PLANO CITY COUNCIL
REGULAR SESSION
November 10, 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
Mark Israelson, Assistant City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Monday, November 10, 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.

Associate Pastor McMillian from Grace Outreach Center led the invocation, American Legion Harding-Blaine Post 321 presented the Colors, and Brownie Troop 3480 led the Pledge of Allegiance.

Mayor LaRosiliere acknowledged Jean Dormier, an outgoing member of the Community Relations Commission, presented a proclamation recognizing Veteran's Day and recognized Judge Don Stevenson and Ken Phoenix of the Plano Police Department. He presented a proclamation recognizing Homeless Awareness Week and a special recognition to the Salvation Army. Mayor LaRosiliere recognized the Planning Department receiving several awards from the Texas Chapter of the American Planning Association.

Comments of Public Interest

No one appeared to speak.

CONSENT AGENDA

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Smith, 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")

October 27, 2014
November 1, 2014

Approval of Expenditures

Approval of Change Order

To 2 CMD Inc., increasing the contract by $112,485 for the Residential Concrete Pavement Rehab Zone I6 South, Project No. 6324, Change Order No. 1, Bid No. 2013-384-B. (Consent Agenda Item "B")

Approval of Expenditure

To approve an additional expenditure in the amount of $24,475 for Southern Land Company, LLC to complete the installation of gates, fencing, and other security features in the police parking garage at the Junction 15 development at 15th Street and I Avenue; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

To approve an expenditure for maintenance support for public safety system software in the amount of $50,105 from Colossus, Incorporated d/b/a InterAct Public Safety Systems for the Fire and Police Departments; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "D")

To approve an expenditure for Laserfiche document management software maintenance and support in the amount of $55,147 from DocuNav Solutions for various departments; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

To approve an expenditure for additional licenses for the TriTech Inform Computer Aided Dispatch (CAD) application in the amount of $85,400 from TriTech Software Systems for the Public Safety Communications Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

Adoption of Resolutions

Resolution No. 2014-11-1(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between AREVA Med LLC, a Delaware limited liability company, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "G")

Resolution No. 2014-11-2(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Greatbatch Ltd., a New York corporation, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "H")

Resolution No. 2014-11-3(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Hilti, Inc., an Oklahoma corporation, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "I")

Adoption of Ordinances

Ordinance No. 2014-11-4: To amend Section 12-101 of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to prohibit stopping, standing, or parking of motor vehicles on certain sections of Chattham Court, within the city limits of the City of Plano; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; 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 "J")

END OF CONSENT

Ordinance No. 2014-11-5: To determine a public necessity to acquire the easement property as described in the attached Exhibit "A", also known as a portion of 1017 E. 15th Street, of the City of Plano, for the public use of the construction of the Centralized Waste Collection Station on 15th Place Project; authorizing the use of the power of eminent domain to condemn the easement property; authorizing the City Manager and City Attorney, or their respective designees, to acquire the property including making initial and bona fide offers, and authorizing the City Attorney to file eminent domain proceedings, if necessary, and providing an effective date. (Regular Item "1")

Director of Engineering Carr stated this item is to change the location of the easement property previously approved by Council. He advised Staff is continuing to work with the property owner to acquire the property but the ordinance is required if an agreement cannot be reached. Mr. Carr spoke to the original and revised location of the property and stated the Council would need to make a specific motion to authorize the action.

Council Member Downs moved to authorize the use of the power of eminent domain to acquire an easement property on a portion of 1017 E. 15th Street more fully described in Exhibit "A" which is attached to the Ordinance posted on tonight's City Council agenda marked as Item No. 1, and for the public use of construction, access, repair, relocation, maintenance, and the replacement of the improvements and related to the appurtenances necessary for the Centralized Waste Collection Station on 15th Place; and further to adopt Ordinance No. 2014-11-5. City Attorney Mims requested the City Secretary attach Exhibit "A" to the motion for the record. Council Member Duggan seconded the motion and the Council voted 8-0. The motion carried.

Public Hearing and adoption of Resolution No. 2014-11-6(R) to approve the use or taking of a portion of City of Plano public Park Land, known as Arbor Hills Nature Preserve pursuant to Chapter 26 of the Texas Parks and Wildlife Code to approve using a portion of dedicated Park Land as a permanent easement for purposes of rerouting and abandoning part of an existing sewer pipeline to the North Texas Municipal Water District; authorizing the City Manager to execute all necessary documents; and providing an effective date. (Regular Item "2")

Public Hearing and adoption of Resolution No. 2014-11-6(R) (Cont'd.)

Director of Parks and Recreation Fortenberry provided an overview of the project. She stated North Texas Municipal Water District (NTMWD) has requested an easement to relocate sanitary sewer lines due to erosion of the existing line. Ms. Fortenberry spoke to the scope of work to be completed by NTMWD and that the areas affected by the construction would be returned to acceptable levels as determined by Staff. She advised Council would need to determine there is no feasible alternative, the project contains reasonable planning, and the project will not adversely affect the park.

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 Miner and seconded by Council Member Davidson, the Council voted 8-0, to approve the use or taking of a portion of City of Plano public Park Land, known as Arbor Hills Nature Preserve pursuant to Chapter 26 of the Texas Parks and Wildlife Code to approve using a portion of dedicated Park Land as a permanent easement for purposes of rerouting and abandoning part of an existing sewer pipeline to the North Texas Municipal Water District; and further to adopt Resolution No. 2014-11-6(R).

Public Hearing and adoption of Ordinance No. 2014-11-7 as requested in Zoning Case 2014-25 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 86.2± acres of land located on the west side of Coit Road, 950± feet north of Mapleshade Lane in the City of Plano, Collin County, Texas, from Corridor Commercial and Light Industrial-1 to Urban Mixed-Use-2; 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: Crow-Billingsley LTD. No. 10, Billingsley 121 Coppell, LTD and University Business Park Phase II Limited (Regular Item "3")

Director of Planning Day spoke to the zoning request providing the location, existing Corridor Commercial and Light Industrial-1 zoning, and the proposed phasing of the project. She stated the Planning and Zoning Commission recommend approval subject to the following:

The permitted uses and standards shall be in accordance with the Urban Mixed-Use (UMU) zoning district unless otherwise specified herein.

The development plan shall be adopted as part of the ordinance.

<u>Exceptions of the UMU District</u>

1. Blocks A and B:
    a. Minimum Lot Coverage: 15%
    b. Minimum FAR: 0.15:1
    c. Maximum Setback from Coit Road: 160 feet
    d. Minimum Height: One-story; 24 feet
2. Blocks D, E, K, N, P, Q, and R may exceed maximum block size of three acres.
3. Structured parking and tuck-under garages shall be included in the calculation of lot coverage.
4. Reduce nonresidential parking ratio from 1:250 square feet to 1:190 square feet.

Public Hearing and adoption of Ordinance No. 2014-11-7 (Cont'd.)

Lucy Billingsley, applicant, spoke to the project's overall land use, connectivity with existing businesses and residential properties, walkability, mixed uses, and construction phasing. She provided examples of other Billingsley projects and how they would translate into this project, including retail, office, multi-family properties, and the open space and park areas.

Mayor LaRosiliere opened the Public Hearing. Robert Miller spoke in opposition of the request due to the multi-family component and William Cravens spoke in favor of the request supporting the mixed-land use. Mayor LaRosiliere closed the Public Hearing.

Upon a motion made by Council Member Duggan and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 86.2± acres of land located on the west side of Coit Road, 950± feet north of Mapleshade Lane in the City of Plano, Collin County, Texas, from Corridor Commercial and Light Industrial-1 to Urban Mixed-Use-2; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2014-25; and further to adopt Ordinance No. 2014-11-7.

Public Hearing and adoption of Ordinance No. 2014-11-8 as requested in Zoning Case 2014-33 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 10.7± acres of land located at the southwest corner of Spring Creek Parkway and Parkwood Boulevard in the City of Plano, Collin County, Texas, from Regional Commercial with Specific Use Permit No. 654 for Mid-Rise Residential to Planned Development-492-Regional Commercial with Specific Use Permit No. 654 for Mid-Rise Residential; 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: Acres of Sunshine, Ltd (Regular Item "4")

Director of Planning Day spoke to the current zoning and the zoning and land use of the surrounding properties. She stated the preliminary site/concept plan for the property shows three mid-rise residential towers and the applicant requested an increased floor ratio, parking decks four levels above grade and an amenity deck on top of the parking garage applying only to the mid-rise residential development. Ms. Day stated staff received 108 letters in opposition from residents outside of the 200 feet notification area and the Planning and Zoning Commission recommended approval subject to the following:

Restrictions:

The permitted uses and standards shall be in accordance with the Regional Commercial (RC) zoning district unless otherwise specified herein.

The following standards pertain to Mid-Rise Residential use only:

1. Floor Area Ratio: Not to exceed 4:1.
2. Maximum Height for Structured Parking: Structured parking decks may be four levels above grade. Parking is prohibited on the top deck which is reserved for a private recreation area.

Public Hearing and adoption of Ordinance No. 2014-11-8 (Cont'd.)

Mayor LaRosiliere opened the Public Hearing. Steve Lavine and Jim Dillavou spoke in opposition requesting Council limit the number of multi-family units to 400. Mayor LaRosiliere closed the Public Hearing.

John Richardson, applicant, spoke to the development's quality, taxable value, and the intent to be a good neighbor. He addressed the requested cap on the number of units, building height and the possible size of units in the two additional towers. Ms. Day responded to Council's questions regarding parking requirements and units stated in the Comprehensive Plan. City Attorney Mims stated the Council would need to add a stipulation to the motion if they decided to limit the number of units.

Council Member Downs made a motion to approve the request as presented adding a cap of 500 multi-family units per the Comprehensive Plan and Council Member Davidson seconded the motion. The motion failed with a vote of 2-6 with Council Members Davidson and Downs voting in favor and Mayor LaRosiliere, Mayor Pro Tem Smith, Deputy Mayor Pro Tem Harris, and Council Members Miner, Duggan and Gallagher voting in opposition.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 6-2, Mayor LaRosiliere, Mayor Pro Tem Smith, Deputy Mayor Pro Tem Harris, and Council Members Miner, Duggan and Gallagher in favor and Council Members Davidson and Downs voting in opposition, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 10.7± acres of land located at the southwest corner of Spring Creek Parkway and Parkwood Boulevard in the City of Plano, Collin County, Texas, from Regional Commercial with Specific Use Permit No. 654 for Mid-Rise Residential to Planned Development-492-Regional Commercial with Specific Use Permit No. 654 for Mid-Rise Residential; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2014-33; and further to adopt Ordinance No. 2014-11-8.

Public Hearing and adoption of Ordinance No. 2014-11-9 to amend the Thoroughfare Plan map of the Comprehensive Plan as originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said map as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date. Applicant: City of Plano (Regular Item "5")

Director of Planning Day spoke to the changes to the Thoroughfare Plan map and provided the location at Headquarters Drive and Communications Drive. She stated the change is a condition of approval of concept plans for two zoning cases and will aid in future development of the area. Ms. Day advised the location on the map is a general location and may be amended as needed to comply with traffic regulations and 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.

Public Hearing and adoption of Ordinance No. 2014-11-9 (cont'd.)

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Downs, the Council voted 8-0, to amend the Thoroughfare Plan map of the Comprehensive Plan as originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said map as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2014-11-9.

Resolution No. 2014-11-10(R): To adopt the 2015 Legislative Program for the City of Plano, Texas; directing the City Manager to act with regard to the City's Legislative Program; and providing an effective date. (Regular Item "6")

Assistant City Manager Israelson spoke to the City's legislative program detailing important dates relating to legislation, the City's House and Senate District boundaries, and the elected officials in the districts. He provided the various methods of City action on legislation and detailed the topics of the highest priority for the City. He stated the City would oppose legislation that would diminish local control or create unfunded mandates that support expanded regional transportation funding and regional transit including passenger rail service. Mr. Israelson also stated the City would support legislation regarding Truth-in-Taxation, economic development, general transportation issues, and issues related to water and utilities.

Upon a motion made by Council Member Downs and seconded by Council Member Miner, the Council voted 8-0, to adopt the 2015 Legislative Program for the City of Plano, Texas; directing the City Manager to act with regard to the City's Legislative Program; and further to adopt Resolution No. 2014-11-10(R).

Mayor LaRosiliere spoke to the meeting's success with the approval of three new businesses, the City's first mid-rise condominium tower, and a new 85 acre mixed-use development. Mayor LaRosiliere adjourned the meeting at 8:48 p.m.

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Harry LaRosiliere, MAYOR

ATTEST

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Lisa C. Henderson, City Secretary

EXHIBIT A

Oncor Electric Delivery, LLC Easement
195 Square Feet
Joseph Klepper Survey, Abstract No. 213
City of Plano, Collin County, Texas
September 22, 2014

SITUATED in the State of Texas, County of Collin and City of Plano, being part of the Joseph Klepper Survey, Abstract No. 213, being part of Lot 9, Block 4, Old Donation to the City of Plano with said Lot described in Volume 4804, Page 0187 of the Collin County Land Records with said premises being more particularly described as follows:

BEGINNING at a Huitt–Zollars capped iron rod found marking an angle break in the south right–of–way line of 15th Place and marking the northeast corner of said Lot 9, from which a Roome capped iron rod bears South 00°27'35" East, 3.26 feet;

THENCE with the east right–of–way line of 15th Place and the east line of said Lot 9, South 00°27'35" East passing at 3.26 feet the northwest corner of Lot 10, Block 4 of said Old Donation, and the northwest corner of a 1,592 square foot Permanent Access and Utility Easement to the City of Plano as recorded under County Clerk No. 20140328000290810 of the Collin County Land Records, and continuing with the east line of Lot 9, the east line of said premises, the west line of Lot 10, and the west line of said 1,592 square foot Permanent Access and Utility Easement tract, a total distance of 15.00 feet to a point marking the southeast corner of said premises;

THENCE with the south line of said premises, South 87°22'52" West, 13.00 feet to a point marking the southwest corner of said premises;

THENCE with the west line of said premises, North 00°27'35" West, 15.00 feet to a point marking the northwest corner of said premises and being in the south right–of–way line of 15th Place and the north line of said Lot 9;

THENCE with the south right–of–way line of 15th Place, the north line of said Lot 9, and the north line of said premises, North 87°22'52" East, 13.00 feet to the point of beginning and containing 195 square feet of land.

Source bearing per 1,592 square foot parcel as recorded under County Clerk No. 20140328000290810 of the Collin County Land Records;

STATE OF TEXAS
REGISTERED
F.E. BEMENDERFER JR.
4051
PROFESSIONAL
LAND SURVEYOR

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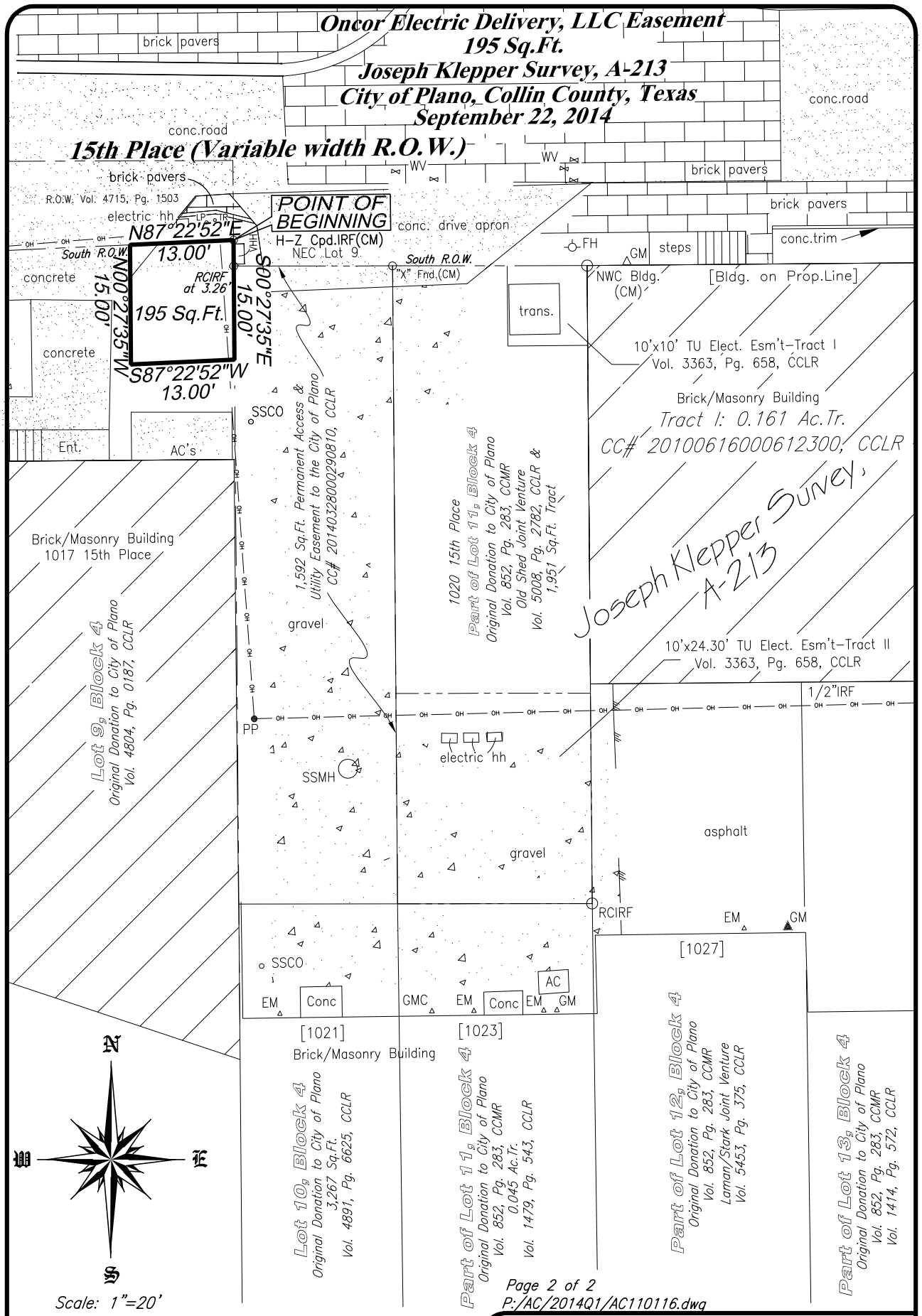
Roome Land Surveying, Inc.
2000 Avenue G, Suite 810
Plano, Texas 75074
Phone (972) 423-4372 / Fax (972) 423-7523
www.roomesurveying.com

Note: An exhibit of even date accompanies this description

Oncor Electric Delivery, LLC Easement
195 Sq.Ft.
Joseph Klepper Survey, A-213
City of Plano, Collin County, Texas
September 22, 2014



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