

PLANO CITY COUNCIL

April 14, 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
Jim Parrish, Deputy City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary
Alice D. Snyder, Assistant City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Monday, April 14, 2014, at 7:03 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Kelvin Foley, Assistant Pastor of Prestonwood Baptist Church led the invocation and Brownie Troop 3465 with Thomas Elementary School led the Pledge of Allegiance.

Mayor LaRosiliere recognized Jim Parks, Executive Director of North Texas Municipal Water District for 35 years of service, received a piece of artwork from Janelle Twyford-Silvas of AlleeOops Photography, presented proclamations to Police Chief Rushin proclaiming April as Distracted Driver Awareness Month and Shanette Brown proclaiming April 21st – April 25th as Community Development Block Grant Week (CDBG Week).

Comments of Public Interest

Robert Cox spoke to parking and safety concerns in his neighborhood - Hillridge Drive, Cotillion Drive, and the Golden Leaf Village Apartments.

Discussion and Direction Regarding Housing Reinvestment Incentive Program – The Great Update Rebate Program

Director of Planning Day spoke to the program being termed as “The Great Update Rebate” and the intent is to spur significant reinvestment in older, moderately-priced housing. She stated the program is currently funded at \$617,000, allowing more than 123 homes to be updated. Ms. Day spoke to the design of the program having as great an impact as possible with available funding and

staffing, keeping it simple, inhibiting fraudulent claims, making it fair (offering it on a first-come, first-serve basis), and encouraging improvements in a timely manner.

Ms. Day spoke to the original program including homes 25 years or older, limit on the value of the home, \$287,000 in 2014, and being current on property taxes and insurance. She stated interior and exterior improvements would qualify with a few exceptions and improvements must be at least 10% of the property value and completed within ninety days. Ms. Day spoke to exclusions regarding water conservation and property standards concerns. Ms. Day spoke to the original rebate proposed at 10% of the project value, capped at \$5,000 per property per year, paid within 30 days after final inspection, and all improvements being done at once.

Ms. Day spoke to the program design reviewed by Council in February and stated in March Staff presented the program to builders, remodelers and realtors for feedback. She advised of concerns that came back from the feedback: (1) the greater need is at a lower price point, (2) incentive is not enough value to motivate homeowners, (3) exterior improvements should be a priority, and (4) concentrate area to show greater impact. Ms. Day advised after receiving feedback, the following changes to the original program are recommended: increase the age of the property to 35 years, lower the property value to \$200,000, and incentivize exterior projects at 25% and interior projects at 10%.

Council confirmed the amendments to the original program and requested periodic reviews of the program. Ms. Day stated authorization of expenditures will be on the April 28 Council meeting, the program will be launched on April 30 and the Marketing & Community Engagement Department is currently working on videos, webpages and other marketing tools for the program. Council Member Downs recognized the Staff for being well prepared and their professionalism in preparation of the program.

CONSENT AGENDA

Upon a motion made by Council Member Downs and seconded by Council Member Davidson, the Council voted 8-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item "A")

March 18, 2014

March 24, 2014

Approval of Expenditures

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

Bid No. 2014-83-C for a one (1) year contract with three (3) optional one (1) year renewals for the purchase of Swimming Pool Chemicals for the Parks and Recreation Department to Petra Chemical Company in the estimated annual amount of \$60,993 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Bid No. 2014-140-B for High Point Tennis Center - Tennis Court Shade Structures to Boyd Construction Services, LLC in the amount of \$92,909 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

CSP No. 2014-67-B for the purchase of a Leica ScanStation C10 Laser Scanning System to be utilized by the Police Department from Geomatic Resources in the amount of \$166,234 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Purchase from an Existing Contract

To approve the purchase of Server Hardware and Maintenance in the estimated amount of \$182,983 from Dell Marketing LP through an existing DIR (Department of Information Resources) contract and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1951) (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 Jerry Parche’ Consulting Engineers, in the amount of \$137,860, for Intersection Improvements – McDermott Road, 15th Street, Legacy Drive & Plano Parkway, Project No. 6336; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

To approve an Engineering Services Agreement by and between the City of Plano and ARS Engineers, Inc., in the amount of \$154,500 for the design services associated with the rehabilitation of Independence Parkway Pavement Repairs & Asphalt Overlay; Project No. 6359; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

To approve an Engineering Services Agreement by and between the City of Plano and Teague, Nall & Perkins, Inc., in the amount of \$58,500 for design services at Harrington Park and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

To approve a Landscape Architecture Services Agreement by and between the City of Plano and JBI Partners, Inc. in the amount of \$258,000 for design and construction document services for Enfield Park Athletic Maintenance Facility and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

Adoption of Resolutions

Resolution No. 2014-4-1(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between AMS-TAOS USA Inc., a Nevada corporation, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “J”)

Resolution No. 2014-4-2(R): To approve the hiring of Alicia Johnson as Assistant City Attorney I by the City Attorney; and providing an effective date. (Consent Agenda Item “K”)

Resolution No. 2014-4-3(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the Town of Fairview, Texas to allow the employees of the Town of Fairview to take classes offered by City of Plano Professional Development Center; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

Adoption of Ordinances

Ordinance No. 2014-4-4: To annex to the City of Plano, Texas, a total of 1.035± acres of land located within the right-of-way of W. Park Boulevard approximately 750± feet west of Plano Parkway, in the J. Myers Survey, Abstract No. 619, the J.W. Haynes Survey, Abstract No. 458, and the Mary Ann Taylor Survey, Abstract No. 897, Collin County, Texas, and extending the boundary limits of said City so as to include said hereinafter described property within said City Limits; adopting a service plan providing for the extension of municipal services to the area so annexed and granting to all inhabitants and owners of said property all of the rights and privileges of other citizens and binding all inhabitants by the acts, ordinances and regulations of said City; and providing an effective date. Applicant: City of Plano (Annexation Case A2014-01. Public Hearings held March 18 and March 24, 2014.) (Consent Agenda Item “M”)

END OF CONSENT

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission’s Denial of Zoning Case 2014-01 - Request to rezone 45.8± acres from Research/Technology Center to Single-Family Residence-6 located on the west side of North Star Road, 610± feet south of Plano Parkway. Zoned Research/Technology Center. Applicant: Flextronics International USA, Inc. (Regular Agenda Item “1”)

Director of Planning Day spoke to the appeal of Zoning Case 2014-01 stating the original zoning change request was denied when it went before the Planning and Zoning Commission in October, 2013 and as was the second request, with a concept plan modification including a school site, submitted earlier this year. Ms. Day explained it would require a 75% majority vote of the Council to overturn the Planning and Zoning Commission’s decision. She spoke to the current Research/Technology zoning and how it correlates to the use designated in the Future Land Use Plan and the EDC component of the Comprehensive Plan. Ms. Day stated four letters were received in opposition and one letter in support of the project.

Mayor LaRosiliere opened the Public Hearing. Jim Douglas of Douglas Properties, representing the applicant, spoke to the development of the property and stated that residential development is an appropriate use for the property due to the number of easements, the site having limited frontage on North Star Road and no frontage on Plano Parkway. He spoke to a charter school being located within the site and building a masonry wall around the site as to not burden the adjacent property owners. Mr. Douglas referred to residential developments being located to the south, east and northeast of the site and requested Council consideration for approval.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2014-01 (Continued)

Ron Crowell, representing Plano Distribution Center, Ltd., an adjacent property owner, spoke against the appeal and the incompatibility to rezone the property to Single-Family Residence-6. Deborah Bynum, representing Winzer Corporation, an adjacent property owner, spoke against the appeal to rezone the property and to Winzer Corporation's future expansion not being compatible with the zoning request. She requested the appeal to be denied with prejudice. Andrew Smith, representing Dividend Capital Diversified Property Fund, an adjacent property owner to the west, spoke in opposition of the appeal citing a future decrease in marketability and lower property value in the Research/Technology District. He requested the appeal be denied with prejudice. Erik Reed, a resident of the Woods of Spring Creek stated his concerns for the natural habitat located within the zoning request area. Mayor LaRosiliere closed the Public Hearing.

In response to Council, City Attorney Mims spoke to the effect of denying the appeal with prejudice stating with such an action, a request for the same zoning change could not be heard before Council for two years and is tied the property.

Upon a motion made by Council Member Downs and seconded by Council Member Miner, the Council voted 8-0 to deny the appeal with prejudice of the Planning and Zoning Commission's Denial of Zoning Case 2014-01 - Request to rezone 45.8± acres from Research/Technology Center to Single-Family Residence-6 located on the west side of North Star Road, 610± feet south of Plano Parkway.

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2014-03 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 644 so as to allow the additional use of Hospital and Specific Use Permit No. 645 so as to allow the additional use of Helistop on 30.4± acres of land located at the southeast corner of Preston Road and Rasor Boulevard, in the City of Plano, Collin County, Texas, presently zoned Planned Development-159-General Office; 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: Commodore Partners, Ltd. (Regular Agenda Item "2")

Director of Planning Day stated the applicant would like to table this item until the May 12, 2014 meeting.

Upon a motion made by Mayor LaRosiliere and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to table the item until the May 12, 2014 City Council Meeting.

Public Hearing and adoption of Ordinance No. 2014-4-5 as requested in Zoning Case 2014-04 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 14.6± acres of land located on the south side of Mapleshade Lane, 370± feet east of Silverglen Drive in the City of Plano, Collin County, Texas, from Light- Industrial-1 to Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item "3")

Public Hearing and adoption of Ordinance No. 2014-4-5 (Continued)

Development Review Manager Hill spoke to the request to rezone the property from Light-Industrial-1 to Corridor Commercial and stated the property is designated as Major Corridor development in the Future Land Use Plan. He explained the parcel was created with the recent extension of Mapleshade Lane which ties in to the frontage road of State Highway 190. Mr. Hill advised the Council that the Planning and Zoning Commission recommended approval as submitted.

Mayor LaRosiliere opened the Public Hearing. No one spoke for or against. Mayor LaRosiliere closed the Public Hearing.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Miner, the Council voted 8-0 to rezone 14.6± acres of land located on the south side of Mapleshade Lane, 370± feet east of Silverglen Drive in the City of Plano, Collin County, Texas from Light-Industrial-1 to Corridor Commercial; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2014-04; and further to adopt Ordinance No. 2014-4-5.

Public Hearing and adoption of Ordinance No. 2014-4-6 as requested in Zoning Case 2014-05 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 646 so as to allow the additional use of Assisted Living Facility on 3.1± acres of land located on the south side of Mapleshade Lane, 370± feet east of Silverglen Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; 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: University of Texas (Regular Agenda Item “4”)

Development Review Manager Hill spoke to the requested specific use permit and stated it is consistent with existing area special use permits and neighboring property uses. Mr. Hill advised the Council that the Planning and Zoning Commission recommended approval subject to Council approval of Zoning Case 2014-04.

Mayor LaRosiliere opened the Public Hearing. No one spoke for or against. Mayor LaRosiliere closed the Public Hearing.

Upon a motion made by Council Member Downs and seconded by Council Member Davidson, the Council voted 8-0 to grant Specific Use Permit No. 646 so as to allow the additional use of Assisted Living Facility on 3.1± acres of land located on the south side of Mapleshade Lane, 370± feet east of Silverglen Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2014-05; and further to adopt Ordinance No. 2014-4-6.

Public Hearing and Comment on proposed revisions to the City of Plano's Drought Contingency Plan and Water Management Plan. (Regular Agenda Item "5")

Public Works Director Cosgrove spoke to the proposed changes to the Water Management Plan. He stated the changes include updated definitions, modification to the Water Use Goals Table setting the five year goal at 225 gallon per capita per day (GPCD) and the ten year goal at 220 GPCD, improving water loss strategies, encouraging landscape water management measures of twice weekly watering during April through October and once weekly watering November through March, and additional conservation measures. Mr. Cosgrove discussed the removal of certain water conservation incentives, i.e. shower coach and rain barrels, that were not as successful as anticipated.

Mr. Cosgrove spoke to the proposed changes to the Drought Contingency Plan. He stated the changes include updated definitions; amending Stage 1 actions with removal of time specific water guidelines as they will be addressed in a separate ordinance, encouraging leak detection, and removal of cool season grasses; amending Stage 2 actions to include information regarding man made pools, new and delayed landscaping, seasonal watering and HOA's designated as an even address for watering of common areas; amending Stage 3 actions to address public field watering; and Stage 4 actions clarifying watering and modifying variance criteria and violation procedures. He stated additional ordinances addressing splash pads use of recycled water, pond size limitations for being filled with City water and prohibiting watering between 10:00 a.m. and 6:00 p.m. from April 1st to October 31st will be coming forth in the next few months.

Mr. Cosgrove spoke to the difference between the City's Water Management Plan and the North Texas Municipal Water District's plan regarding the number of stages and water restrictions. He stated the City will need to determine if they want to match the District's plan, limiting watering to twice per week.

Mr. Cosgrove reviewed the historical and current water levels of Lake Lavon and the drought situation. He reported current water conservation efforts by Plano citizens have met the goals set by the City and since August 2011, the City has saved 6.9 billion gallons of water. Mr. Cosgrove spoke to water violations and how they are geared toward education. He stated the Drought Contingency Plan and Water Management Plan will be brought back to the Council on April 28th for approval.

Mayor LaRosiliere opened the Public Hearing. No one spoke for or against. Mayor LaRosiliere closed the Public Hearing.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 8:34 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Lisa C. Henderson, City Secretary