

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
May 27, 2014**

COUNCIL MEMBERS PRESENT

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

COUNCIL MEMBERS ABSENT

Lissa Smith, Mayor Pro Tem
Pat Miner

STAFF PRESENT

Bruce Glasscock, City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor LaRosiliere called the meeting to order at 5:00 p.m., Tuesday, May 27, 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 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 reconvened the meeting back into the Preliminary Open Meeting at 6:00 p.m. in the Senator Florence Shapiro Council Chambers.

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

Board of Adjustment

This item was not discussed.

Heritage Commission

Upon a motion made by Council Member Downs and seconded by Council Member Davidson, the Council voted 6–0 to appoint Karen Bowen as an interim member.

Public Works and Water Restrictions Update

Director of Public Works Cosgrove presented an overview of the Public Works Department. Mr. Cosgrove spoke to the department's areas of responsibility including environmental waste, public works operations and fleet maintenance. He stated the environmental waste division is responsible for the collection of trash, household chemical waste, bulky waste, green waste, and recycling and spoke to the increase in commercial recycling collection. Mr. Cosgrove stated the public works operations division is responsible for streets drainage, traffic signs, utility operations and water distribution. He spoke to the increase in service and accomplishing goals for utility cut repair and curb repair with the additional employees that were included in the FY13/14 budget. Mr. Cosgrove stated the fleet services division is responsible for maintenance of the City's 800 licensed vehicles and equipment.

Mr. Cosgrove spoke to the current water restrictions and drought conditions, stating the City has saved 7.7 billion gallons of water since 2011 and experienced a 22.5% reduction in water usage compared to last year. He reported the City had delivered 8,740 courtesy letters, mailed 10,268 notices, and locked 1,008 irrigation systems for violations, encouraging education instead of enforcement. Mr. Cosgrove spoke to Staff visually inspecting and documenting violations and not using smart meters for enforcement. City Manager Glasscock stated the City would need to see more watering violations and a significant decrease in conservation efforts to start enforcement by using smart meters.

Mr. Cosgrove presented information about the current lake levels and the importance of continuing to conserve water with forecast of persistent drought conditions. He stated citizens have been on an every other week watering schedule since October of 2013 and the North Texas Municipal Water District has requested the City continue the practice through October 2014. He spoke to the other cities in the district not following the same watering schedule and the City may change the water rate schedule for residential water usage above 20,000 gallons per month.

City Manager Glasscock stated the North Texas Municipal Water District will be meeting with cities to encourage the every other week watering schedule. He spoke to the City's education campaign to encourage compliance and the ramifications if the City were to move to Stage 4 restrictions. Deputy Mayor Pro Tem Harris inquired if the watering schedule could be evaluated every month and adjusted accordingly. Mr. Cosgrove stated monthly evaluation would cause an enforcement issue due to the three week time frame it takes to notify all residents.

Council's Role During Emergency Operations Center Activation Presentation

Director of Emergency Management Timmons spoke to the Council's role before a community wide disaster including training, communicating the plan, encouraging family planning of 72 hours of independent sustenance, articulating the value of rapid recovery, approving the policy through budget appropriations and emergency management plan updates. He stated the Council's role during the disaster includes reports from the City Manager, the Mayor reporting to the Emergency Operations Center for briefings, the Mayor considering issuance of a declaration of disaster, action to facilitate a timely recovery, providing an accurate, consistent message to the public, and the Mayor is the visual representation of the City during press briefings. Mr. Timmons spoke to the Emergency Operations Center facilities and equipment for coordination of recovery efforts. He stated the Council's role after the disaster include briefing on recovery efforts, providing policy direction, surveying impacted areas, and coordinating a concise message.

Love Where You Live Update

Comprehensive Planning Manager Schwarz spoke to the Love Where You Live initiative to revitalize aging neighborhoods being in its fourth year, stating the program keeps neighborhoods safe and beautiful, builds a sense of community, and encourages re-establishment of neighborhood associations. She stated the most recent neighborhood, Park Forest, was completed in three phases with 76 homes improved, 45 tons of landscape debris and 22 tons of trash removed, 1,545 volunteers completing 6,688 hours of work with a cost savings value of \$125,400. Ms. Schwarz presented before and after pictures of the projects completed and the block party following completion of the work. She thanked businesses, faith based groups, volunteers, community partners, City Staff and Council for their support. Ms. Schwarz stated over the four years of the program, 216 homes were improved, 68 tons of landscape debris and 37 tons of trash were removed, and 3,751 volunteers completed 17,010 hours of work.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agendas

No items were discussed.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 6:50 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Lisa C. Henderson, City Secretary

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Mayor LaRosiliere convened the Council into the Regular Session on Tuesday, May 27, 2014, at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Senior Pastor Paul Gould from First United Methodist Church Plano led the invocation and Plano's Hardin-Blaine American Legion Post 321 Color Guard presented the Colors and led the Pledge of Allegiance.

Mayor LaRosiliere recognized the Plano West Senior High School Academic WorldQuest team. The Plano Fire Fighter's Association presented a check to the Muscular Dystrophy Association. Mayor LaRosiliere administered the oath of office to Shelby Williams (Self Sufficiency Committee).

Comments of Public Interest

Ron Glow spoke to his concerns related to the City's approval of new carwash businesses during drought conditions and restrictions on residential watering. Lisa Hughlette spoke to her concerns regarding the Jack Carter Pool renovations and asked the Council to discuss the item on a future agenda.

CONSENT AGENDA

Upon a motion made by Council Member Downs and seconded by Council Member Davidson, the Council voted 6-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item “A”)

May 12, 2014

Approval of Expenditures

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

Bid No. 2014-146-B for the purchase of Animal Shelter Rooftop A/C Units from Assured Mechanical Solutions LLC in the amount of \$151,250; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

CSP No. 2014-136-B for the construction of the Police Evidence Storage Expansion to Lee Lewis Construction, Inc., in the amount of \$3,001,400; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Bid No. 2014-220-B for the purchase of three (3) Chevrolet 1-Ton Utility Vans for Fleet Services to be utilized by the Facilities Maintenance Department from Caldwell Country Automotive (aka Baby Jack II Automotive LTD) in the amount of \$91,311; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Bid No. 2014-208-C for a one (1) year contract with three (3) City optional one (1) year renewals for Public Building Landscape Maintenance Group 1 for the Parks and Recreation Department to Weldon's Lawn and Tree in the estimated annual amount of \$70,650; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

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

To approve an Engineering Services Agreement by and between the City of Plano and Birkhoff, Hendricks & Carter, LLP, in the amount of \$55,300 for the Jupiter and Coit Elevated Tanks Project No. 6341; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

To approve an Architectural Services Agreement by and between the City of Plano and Brown Reynolds Watford Architects, Inc., in the amount of \$358,930 for Fire Administration and Station One Renovations & Improvements designs; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

To approve an Architectural Services Agreement by and between the City of Plano and SmithGroupJJR, Inc., in the amount of \$555,000 for Carpenter Park Pool Expansion designs; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

Approval of Contract Modification

To approve and authorize Contract Modification No. 2 for the purchase of additional services for the Water & Wastewater SCADA, Project No. 6212, in the amount of \$25,000 from Birkhoff, Hendricks & Carter, LLP. (Consent Agenda Item "I")

Approval of Change Order

To Jerusalem Corporation, increasing the contract by \$146,125 for the Arterial Concrete Rehab Independence Parkway - Spring Creek Parkway to SH 121, Project No. 6320, Change Order No. 1, Bid No. 2013-242-B. (Consent Agenda Item "J")

Approval of Expenditure

To approve the purchase of fourteen (14) Lucas 2 Chest Compression Systems from Physio-Control, Inc. the sole source provider in the amount of \$180,375 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "K")

To approve an expenditure for the construction of the Stadium Pump Station Rehabilitation Project by Red River Construction Company, in the amount of \$10,853,210 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "L")

Adoption of Resolutions

Resolution No. 2014-5-16(R): To approve a Park Land Reimbursement Agreement between the City of Plano and TOG Development I, LLC; authorizing the City Manager to execute any necessary documents; and providing an effective date. (Consent Agenda Item "M")

Resolution No. 2014-5-17(R): To appoint a board member to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors as provided in Chapter 452 of the Texas Transportation Code and providing an effective date. (Consent Agenda Item "N")

Resolution No. 2014-5-18(R): To affirm the appointment of a shared board member with the City of Farmers Branch to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors as provided in Chapter 452 of the Texas Transportation Code and providing an effective date. (Consent Agenda Item "O")

Resolution No. 2014-5-19(R): To authorize continued participation with the Steering Committee of Cities Served by Oncor; authorizing the payment of 11 cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.; and providing an effective date. (Consent Agenda Item "P")

Resolution No. 2014-5-20(R): To repeal Resolution No. 2012-4-11(R) and designate a certain area within the City of Plano as Neighborhood Empowerment Zone No. 1; establishing the boundaries of such zone; providing for waiving of certain development and building fees; and providing an effective date. (Consent Agenda Item "Q")

Resolution No. 2014-5-21(R): To approve the Investment Portfolio Summary for the quarter ending March 31, 2014 and providing an effective date. (Consent Agenda Item “R”)

Adoption of Ordinances

Ordinance No. 2014-5-22: To amend Section 12-73.1(d) of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to enact school zones for summer school sessions; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “S”)

Ordinance No. 2014-5-23: To transfer the sum of \$5,000,000 from the General Fund unappropriated fund balance to the Economic Development Incentive Fund operating appropriation for fiscal year 2013-14 for the sole purpose of offering incentives to actively recruit corporations to Plano and redevelopment of current properties; amending the Budget of the City and Ordinance No. 2013-9-8, Section 1, Item "F" to reflect the action taken herein; declaring this action to be a case of public necessity; and providing an effective date. (Consent Agenda Item “T”)

END OF CONSENT

Public Hearing and adoption of Ordinance No. 2014-5-24 as requested in Zoning Case 2014-10 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development-215-Corridor Commercial with Specific Use Permits #545 for Regional Theater and #546 for Arcade, on 31.3± acres of land located on the north side of Mapleshade Lane, 283± feet east of Coit Road, in the City of Plano, Collin County, Texas, to allow for an Independent Living Facility; 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: CRP-GREP Coit Center Owner, L.P. (Regular Agenda Item “1”)

Director of Planning Day spoke to the planned development, created in 2011, having a maximum of 1200 multi-family units in the 31 acre development. Ms. Day stated adding the Independent Living Facility use would be consistent with original plan with some units limited to older residents. She spoke to the five acre tract being the last remaining parcel in the development and the proposed construction of 170 units. Ms. Day advised the Planning and Zoning Commission recommended the item for approval as follows: (Additions are shown as underlined text; deletions are indicated by strikethrough text).

Specific Provisions of the Planned Development

Uses

1. Multifamily and independent living facility ~~is are~~ permitted uses.
2. Nonresidential uses are permitted on the first floor of multistory residential buildings fronting on Coit Road.

3. Independent living facilities may be developed under the multifamily standards of this PD.

General Development Standards

The subject property must be developed using the standards required by the planned development district for multifamily and independent living facility development. ~~However, the subject property may be developed solely with nonresidential uses in accordance with the Corridor Commercial (CC) zoning district and 190 Tollway/Plano Parkway Overlay District regulations contained within the Zoning Ordinance. The initial development for the subject property will determine the standards to be used for the remainder of the property.~~

Multifamily and Independent Living Facility Standards

1. Multifamily and independent living facility development shall be exempt from the supplemental regulations of Subsection 3.104 (Multifamily Residence), Subsection 3.115 (Retirement Housing), and Subsection 3.117 (Usable Open Space).
2. Minimum Floor Area per Dwelling Unit: 500 square feet
3. Minimum Rear and Side Yard Setbacks: None
4. Quasi-public streets and required open space shall be excluded from density calculations.
5. Maximum Density: 50 dwelling units per acre; not to exceed a maximum of 1,200 units
6. Minimum Density: 30 dwelling units per acre
7. Maximum Lot Coverage: None
8. Building Design:
 - a. Buildings fronting Coit Road:
 - i. Buildings with no first floor nonresidential uses: Minimum 30 foot setback.
 - ii. Buildings with first floor nonresidential uses must provide parking and drive aisles between the building face and Coit Road. The setback distance shall be a maximum of 125 feet.
 - iii. Buildings with first floor nonresidential uses, except for parking garages, shall have a minimum of 40% of the ground floor facade facing Coit Road comprised of window area. For the purposes of this standard, ground floor is defined as that portion of a building from the

street-level finish floor elevation and extending 12.5 feet above the street-level finish floor elevation.

- b. Buildings fronting Mapleshade Lane, Market Center Drive, and Faith Lane ~~Maplelawn Drive~~:

Setbacks: Buildings shall be constructed such that a minimum of 75% of the facade shall be located between a minimum of ten feet and a maximum of 25 feet from the right-of-way unless restricted by easements. Where easements are present, 75% of the building facade must be built to the easement line.

- c. Buildings fronting quasi-public streets:

Setbacks: Buildings shall be constructed such that a minimum of 75% of the facade is located within 15 feet from the back of curb unless restricted by easements. Where easements are present, 75% of the facade must be built to the easement line.

- d. The maximum building length along any facade shall be 300 feet.

- e. Garage doors ~~for residential uses~~ shall not directly face any public or quasi-public streets.

Council Member Downs inquired about the definition of “Independent Living” and if the independent living facility definition would result in lower density multifamily. Ms. Day stated it is defined as elderly, not age specific and the project would still be required to meet the minimum density requirements.

Mayor LaRosiliere opened the Public Hearing. Tommy Mann with Winstead PC, representing the applicant spoke to the planned development establishing the design criteria for multifamily units and stated the developer would like to add the additional use of “Independent Living”. No one else spoke for or against. Mayor LaRosiliere closed the Public Hearing.

Upon a motion made by Council Member Downs and seconded by Council Member Gallagher, the Council voted 6-0 to amend Planned Development-215-Corridor Commercial with Specific Use Permits #545 for Regional Theater and #546 for Arcade, on 31.3± acres of land located on the north side of Mapleshade Lane, 283± feet east of Coit Road, in the City of Plano, Collin County, Texas, to allow for an Independent Living Facility; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2014-10; and to further approve Ordinance No. 2014-5-24.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 7:33 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Lisa C. Henderson, City Secretary