallas North Tollway. She stated there will be dedicated spaces in the parking garage to accommodate the vehicles and surplus parking is available that exceeds the City's minimum requirement. Ms. Day advised that the Planning and Zoning Commission recommended the item for approval as submitted.

Heath Middleton and Matthew Marshall representing Enterprise Holdings were available for questions.

Mayor Pro Tem Smith opened the Public Hearing. No one spoke for or against. Mayor Pro Tem Smith closed the Public Hearing.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Miner, the Council voted 7-0 to grant Specific Use Permit No. 647 so as to allow the additional use of Automobile Leasing/Renting on 0.1± acre of land located 205± feet north of Granite Parkway and 517± feet east of the Dallas North Tollway, in the City of Plano, Collin County, Texas, presently zoned Central Business-1; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2014-06; and further to adopt Ordinance No. 2014-4-16.

**Public Hearing and adoption of Ordinance No. 2014-4-17** as requested in Zoning Case 2014-07 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 648 so as to allow the additional use of Automobile Leasing/Renting on 0.1± acre of land located 165± feet south of State Highway 121, and 510± feet west of Granite Parkway, in the City of Plano, Collin County, Texas, presently zoned Central Business-1; 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: Enterprise Holdings

Director of Planning Day spoke to the applicants request for a specific use permit for Automobile Leasing/Renting in a lease space in Granite Park facing the Sam Rayburn Tollway and that it is the same applicant as in the previous request but a different lease space. She stated there will be dedicated spaces in the parking garage to accommodate the vehicles and surplus parking is available that exceeds the City's minimum requirement. Ms. Day advised that the Planning and Zoning Commission recommended the item for approval as submitted.

Mayor Pro Tem Smith opened the Public Hearing. No one spoke for or against. Mayor Pro Tem Smith closed the Public Hearing.

Upon a motion made by Council Member Miner and seconded by Council Member Duggan, the Council voted 7-0 to grant Specific Use Permit No. 648 so as to allow the additional use of Automobile Leasing/Renting on 0.1± acre of land located 165± feet south of State Highway 121, and 510± feet west of Granite Parkway, in the City of Plano, Collin County, Texas, presently zoned Central Business-1; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2014-06; and further to adopt Ordinance No. 2014-4-17.

Nothing further was discussed. Mayor Pro Tem Smith adjourned the meeting at 7:54 p.m.

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**Lissa Smith, MAYOR PRO TEM**

ATTEST

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Lisa C. Henderson, City Secretary