

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
June 28, 2016**

**COUNCIL MEMBERS PRESENT**

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

**COUNCIL MEMBERS ABSENT**

Angela Miner

**STAFF PRESENT**

LaShon Ross, Deputy City Manager  
Jim Parrish, Deputy 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., Tuesday, June 28, 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, Section 551.071; discuss 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 reconvened the meeting back into the Preliminary Open Meeting at 5:52 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 Deputy Mayor Pro Tem Harris and seconded by Council Member Downs, the Council voted 7-0 to reappoint Joyce Beach, Jim Norton, and Phillip Pierceall.

#### Building Standards Commission

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Downs, the Council voted 7-0 to reappoint Earl Dedman and deferred consideration of the remaining reappointments and interim appointments to the July 25, 2016 meeting.

#### Heritage Commission

The Council deferred consideration of reappointments and interim appointments to the July 25, 2016 meeting.

#### Planning and Zoning Commission

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 7-0 to reappoint John Muns and Susan Plonka.

#### DART Board of Directors

This item was addressed in the Regular Council Meeting.

### **Personnel – Appointments/Reappointments**

#### Animal Shelter Advisory Committee

Upon a motion made by Council Member Harrison and seconded by Council Member Grady, the Council voted 7-0 to reappoint Jamey Cantrell and Lisa Ann Moore.

#### Civil Service Commission

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to accept the reappointment of Robert Hill, as recommended by City Manager Glasscock.

#### Community Relations Commission

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to reappoint Donna Straker.

#### Cultural Affairs Commission

Upon a motion made by Council Member Kelley and seconded by Council Member Grady, the Council voted 7-0 to reappoint Sharon Hirsch.

#### Library Advisory Board

Upon a motion made by Council Member Grady and seconded by Council Member Downs, the Council voted 7-0 to reappoint Irma Landis and deferred consideration of the remaining reappointment to the July 25, 2016 meeting.

#### Parks and Recreation Planning Board

Upon a motion made by Council Member Kelley and seconded by Council Member Harrison, the Council voted 7-0 to reappoint Brian Bascom, Richard Horne, Paul Naquin, and Drew Wight.

Photographic Traffic Signal Advisory Committee

Upon a motion made by Council Member Grady and seconded by Council Member Downs, the Council voted 7-0 to reappoint Angela Powell (Deputy Mayor Pro Tem Harris' appointee) and Akram Syed (Mayor LaRosiliere's appointee) and deferred consideration of the remaining reappointment (Council Member Down's appointee) to the July 25, 2016 meeting.

Plano Housing Authority

Upon a motion made by Council Member Downs and seconded by Mayor LaRosiliere, the Council voted 7-0 to reappoint Fred Bemenderfer and Jeanine Boehl, as recommended by Mayor LaRosiliere.

Retirement Security Plan Committee

Upon a motion made by Mayor LaRosiliere and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to accept the reappointment of Myra Conklin, Robert Gehbauer, and Greg Rushin, as recommended by City Manager Glasscock.

Senior Citizens Advisory Board

Upon a motion made by Council Member Downs and seconded by Council Member Kelley, the Council voted 7-0 to reappoint Donna Bening, Peter Chen, and Ronald Silvis.

**Cooling Tower Program Fee Presentation**

Director of Finance Tacke spoke to the existing billing system stating current customers with cooling towers are billed a maximum of 12,000 gallons of sewer usage which does not accurately account for the actual amount of water discharged or adequately cover the cost. She added existing utility customers with cooling towers were notified that the program would be changed. Ms. Tacke stated blow down meters are a more accurate way to measure the amount of water discharged into the sewer system and that several area cities use the meters. She reported the new system would be fair and equitable to measure and bill for the usage and that the amended ordinance is included on the consent agenda this evening.

**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 6:08 p.m.

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**Harry LaRosiliere, MAYOR**

ATTEST:

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Lisa C. Henderson, City Secretary

**PLANO CITY COUNCIL  
REGULAR SESSION  
June 28, 2016**

**COUNCIL MEMBERS PRESENT**

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

**COUNCIL MEMBERS ABSENT**

Angela Miner

**STAFF PRESENT**

LaShon Ross, Deputy City Manager  
Jim Parrish, Deputy 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 Tuesday, June 28, 2016, at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Rabbi Michael Kushnick with Congregation Anshai Torah led the invocation and the Deputy Mayor Pro Tem Harris led the Pledge of Allegiance and Texas Pledge.

Mayor LaRosiliere proclaimed July as Parks and Recreation Month and recognized the City's receipt of the Governor's Community Achievement Award.

**COMMENTS OF PUBLIC INTEREST**

Mary Compton, Candace Fountoulakis, Patty Snell, Beth Carruth, and Dr. Randy Moir spoke to preservation of the Collinwood House.

**CONSENT AGENDA**

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

## **Approval of Minutes**

June 13, 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. 2016-0230-C Reinforcing Steel to CMC Construction Services.**  
(Consent Agenda Item “B”)

**Bid No. 2016-0233-C** for a one (1) year contract with two (2) one-year City optional renewals for Neighborhood Parks Site Litter Removal for the Parks and Recreation Department to Premier Building Maintenance, Inc. in the estimated amount of \$133,224 for the first year, and the subsequent renewals in the estimated annual amounts of \$136,344 for the second year and \$138,996 for the third year for an estimated total contract amount of \$408,564; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

## **Approval of Change Order**

To Infrastructure Rehabilitation USA, Inc., increasing the contract by \$125,659 for the Public Works Department’s Sanitary Sewer Manhole Lining Contract, Project No. 6463, Change Order No. 1; and authorizing the City Manager to execute all necessary documents. Bid No. 2016-125-B. (Consent Agenda Item “D”)

## **Approval of Expenditure**

To approve an expenditure for conducted energy weapons (CEWs) and CEW accessories for the Police Department in the amount of \$97,692 from Taser International; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

## **Approval of Request**

To approve a request for a Parking Reduction Program for data center on one lot on 11.0 acres located on the west side of Communications Parkway, 1,900 feet south of Tennyson Parkway. Zoned Commercial Employment. Project# RPSP2016-005. Applicant: Skybox Legacy, L.P. (Consent Agenda Item “F”)

## **Adoption of Resolutions**

**Resolution No. 2016-6-16(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between CompuCom Systems, Inc., a Delaware corporation, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “G”)

**Resolution No. 2016-6-17(R):** To approve the terms and conditions of the First Amendment to the Economic Development Incentive Agreement by and between the City of Plano and SWC Tollway & 121, LLC, a Delaware limited liability company, executed on December 17, 2015 for the construction and installation of certain public infrastructure and improvements within the public rights-of way within and near the Legacy West development; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “H”)

**Resolution No. 2016-6-18(R):** To approve a revised Animal Services Fee Schedule to reflect fees for current and new services and programs; and providing an effective date. (Consent Agenda Item “I”)

**Resolution No. 2016-6-19(R):** To ratify an expenditure pursuant to an existing contract by and between Cellco Partnership d/b/a Verizon Wireless and Its Related Entities and the City of Plano, Contract 2012-251-O, for voice and data services in the amount of \$99,272; approving the execution of all necessary documents by the City Manager; and providing an effective date. (Consent Agenda Item “J”)

**Resolution No. 2016-6-20(R):** To ratify the expenditure of funds in the amount of \$176,105 to HD Supply Waterworks, LTD for de-chlorinator tablets; authorizing the execution of any and all documents in connection therewith by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

**Resolution No. 2016-6-21(R):** To ratify the expenditure of funds in the amount of \$182,139 to Legacy Contracting, LP, dba Control Specialist Services, LP for providing additional water and wastewater pumping facilities maintenance; authorizing the execution of any and all documents in connection therewith by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

**Resolution No. 2016-6-22(R):** To certify that the City is eligible to receive financial assistance under the Collin County Parks and Open Space Project Funding Assistance Program as provided by the Collin County Commissioners Court; certifying that the City’s matching share is readily available; 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 Collin County Commissioners Court for the purpose of participating in the Collin County Parks and Open Space Project Funding Assistance Program; certifying that the Cottonwood Creek Trail Extension from Stoney Hollow Park to East Park Blvd has been dedicated for public park and recreational uses; and providing an effective date. (Consent Agenda Item “M”)

**Resolution No. 2016-6-23(R):** To ratify the expenditure of \$268,231 for Change Order No. 4 to Turner Construction Company for the Construction Manager at Risk (CMAR) contract for the construction of Jack Carter Pool, Project No. 6587, Original Bid No. 2015-105-B; approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item “N”)

**Resolution No. 2016-6-24(R):** To approve the terms and conditions of a customer electricity supply agreement by and between the City of Plano and Reliant Energy Retail Services, L.L.C., a Delaware limited liability company; authorizing its execution by the City Manager; authorizing the Director of Finance to evaluate and execute a fixed price Energy Transaction Confirmation at an acceptable rate not to exceed \$0.041 per kilowatt hour for the five-year term beginning January 1, 2018; authorizing the Director of Finance to renew the customer electricity supply agreement for an additional four-year term and select block and index pricing if in the best interests of the City at an acceptable rate not to exceed a fixed price of \$0.045 per kilowatt hour; and providing an effective date. (Consent Agenda Item “O”)

### **Adoption of Ordinances**

**Ordinance No. 2016-6-25:** To repeal Ordinance No. 2009-2-13 codified as Chapter 4, Animal Regulations of the City of Plano Code of Ordinances and adopting a new Chapter 4, Animal Regulations of the City of Plano Code of Ordinances; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “P”)

**Ordinance No. 2016-6-26:** To repeal a certain section entitled “Animal Services Fees” in Ordinance No. 2014-1-20; and providing a repealer clause, a severability clause, a savings clause, and an effective date. (Consent Agenda Item “Q”)

**Ordinance No. 2016-6-27:** To adopt and enact Supplement Numbers 114 and 115 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 “R”)

**Ordinance No. 2016-6-28:** To amend Section 21-137, Nonstandard evaporative cooling tower meters, Article IV, Chapter 21, Utilities, of the Code of Ordinances of the City of Plano; providing for the definition and establishment of sewer charges for standard and nonstandard evaporative cooling towers as well as their installation, reading, and testing; and providing a repealer clause, a severability clause, a savings clause and an effective date. (Consent Agenda Item “S”)

**Ordinance No. 2016-6-29:** 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 limit for motor vehicles operating on Jupiter 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 “T”)

**END OF CONSENT**

**Public Hearing and adoption of Ordinance No. 2016-6-30** as requested in Zoning Case 2016-017 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 11 so as to allow the additional use of New Automobile Dealer on 0.1 acre of land located on the east side of Windrose Avenue, 1,450 feet south of Headquarters Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-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: Legacy West Investors, LP (Regular Item “1”)

Development Review Manager Hill spoke to the request to display vehicles with places for storage in the adjacent parking garage, limiting the maximum inventory to 10 vehicles on site. He provided location information and a site map. Mr. Hill stated Staff and the Planning and Zoning Commission recommend the item for approval.

Mayor LaRosiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 11 so as to allow the additional use of New Automobile Dealer on 0.1 acre of land located on the east side of Windrose Avenue, 1,450 feet south of Headquarters Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1, as requested in Zoning Case 2016-017; and further to adopt Ordinance No. 2016-6-30.

**Public Hearing and adoption of Ordinance No. 2016-6-31** as requested in Zoning Case 2016-015 to amend Section 8.200 (Terms Defined) of Article 8 (Definitions), Sections 14.100 (Residential Districts Use Table), 14.200 (Nonresidential Districts Use Table), and 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), and Section 15.900 (Outdoor Athletic Facilities) of Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to service yards in public parks and fencing of outdoor recreation facilities; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: City of Plano (Regular Item “2”)

Development Review Manager Hill spoke to the requested ordinance amendments pertaining to service yards and fence height for backstops in public parks. He stated Staff and the Planning and Zoning Commission recommend approval as follows: (Additions are indicated in underlined text; deletions are indicated in ~~strikethrough~~ text.)

**Public Hearing and adoption of Ordinance No. 2016-6-31 (Cont'd.)**

**Amend Section 8.200 (Terms Defined) of Article 8 (Definitions), such amended definition to read as follows:**

**Park/Playground**

~~An outdoor park owned or operated by a public agency such as a city or school district and available to the general public which may include outdoor recreation facilities. Any tract of land or outdoor facility accessible and open for use by the general public for active or passive recreational purposes, including but not limited to, playgrounds, swimming pools, outdoor recreation facilities, trails, nature preserves, and greenbelts.~~

**Amend Sections 14.100 (Residential Districts Use Table), 14.200 (Nonresidential Districts Use Table), and 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), such portions of sections to read as follows:**

**Section 14.100 (Residential Districts Use Table)**

RESIDENTIAL ZONING DISTRICTS																
Permitted Uses	Use Category	A-Agricultural	ED-Estate Development	SF-20 – Single-Family-20	SF-9-Single-Family-9	SF-7-Single-Family-7	SF-6-Single-Family-6	UR-Urban Residential	PH-Patio Home	SFA Single-Family Attached	2F-Two-Family Attached Duplex	GR-General Residential	MF-1-Multifamily-1	MF-2-Multifamily-2	MF-3-Multifamily 3	MH-Mobile Home
Service Yard (Public or Utility)	Trans., Utility, & Comm.	S 50	S 50	S 50	S 50	S 50	S 50	S 50	S 50	S 50	S 50	S 50	S 50	S 50	S 50	S 50

**Section 14.200 (Nonresidential Districts Use Table)**

NONRESIDENTIAL ZONING DISTRICTS															
Permitted Uses	Use Category	O-1 Neighborhood Office	O-2 General Office	R Retail	LC Light Commercial	CC Corridor Commercial	UMU Urban Mixed-Use	BG Downtown Business/Government	CB-1 Central Business-1	CE Commercial Employment	RE Regional Employment	RC Regional Commercial	RT Research/Technology Center	LI-1 Light Industrial-1	LI-2 Light Industrial-2
Service Yard (Public or Utility)	Trans., Utility, & Comm.	S 50	S 50	S 50	S 50	S 50		S 50	P 50	P 50			S 50	P 50	P 50

**Section 14.300 (Use Table Notes)**

Number	End Note
<b>50</b>	<u>Allowed by right as an accessory use to a park/playground if located a minimum of 150 feet from a residential property line and screened from view of adjacent streets and properties.</u>

**Public Hearing and adoption of Ordinance No. 2016-6-31 (Cont'd.)**

**Amend Section 15.900 (Outdoor Athletic Facilities) of Article 15 (Use-specific Regulations), such portion of section to read as follows:**

Section 15.900 (Outdoor ~~Athletic~~ Recreation Facilities)

.1 Outdoor recreation facility fencing and equipment must not exceed 30 feet in height.

.2 The following criteria shall apply to all outdoor athletic recreation facilities except for publicly-owned neighborhood parks as designated on the Park Master Plan contained within the Comprehensive Plan:

~~.1~~ A. Bleachers shall be set back a minimum of 100 feet from a residential zoning district boundary line or from a residential property line.

~~.2~~ B. Backstops shall be set back a minimum of 150 feet from a residential zoning district boundary line or from a residential property line.

Mayor LaRosiliere opened the public hearing. Bill Lisle spoke to his concern regarding the application of the regulations of the existing ordinance at City facilities. Mayor LaRosiliere closed the public hearing.

Assistant Director of Parks and Recreation Reeves clarified for Council that the department needs to comply with all requirements for new construction at all parks and bring existing facilities at Oak Point Park and Nature Preserve into compliance.

Upon a motion made by Council Member Grady and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to amend Section 8.200 (Terms Defined) of Article 8 (Definitions), Sections 14.100 (Residential Districts Use Table), 14.200 (Nonresidential Districts Use Table), and 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), and Section 15.900 (Outdoor Athletic Facilities) of Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to service yards in public parks and fencing of outdoor recreation facilities, as requested in Zoning Case 2016-015; and further to adopt Ordinance No. 2016-6-31.

**Public Hearing and adoption of Resolution No. 2016-6-32(R)** to approve the terms and conditions of an Interlocal Agreement and Memorandum of Understanding by and between the City of Plano, the City of McKinney and the Collin County Sheriff's Office for the disbursement of the 2016 Edward Byrne Justice Assistance Grant funds; authorizing its execution by the City Manager; and providing an effective date. (Regular Item "3")

**Public Hearing and adoption of Resolution No. 2016-6-32(R) (Cont'd.)**

Police Chief Rushin advised a public hearing is required prior to the use of grant funds and the Council must accept the interlocal agreement for the disbursement of funds. He stated, being the largest city in the agreement, Plano will be the fiscal agent and that \$21,950 is designated for use by Plano with no match required. Chief Rushin spoke to 6 areas the funds can be used: Law Enforcement Programs; Prosecution and Court Programs; Prevention and Education; Corrections; Drug Treatment Programs; and Planning, Evaluation and Technology Programs. He reported the funds will be used to purchase two forensic recovery of evidence devices.

Mayor LaRosiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Downs, the Council voted 7-0 to approve the terms and conditions of an Interlocal Agreement and Memorandum of Understanding by and between the City of Plano, the City of McKinney and the Collin County Sheriff's Office for the disbursement of the 2016 Edward Byrne Justice Assistance Grant funds; and further to adopt Resolution No. 2016-6-32(R).

**Resolution No. 2016-6-33(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. (Regular Item "4")

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to appoint Paul Wagemen as 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 further to adopt Resolution No. 2016-6-33(R).

**Resolution No. 2016-6-34(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. (Regular Item "5")

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to appoint Faye Wilkins as 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 further to adopt Resolution No. 2016-6-34(R).

With no further business, Mayor LaRosiliere adjourned the meeting at 7:54 p.m.

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**Harry LaRosiliere, MAYOR**

ATTEST

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Lisa C. Henderson, City Secretary