

**PLANO CITY COUNCIL  
REGULAR SESSION  
May 23, 2016**

**COUNCIL MEMBERS PRESENT**

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

**STAFF PRESENT**

Bruce Glasscock, City Manager  
LaShon Ross, 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, May 23, 2016, at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Pastor Brian McClane with Northpointe Church led the invocation and Deputy Mayor Pro Tem Harris led the Pledge of Allegiance and Texas Pledge.

Mayor LaRosiliere recognized the Plano Library Bookmark contest winners.

**COMMENTS OF PUBLIC INTEREST**

Sean Moothart and Patty Snell spoke to preservation of the Collinwood House and Dr. Randy Moir spoke to the architecture of the Collinwood House.

**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, as follows:

**Approval of Minutes**

May 9, 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. 2016-0242-C** for Biometric Screening for a one (1) year contract with three (3) City optional renewals to be utilized by Human Resources to US Wellness, Inc. in the estimated amount of \$100,000; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

**RFQ No. 2016-0113-C** for the initial term of three (3) years with two (2) City optional three-year renewal periods, for Section 115 Trust Investment Manager Services to be utilized by Human Resources to Cullen Frost Bankers, Inc. in the estimated amount of \$526,500; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

**Bid No. 2016-0230-C** for one (1) year contract with three (3) City optional renewals for reinforcing steel for Public Works Department to CMC Construction Services in the estimated annual amount of \$72,435; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

**Bid No. 2016-316-B** for the purchase of two (2) Eagle Bridge belted trailers for Fleet Services to be utilized by Compost Operations from Trinity Trailer Sales and Service, Inc. in the amount of \$179,600; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

**Bid No. 2016-0297-B** for a one time purchase for Aquatic Deck and Safety Equipment for Parks & Recreation Department to Brock Enterprises, Inc. in the estimated amount of \$7,488 and to Recreonics, Inc. in the estimated amount of \$53,622 for a total award of \$61,110; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

**RFP No. 2016-0001-C** for a five (5) year contract for back-up bank depository services for Treasury to LegacyTexas Financial Group, Inc.; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

### **Purchase from an Existing Contract**

To approve the purchase of Xplore D10 Fully Rugged Tablets for Plano Fire-Rescue from Portable Computer Systems, Inc. dba PCS Mobile in the amount of \$105,100 through an existing contract with GSA; and authorizing the City Manager to execute all necessary documents. (GSA Contract No. GS-35F-0143-R) (Consent Agenda Item “H”)

### **Approval of Change Order**

To Lone Star Civil Construction, Inc., increasing the contract by \$414,190 for Public Works Department’s Residential Concrete Pavement Rehab, Zone M5, Project No. 6424, Change Order No. 3, Bid No. 2014-221-B; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

To Gilbert May, Inc. dba Phillips/May Corporation, increasing the contract by \$74,117 for the 15th Street Reconstruction project, Change Order No. 7. Original Bid No. 2014-253-B. (Consent Agenda Item “J”)

### **Adoption of Resolutions**

**Resolution No. 2016-5-7(R):** To approve the terms and conditions of a Park Land Reimbursement Agreement by and between MM PLANO 54, LLC and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

**Resolution No. 2016-5-8(R):** To approve the Investment Portfolio Summary for the quarter ending March 31, 2016; and providing an effective date. (Consent Agenda Item “L”)

**Resolution No. 2016-5-9(R):** To authorize a Construction Manager At Risk (CMAR) contract between the City of Plano and MYCON General Contractors, Inc., for Carpenter Park Pool Expansion for a Guaranteed Maximum Price (GMP) of \$7,205,372; authorizing the City Manager to execute the necessary contract documents; and providing an effective date. (Consent Agenda Item “M”)

### **Adoption of Ordinances**

**Ordinance No. 2016-5-10:** To repeal Ordinance No. 2016-4-14, which contained an error, and abandoning all right, title and interest of the City in and to that certain Right-of-Way, subject to retaining a Utility Easement, being a 0.507141 acre tract of land out of the Daniel Rowlett Survey, Abstract No. 738, in the City of Plano, Texas, said 0.507141 acre tract also being part of a variable width public Right-of-Way, dedicated to the City of Plano, Texas per street dedication plat called Wagner Way-Carpenter Road-Chase Oaks Boulevard-Stadium Drive Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet F, Slide 29, of the plat records of Collin County, Texas; quitclaiming all right, title and interest of the City in such Right-of-Way to the owner of the property underlying the Right-of-Way, Legacy Central Partners, LLC, 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”)

**Ordinance No. 2016-5-11:** To approve a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”) regarding the Company’s 2016 rate review mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the Company to reimburse ACSC’s reasonable ratemaking expenses; requiring delivery of this Ordinance to the Company and the ACSC’s legal counsel; and providing a repealer clause, a severability clause, a savings clause and an effective date. (Consent Agenda Item “O”)

## **END OF CONSENT**

**Public Hearing and adoption of Ordinance No. 2016-5-12** as requested in Zoning Case 2016-011 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 8 so as to allow the additional use of Day Care Center on 6.6 acres of land located on the east side of K Avenue, 2,555 feet north of Parker Road, in the City of Plano, Collin County, Texas, presently zoned Light Commercial; 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: Kenneth Kercher (Regular Item “1”)

Director of Planning Day spoke to the current zoning of the property and surrounding areas. She stated currently there is an office building on the property and the applicant would like to open a parochial school on the site, including a Montessori program for three-year olds requiring the Specific Use Permit for daycare center. Ms. Day 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 Council Member Downs and seconded by Council Member Miner, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 8 so as to allow the additional use of Day Care Center on 6.6 acres of land located on the east side of K Avenue, 2,555 feet north of Parker Road, in the City of Plano, Collin County, Texas, presently zoned Light Commercial, as requested in Zoning Case 2016-011; and further to adopt Ordinance No. 2016-5-12.

**Public Hearing and consideration of an Ordinance as requested in Zoning Case 2016-012** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 6.3 acres of land from Light Commercial with Specific Use Permit No. 515 for Recreation Vehicle Sales and Service to Downtown Business/Government and repealing in its entirety Ordinance No. 2003-11-16, thereby rescinding Specific Use Permit No. 515 for Recreation Vehicle Sales and Service located at the northwest corner of K Avenue and 10th Street in the City of Plano, Collin County, Texas; 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: James Benny Ray (Regular Item “2”)

Director of Planning Day spoke to the project location and the surrounding area zoning and uses. She stated the Downtown Business/Government zoning will allow commercial and residential uses and is consistent with the Downtown Vision and Strategy Update Goals and Transit Corridor designation on the future land use plan. Ms. Day advised that Staff and the Planning and Zoning Commission recommend approval as presented. In response to Council Member Kelley, Ms. Day stated the project is a catalyst to spread walkability on K Avenue and 10<sup>th</sup> Street and could be an anchor to spur additional redevelopment. In response to Council, Staff clarified building standards information, density, and allowable uses with the zoning.

**Public Hearing and consideration of an Ordinance as requested in Zoning Case 2016-012 (Cont'd.)**

Nick Wilhelmson with Alliance Residential, the applicant, spoke to the project location, current uses, and provided site photographs and a conceptual drawing. He provided a summary of the project, consisting of 385 units with an average of 850 square feet per unit, its finishes, and amenities. Mr. Wilhelmson provided examples of other completed projects by Alliance Residential and requested Council approval of the project. In response to Council Member Downs, Mr. Wilhelmson stated based upon the zoning approval, they would break ground on the project within approximately twelve months.

Mayor LaRosiliere opened the public hearing. Russ Kissick, Pam Hatcher, and Rick Fambro spoke in favor of the request. Mayor LaRosiliere closed the public hearing.

Mayor Pro Tem Smith expressed support of the project. City Manager Glasscock discussed renewed interest in Cotton Belt rail line and stated it may be open within 10 years. Council Member Harrison advised he does not support the project due to the isolated nature of the location and layout of the development. Council Member Kelley expressed support stating an anchor project is needed in the area. Council Member Downs expressed support but wants to see a quality project utilizing the new building standards. Deputy Mayor Pro Tem Harris clarified the right-of-way requirements for a sky bridge if included in the project and expressed support. Mayor LaRosiliere stated the project would redefine the downtown area and serve as a magnet to bring other projects to the area. Council Member Downs made a motion to approve the rezoning request with the new building standards being utilized and Mayor Pro Tem Smith seconded the motion. Ms. Day clarified the new standards have not been adopted. City Attorney Mims stated the item could be tabled. Ms. Day advised of the proposed eighty percent exterior masonry requirement in the new building standards. Council Member Downs restated his motion to include the eighty percent exterior masonry requirement and Mayor Pro Tem Smith seconded the motion. Council Member Miner stated the project is a great opportunity to revitalize area.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 7-1, with Council Member Harrison in opposition, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 6.3 acres of land from Light Commercial with Specific Use Permit No. 515 for Recreation Vehicle Sales and Service to Downtown Business/Government and repealing in its entirety Ordinance No. 2003-11-16, thereby rescinding Specific Use Permit No. 515 for Recreation Vehicle Sales and Service located at the northwest corner of K Avenue and 10th Street in the City of Plano, Collin County, Texas, as requested in Zoning Case 2016-012; with a stipulation for an eighty percent exterior masonry requirement.

**Public Hearing and adoption of Ordinance No. 2016-5-14** as requested in Zoning Case 2016-010 to amend Section 3.100 (General) of Article 3 (Site Plan Review), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to official submittal dates; 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 "3")

**Public Hearing and adoption of Ordinance No. 2016-5-14 (Cont'd.)**

Development Review Manager Hill stated the amendment is to update and clarify language in the current ordinance to allow submittals by mail. He advised that Staff and the Planning and Zoning Commission recommend approval as follows: (Proposed additions are indicated by underlined text; deletions are indicated by ~~striketrough~~ text.)

**Amend Subsection 3.100.5 (Submission of Applications) of Section 3.100 (General) of Article 3 (Site Plan Review), portion B to read as follows:**

- B. Applications for approval of plans required by this article must be submitted to the City of Plano Planning Department. A calendar of official submittal dates for items requiring Planning & Zoning Commission approval shall be published by the city 30 days prior to the beginning of each year. All applications received on a date other than an official submittal date shall be ~~dated received~~ scheduled for consideration on the next official submittal date. An application or plan is considered filed on the date the applicant delivers the application or plan to the City of Plano Planning Department or deposits the application or plan with the United States Postal Service by certified mail addressed to the City of Plano Planning Department. Complete applications requiring Planning & Zoning Commission approval shall be placed on the meeting agenda of the Planning & Zoning Commission no later than 28 days following the official date of submittal. Items ~~requiring~~ authorized for staff approval only may be submitted at any time during normal office hours. Complete applications authorized for staff approval shall be acted upon by the Director of Planning or designee within 21 days. (See Sec. 3.900)

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 Miner, the Council voted 7-1, with Council Member Harrison in opposition, to amend Section 3.100 (General) of Article 3 (Site Plan Review), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to official submittal dates, as requested in Zoning Case 2016-010; and further to adopt Ordinance No. 2016-5-14.

**Public Hearing and adoption of Ordinance No. 2016-5-15** to amend Section 3.1 (General) of Article III (Platting Procedures) and related sections of the Subdivision Ordinance of the City of Plano, as heretofore amended, pertaining to official submission dates, and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: City of Plano (Regular Item "4")

Development Review Manager Hill stated the amendment is to update the current ordinance to allow submittals by mail. He advised that Staff and the Planning and Zoning Commission recommend approval as follows: (Proposed additions are indicated by underlined text; deletions are indicated by ~~striketrough~~ text.)

**Public Hearing and adoption of Ordinance No. 2016-5-15 (Cont'd.)**

**Amend Section 3.1 (General) of Article III (Platting Procedures), portion b to read as follows:**

- b. Official Submission Date for Items Requiring Planning & Zoning Commission and Staff Approval - For the purpose of these regulations, the date on which the application is first filed shall constitute the official submission date for the plat, after which the statutory period required for approval or disapproval of the plat shall commence to run. The Planning Department shall publish at least 30 days prior to the beginning of each year a calendar of official submittal dates. This calendar shall specify two submittal dates for each month. All applications delivered to the city on a date other than a scheduled date shall be ~~dated received~~ scheduled for consideration on the next official submittal date. An application or plat is considered filed on the date the applicant delivers the application or plat to the City of Plano Planning Department or deposits the application or plat with the United States Postal Service by certified mail addressed to the City of Plano Planning Department.

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

Upon a motion made by Council Member Grady and seconded by Council Member Downs, the Council voted 8-0 to amend Section 3.1 (General) of Article III (Platting Procedures) and related sections of the Subdivision Ordinance of the City of Plano, as heretofore amended, pertaining to official submission dates; and further to adopt Ordinance No. 2016-5-15.

With no further business, Mayor LaRosiliere adjourned the meeting at 8:15 p.m.

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**Harry LaRosiliere, MAYOR**

ATTEST

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Lisa C. Henderson, City Secretary