

**PLANO CITY COUNCIL
REGULAR SESSION
February 9, 2015**

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

Mayor LaRosiliere convened the Council into the Regular Session on Monday, February 9, 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.

Council Member Davidson led the invocation and Girl Scout Troop 913 led the Pledge of Allegiance and Texas Pledge.

Mayor LaRosiliere presented a proclamation recognizing Engineers Week and recognized outgoing Planning and Zoning Commission member Richard Grady.

Comments of Public Interest

Janice Schieffer, Alan Richards, Michelle Stafford, Diana Finfrock Farrar, Reverend Jan Sullivan, Bernard Hamilton, and Sean Sayla spoke in support of the Equal Rights Ordinance. Donna Bening expressed support but did not wish to speak.

CONSENT AGENDA

Upon a motion made 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, with the exception of Consent Agenda Item "K" to be discussed individually, as recommended and as follows:

Approval of Minutes

January 26, 2015 (Consent Agenda Item “A”)

Approval of Expenditures

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

Bid No. 2015-55-B for the Manhole I/I Barrier Installation, Project No. 6462 for Public Works, to Quality Excavation, LTD in the amount of \$749,920; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Bid No. 2014-367-C for a one (1) year contract to purchase Tires for Inventory Control & Assets Disposal (ICAD) from American Tire Distributors, A to Z Tire & Battery, Inc., Southern Tire Mart, and Wingfoot Commercial Tire Systems, LLC in the estimated annual amount of \$403,529; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Purchase from an Existing Contract

To approve the purchase of Brocade network electronics for the Technology Services department in the amount of \$80,753 from Lumenate Technologies, LP, through an existing contract; and authorizing the City Manager to execute all necessary documents. (DIR-TSO-2636) (Consent Agenda Item “D”)

To approve the purchase of Symantec Anti-virus and IT Management Suite Software support in the amount of \$120,988 from Intuitive Technology Group through an existing contract with the State of Texas Department of Information Resources; and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1917) (Consent Agenda Item “E”)

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

To approve a Professional Services Agreement by and between the City of Plano and Garver, LLC, in the amount of \$195,587 for the Brennan Drive, Knollwood Drive, Knollwood Court, & Casa Grande Drive Improvements project; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Approval of Change Order

Approval of Expenditure

To approve an expenditure for installation of a gas main to Oak Point Park and Nature Preserve in the amount of \$119,315 from Atmos Energy and Lowe's Construction LLC; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

To approve the purchase of Smarter Commerce retail point of sale and credit card processing software for Customer and Utility Services in the amount of \$203,897 from Premier Group; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

Adoption of Resolutions

Resolution No. 2015-2-1(R): To approve the terms and conditions of a First Modification to the Amended and Restated Economic Development Incentive Agreement by and between the City of Plano, Texas and Denbury Onshore, LLC, a Delaware limited liability company; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “I”)

Resolution No. 2015-2-2(R): To rescind the authorization of the Economic Development Incentive Agreement by and between ZeOmega, Inc., a Delaware corporation, and the City of Plano, Texas, pursuant to Resolution No. 2014-10-1(R); and providing an effective date. (Consent Agenda Item “J”)

Resolution No. 2015-2-3(R): To appoint William J. Roberts and Scott M. Seidel, licensed Attorneys, to serve a two year term as ethics investigators as required by Section 2-104 of the Code of Conduct of the City of Plano; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2015-2-4(R): To approve the terms and conditions of a Real Estate Contract by and between Schultz Properties, LTD and the City of Plano, Texas for purchase of a 2.628 acre tract of vacant land located at 1106 Avenue K in the City of Plano, Collin County, Texas for future development as a passenger station for the Cotton Belt Rail station; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “M”)

Adoption of Ordinances

Ordinance No. 2015-2-5: To abandon all right, title and interest of the City in and to that certain 1.513 Acre Easement and Right-of-Way for Street Purposes known as Texas Drive, recorded in Volume 618, Page 106, of the Deed Records of Collin County, Texas and being situated in the William Beverly Survey, Abstract No. 75, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement and right-of-way to the owner of the property underlying the easement and right-of-way, Rosewood Property Company, 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”)

END OF CONSENT

Consideration of a Resolution to approve the recommendation designating the Repertory Company Theatre be named as the City of Plano’s Courtyard Theater Tier 1 Resident Theater Company; authorizing the City Manager to prepare and execute all necessary agreements concerning the Company’s use of the Courtyard Theater; and providing an effective date. (Consent Agenda Item “K”)

Mayor LaRosiliere opened the floor to public comments. Kathy Chamberlain, Debbie Watson, Darrell Rodenbaugh, Sara Egelston Akers, Steve Kusters, Christina Cunningham, Jim O’Reilly, Autumn Melcer, Andy Baldwin, Elly Marsh, Ivan Hughes, Cindi Lawrence Hanson, and Mary Compton spoke in opposition of designating the Repertory Company Theatre as the City of Plano’s Courtyard Theater Tier 1 Resident Theater Company.

Consideration of a Resolution (Cont'd)

Director of Parks and Recreation Fortenberry and Venue Supervisor Ferhm spoke to the existing booking policies and prior changes to policies. Mr. Ferhm reported eight bookings would be affected by implementing the Tier 1 client. In response to Council, Ms. Fortenberry stated the Cultural Arts Commission's role is to evaluate and award grants and is not involved in the operation of Plano theaters. She advised the Council on the expected grant funding to be included in the agreement for a Tier 1 client. City Manager Glasscock advised that the Council needs to determine if a Tier 1 Resident Theater Company was their desire.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 7-1, with Mayor LaRosiliere voting in opposition, to reject the recommendation designating the Repertory Company Theatre be named as the City of Plano's Courtyard Theater Tier 1 Resident Theater Company.

The City Council took a brief recess at 8:40 p.m. and reconvened at 8:50 p.m.

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2014-48 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 6.4± acres of land located on the north side of Park Boulevard, 334± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas, from Planned Development-13-Retail to Single-Family Residence Attached; 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: Lyons Equities, Inc., Trustee Texas Corp. (Regular Item "2")

Director of Planning Day stated the applicant requested the item be tabled to the February 23, 2015 City Council meeting.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to table the item to the February 23, 2015 City Council meeting.

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2014-49 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 656 so as to allow the additional use of Single-Family Residence Attached on 6.3± acres of land located on the south side of Park Boulevard, 115± feet west of Molly Lane, in the City of Plano, Collin County, Texas, presently zoned Planned Development-6-Retail; 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: Lyons Equities, Inc., Trustee Texas Corp. (Regular Item "3")

Director of Planning Day stated the applicant requested the item be tabled to the February 23, 2015 City Council meeting.

Upon a motion made by Council Member Miner and seconded by Council Member Downs, the Council voted 8-0, to table the item to the February 23, 2015 City Council meeting.

Public Hearing and adoption of Ordinance No. 2015-2-6 as requested in Zoning Case 2014-42 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 6.3± acres of land located on the south side of Plano Parkway, 185± feet west of Preston Road in the City of Plano, Collin County, Texas, from Planned Development-201-Light Commercial with Specific Use Permit #537 for New Car Dealer to Planned Development-494-Light Commercial with Specific Use Permit #537 for New Car Dealer to allow mid-rise residential with modified development standards; 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: Winstead, P.C. (Regular Item “1”)

Due to a potential conflict, Council Member Duggan stepped down from the dias.

Development Review Manager Hill spoke to the location of the property, the residential requirements proposed by the developer, and a proposed concept plan. He presented site photographs of the property. Mr. Hill stated Staff and the Planning and Zoning Commission recommend approval with the following restrictions:

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

Mid-Rise Residential is a permitted use subject to the following standards:

1. Minimum Front Yard Setback: 30 feet
2. Maximum Number of Units: 465
3. Minimum Density: 50 dwelling units per acre
4. Maximum Height: 5 stories, 70 feet
5. Maximum Floor Area Ratio: 2:1
6. Maximum Lot Coverage: None
7. Parking structure facades must be concealed from view from Preston Road and Plano Parkway.
8. Nonresidential uses, including but not limited to leasing offices and resident amenity areas must have a minimum of 40% of the ground floor façade facing Preston Road and Plano Parkway comprised of window area. For purposes of this standard, ground floor is defined as that portion of a building from the street-level finish floor elevation and extending 12.5 feet above the street-level finish floor elevation.
9. Screening: A fence and irrigated living screen is required along the southern property line and must be a minimum of six feet in height at installation. A masonry screening wall is required along the eastern property line adjacent to first floor residential units and must not be less than eight feet in height.

Public Hearing and adoption of Ordinance No. 2015-2-6 (Cont'd.)

Mayor LaRosiliere opened the public hearing. Tommy Mann of Winstead P.C., representing Alliance Residential Company, the applicant, spoke to the project's appropriateness for the site and how the project conforms to the City's comprehensive plans and policies. He discussed area employment centers and the project being the highest and best use of the property. Karl Hirschey from Alliance Residential Company, the applicant spoke to the site and provided a summary of the proposed project unit composition, rental rates, parking, open space, amenities, and resident services. He provided a proposed concept and building design plans and examples of other projects completed by Alliance Residential. Mr. Hirschey, in response to Council questions, provided detail regarding the ingress/egress points and traffic concerns. Paul Guta, Judy Kendler, and Mollie Hancock spoke in opposition. Guy Kendler expressed opposition but did not wish to speak. Mr. Mann responded to citizen concerns regarding traffic concerns by stating traffic is less for residential uses than commercial uses, the struggling existing commercial facilities in the area do not indicate commercial would be an effective use of the property and the complex would be more aesthetically pleasing than the existing concrete building. Mayor LaRosiliere closed the public hearing.

Council Member Gallagher stated the marketplace dictates the uses of properties and this is the best use of the property. Deputy Mayor Pro Tem Harris expressed concerns regarding the lack of the 1200 foot setback, isolated housing, and patch work zoning. Council Member Downs stated concerns regarding setback but feels the Council may have to be more flexible in redevelopment areas and there is a demand for this type of housing. Council Member Davidson spoke to the increase in traffic but feels the proposed development is appropriate. Mayor LaRosiliere spoke to bring new citizens to Plano for revitalization. Mayor Pro Tem Smith stated concerns about the isolation of the project but supports the request.

Upon a motion made by Mayor LaRosiliere and seconded by Council Member Downs, the Council voted 6-1, with Deputy Mayor Pro Tem Harris voting in opposition, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 6.3± acres of land located on the south side of Plano Parkway, 185± feet west of Preston Road in the City of Plano, Collin County, Texas, from Planned Development-201-Light Commercial with Specific Use Permit #537 for New Car Dealer to Planned Development-494-Light Commercial with Specific Use Permit #537 for New Car Dealer to allow mid-rise residential with modified development standards, as requested in Zoning Case 2014-42; and further to adopt Ordinance No. 2015-2-6.

Council Member Duggan resumed his seat at the dais.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2014-41 - Request to rezone 21.8± acres located at the northwest corner of Independence Parkway and Plano Parkway from Planned Development-373-Retail/General Office to Single-Family Residence Attached. Zoned Planned Development-373-Retail/General Office. Applicant: Plano Parkway Investments LP (Regular Item "4")

Public Hearing and consideration of an Appeal (Cont'd.)

Director of Planning Day stated the request is to rezone the property to Single-Family Residence Attached which is compatible with surrounding area uses. She spoke to traffic concerns for infill spaces and provided data from the Institute of Transportation Engineers regarding the average trips generated by different uses allowable on the property. Ms. Day stated the request was denied by the Planning and Zoning Commission and will require a three-quarter vote to overturn the decision. She stated Staff is in support of the project.

Mayor LaRosiliere opened the public hearing. Bryan Klein from Ion Design Group representing the applicant, provided details regarding the project layout, open space, parking, proposed buffers, development features, elevations, and floor plans. He stated the project complies with all current Single-Family Attached standards. Mr. Klein spoke to the appropriateness of the project, compatibility with the area, and addressed neighboring property owner concerns and presented an alternative layout. Brad Moon, Andrew Ostapko, Dennis Yakel, Linda Yakel, Goebel Vaughn, Gerry Areghini, Mollie Hancock and Ari Yallon spoke in opposition to the project. Warren Casteel spoke in favor of the project. Rebecca Douglas, Stephen Douglas, Barbara Chin, Barry Sturdivant, Gary Mayo, Linda James, Gloria Sturdivant, Cheryl Mayo, and John Hancock expressed opposition to the project but did not wish to speak. Audre Casteel expressed support but did not wish to speak. In response to speaker concerns, Mr. Klein stated regular Single-Family use is not effective for the site, commercial and retail has not been supported by development of the property, and the applicant is willing to work with the City to make appropriate amendments to the plan. Mayor LaRosiliere closed the public hearing.

Director of Planning Day spoke to staff's position to integrating neighborhoods to provide access to schools and park facilities. Council Member Davidson expressed ingress/egress concerns if Linda Lane is closed. Council Member Miner suggested not extending Linda Lane and adding a masonry wall. Mayor Pro Tem Smith expressed concerns regarding access and traffic issues. Council Member Downs stated he is not in favor of extending Linda Lane. Ms. Day advised the Council can attach stipulations to the zoning and that the stipulations would remain with the property even if the project did not come to fruition. Mayor LaRosiliere spoke to the challenges in developing infill lots. Ms. Day stated the ordinance would be brought back to the next meeting for approval.

Upon a motion made by Council Member Miner and seconded by Council Member Downs, the Council voted 8-0, to grant an appeal of Zoning Case 2014-41 with the following stipulations: removal of Linda Lane extension into the subdivision, masonry fence around the perimeter with wrought-iron fencing adjacent to green belt open spaces by Linda Lane, and an additional access point on Plano Parkway.

Public Hearing and adoption of Ordinance No. 2015-2-7 as requested in Zoning Case 2014-45 to amend Section 1.600 (Definitions) of Article 1 (General Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, regarding Automobile Repair-Major and Automobile Repair-Minor/Service Station; 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 Item "5")

Public Hearing and adoption of Ordinance No. 2015-2-7 (Cont'd.)

Development Manager Hill spoke to the requested change of definition for Automobile Repair. He stated Staff and the Planning and Zoning Commission recommend for approval as follows: (Additions are indicated in underlined text; deletions are indicated in ~~strike through~~ text.)

Amend Section 1.600 (Definitions) of Article 1 (General Regulations), such portion of section to read as follows:

Automobile Repair - Major

~~General~~ Major repair or reconditioning of engines and transmissions, and retrofitting of air-conditioning systems, for motor vehicles; wrecker service; collision services including body, frame, or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust proofing; and other similar uses.

Automobile Repair -Minor/ Service Station

An establishment used for the retail dispensing or sales of automobile fuels, lubricants, and automobile accessories; the minor repair or replacement of parts, paintless dent repair, and performing state inspections and making minor repairs necessary to pass said inspection. Uses listed under Automobile Repair - Major or any other similar uses are not included. Vehicles, which are inoperative or are being repaired, may not remain ~~parked outside~~ onsite for a period greater than ~~seven~~ four days.

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 Mayor Pro Tem Smith, the Council voted 8-0, to amend Section 1.600 (Definitions) of Article 1 (General Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, regarding Automobile Repair-Major and Automobile Repair-Minor/Service Station, as requested in Zoning Case 2014-45; and further to adopt Ordinance No. 2015-2-7.

Public Hearing and adoption of Ordinance No. 2015-2-8 as requested in Zoning Case 2014-51 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to remove 0.8± acre of the Lexington Park #2 located north of Wolcott Lane and the alley extending to the southwest, from the Haggard Park Heritage Resource District (H-20); thereby retaining only the Planned Development District 179-Downtown Business Government zoning; 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 Item “6”)

Director of Planning Day stated the request is to modify the Haggard Park Heritage District by removing less than one acre of land located in the Lexington Park #2 Subdivision. She advised the Heritage Commission and the Planning and Zoning Commission recommended removing the property from the Heritage District.

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 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, to remove 0.8± acre of the Lexington Park #2 located north of Wolcott Lane and the alley extending to the southwest, from the Haggard Park Heritage Resource District (H-20); thereby retaining only the Planned Development District 179-Downtown Business Government zoning, as requested in Zoning Case 2014-51; and further to adopt Ordinance No. 2015-2-8.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 11:36 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Lisa C. Henderson, City Secretary