

**PLANO CITY COUNCIL
REGULAR SESSION
April 11, 2016**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Angela Miner
Ron Kelley
Tom Harrison
David Downs

COUNCIL MEMBERS ABSENT

Ben Harris, Deputy Mayor Pro Tem
Rick Grady

STAFF PRESENT

Bruce Glasscock, City Manager
LaShon Ross, Deputy City Manager
Jim Parrish, Deputy City Manager
Jack Carr, 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, April 11, 2016, at 7:27 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Associate Pastor Julian McMillian with Grace Outreach Center led the invocation and Girl Scout Troop 3357 with Aldridge and Sigler Elementary Schools and Wilson Middle School led the Pledge of Allegiance and Texas Pledge.

Mayor LaRosiliere proclaimed April 10-16 as National Volunteer Week and National Public Safety Telecommunications Week, April as Child Abuse Prevention Month, May as Motorcycle Safety Awareness Month, and April 2016-April 2017 as the Year of Collin McKinney.

COMMENTS OF PUBLIC INTEREST

Randy Mour and Sean Moothart spoke in support of preserving the Collinwood House.

CONSENT AGENDA

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 6-0 to approve and adopt all items on the Consent Agenda, except Item "J", as follows:

Approval of Minutes

March 28, 2016
(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. 2016-0217-C for a one-year contract with five (5) City optional one-year renewals for Fleet Fuel Card and Related Services to Mansfield Oil Company in the estimated annual amount of \$3,870,000; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Bid No. 2016-0254-B for Cheyenne Park Drainage Improvements, Project No. 6701 to North Rock Construction, LLC in the amount of \$157,627; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

RFP No. 2016-0121-C for a one-year contract with three (3) City optional renewals for the administration of summer arts program for Budget and Research to ArtCentre of Plano, Inc. in the amount of \$55,290; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Purchase from an Existing Contract

To approve the purchase of hardware and software support for Palo Alto networks for Technology Services in the amount of \$64,881 from Solid Border, Inc., through an existing State of Texas Department of Information Resources contract; and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1855) (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 Alan Plummer Associates, Incorporated, in the amount of \$104,445 for Russell Creek and Georgetown Drive Sanitary Sewer Redesign; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

To approve a Professional Services Agreement by and between the City of Plano and Hayden Consultants, Inc. in the amount of \$322,465 for the 18th Street and Rigsbee Drive Reconstruction Project No. 6651; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

To approve a Landscape Architecture Professional Services Agreement between the City of Plano and JBI Partners, Inc. in the amount of \$542,500 for design and construction document services for the Carpenter Park Athletic Field and Skate Park Improvements, Project No. 6691 and 6692; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

Approval of Change Order

To Turner Construction Company increasing the Construction Manager at Risk (CMAR) contract for Jack Carter Pool by \$262,664 for irrigation around the perimeter fence and at the adjacent sports turf field area, data and audio/visual connections and equipment, and 12' concrete trail connection from Roundrock Trail to Pleasant Valley Road, Change Order No. 2. (Consent Agenda Item "I")

Adoption of Resolutions

Resolution No. 2016-4-1(R): To approve the terms and conditions of a Public Right-of-Way Use Agreement by and between the City of Plano, Texas and McDavid Plano-Acura, L.L.C., to locate, place, attach, install, operate, and maintain a communications system consisting of conduit and fiber in certain specific portions of the public rights-of-way in the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "K")

Resolution No. 2016-4-2(R): To designate authorized representatives and investment officers of the City of Plano to transact business with TexPool/TexPool Prime, public funds investment pool; and providing an effective date. (Consent Agenda Item "L")

Resolution No. 2016-4-3(R): To approve the terms and conditions of a Right-of-Way Use License Agreement by and between the City of Plano and Granite Park Association, Inc., providing for the installation of a total of three (3) private non-potable water line crossings of public right-of-way of Granite Parkway and Parkshore Drive for the purpose of distributing nonpotable water for irrigation throughout the development known as Granite Park, under Granite Parkway; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "M")

Resolution No. 2016-4-4(R): To approve the terms and conditions of an Agreement with the State of Texas for Local Transportation Project Advance Funding Agreement for a Highway Safety Improvement Program Project; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item "N")

Adoption of Ordinances

Ordinance No. 2016-4-5: To amend various sections of Division 3 of Article VIII, Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano; providing revised definitions to conform to a change in state law, and mirroring state definitions and inapplicability provisions; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date. (Consent Agenda Item "O")

Ordinance No. 2016-4-6: To authorize the issuance of "City of Plano, Texas, General Obligation Refunding and Improvement Bonds, Series 2016"; levying a continuing direct annual ad valorem tax for the payment of said Bonds; resolving other matters incident and related to the issuance, sale, payment and delivery of said Bonds; establishing procedures for the sale and delivery of said Bonds; and delegating matters relating to the sale and issuance of said Bonds to an authorized City official; and providing a severability clause and an effective date. (Consent Agenda Item "P")

Ordinance No. 2016-4-7: To authorize the issuance of "City of Plano, Texas, Waterworks and Sewer System Revenue Bonds, Series 2016"; pledging the net revenues of the City's combined waterworks and sewer system to the payment of the principal of and interest on said Bonds; resolving other matters incident and related to the issuance, payment, security, sale and delivery of said Bonds, including establishing parameters and delegating matters to certain City officials; and providing a severability clause and an effective date. (Consent Agenda Item "Q")

Ordinance No. 2016-4-8: To amend Chapter 12, Motor Vehicles and Traffic, Article IV, Speed, Section 12-73(d), Subsection "Independence Parkway," of the Code of Ordinances of the City of Plano, Texas to revise the end points for the school zone on Independence Parkway; providing a repealer clause, a severability clause, a penalty clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item "R")

Ordinance No. 2016-4-9: To amend Chapter 12, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 12-102(e), prohibiting parking along certain sections of Mollimar Drive and Old Orchard Drive in the City of Plano; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item "S")

END OF CONSENT

Resolution No. 2016-4-10(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and Carl Franklin Homes, L.C., a Texas limited liability company, for the construction and installation of certain public infrastructure and improvements within the public rights-of-way and private property near 18th Street and K Avenue; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "J")

Director of Special Projects Braster spoke to the project and the funding from the Tax Increment Financing Zone Number Two. He stated the funding is paid for by property owners in the zone and it has been used in the past for similar projects. In response to Council, Mr. Braster advised the projects paid for by the TIF funds become publicly owned projects and funds are reimbursed after the work is complete and will not exceed the amount in the agreement.

Mayor LaRosiliere opened the floor to public comment. Beth Carruth and Judy Kendler spoke in opposition of the agreement. Mayor LaRosiliere closed the public comments. City Attorney Mims advised the Council the funding agreement is reviewed by the TIF Board, made up of property owners in the district and funds are reimbursed once improvements are complete.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 5-1 with Council Member Harrison in opposition, to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and Carl Franklin Homes, L.C., a Texas limited liability company, for the construction and installation of certain public infrastructure and improvements within the public rights-of-way and private property near 18th Street and K Avenue; and further to adopt Resolution No. 2016-4-10(R).

The Council took a ten-minute recess at 8:10 p.m.

Public Hearing and adoption of Ordinance No. 2016-4-11 to adopt Youth Program Standards of Care for the City of Plano; and providing a repealer clause, a severability clause, a savings clause, and an effective date. (Regular Item “1”)

Director of Parks and Recreation Fortenberry stated this item is required by any agency caring for more than seven children under the age of 14 for more than two hours a day, three days a week and that some of the departmental programs meet that requirement. She detailed the exemption requirements and added this item will be an annual requirement going forward for the summer programs.

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 Council Member Miner, the Council voted 6-0 to adopt Youth Program Standards of Care for the City of Plano; and further to adopt Ordinance No. 2016-4-11.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission’s Denial of Zoning Case 2015-29 – Request to rezone 9.4± acres located at the northwest and southwest corner of McDermott Road and Robinson Road from Neighborhood Office to Single-Family Residence Attached. Zoned Neighborhood Office. Applicant: Rasor & 121 LP (Regular Item “2”)

Director of Planning Day stated the applicant has requested the item be tabled until April 25, 2016.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Miner, the Council voted 6-0 to table the item until April 25, 2016.

Consideration of an appeal of the Planning & Zoning Commission’s denial of the Concept Plan for The Preserve at Legacy Trail North & South – 59 Single-Family Residence Attached lots and five common area lots on 8.1± acres located at the northwest and southwest corner of McDermott Road and Robinson Road. Zoned Neighborhood Office. Applicant: Rasor & 121 LP (Regular Item “3”)

Director of Planning Day stated the applicant has requested the item be tabled until April 25, 2016.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 6-0 to table the item until April 25, 2016.

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2016-004 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 6.5± acres of land located at the northwest corner of G Avenue and 13th/14th Connector in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-123-Downtown Business/Government; 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: Plano Housing Corporation (Regular Item “4”)

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

Director of Planning Day spoke to the project, current zoning, surrounding property uses, provided site photographs of the area, and approved concept plan. She stated staff and the Planning and Zoning Commission recommend approval with the following stipulations:

(Proposed additions are indicated by underlined text; deletions are indicated by ~~strickethrough~~ text.)

Restrictions:

The permitted uses and standards shall be in conformance with the Downtown Business/Government (BG) zoning district unless otherwise specified herein.

General Provisions of the Planned Development

1. Three and 4-story multifamily uses shall be exempt from the minimum 200-foot setback requirement from single-family and two-family residential zoning districts.
2. Multifamily uses shall be exempt from Section 15.800 (Multifamily Residence).
3. Multifamily uses shall be set back a minimum of 400 feet from the centerline of U.S. Highway 75. Residential structures within 750 feet of the centerline of U.S. Highway 75 shall be screened by a minimum 10-foot wide landscape buffer with evergreen shrubs used to create at least an 8-foot tall solid screen within 2 years

In response to Council Member Kelley, Ms. Day stated the current zoning has no set back requirements. Developer Jean Brown spoke to the project and was available for questions.

Mayor LaRosiliere opened the public hearing. Kent Conine, Charlene Stark, Marc Propac, Jack Wierzenski, Richard Howe, Ben Luecker, Rick Fambro, Mike Mansfield, Adam Saba, Leonardo Perez, Pastor Raymond Jones, Takisha Voss, Chris Naifeh, Elliott Thomas, Pam Hatcher, Cecil Starks, and Eleanor Evans spoke in favor of the project. Jack Lagos, Marilena Salmenes, Jose Salmenes, and Marylin Rey spoke in opposition of the project due to the proximity to an existing home. Cards turned in to register an opinion but not speak – 50 in support, 3 in opposition, and 5 not specified. Mayor LaRosiliere closed the public hearing.

Ms. Brown spoke in response to the setback requirements, the offer to purchase the adjacent property, and the current zoning of the property. In response to Council Member Downs, Ms. Day clarified the visibility setback is shown on the concept plan for continuity only and would not affect the existing homeowner. Ms. Brown spoke to the ancillary parking on the property and retention pond area. Council Member Kelley expressed his concern for the adjacent property owner. Council Member Harrison stated he was not comfortable with set back from US Hwy 75, the proximity to the existing home, and vacating the street. Council added an additional stipulation to include a landscape buffer around the adjacent property owner's land, utilizing staff landscape architect.

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

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 4-2 with Council Members Kelley and Harrison in opposition, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, so as to rezone 6.5± acres of land located at the northwest corner of G Avenue and 13th/14th Connector in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-123-Downtown Business/Government as amended to include a landscape buffer; as requested in Zoning Case 2016-004, with the ordinance reflecting the additional stipulation to be considered at the April 25, 2016 meeting.

With no further business, Mayor LaRosiliere adjourned the meeting at 9:26 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Lisa C. Henderson, City Secretary