

**PLANO CITY COUNCIL
REGULAR SESSION
July 27, 2015**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Rick Grady
Ron Kelley
Tom Harrison
David Downs

COUNCIL MEMBERS ABSENT

Angela Miner

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, July 27, 2015, at 7:03 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Dr. Steve Vernon, Interim Pastor of First Baptist Church Plano led the invocation and Junior Girl Scout Troop 3460 from Harrington Elementary led the Pledge of Allegiance and Texas Pledge.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

City Manager Glasscock requested that Consent Agenda Item "S" be removed for individual consideration at the request of Council Member Harrison.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Grady, the Council voted 7-0 to approve and adopt all remaining items on the Consent Agenda as recommended, and as follows:

Approval of Minutes

June 27, 2015

(Consent Agenda Item "A")

Approval of Expenditures

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

RFP No. 2015-183-B for a Compensation Study to be utilized by the Human Resources Department to Public Sector Personnel Consultants, Inc. for core services in the estimated amount of \$170,000 with additional options in the estimated amount of \$7,500, equaling an estimated total amount of \$177,500; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Bid No. 2015-151-B for Fire Station 9 Roof and Waterproofing Replacement to Tice Enterprises, Ltd. in the amount of \$99,950; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Bid No. 2015-285-B for Intersection Improvements – Plano Parkway & Los Rios Boulevard Project No. 5988 to Tiseo Paving Co. in the amount of \$2,288,199; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Bid No. 2015-243-C for a one (1) year contract with three (3) one-year City optional renewals for Preformed Thermoplastic Pavement Markings and Sealer for the Public Works Department to Flint Trading, Inc. in the estimated annual amount of \$114,697; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

Bid No. 2015-322-B for the Dublin Road Rehabilitation Project No. 6619 for Public Works to Advanced Paving Acquisition, LTD. in the amount of \$193,340; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Bid No. 2015-249-C for a one (1) year contract for Water and Wastewater Pumping Facility Maintenance for the Public Works Department to Legacy Contracting, LP dba Control Specialist Services, LP in the estimated annual amount of \$450,000; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

Bid No. 2015-325-P for the Residential and Arterial Concrete Pavement Under-Sealing Contract with two (2) City optional renewals, Project 6612 for Public Works to Nortex Concrete Lift & Stabilization, Inc. in the amount of \$1,932,000; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

Bid No. 2015-316-B for a one (1) year contract for the purchase of Manhole Rings and Covers for Inventory Control & Asset Disposal (ICAD) to Texas Water Products, Inc. in the estimated annual amount of \$161,250; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

Purchase from an Existing Contract

To approve the purchase of Audio Visual Equipment for the Oak Point Park Nature and Retreat Center in the amount of \$104,059 from Videotex Systems, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents (BuyBoard Contract No. 482-15). (Consent Agenda Item “J”)

To approve the purchase of strength equipment for the Tom Muehlenbeck Recreation Center in the amount of \$61,260 from Marathon Fitness through an existing contract/agreement with BuyBoard; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 413-12) (Consent Agenda Item “K”)

To approve the purchase of Adobe software products for multiple departments in the estimated annual amount of \$39,945 for a three-year period for a total estimated amount of \$119,835 from CDW Government, LLC through an existing State of Texas Department of Information Services contract; and authorizing the City Manager to execute all necessary documents. (DIR-SDD-2504) (Consent Agenda Item “L”)

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 Teague Nall & Perkins, Inc., in the amount of \$204,000 for the Maumelle Drive and Daybreak Trail Paving and Water Improvements 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 Freese and Nichols, Inc. in the amount of \$225,950 for the Water Rehab Plano East 1 project; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “N”)

To approve an Architectural Services Agreement by and between the City of Plano and SmithGroupJJR, Inc. in the amount of \$772,500 for Senior Center Expansion & Renovation designs; 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 Jerry Parché Consulting Engineers in the amount of \$56,200 for floodplain analysis and FEMA Letter of Map Revision services for the Hedgoxe Undercrossing project; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “P”)

To approve a Landscape Architecture Services Agreement by and between the City of Plano and Halff Associates, Inc. in the amount of \$56,700 for design services of trail replacement construction plans along Bluebonnet Trail between Alma Drive and Blue Ridge Trail; and authorizing the City Manager to execute any necessary documents. (Consent Agenda Item “Q”)

Approval of Contract Modification

To approve and authorize Contract Modification No. 1 for the purchase of building lease space in the estimated amount of \$433,505 from Howard & Showalter Investments for the Facilities Department. This modification will provide for the renewal of the lease for office space used by the Radio Shop, for one (1) five-year term, with one (1) City optional five-year renewal term. (Consent Agenda Item “R”)

Adoption of Resolutions

Resolution No. 2015-7-1(R): To ratify the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the City of Murphy, Texas, for Interim Police Chief services; approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item “T”)

Resolution No. 2015-7-2(R): To approve the terms and conditions of an Interlocal Agreement by and between the Texas Department of Public Safety and City of Plano, Texas to allow the City of Plano to purchase supplies from the Texas Department of Public Safety to use in the BreathTesting and Laboratory Alcohol and Drug Testing Program; authorizing the City Manager to take action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date. (Consent Agenda Item “U”)

Resolution No. 2015-7-3(R): To approve the terms and conditions of an Amended and Restated Tax Abatement Agreement by and between the City of Plano, Texas, Ericsson Inc., a Delaware corporation, and erPlano Property LP, a Delaware limited partnership; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “V”)

Resolution No. 2015-7-4(R): To nominate J. C. Penney Corporation, Inc. to the Office of the Governor Economic Development and Tourism ("OOGEDT") through the Economic Development Bank ("Bank") for designation as a qualified business and an enterprise project ("Project") under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code ("Act"); and providing an effective date. (Consent Agenda Item “W”)

Resolution No. 2015-7-5(R): To authorize the approval of a loan for the Saigling House project from the City of Plano Tax Increment Financing District Reinvestment Zone Number Two for the purpose of funding to support the restoration, repurposing, and occupancy of the Saigling House and grounds; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “X”)

Resolution No. 2015-7-6(R): To approve the Investment Portfolio Summary for the quarter ending June 30, 2015; and providing an effective date. (Consent Agenda Item “Y”)

Adoption of Ordinances

Ordinance No. 2015-7-7: To amend City of Plano Ordinance No. 2003-4- 16, codified as Article V. - Street and Thoroughfare Closures, Division 2. - Neighborhood Block Parties, Section 19-93, of the Code of Ordinances; and providing a repealer clause, a savings clause, a severability clause, a publication clause and an effective date. (Consent Agenda Item “Z”)

END OF CONSENT

Adoption of Governance Guide

Adoption of the City Council Governance Guide for 2015-2016. (Consent Agenda Item “S”)

Council Member Harrison stated he would like more time to review the Council Governance Guide for 2015-2016 and made a motion to table the item to the next Council meeting. The motion died due to lack of second.

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro tem Harris, the Council voted 6-1, with Council Member Harrison voting in opposition, to adopt the City Council Governance Guide for 2015-2016.

Public Safety Communications Departmental Report

Director of Public Safety Communications Carr spoke to the department’s mission statement, organization, and the Pulse Point app. She stated staff receives 14,690 9-1-1 calls and 13,318 non-emergency calls on average each month and provided the break down by police and fire dispatches. Ms. Carr discussed departmental projects and challenges include upgrades to the Next Generation 911 Infrastructure, Text-to-911, caller location with the increased use of cellular and VOIP phones, and compliance with State legislative mandates.

Ms. Carr spoke to the department providing multiple public education opportunities and the CARE program. She said the CARE program is available to any homebound or elderly citizen and provides a daily welfare check phone call with follow-up if the call goes unanswered to verify the welfare of the citizen. Ms. Carr encouraged participation in the program. She discussed the department’s vision, strengths, and CALEA accreditation.

Resolution No. 2015-7-8(R): To authorize a modification of the Construction Manager at Risk (CMAR) contract between the City of Plano and Turner Construction Company for Jack Carter Pool Phase 1 construction for a Guaranteed Maximum Price (GMP) that will not exceed \$1,600,000; authorizing the City Manager to execute the necessary contract documents; and providing an effective date. (Regular Item “1”)

Chief Park Planner Reeves provided a history of the Jack Carter Pool project. He spoke to the existing layout of the park, the physical and functional obsolescence, cost to repair the existing pool, and 2013 bond election funding. Mr. Reeves stated the existing location is no longer viable due to the proximity to the flood plain and public meetings with area residents and Homeowners Associations were held to discuss location and features of a new pool.

He spoke to the plan for the use of the existing pool area and new aquatic center with features for all ages. Mr. Reeves added the plan developed includes lap lanes, lazy river, tot pool, parental views of the pool areas, deep water and open water areas, and attractions for teens. He provided renderings of the proposed aquatic center and buildings. Mr. Reeves stated the funding is through the 2013 bond funds, park improvement bond funds, and capital reserve funds.

Mr. Reeves provided information regarding the Construction Manager at Risk (CMAR) process. He spoke to the phasing of the project, the construction schedule, and Turner Construction has been selected due to experience. Mr. Reeves added the CMAR will come back to the City with a guaranteed maximum price and this type of process will allow the project to move forward in an expedited manner.

In response to Council questions, Mr. Reeves stated the life of the pool will be approximately thirty years with a cost recovery of 75%, annual operations and maintenance cost of \$360,000, and capacity of 1000 people. Council Member Harrison inquired if there was a way to reduce the cost by providing incentives for early completion. City Manager Glasscock advised the RFP was not structured in that manner and a change would require re-bidding. Mr. Reeves added all bids will be reviewed during the process to ensure the lowest cost. Deputy Mayor Pro tem Harris expressed concern that the facility will become a neighborhood pool due to location. Mayor LaRosiliere and Mayor Pro Tem Smith stated the facility will become a destination and is different than other pools in the system. City Manager Glasscock stated the project is in three phases and staff will assume that if the first phase is approved the other phases will be as well.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 7-0, to authorize a modification of the Construction Manager at Risk (CMAR) contract between the City of Plano and Turner Construction Company for Jack Carter Pool Phase 1 construction for a Guaranteed Maximum Price (GMP) that will not exceed \$1,600,000; and further to adopt Resolution No. 2015-7-8(R).

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's denial of Zoning Case 2014-34 - Request to rezone 54.3± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive from Regional Employment to Planned Development- Regional Employment to allow for Single-Family Residence Attached with modified development standards. Zoned Regional Employment/State Highway 121 Overlay District. Applicant: Ronald McCutchin Family Partnership, LTD. (Regular Item "2")

Director of Planning Day stated the applicant has requested the appeal of the Zoning Case be tabled until the August 10, 2015 Council Meeting.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 6-1, with Council Member Harrison voting in opposition, to table the appeal of Zoning Case 2014-34 - Request to rezone 54.3± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive from Regional Employment to Planned Development- Regional Employment to allow for Single-Family Residence Attached with modified development standards until August 10, 2015.

Consideration of an Appeal of the Planning & Zoning Commission's denial of the Concept Plan for Sam Rayburn Plaza and Villages of Prairie Commons East - General office, 116 Patio Home lots, 70 Single-Family Residence Attached lots, and seven common area lots on 43.1± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive. Zoned Regional Employment/State Highway 121 Overlay District. Applicant: Ronald McCutchin Family Partnership, LTD. (Regular Item "3")

Consideration of an Appeal (Cont'd)

Director of Planning Day stated the applicant has requested the appeal of the Concept Plan be tabled until the August 10, 2015 Council Meeting.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 6-1, with Council Member Harrison voting in opposition, to table the Concept Plan until August 10, 2015.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's denial of Zoning Case 2015-11 - Request to rezone 14.5± acres located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road from Research/Technology Center to Planned Development- Research/Technology Center in order to allow Office- Showroom/Warehouse with modified development standards. Zoned Research/Technology Center/190 Tollway/Plano Parkway Overlay District. Applicant: Industrial Developments International, LLC (IDI Gazeley). Tabled June 22, 2015. (Regular Item "4")

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 7-0, to remove the item from the table.

Director of Planning Day stated the applicant has requested the appeal of the Zoning Case be tabled until the August 24, 2015 Council Meeting.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Grady, the Council voted 6-1, with Council Member Harrison voting in opposition, to table the appeal of the Planning & Zoning Commission's denial of Zoning Case 2015-11 - Request to rezone 14.5± acres located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road from Research/Technology Center to Planned Development- Research/Technology Center in order to allow Office- Showroom/Warehouse with modified development standards until August 24, 2015.

Consideration of an Appeal of the Planning & Zoning Commission's denial of the Concept Plan for Central Plano Industrial Park, Phase 3, Block 24, Lot 1R - Office-Showroom/Warehouse on one lot on 13.7± acres located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road. Zoned Research/Technology Center/190 Tollway/Plano Parkway Overlay District. Applicant: Industrial Developments International, LLC (IDI Gazeley). Tabled June 22, 2015. (Regular Item "5")

Upon a motion made by Council Member Grady and seconded by Mayor Pro Tem Smith, the Council voted 7-0, to remove the item from the table.

Director of Planning Day stated the applicant has requested the appeal of the Concept Plan be tabled until the August 24, 2015 Council Meeting.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Grady, the Council voted 6-1, with Council Member Harrison voting in opposition, to table the Concept Plan until August 24, 2015.

Public Hearing and adoption of Ordinance No. 2015-7-9 as requested in Zoning Case 2015-17 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Planned Development-64-Central Business-1 on 137.3± acres of land located at the southwest corner of State Highway 121 and the Dallas North Tollway, in the City of Plano, Collin County, Texas, to modify development standards for mid-rise residential; 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: SWC Tollway & 121, LLC (Regular Item “6”)

Development Review Manager Hill stated this is a request to modify the distance requirements for residential development from 700 feet to 450 feet in Legacy West. He provided details of where residential uses would be prohibited and stated the modified distance is the same as the residential development to the south. Mr. Hill advised Staff and the Planning and Zoning Commission recommend approval.

Mayor LaRosiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 6-1, with Council Member Harrison voting in opposition, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Planned Development-64-Central Business-1 on 137.3± acres of land located at the southwest corner of State Highway 121 and the Dallas North Tollway, in the City of Plano, Collin County, Texas, to modify development standards for mid-rise residential; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2015-17; and further to adopt Ordinance No. 2015-7-9.

Public Hearing and adoption of Resolution No. 2015-7-10(R) to adopt the 2015-2016 Action Plan, including the summary of Community Development Block Grant and HOME Investment Partnerships Program activities and proposed use of funds for program year 2015-2016; and declaring an effective date. (Regular Item “7”)

Mayor Pro Tem Smith stepped down from the dais due to a conflict of interest.

Community Services Manager Brown stated the action plan consists of the proposed projects to utilize the U.S. Department of Housing and Urban Development grant funds. She spoke to the proposed projects following the Five-Year Consolidated Plan and funding requirements of the eligible activities. Ms. Brown stated for Fiscal Year 2015-2016 the following organizations are recommended for funding: Christ United Methodist Church, Habitat for Humanity, City of Plano Housing Rehabilitation, City of Plano First Time Home Buyers, Samaritan Inn, Texas Muslim Women’s Foundation, Collin County Committee on Aging, Jewish Family Services, and City of Plano Homelessness Prevention. In response to Council Member Downs, Ms. Brown advised funding is based on the type of project following the requirements and percentages set forth by the U.S. Department of Housing and Urban Development.

Mayor LaRosiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing.

Public Hearing and adoption of Resolution No. 2015-7-10(R) (Cont'd.)

Upon a motion made by Council Member Downs and seconded by Council Member Grady, the Council voted 6-0, to adopt the 2015-2016 Action Plan, including the summary of Community Development Block Grant and HOME Investment Partnerships Program activities and proposed use of funds for program year 2015-2016; and further to adopt Resolution No. 2015-7-10(R).

Mayor Pro Tem Smith returned to the dais.

Resolution No. 2015-7-11(R): To authorize the filing of applications for U.S. Department of Housing and Urban Development funds in an amount not to exceed \$1,543,555 under the Housing and Community Development Act and the HOME Investment Partnership Act; Designating Bruce D. Glasscock as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. (Regular Item "8")

Mayor Pro Tem Smith stepped down from the dais due to a conflict of interest and did not return.

Community Services Manager Brown stated this resolution authorizes the City Manager to apply for the grant funds.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Downs, the Council voted 6-0, to authorize the filing of applications for U.S. Department of Housing and Urban Development funds in an amount not to exceed \$1,543,555 under the Housing and Community Development Act and the HOME Investment Partnership Act; Designating Bruce D. Glasscock as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and further to adopt Resolution No. 2015-7-11(R).

With no further business, Mayor LaRosiliere adjourned the meeting at 8:17 p.m.

Harry LaRosiliere, Mayor

ATTEST

Lisa C. Henderson, City Secretary