

**PLANO CITY COUNCIL
REGULAR SESSION
December 8, 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, December 8, 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.

Dr. Leslie Smith from North Dallas Community Bible Fellowship led the invocation and The Men of Note Chorus led the Pledge of Allegiance and Texas Pledge and provided holiday music.

Mayor LaRosiliere and Library Director Ziegler accepted a donation from The Friends of the Plano Public Library. Mayor LaRosiliere recognized Director of Budget and Research Karen Rhodes-Whitley receiving the 2014 Outstanding Service Award from Government Finance Officers Association of Texas and the Budget and Research Department receiving the Distinguished Budget Presentation Award from the Government Finance Officers Association.

Mayor LaRosiliere administered the oath of office to incoming board member Nadia McInnis(Cultural Affairs Commission).

Comments of Public Interest

No one appeared to speak.

CONSENT AGENDA

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

November 24, 2014

Approval of Expenditures

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

Bid No. 2014-321-B for Lighting Replacement at the Tom Muehlenbeck Recreation Center to Environmental Lighting Service, LLC, in the amount of \$62,891; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

CSP No. 2014-127-C for a one-year contract with five (5) City optional renewals, for Permit, Land Use, and Licensing Enterprise Solution and maintenance for the Planning, GIS, Engineering, Building Inspections and Property Standards departments to CRW Systems, Inc. in the estimated amount of \$644,600 for implementation, with five (5) years of maintenance in the estimated amount of \$390,187 for a total estimated six-year amount of \$1,034,787; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Purchase from an Existing Contract

To approve the purchase of two (2) radio consoles, inclusive of hardware, software, backup base stations, handheld radios, and installation for Public Safety Communications in the amount of \$136,736 from Motorola Solutions, Inc., through an existing contract/agreement with HGAC, and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. RA05-12) (Consent Agenda Item “D”)

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

To approve an Architectural Services Agreement by and between the City of Plano and Dewberry Architects, Inc., in the amount of \$72,660 for Council Chambers Acoustic Analysis and Design, including the redesign of the Action Center for accessibility; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

Approval of Change Order

To Phillips/May Corporation, increasing the contract by \$184,998 for the Big Lake Park & Chisholm Trail Improvements, Project No. 5911.1, Change Order No. 1. Original Bid 2014-63-B (Consent Agenda Item “F”)

Adoption of Resolutions

Resolution No. 2014-12-1(R): To approve the terms and conditions of a First Amendment to the Economic Development Incentive Agreement by and between the City of Plano, Texas and Ericsson Inc., a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “G”)

Resolution No. 2014-12-2(R): To approve the terms and conditions of a First Amendment to the Tax Abatement Agreement by and between the City of Plano, Texas, Ericsson Inc., a Delaware corporation, and Ericsson Real Estate Holdings Inc., a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “H”)

Resolution No. 2014-12-3(R): To approve the terms and conditions of a Memorandum of Understanding between the City of Plano and the Plano Housing Authority to undertake activities under the City of Plano Housing Rehabilitation Program’s Acquisition, Rehabilitation, and Resale (ARR) activity; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “I”)

Resolution No. 2014-12-4(R): To approve the terms and conditions of a Real Estate Contract by and between Clearhaven Properties, LLC, a Texas limited liability company, and the City of Plano for the purchase of approximately .2557 acres of land located at 10301 Custer Road in Plano, Collin County, Texas, for the Three Cities Trail Connection project; and authorizing the City Manager to execute such contract and providing an effective date. (Consent Agenda Item “J”)

Resolution No. 2014-12-5(R): To approve the terms and conditions of a Real Estate Contract by and between Rowlett Creek Cemetery Association, a Texas nonprofit/cemetery association, and the City of Plano for the purchase of approximately 3.334 acres of land located at Custer Road in Plano, Collin County, Texas, for the Three Cities Trail Connection project; and authorizing the City Manager to execute such contract and providing an effective date. (Consent Agenda Item “K”)

END OF CONSENT

Fire Department Briefing

Fire Chief Crawford spoke to the department’s updated logo, revised priority dispatch procedures reducing response times and ineffective use of equipment, the new Community Paramedic Program, statistical dashboard, and administrative realignment. He discussed the department’s strategic planning for 2015, review of programs to determine redundancy, and workforce/succession planning to train existing employees and recruit for the future. Chief Crawford stated the Plano Fire Rescue (PFR) clowns were highlighted in Plano Profile for the child safety programs

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2014-32 - Request to rezone 11.5± acres located on the north side of Mapleshade Lane, 1,425± feet west of Coit Road from Corridor Commercial to Planned Development-Corridor Commercial. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District. Applicant: Coit 190 L.P. and Harkins Plano L.P. (Regular Item “1”)

Director of Planning Day stated the applicant has requested to table the item until the January 26, 2015 City Council meeting.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to table the item to the January 26, 2015 City Council meeting.

Public Hearing and Ordinance No. 2014-12-6 approving the levy of a special assessment for the Downtown Plano Public Improvement District, approving an assessment roll and levying an assessment for 2015 at a rate of \$0.15 per \$100 of appraised value on real property in the Public Improvement District; approving the service plan and assessment plan for the Public Improvement District for the initial three year term; and providing an effective date. (Regular Item “2”)

Director of Special Projects Jarrell stated the ordinance approves the levying of the assessment, the assessment roll for the public improvement district, and approves the service and assessment plan as proposed by the Public Improvement District Board at a previous Council meeting. She advised the assessment notices would be mailed to property owners, with payment due by the end of February. Mayor LaRosiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Council Member Downs and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0, to approve the levy of a special assessment for the Downtown Plano Public Improvement District, approving an assessment roll and levying an assessment for 2015 at a rate of \$0.15 per \$100 of appraised value on real property in the Public Improvement District; approving the service plan and assessment plan for the Public Improvement District for the initial three year term; and further to adopt Ordinance No. 2014-12-6.

Public Hearing and Ordinance No. 2014-12-7 amending Section 2-11, to be renamed Equal Rights Policy, of the City of Plano Code of Ordinances, adopting an expanded policy based on protected characteristics; and prohibiting discrimination in places of public accommodation, employment practices, housing transactions and city contracting practices; providing a repealer clause, a severability clause, a penalty clause, a publication clause and an effective date. (Regular Item “3”)

City Manager Glasscock stated after review of internal policies and ordinances, the policies and ordinances appeared deficient without contemporary language and were not reflective of a City of Excellence. Mr. Glasscock reported internal policies have been updated and revised. He spoke to the legal and staff review process for drafting the updated ordinance and added the timing of the change is right. Mr. Glasscock stated the changes are reflective of Plano as a diverse, inclusive community that values and respects the rights of all citizens. He asked City Attorney Mims to address the misconceptions regarding some of the points of the ordinance.

City Attorney Mims addressed several concerns and points of misconception. She advised public bathroom facilities are exempt from the ordinance and may continue to be separated by gender, determined by physical anatomy, to balance the right of privacy with equal rights. Ms. Mims stated exemptions were included for religious, political, governmental, educational, and non-profit organizations (except those receiving city grant funds) to accommodate constitutional freedoms. She spoke to religious freedom being protected by the first amendment and federal and state statutes and that the ordinance provides for due process to evaluate fact specific cases for an accommodation or waiver. Ms. Mims addressed the affidavit of compliance required for companies doing business with the City including the waiver process.

Public Hearing and Ordinance No. 2014-12-7 (cont'd.)

Ms. Mims stated ordinances from other cities were reviewed during the process, however, this ordinance is unique to the City of Plano. She advised wording in some sections may be similar due to the proposed language based on existing federal laws that address the same subject. Ms. Mims outlined the differences between the Plano ordinance and other cities, citing the bathroom exemption, due process, and waiver options. She spoke to the options available, prior to assessment of a penalty, to remedy a situation include referral to a state or federal agency and mediation. Ms. Mims reported that gender stereotyping has been included under the sex category for the last 20 years in employment and housing laws.

Mayor LaRosiliere opened the public hearing. Jeff Mateer, Cliff Aldredge, Rob Barry, Brian Ricketts, Toby Fruth, Priya Mathat, Lisa Torrey, Melissa Chandler, Robert Castellano, Rebecca Castellano, Lenisa Muscarella, Brian Barlowe, André Serralde, Jason Lowe, Penny Story, Michael Openshaw, Mark Reid, Todd Ingalobe, Matt Shaheen, Denise Midgley, Fred Moses, Penna Dexter, Phil Blackstone, Kassie Dulin, Anthony Wilder, Brady Whatley, W. David Harms, Andy Zapata, Brandon Pitt, Brandon Bridges, and Beverley White spoke in opposition of the ordinance. Joe Swanson, Jan Sullivan, Mirna Lynch, John Perez, Dawnetha Miller, and Lorie Burch spoke in favor of the ordinance. Mayor LaRosiliere closed the public hearing. Council took a brief recess at 9:25 p.m. and reconvened at 9:30 p.m. Additional speaker cards were received for individual wishing to state their position, but not address the Council. Joann Snodgrass, Jim Kerr and Chris Kerr stated opposition. Mike Agan stated support.

Mayor LaRosiliere provided opening comments, spoke to the process of the item coming before Council, and that all Plano citizens deserve to be treated in a non-discriminatory manner in matters of housing, employment, and public accommodation. Council Member Gallagher suggested the item be tabled. Deputy Mayor Pro Tem Harris requested clarification regarding impact to businesses and the challenges faced by Fort Worth. City Attorney Mims advised business issues will be fully vetted and reported general success and cooperation in other cities with similar ordinances. Council Member Downs stated most advanced cultures and societies look harshly at discrimination and that the ordinance is a step forward and by leaving anyone out, we are discriminating. Council Member Davidson spoke to the strong feelings on both sides of the issue, the changes and legal options available, history has proven there are times when people have needed protection, and that she serves all mankind. Council Member Miner stated throughout his life he has seen diversity and as a public servant, he protects and defends all citizens of Plano. Deputy Mayor Pro Tem Smith advised this is an equal rights issue to ensure all citizens are treated equally and businesses have a waiver option available. Council Member Duggan stated it is a tough decision and agrees the item should be tabled.

Council Member Gallagher made a motion to table the item until the January 12, 2015 Council Meeting with a second by Council Member Duggan. The Council voted 3-5 with Mayor Pro Tem Smith, Council Members Duggan and Gallagher in favor and Mayor LaRosiliere, Deputy Mayor Pro Tem Harris, Council Members Miner, Davidson and Downs opposed. Motion failed.

Upon a motion made by Mayor LaRosiliere and seconded by Council Member Davidson, the Council voted 5-3 with Mayor LaRosiliere, Mayor Pro Tem Smith, Council Members Miner, Davidson and Downs in favor and Deputy Mayor Pro Tem Harris, Council Members Duggan and Gallagher opposed, to amend Section 2-11, to be renamed Equal Rights Policy, of the City of Plano Code of Ordinances, adopting an expanded policy based on protected characteristics; and prohibiting discrimination in places of public accommodation, employment practices, housing transactions and City contracting practices; and further to adopt Ordinance No. 2014-12-7.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 9:57 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Lisa C. Henderson, City Secretary