

**PLANO CITY COUNCIL
REGULAR SESSION
March 17, 2015**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Patrick Gallagher
Jim Duggan
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, March 17, 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.

Senior Pastor Kevin Boyd from Legacy Church led the invocation and Junior Girl Scout Troop 6600 from Davis Elementary led the Pledge of Allegiance and Texas Pledge.

Mayor LaRosiliere administered the Oath of Office to new Planning and Zoning Commission Members Hilton Kong and Michael O'Hanlon and presented a Certificate of Appreciation to Mr. Kong for his service on the Tax Increment Financing Reinvestment Zone No. 2 Board. He recognized Rice Middle School Students for being one of the winners of the Verizon Innovative App Challenge. Mayor LaRosiliere and Plano Fire Rescue presented Citizen Lifesaving Award Certificates to Pam Taylor, Dr. Sheffield Kadane, Doug Murphy, and Jake Harden. He recognized the 2014 MP3 Graduates Allison Friloux, Curtis Howard, Karen Fetchko, Matthew Yager, Samuel Grissom, and Program Director Dr. Tony Picchioni.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon a motion made by Council Member Downs 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

February 23, 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. 2015-113-B for Erosion Control at Valley Creek and Stone Creek – Project No. 5995, to Ark Contracting Services, Inc. in the amount of \$671,875; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Bid No. 2015-137-B for Royal Oaks Drive - Jupiter Road to Spring Creek Parkway - Paving and Water Improvements to Tri-Con Services, Inc. in the amount of \$2,245,000; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Bid No. 2015-015-B for Windhaven Parkway – Spring Creek Parkway to West City Limits project to Tiseo Paving Co. in the amount of \$3,414,288; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Bid No. 2015-143-P for the Pavement Maintenance Requirements with two (2) City optional renewals, Project No. 6500 for Public Works to Jerusalem Corporation, in the amount of \$1,337,000; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

Bid No. 2015-118-B for McCall Plaza and Parking Lot Renovation to Cole Construction, Inc. in the amount of \$1,664,364; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Bid No. 2015-44-C for a one (1) year contract with three (3) City optional renewals, for the purchase of batteries for Inventory Control & Asset Disposal from Continental Batteries in the estimated annual amount of \$35,424 and Interstate Batteries in the estimated annual amount of \$19,752 for an estimated annual total of \$55,176; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

Purchase from an Existing Contract

To approve the purchase of five (5) Toro Groundsmaster 7200 zero turn mowers, for Fleet Services to be utilized by the Parks Department, in the amount of \$79,734 from Professional Turf Products through an existing TASB/BuyBoard contract; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 447-14) (Consent Agenda Item “H”)

To approve the purchase of two (2) combination jet/vacuum trucks in the amount of \$640,463 from Freightliner of Austin through an existing TASB/BuyBoard contract, one (1) 1,000 gallon jet only truck in the amount of \$176,329 from Houston Freightliner through an existing HGAC contract, and one (1) 700 gallon, dual reel, jet only truck in the amount of \$120,534 from Rush Truck Center through an existing TASB/BuyBoard contract, for Fleet Services to be utilized by the Public Works Department in the total amount of \$937,326; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 430-13/HGAC Contract No. HT06-14) (Consent Agenda Item "I")

To approve the purchase of ten (10) Horton Type I, Ford F550 623 Med Units, for Fleet Services to be utilized by the Fire Department, in the amount of \$2,377,360 from Professional Ambulance through an existing HGAC contract; and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. AM10-14) (Consent Agenda Item "J")

To approve the purchase of the removal and relocation of wireless networking equipment at White Rock Water Tower affecting multiple departments in the amount of \$144,974 from Scientel Wireless, LLC through an existing HGAC (Houston-Galveston Area Council) contract; and authorizing the City Manager to execute all necessary documents. (CW10-14) (Consent Agenda Item "K")

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 Walker Parking Consultants/Engineers, Inc. in the amount of \$58,300 for the Downtown Plano Parking Study project; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "L")

To approve a Professional Services Agreement by and between the City of Plano and Walter P. Moore & Associates, Inc. in the amount of \$160,330 for Downtown Brick Pavers & Pavement project; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "M")

To approve a Professional Services Agreement by and between the City of Plano and RJN Group, Inc. in the amount of \$234,791 for Sanitary Sewer Assessment - Indian and Russell Creeks project; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "N")

To approve a Professional Services Agreement by and between the City of Plano and Pacheco Koch, LLC, in the amount of \$299,660 for the Russell Creek Drive Improvements – Independence to Sutherland project; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "O")

To approve an Engineering Services Agreement by and between the City of Plano and GME Consulting Services, Inc. for materials testing services, in the amount of \$100,000 for the Requirements Contract 1 – Arterial Project No.6565; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "P")

To approve an Engineering Services Agreement by and between the City of Plano and Team Consultants, Inc. for materials testing services, in the amount of \$100,000 for the Requirements Contract 1 – Residential Project No.6566; and authorizing the City Manager to execute all necessary documents.(Consent Agenda Item “Q”)

To approve a Landscape Architect Services Agreement by and between the City of Plano and KENDALL + Landscape Architecture, in the amount of \$139,000 for design services for a dog park at Bob Woodruff Park; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “R”)

To approve an Engineering Services Agreement by and between the City of Plano and Kimley-Horn and Associates, Inc. in the amount of \$172,594 for the design services for arterial side path improvements at designated locations along the City's on-street bicycle route system; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “S”)

To approve a contract made and entered into by and between the City of Plano, the Board of Trustees of the Plano Independent School District, and Sharon Rowe, the Elections Administrator of Collin County, Texas, pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City's May 9, 2015 Joint General Election in the amount of \$31,588. (Consent Agenda Item “T”)

Adoption of Resolutions

Resolution No. 2015-3-1(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of DeSoto, Texas to allow employees of each city to participate in training classes offered by the other city; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “U”)

Resolution No. 2015-3-2(R): To approve the terms and conditions of a First Amendment of Tax Abatement Agreement by and between the City of Plano, Texas, Ericsson WiFi Inc., a Delaware corporation formerly known as Ericsson Real Estate Holdings, Inc., and Ericsson Inc., a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “V”)

Resolution No. 2015-3-3(R): To approve the terms and conditions of an Interlocal Agreement (ILA) between City of Plano and the North Texas Tollway Authority (NTTA) related to the construction of a new U-turn bridge crossing the Dallas North Tollway on the north side of Legacy and participation in the cost of construction of the improvements to the Dallas North Tollway between President George Bush Turnpike (SH 190) and Headquarters Drive, authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date. (Consent Agenda Item “W”)

Resolution No. 2015-3-4(R): To approve the terms and conditions of a Third Amendment to Employment Agreement by and between Bruce D. Glasscock and the City of Plano for City Manager services; authorizing its execution by the Mayor; and providing an effective date. (Consent Agenda Item “X”)

Resolution No. 2015-3-5(R): To authorize the City Manager to enter into a Joint Election Agreement with the Plano Independent School District and Collin County Community College District for the purpose of conducting a joint election on May 9, 2015; and providing an effective date. (Consent Agenda Item “Y”)

Resolution No. 2015-3-6(R): To authorize participation in the Solar Ready II Project and adoption of Solar Energy Best Management Practices; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item “Z”)

Resolution No. 2015-3-7(R): To approve the Investment Portfolio Summary for the quarter ending December 31, 2014; and providing an effective date. (Consent Agenda Item “AA”)

Adoption of Ordinances

Ordinance No. 2015-3-8: To amend City of Plano Ordinance No. 2013-10-24, codified as Article II, Building Code, of Chapter 6 of the Code of Ordinances; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “BB”)

END OF CONSENT

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. (Tabled at the February 9, 2015 and February 23, 2015 Council meetings.) (Regular Item “1”)

Upon a motion made by Council Member Downs and seconded by Council Member Miner, the Council voted 8-0, to remove the item from the table.

Director of Planning Day stated the applicant requested the item be tabled to the April 27, 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 April 27, 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. (Tabled at the February 9, 2015 and February 23, 2015 Council meetings.) (Regular Item “2”)

Upon a motion made by Council Member Davidson and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to remove the item from the table.

Director of Planning Day stated the applicant requested the item be tabled to the April 27, 2015 City Council meeting.

Upon a motion made by Council Member Miner and seconded by Council Member Davidson, the Council voted 8-0, to table the item to the April 27, 2015 City Council meeting.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission’s Denial of Zoning Case 2014-46 – Request to rezone 14.5± acres from Research/Technology Center to Planned Development- Research/Technology Center located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road in order to allow Office- Showroom/Warehouse with modified development standards. Zoned Research/Technology Center. Applicant: Industrial Developments International, LLC (IDI Gazeley) (Tabled at February 23, 2015 Council meeting.) (Regular Item “3”)

Upon a motion made by Council Member Downs and seconded by Council Member Miner, the Council voted 8-0, to remove the item from the table.

Director of Planning Day spoke to the location, current zoning and uses of the adjacent properties. She stated the requested modified standards for Office-Showroom/Warehouse use include:

1. Maximum Height: 20 story, not to exceed 325 feet in height. One story buildings shall not exceed 41 feet, inside clear height (Exclusive of interior support structures), except as specified in Other Setback Requirements below.
2. Maximum Loading Spaces or Berths: 16
3. An Office-Showroom/Warehouse use is permitted only when the first floor of the building housing said uses does not exceed 225,000 square feet of gross floor area.
4. Screening of loading and trash collection areas from adjacent properties is not required.

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

Ms. Day stated the Planning and Zoning Commission unanimously denied the request. She spoke to the requested modifications in relation to the Research/Technology (RT) District. Doug Johnson from IDI Gazeley, the applicant, spoke to recent modifications of the original request to the plan to include a maximum of 168,000 square feet, remove the clear height component, partial landscaping at the rear of the property, and maintaining the requested 16 loading spaces. He discussed the property and nearby businesses. Mr. Johnson provided a rendering of the proposed building and discussed the type of tenants expected.

Mayor LaRosiliere opened the public hearing. Allen Smith spoke in opposition of the appeal. Mayor LaRosiliere closed the public hearing. The Council discussed the stipulations and requirements if the appeal is approved. In response to Council Member Davidson, Ms. Day stated the project presented to Council has been amended from what was presented to the Planning and Zoning Commission. Council member Miner expressed concerns about using the RT district for Industrial district purposes. Council Member Duggan stated the project is appropriate and that too much land in the RT district is not being utilized.

A motion to approve the appeal with the following stipulations: Four parking spaces per thousand square feet; Warehouse/Showroom use allowed when first floor does not exceed 168,000 square feet; and maximum of 1 loading space per 10 square feet up to 16 was made by Council Member Gallagher and seconded by Council Member Duggan, the motion failed due to the lack of a super majority vote by a vote of 5-3, with Mayor Pro Tem Smith, Council Member Miner and Council Member Downs voting in opposition. A motion to deny the appeal was made by Council Member Miner and seconded by Council Member Downs, the motion failed due to the lack of a super majority vote by a vote of 4-4, with Mayor LaRosiliere, Council Member Davidson, Council Member Duggan, and Council Member Gallagher voting in opposition.

The Council took a brief recess at 8:32 p.m. and reconvened into open session at 8:42 p.m.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2014-47 - Request for a Specific Use Permit for Mid-Rise Residential on 2.4± acres located at the northeast corner of Spring Creek Parkway and Headquarters Drive. Zoned Commercial Employment. Applicant: Winstead, P.C. (Tabled at February 23, 2015 Council meeting.) (Regular Item "4")

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Miner, the Council voted 8-0, to remove the item from the table.

Director of Planning Day gave a brief review of the project, location, surrounding property uses, property challenges, and additional uses for the property. Kirk Williams, representing the applicant, spoke briefly regarding the project being consistent with the comprehensive plan and future land use plan. Megan Lasch spoke to the project features and resident programs. She addressed open space concerns, amenities and the location. Michael Sealy, the property owner stated the site is difficult to develop with another use.

Mayor LaRosiliere opened the public hearing. Bill Kula, John Maluso, and Greg Urech spoke in opposition of the project. Marty Mascari, Terry Harvey, Trish Patterson, Ann Lott, and Lisa Stephens spoke in favor of the project. Mayor LaRosiliere closed the public hearing.

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

Council Member Davidson expressed concern for the limited outdoor space. Ms. Lasch provided details of the open space areas located on the property. Ms. Day clarified the need for the Specific Use Permit, the allowable uses for the property, the centerline distance requirement, and uses of the adjoining property. City Attorney Mims stated this is a zoning case and the Council should focus their decision based on land use only.

A motion to approve the appeal was made by Council Member Downs and seconded by Council Member Duggan, the motion failed due to the lack of a super majority vote by a vote of 5-3, with Mayor Pro Tem Smith, Deputy Mayor Pro Tem Harris and Council Member Davidson voting in opposition. A motion to deny the appeal was made by Deputy Mayor Pro Tem Harris and seconded by Council Member Miner, the motion failed due to the lack of a super majority vote by a vote of 4-4, with Mayor LaRosiliere, Council Member Duggan, Council Member Gallagher and Council Member Downs voting in opposition.

Public Hearing and consideration of a Resolution to support an application for a nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project, located at Palomino Crossing, Block 1, Lot 4; and designating the City Manager to certify this resolution to TDHCA; and declaring an effective date. (Tabled at the February 23, 2015 Council meeting.) (Regular Item "5")

Upon a motion made by Council Member Miner and seconded by Council Member Gallagher, the Council voted 8-0, to remove the item from consideration.

Public Hearing and adoption of Ordinance No. 2015-3-9 as requested in Zoning Case 2015-01 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 657 so as to allow the additional use of Food Truck Park on 1.2± acres of land located at the southwest corner of 14th Street and M Avenue, in the City of Plano, Collin County, Texas, presently zoned Downtown Business/Government and Planned Development-369- Light Commercial with Specific Use Permit No. 124 for Contractors Shop and Storage; 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: Terrell-Lewis Investments, LLC and Milestone Terrain (Regular Item "6")

Development Review Manager Hill stated this request is to allow a food truck park in downtown Plano and is consistent with development in the area. He stated the Planning and Zoning Commission and Staff recommend approval of the Specific Use Permit. Mayor LaRosiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Council Member Miner and seconded by Council Member Downs, the Council voted 8-0, to grant Specific Use Permit No. 657 so as to allow the additional use of Food Truck Park on 1.2± acres of land located at the southwest corner of 14th Street and M Avenue, in the City of Plano, Collin County, Texas, presently zoned Downtown Business/Government and Planned Development-369- Light Commercial with Specific Use Permit No. 124 for Contractors Shop and Storage, as requested in Zoning Case No. 2015-01; and further to adopt Ordinance No. 2015-3-9.

Public Hearing and adoption of Ordinance No. 2015-3-10 as requested in Zoning Case 2014-50 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 11.4± acres of land located on the north side of Premier Drive, 885± feet east of Renaissance Drive in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-496-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: Fairview Farm Land Co., LTD & Fairview Premier Drive LLC (Regular Item “7”)

Development Review Manager Hill stated this request is on a vacant property adjacent to an assisted living facility and a hotel currently under construction. He spoke to the applicant proposing standards and requesting a planned development to allow for low density single-story detached multi-family product. Mr. Hill stated although the property has commercial zoning currently, the future land use designation is for residential. He stated Staff and the Planning and Zoning Commission recommended approval with the following stipulations:

The permitted uses and standards shall be in accordance with the existing Corridor Commercial (CC) zoning district unless otherwise specified herein:

Multifamily residence is a permitted use and shall be developed in accordance with the Multifamily Residence-2 (MF-2) zoning district with the following exceptions:

1. Minimum Side Yard Setback: 10 feet
2. Maximum Height: One story (20 feet)
3. Maximum Number of Units: 122 total, of which no more than 26 will be duplexes. The remaining units will be detached, single units.

Jon Van de Voorde from NexMetro Communities, representing the applicant, provided an overview of the project consisting of 122 single story living units, the demographics, compliance with the comprehensive plan, and proposed standards. He spoke to the reduced density, available open spaces, property features including garages, private courtyards, and an amenity facility. Rodney Haggard, property owner, spoke to the difficulty developing the property and asked for Council support. Mayor LaRosiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing.

In response to Council Member Miner, Mr. Hill stated the planned development zoning does not require a screening wall but the applicant has indicated a screening wall will be constructed around perimeter.

Upon a motion made by Council Member Duggan and seconded by Council Member Gallagher, 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 11.4± acres of land located on the north side of Premier Drive, 885± feet east of Renaissance Drive in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-496-Corridor Commercial as requested in Zoning Case No. 2014-50; and further to adopt Ordinance No. 2015-3-10.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 10:05 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Lisa C. Henderson, City Secretary