PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
November 23, 2015

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
Frank Turner, Deputy City Manager
Jim Parrish, Deputy City Manager
Jack Carr, 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, November 23, 2015, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor LaRosiliere then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated in order to consult with an attorney and receive Legal Advice, Section 551.071; to receive information regarding Economic Development, Section 551.087; Real Estate, Section 552.072 and 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 5:59 p.m. in the Senator Florence Shapiro Council Chambers.

Consideration and action resulting from Executive Session discussion
Personnel – Appointments

Board of Adjustment

The Council deferred appointment of an interim member.

Mayor LaRosiliere stated action on both the Collin and Denton County Appraisal District Boards would be taken during the regular session.

Discussion and Direction re Request for Extension of Line of Duty Leave - Firefighter Jason McGraw

Fire Chief Greif stated Firefighter McGraw was injured in the line of duty a year ago and has had several set-backs. He added Firefighter McGraw has requested an extension of leave under the civil service guidelines and the Fire Department supports the request.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to approve the request for Extension of Line of Duty Leave for Firefighter Jason McGraw.

Overview of Promotion/Production of Texas Broadcasters Music Festival at Oak Point Park and Nature Preserve

Director of Parks and Recreation Fortenberry stated a license agreement with Metro Broadcasters – Texas, Inc. (KHYI 95.3) for a 2 day festival is on the consent agenda for the regular meeting. She spoke to the agreement for the Texas Music Revolution festival will be for a term of five years; with acts on two stages, at the amphitheater and special events field; parking will be at Collin College; attendance is estimated at 10,000 for the two days; and added that this will be the 20th year of the festival. Ms. Fortenberry reported the agreement includes a $100,000 advance to secure headline artists, paid with Hotel Occupancy Tax funds, and $85,000 of in-kind services. She stated the City is responsible for food, beverage, and parking and will retain the revenue as well as a portion of the sponsorships. In response to Council questions, Ms. Fortenberry stated the festival agreement is for a term of 5 years, staff is still researching an additional festival for the fall, and will seek sponsorships for this festival.

Referendum Petition Report re Ordinance No. 2015-10-9, submitted November 10, 2015

City Secretary Henderson stated a citizen petition was filed with the City Secretary's Office on November 10, 2015. She added the petition was insufficient to present to Council due to the petition requesting a vote on an ordinance was not subject to Section 7.03 of the Plano City Charter.

City Attorney Mims stated due to the threat of possible litigation, the City engaged outside counsel, Andy Taylor, election law specialist, to review the matter. Mr. Taylor spoke to the legal reasons the ordinance was not able to be presented to the citizens for a vote; the Texas Supreme Court stated a citizen petition filed with a city must be within the operative power for referendum; the ordinance does not meet the one-time exception to repeal in its entirety at its initial adoption; the comprehensive plan is the foundation for zoning decisions and the plan is created based on expert analysis and public hearings; and if the Council were to call an election, it would be a dereliction of duty by spending tax dollars on an election that would be voided.

In response to Council Member Kelly's request for clarification of the statement made by some Planning and Zoning Commission members stating this was not a zoning plan, Mr. Taylor stated the methodology under which the plan was adopted followed the same process as a zoning case. In response to Deputy Mayor Pro Harris, Mr. Taylor advised individual zoning cases would not be subject to the one-time exception and he explained the hierarchy of the applicable laws. Mr. Taylor stated zoning cases would be vetted individually.

City Attorney Mims advised this was a report and not an action item and stated this was a legal issue, not a political issue and was precluded by law. Ms. Mims further discussed the attempts to work with the group prior to the submission of the petition. Mayor LaRosiliere stated in closing that it is obvious all parties care for the City and he encouraged citizens to be involved during the individual zoning matters.

Consent and Regular Agendas

Mayor LaRosiliere stated Item "M" will be pulled and discussed at a future meeting.

Council Items for Discussion/Action on Future Agendas

No items were discussed.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 6:37 p.m.

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa C. Henderson, City Secretary

PLANO CITY COUNCIL
REGULAR SESSION
November 23, 2015

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
Frank Turner, Deputy City Manager
Jim Parrish, Deputy City Manager
Jack Carr, Assistant City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Monday, November 23, 2015, at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Legacy Campus Pastor Peter Park with Chase Oaks Church led the invocation and Cadette Girl Scout Troop 3461 led the Pledge of Allegiance and Texas Pledge.

Mayor LaRosiliere recognized Neiman Marcus Willow Bend for receiving the Obelisk Award. He further recognized Susan Plonka for her service on the Board of Adjustment and administered the oath of office to Ms. Plonka for her appointment to the Planning and Zoning Commission.

COMMENTS OF PUBLIC INTEREST

- Richard Howe encouraged community involvement during zoning matters and expressed the Plano Tomorrow Plan is more than zoning.
- Mark Yoder stated he had input during the plan development and the plan is more than just zoning and is supportive of the Plan Tomorrow Plan.
- Beth Carruth discussed the opposition to the Plano Tomorrow Plan and stated citizen concerns were not addressed.
- Judy Kendler spoke to transparency in City matters and Planning and Zoning membership.
- Mark Bina discussed the Plano Tomorrow Plan and felt Council should have listened to citizens.
- Sandy Dixon differed on the opinion of Mr. Taylor and discussed her legal reasoning.
- Colleen Epstein discussed lack of transparency and trust with the Council.
- Jeri Cook-Lenahan stated she felt the Council did not listen to its citizens.

- Jack Lagos discussed the rights of the citizens, petition procedures, and opposition to hiring outside counsel.

CONSENT AGENDA

Upon an amended motion by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to approve and adopt all items on the Consent Agenda as recommended with the exception of Item "M", to be considered at a future meeting, and as follows:

Approval of Minutes
October 31, 2015
November 9, 2015
(Consent Agenda Item "A")

Approval of Expenditures

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

RFP 2015-164-C for a five (5) year term for the 457 Deferred Compensation Plan, to be utilized by Human Resources, to International City Management Association Retirement Corporation (ICMA-RC), where fees associated with this agreement will be absorbed by the 457 Deferred Compensation Plan participants; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Bid No. 2016-0009-C for a one (1) year contract with four (4) one-year City optional renewals, for the purchase of Waste Truck Parts for Inventory Control & Asset Disposal (ICAD) from Texan Waste Equipment dba Heil of Texas in the estimated amount of $123,873, and McNeilus Truck and Manufacturing Company in the estimated amount of $10,893 for an estimated annual total of $134,766; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Rescind award of Bid No. 2015-249-C Water and Wastewater Pumping Facility Maintenance to Legacy Contracting, LP dba Control Specialist, LP. (Consent Agenda Item "D")

Purchase from an Existing Contract

To approve the purchase of maintenance and support for CommVault software for Technology Services in the amount of $139,750 from CDW Government, LLC through an existing TCPN (The Cooperative Purchasing Network) contract; and authorizing the City Manager to execute all necessary documents. (TCPN R5106) (Consent Agenda Item "E")

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

To approve a Landscape Architect Professional Services Agreement between the City of Plano and Michael Kendall d/b/a/ KENDALL + Landscape Architecture in the amount of $54,700 for design services and construction documents for Buckhorn Neighborhood Park renovation; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

To approve a License Agreement with Metro Broadcasters – Texas, Inc., for the promotion and production of a music festival at Oak Point Park and Nature Preserve and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "G")

Approval of Expenditure
To approve an expenditure for Laserfiche document management software maintenance and support in the amount of $57,050 from DocuNav Solutions for various departments; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "H")

Adoption of Strategic Vision

To adopt the City Council's Strategic Vision for Excellence for Fiscal Year 2015-16. (Consent Agenda Item "I")

Adoption of Resolutions

Resolution No. 2015-11-8(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the University of Texas at Arlington for an internship program to allow students enrolled in the University of Texas at Arlington's social work program to observe and participate in the routine operations of the Victim Services Unit at the Plano Police Department; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "J")

Resolution No. 2015-11-9(R): To review and approve the City's official Public Funds Investment Policy; and providing an effective date. (Consent Agenda Item "K")

Resolution No. 2015-11-10(R): To authorize a Partial Release of Public Improvement Agreement between Tokalon Group, LLC ("Tokalon") and the City of Plano, Texas, a home rule municipal corporation ("City"); authorizing the City Manager to execute the Release; and providing an effective date. (Consent Agenda Item "L")

Adoption of Ordinances

Ordinance No. 2015-11-11: To abandon all right, title and interest of the City, in and to a portion of a certain Water Easement recorded in Volume 2410, Page 346, and a portion of a certain Sanitary Sewer Easement recorded in Volume 2175, Page 683, of the Land Records of Collin County, Texas and being situated in the Martha McBride Survey, Abstract No. 553, which are located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the owner of the property underlying the easements, CRP-GREP COIT CENTER OWNER, L.P., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item "N")

Ordinance No. 2015-11-12: To abandon all right, title and interest of the City, in and to a portion of a certain Drainage Easement recorded in Volume 2632, Page 961, and a portion of a certain Sanitary Sewer Easement recorded in Document No. 92-0022466 & 92-0022467, of the Deed Records of Collin County, Texas and being situated in the B.M. Craig Survey, Abstract No. 176, which are located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the owner of the property underlying the easements, CADG PLANO 17, 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 "O")

END OF CONSENT

Resolution No. 2015-11-13(R): To approve the Investment Portfolio Summary for the quarter ending September 30, 2015 and providing an effective date. (Regular Item "1")

Treasurer Conklin spoke to the investment policy reporting requirements; the asset types with yield, ending book value, and market value; and current average yield of the investment portfolio for the quarter ending September 30, 2015. She reported historical data from the S & P 500 index, the portfolio composition, the portfolio maturity dates, and historical quarterly end book values. Ms. Conklin spoke to the book and market value allocation comparison with the previous quarter. She stated the City earned an additional estimated $20 million by using a diversified investment strategy versus investing in TexPool, the State's investment pool.

Upon a motion made by Council Member Kelley and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to approve the Investment Portfolio Summary for the quarter ending September 30, 2015; and further to adopt Resolution No. 2015-11-13(R).

Resolution No. 2015-11-14(R): To approve the Service Plan and Assessment Plan for the Downtown Plano Public Improvement District as recommended by the Public Improvement District Advisory Board, directing the preparation of a proposed assessment roll for the Public Improvement District, authorizing the City Manager to publish required notice of a public hearing to consider the levying of the proposed assessments on owners of real property within the Public Improvement District, and establishing an effective date. (Regular Item "2")

Director of Special Projects Jarrell stated annually, the Council needs to approve the Service Plan and Assessment Plan as recommended by the Advisory Board. She advised a public hearing for property owners to discuss the assessment will be held onDecember 14, 2015 and staff will begin the preparation of the assessment roll.

Upon a motion made by Council Member Downs and seconded by Council Member Grady, the Council voted 8-0 to approve the Service Plan and Assessment Plan for the Downtown Plano Public Improvement District as recommended by the Public Improvement District Advisory Board, directing the preparation of a proposed assessment roll for the Public Improvement District, authorizing the City Manager to publish required notice of a public hearing to consider the levying of the proposed assessments on owners of real property within the Public Improvement District; and further to adopt Resolution No. 2015-11-14(R).

Resolution No. 2015-11-15(R): To approve the form of a Certificate of Formation for the Plano Improvement Corporation and authorizing the City Manager to execute and file said Certificate with the Secretary of State; authorizing the City Manager to negotiate and execute a purchase and sale agreement with the Plano Improvement Corporation pursuant to Texas Local Government Code Section 272.001(b)(4) for sale and development as required by the City of 1.09± acres of land described in Exhibit "B" hereto for the subsequent resale to SWC Tollway & 121, LLC, and assigns; authorizing the City Manager to negotiate and execute the termination of the Lease Agreement by and between the City of Plano, Texas and SWC Tollway & 121, LLC dated April 21, 2015; and providing an effective date. (Regular Item "3")

City Manager Glasscock stated this allows for the creation of the necessary documents for a non-profit foundation, Plano Improvement Corporation that will allow authorization for the transfer of property and accept donations of property and services.

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to approve the form of a Certificate of Formation for the Plano Improvement Corporation and authorizing the City Manager to execute and file said Certificate with the Secretary of State; authorizing the City Manager to negotiate and execute a purchase and sale agreement with the Plano Improvement Corporation pursuant to Texas Local Government Code Section 272.001(b)(4) for sale and development as required by the City of 1.09± acres of land described in Exhibit "B" hereto for the subsequent resale to SWC Tollway & 121, LLC, and assigns; authorizing the City Manager to negotiate and execute the termination of the Lease Agreement by and between the City of Plano, Texas and SWC Tollway & 121, LLC dated April 21, 2015; and further to adopt Resolution No. 2015-11-15(R).

Resolution No. 2015-11-16(R): To cast the City of Plano's ballot for the election of members to the Collin County Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date. (Regular Item "4")

The Council elected to cast its 334 votes for Michael Pirek.

Upon a motion made by Council Member Downs and seconded by Council Member Miner, the Council voted 8-0 to cast the City of Plano's ballot for the election of members to the Collin County Central Appraisal District Board of Directors under the provision of the Property Tax Code; and further to adopt Resolution No. 2015-11-16(R).

Resolution No. 2015-11-17(R): To cast the City of Plano's ballot for the election of members to the Denton Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date. (Regular Item "5")

The Council elected to cast its 16 votes for Scott Brown, Mike Hassett, Brenda Latham, Connie Smith, and David Terre.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Grady, the Council voted 8-0 to cast the City of Plano's ballot for the election of members to the Denton Central Appraisal District Board of Directors under the provision of the Property Tax Code; and further to adopt Resolution No. 2015-11-17(R).

With no further business, Mayor LaRosiliere adjourned the meeting at 8:00 p.m.

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Harry LaRosiliere, Mayor

ATTEST

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Lisa C. Henderson, City Secretary