

**PLANO CITY COUNCIL
REGULAR SESSION
September 12, 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
Jim Parrish, Deputy City Manager
Jack Carr, Deputy City Manager
Mark Israelson, Deputy City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Monday, September 12, 2016, at 7:09 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Pastor Kelvin Foley with North Dallas Community Bible Fellowship led the invocation and Girl Scout Troop 7917 led the Pledge of Allegiance and Texas Pledge.

Mayor LaRosiliere recognized the In Touch Credit Union Plano Balloon Festival, participants in the Plano Mayor's Summer Internship Program, the graduates of the Plano Citizens Academy Class, and proclaimed September as Food Safety Month. He further recognized Michael O'Hanlon for his service on the Planning and Zoning Commission.

COMMENTS OF PUBLIC INTEREST

John Roberts spoke to parking, traffic, and code violations in the Golden Leaf Apartment area. Robbie Robinson spoke to a performing arts facility and naming rights.

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 Item A, as follows:

Approval of Expenditures

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

Bid No. 2016-0433-C for a one (1) year contract with three (3) one-year City optional renewals for Reinforcing Steel for Public Works Department to Barnsco, Inc. in the estimated annual amount of \$82,237; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

RFP No. 2016-0184-C for a five (5) year revenue generating contract with two (2) five-year City optional renewals for a lease agreement for office space, conference room and paved outside storage for Environmental Waste Services Division of Public Works Department to Otto Container Management, LLC in the amount of \$88,500 for the first five (5) year term; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

RFP No. 2016-0184-C for a five (5) year contract with two (2) City optional five-year renewals for Roll Out Containers and Maintenance Services for Environmental Waste Services Division of Public Works Department to Otto Container Management, LLC in the estimated amount of \$3,279,116; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Bid No. 2016-0459-B for Municipal Center Access Control System Retrofit to Convergent Technologies LLC in the amount of \$144,715; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

Bid No. 2016-0411-B for J Avenue Parking Improvements in the amount of \$842,521 to JC Commercial Inc.; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Bid No. 2016-0463-B for the White Rock Creek & Prairie Creek Sewer Mains Rehabilitation Project No. 6432 to Insituform Technologies, LLC in the amount of \$6,672,400; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

Purchase from an Existing Contract

To approve the purchase of desktop computers for Technology Services in the amount of \$83,190 from Dell Marketing, LP through an existing contract; and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1951) (Consent Agenda Item “H”)

To approve the purchase of Argus Thermal Imaging Cameras for Plano Fire-Rescue from DACO Fire Equipment in the amount of \$176,470 through an existing contract with Buyboard; and authorizing the City Manager to execute all necessary documents. (Buyboard Contract No.432-13) (Consent Agenda Item “I”)

Approval of Change Order

To Red River Construction Company, increasing the contract by \$99,057 for the Stadium Pump Station Project No. 6210, Change Order No. 7. Original Bid No. 2014-166-B. (Consent Agenda Item “J”)

Adoption of Resolutions

Resolution No. 2016-9-1(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Murphy, Texas to allow the employees of the City of Murphy to take classes offered by City of Plano Professional Development Center; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

Resolution No. 2016-9-2(R): To ratify the terms and conditions of an Interlocal Cooperation Agreement by and between City of Plano and The University of Texas at Dallas, providing educational services as part of the City's Professional Development Program; 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 “L”)

Resolution No. 2016-9-3(R): To approve the appointment of the Health Authority for the City of Plano in accordance with Section 121.033 of the Texas Health and Safety Code; approving the Agreement between the City of Plano and Allan R. deVilleneuve, M.D. for Professional Services; and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2016-9-4(R): To approve the terms and conditions of an Interlocal Agreement by and between City of Plano, Texas and the Texas Parks and Wildlife Department for development of the City of Plano Water Walk at the Environmental Education Center; 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 “N”)

Resolution No. 2016-9-5(R): To authorize a Construction Manager At Risk (CMAR) contract between the City of Plano and Pogue Construction Co., LP, for Oak Point Recreation Center Expansion and Renovation (Phase II Interior Renovations and Expansion) for a Guaranteed Maximum Price (GMP) of \$8,213,558; authorizing the City Manager to execute the necessary documents; and providing an effective date. (Consent Agenda Item “O”)

Resolution No. 2016-9-6(R): To approve the terms and conditions of a Second Amendment to Communications Facilities License By and Between the City of Plano, Texas, and Dallas MTA, L.P. d/b/a Verizon Wireless, authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “P”)

Adoption of Ordinances

Ordinance No. 2016-9-7: To repeal Ordinance No. 2015-9-7; establishing the number of certain classifications within the Fire Department for fiscal year 2016-17; establishing the authorized number and effective dates of such positions for each classification; establishing a salary plan for the Fire Department effective October 3, 2016; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item “Q”)

Ordinance No. 2016-9-8: To repeal Ordinance No. 2015-9-8; establishing the number of certain classifications within the Police Department for fiscal year 2016-17; establishing the authorized number and effective dates of such positions for each classification; establishing a salary plan for the Police Department effective October 3, 2016; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item “R”)

Ordinance No. 2016-9-9: To amend Chapter 12, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 12-102.6 of the Code of Ordinances of the City of Plano, Texas, to include respective effective days and times in Subsections “Ashmont Drive,” “Briarcrest Drive,” “Carrington Drive,” and “Glenmont Drive” and to add Subsections “Fulgham Road” and “Tradition Trail” to prohibit parking of motor vehicles on certain sections of Fulgham Road and Tradition Trail between 9:00 p.m. and 6:00 a.m. within the city limits of 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

Consent Agenda Item A

Approval of Minutes

August 13, 2016

August 22, 2016

August 31, 2016

City Secretary Henderson stated the minutes from the August 22, 2016 Preliminary Open Meeting need to be corrected to reflect “COUNCIL MEMBERS ABSENT” on the first page between “COUNCIL MEMBERS PRESENT” and “STAFF PRESENT”.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to approve the minutes as corrected.

Ordinance No. 2016-9-10: To approve and adopt the Operating Budget and setting the appropriations for the fiscal year beginning October 1, 2016, and terminating September 30, 2017; and providing an effective date. (Public Hearing held on August 8, 2016.) (Regular Item 1)

Mayor LaRosiliere spoke to the budget process, the amount of work to prepare the budget, and service improvements. Director of Budget and Research Rhodes-Whitley stated this item adopts the Operating Budget of \$528 million and revised funding summaries were provided for the amendments made during the budget process.

Ordinance No. 2016-9-10 (Cont'd.)

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to approve and adopt the Operating Budget and setting the appropriations for the fiscal year beginning October 1, 2016, and terminating September 30, 2017; and further to adopt Ordinance No. 2016-9-10.

Ordinance No. 2016-9-11: To approve and adopt the Community Investment Program and setting the appropriations for the fiscal year beginning October 1, 2016, and ending September 30, 2017; and providing an effective date. (Regular Item 2)

Director of Budget and Research Rhodes-Whitley stated this item approves the Community Investment Program portion of the budget for Fiscal Year 2016-2017 in the amount of \$210 million and incorporates all of the changes requested during the budget process.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Grady, the Council voted 8-0, to approve and adopt the Community Investment Program and setting the appropriations for the fiscal year beginning October 1, 2016, and ending September 30, 2017; and further to adopt Ordinance No. 2016-9-11.

Ordinance No. 2016-9-12: To approve and adopt the Tax Rate for the fiscal year beginning October 1, 2016 and terminating September 30, 2017, and providing an effective date. (Public Hearings held August 22, 2016 and August 31, 2016.) (Regular Item 3)

Director of Budget and Research Rhodes-Whitley stated this item is to adopt the proposed tax rate of 47.86 cents per \$100 of assessed property valuation. She advised that 35.56 cents of the tax rate is designated for the maintenance and operation and 12.30 cents of the tax rate is earmarked for debt repayment.

Council Member Downs made a motion to approve. Additionally, Deputy Mayor Pro Tem Harris made a motion, seconded by Council Member Miner, that the property tax revenue be increased by the adoption of a tax rate of 47.86 cents which is effectively a 4.49% increase in the tax rate. Council Member Downs withdrew his original motion. The Council voted 8-0 to approve the motion; and further to adopt Ordinance No. 2016-9-12.

Ordinance No. 2016-9-13: To ratify the property tax revenue in the 2016-17 Budget as a result of the City receiving more revenues from property taxes in the 2016-17 Budget than in the previous fiscal year; and providing an effective date. (Public Hearings held on August 22, 2016 and August 31, 2016.) (Regular Item 4)

Director of Budget and Research Rhodes-Whitley stated this item ratifies the tax revenue increase by acknowledging the tax rate revenue is increased by 4.49 percent from last year.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to ratify the property tax revenue in the 2016-17 Budget as a result of the City receiving more revenues from property taxes in the 2016-17 Budget than in the previous fiscal year; and further to adopt Ordinance No. 2016-9-13.

Public Hearing and adoption of Ordinance No. 2016-9-14 as requested in Zoning Case 2016-022 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 13 so as to allow the additional use of Trade School on 0.1 acre of land located 207 feet east of Independence Parkway, 475 feet north of Parker Road, in the City of Plano, Collin County, Texas, presently zoned 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: West Parker Shopping Center LP (Regular Item 5)

Director of Planning Day spoke to the location, current zoning, surrounding property uses, and the proposed Trade School use. She stated Staff and the Planning and Zoning Commission recommend approval as presented.

Mayor LaRosiliere opened the public hearing. Stacy Eads, representing the applicant, spoke to the relocation of the cosmetology school and community involvement by the company. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Council Member Downs and seconded by Council Member Grady, the Council voted 8-0, to grant Specific Use Permit No. 13 so as to allow the additional use of Trade School on 0.1 acre of land located 207 feet east of Independence Parkway, 475 feet north of Parker Road, as requested in Zoning Case 2018-022; and further to adopt Ordinance No. 2016-9-14.

Ordinance No. 2016-9-15: To determine the public use, need and necessity for the acquisition of a street, sidewalk and utility easement for a 3,204 square feet tract of land and a temporary construction easement for a 3,672 square feet tract of land located in the Collin County School Land Survey, Abstract No. 153 at the intersection of Ohio Drive and McDermott Road as described in attached Exhibit "A," in the City of Plano, Collin County, Texas; for the purpose of constructing, reconstructing and maintaining street and highway facilities and related public improvements in the City of Plano, Collin County, Texas; authorizing the City Manager and the City Attorney, or their respective designees, to acquire the property including making initial and bona fide offers, and authorizing the City Attorney to file proceedings in eminent domain to condemn the needed real property for public use, if necessary, and providing an effective date. (Regular Item 6)

Director of Engineering Thornhill spoke to the location of the proposed intersection improvements to ease traffic congestion in the area. He advised the City has been negotiating with the property owner since September, 2015 and that all offers have been rejected.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 8-0, that the City of Plano authorize the use of the power of eminent domain to acquire by condemnation a street, sidewalk and utility easement over a .0735 acre tract of the property located on McDermott Road near the intersection of McDermott and Ohio Drive Lot 4, Block A of the Morgan Village Retail Center and a .0843 acre tract of the same property for a temporary construction easement, such easements as more fully described in Exhibit "A" attached to the proposed ordinance for improving intersection of McDermott Road and Ohio Drive; and further to adopt Ordinance No. 2016-9-15.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 8:09 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Lisa C. Henderson, City Secretary