

PLANO CITY COUNCIL
June 24, 2013

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Jim Duggan
Patrick Gallagher
David Downs

STAFF PRESENT

Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Monday, June 24, 2013, at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Council Member Downs led the invocation and Girl Scout Daisy Troop 3460 from Harrington Elementary led the Pledge of Allegiance.

Mayor LaRosiliere recognized Children's Medical Center for their 100th anniversary.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon a motion made by Mayor Pro Tem Smith 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 (Consent Agenda Item "A")
June 10, 2013

Approval of Expenditures

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

Bid No. 2013-219-C for annual contracts with three (3) City optional one (1) year renewals for Temporary Labor Services for Public Works, Environmental Waste Services Division, to Labor Ready Central, Inc. a subsidiary of TrueBlue, Inc. and to Lone Star Temps Services, Inc., for the initial contract period in the estimated combined amount of \$645,351 and the subsequent renewals in the estimated annual amount of \$520,351 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Bid No. 2013-278-B for J Place Sanitary Sewer Lift Station Replacement to Crescent Constructors, Inc. in the amount of \$726,002 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Bid No. 2013-216-C for an annual contract with three (3) City optional one (1) year renewals for Concrete Mix for Public Works, to Lattimore Materials Corp., for the initial contract period in the estimated amount of \$800,000 and the subsequent renewals in the estimated annual amount of \$600,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Bid No. 2013-242-B for the Arterial Concrete Pavement Rehab Independence Parkway–Spring Creek Parkway to SH 121, Project No. 6320 to Jerusalem Corporation in the amount of \$966,291 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

Bid No. 2013-250-B for Russell Creek Park Drainage Improvements to VA Construction, Inc. in the amount of \$77,202 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Bid No. 2013-161-B for the purchase of Steel Signal Pole Assemblies to be utilized by Traffic Signals Department to Sanpec, Inc. in the amount of \$57,520 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

Bid No. 2013-229-C for an annual contract with three (3) City optional renewals for Water Line Repair Parts for the Inventory Control and Asset Disposal (ICAD) Department, to be utilized by the Public Works Department, to Fortiline, Inc. in the estimated annual amount of \$105,831 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)

To approve the purchase of two (2) Lifepak 15 defibrillators and related accessories for use by the Fire Department from Physio-Control, Inc. in the amount not to exceed \$72,943 through the use of the general exemption as allowed by Local Government Code Chapter 252 Subchapter B Section 252.022(a)(2) and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

Approval of Contract Modification

To approve and authorize the First Modification of Contract by and between City of Plano and Scientel Wireless, LLC for the purchase of additional installation services in the amount of \$90,000 from Scientel Wireless, LLC. This modification will provide for the removal of 37 previously installed poles and the installation of 140 new poles. (City of Plano Tracking Number 2011-115-B). (Consent Agenda Item “J”)

Approval of Expenditure

To approve the purchase of 140 decorative light poles from The Lighting Alliance, the authorized reseller of the sole source manufacturer, Acuity Brands Lighting, in the amount of \$450,100 through the use of the general exemption as allowed by Local Government Code Chapter 252 Subchapter B Section 252.022(a)(7)(A) and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “K”)

Adoption of Resolutions

Resolution No. 2013-6-7(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between ReachLocal, Inc. and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2013-6-8(R): To approve the terms and conditions of an Advance Funding Agreement for project using funds held in the State Highway 121 Sub-Account for the acquisition of right of way for the Shiloh Rail Station on the Cotton Belt Railway; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2013-6-9(R): To approve the terms and conditions of Amendment No. 1 to the Advance Funding Agreement for project using funds held in the State Highway 121 Sub-Account for bicycle, pedestrian and vehicular improvements on 15th Street from Avenue G to Chisholm Trail; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “N”)

Resolution No. 2013-6-10(R): To designate the name of White Rock Creek Community Park Site as Windhaven Meadows Park and providing an effective date. (Consent Agenda Item “O”)

Resolution No. 2013-6-11(R): To repeal and replace Resolution No. 2001-7-15(R) regarding revised rates of fare for taxicabs and limousines operating within the City of Plano, Texas; and providing an effective date. (Consent Agenda Item “P”)

Adoption of Ordinances

Ordinance No. 2013-6-12: To amend Section 12-101 of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to prohibit stopping, standing, or parking of motor vehicles on Ashmill Drive from Bishop Road to Dallas Parkway, within the city limits of the City of Plano; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; and providing a repealer clause, a penalty clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “Q”)

Ordinance No. 2013-6-13: To approve and adopt Rate Schedule “RRM–Rate Review Mechanism” for Atmos Energy Corporation, Mid-Tex Division to be in force in the City for a period of time as specified in the rate schedule; adopting a savings clause; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this Ordinance to the Company and ACSC legal counsel. (Consent Agenda Item “R”)

Ordinance No. 2013-6-14: To repeal Ordinance No. 98-5-8 establishing a program entitled “Plano Reaching Out” and a fund of the same name for the public purpose of funding local social service agencies; and providing an effective date. (Consent Agenda Item “S”)

END OF CONSENT

Public Hearing and adoption of Ordinance No. 2013-6-15 to designate a certain area within the City of Plano, Texas as Reinvestment Zone No. 135 for tax abatement, consisting of a 14.233 acre tract of land located in the M. Taylor Survey, Abstract No. 897, in the City of Plano, Collin County, Texas, and described in Exhibit "A" attached hereto, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date. (Regular Agenda Item “1”)

Director of Plano Economic Development Bane spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement based on a ten-year abatement of 50% for an estimated \$12 million in real property and \$1.8 million in business personal property commencing no later than January 1, 2016.

Mayor LaRosiliere opened the Public Hearing. No one spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Duggan, the Council voted 8-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 135 for tax abatement and further to adopt Ordinance No. 2013-6-15.

Resolution No. 2013-6-16(R): To approve the terms and conditions of an Agreement by and between the City of Plano, Texas, ReachLocal, Inc., and EPC-IBP 16, LLC providing for real and business personal property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “2”)

Director of Plano Economic Development Bane advised that the agreement would be between the City of Plano, ReachLocal, Inc., and EPC-IBP-16, LLC for a term of ten years at 50% for both real and business personal property.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Davidson, the Council voted 8-0 to approve the terms and conditions of an Agreement by and between the City of Plano, ReachLocal, Inc., and EPC-IBP-16, LLC; and further to adopt Resolution No. 2013-6-16(R).

Public Hearing and adoption of Ordinance No. 2013-6-17 as requested in Zoning Case 2013-09 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to amend Planned Development-207-Retail on 119.9± acres of land located at the northwest corner of Shiloh Road and Renner Road, in the City of Plano, Collin County, Texas, in order to modify the development standards, including but not limited to building setback and parking ratio requirements; 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: David Hicks Company (Regular Agenda Item “3”)

Director of Planning Jarrell advised that the applicant is requesting to amend PD-207-R in order to amend building setback requirements adjacent to quasi-public streets, reduce parking requirements, and clarify development regulations. She stated that the Planning and Zoning Commission recommended approval as follows: (Proposed additions are indicated by underlined text; proposed deletions are shown as strike through text)

Restrictions

The permitted uses and standards shall be in accordance with the Retail (R) zoning district unless otherwise specified herein.

General Standards

1. The zoning exhibit shall be adopted as part of the ordinance.
2. Maximum Lot Coverage: 50%; increased to 70% if structured parking is provided
3. Maximum Floor to Area Ratio: 1.75:1
4. Maximum Height: Five story (75 feet) for buildings with multifamily residential use; 20 story for all other buildings
5. Minimum Side Yard: None, except as required by building or fire codes
6. Minimum Rear Yard: None, except as required by building or fire codes

Ordinance No. 2013-6-17 (cont'd)

7. Parking Regulations:

- a. The minimum required parking shall be ~~as follows~~ in accordance with Section 3.1100 (Off-Street Parking and Loading) of the Comprehensive Zoning Ordinance with the following exceptions:
 - Multifamily - One Bedroom or Less: One parking space per unit
Two Bedrooms: One and one-half parking spaces per unit
Three Bedrooms or More: Two spaces per unit
 - Freestanding Restaurant: One space per 100 square feet of floor area
 - ~~Hotel: See Section 3.1100 (Off Street Parking and Loading)~~
 - ~~Theater: See Section 3.1100 (Off Street Parking and Loading)~~
 - Medical Office: One space per 300 square feet of floor area
 - Retail: One space per 300 square feet of floor area
 - Restaurants and service uses within a multi-tenant building: One space per 300 square feet of floor area
 - ~~All Other Nonresidential Uses: One space per 300 square feet of floor area.~~
- b. On-street parking may count toward required parking and shall be permitted on both sides of interior public and quasi-public streets and fire lanes, except where prohibited for vehicular, fire, or pedestrian safety. On-street parking may be parallel, angle, or 90° to the street. Where on-street parking is provided, islands shall be placed as a break to delineate travel lanes. An island break of a minimum six feet in width shall be placed no less than every 150 feet of continuous on-street parking.
- c. No off-street loading spaces are required. Off-street loading for the loading and unloading of merchandise and goods must not occur in public streets or fire lanes, but may occur in parking areas or private drive aisles. Designated off-street loading spaces for nonresidential uses, if provided, may not be located adjacent to or across a street or alley from buildings containing residential uses unless the loading dock is screened by solid metal gates, masonry screening walls, overhead doors, buildings, or any combination of these.
- d. Except for freestanding restaurants, no parking is required for outdoor patio and sidewalk dining areas or other public seating areas and open space.

Design Standards

1. Street Pattern: The maximum block length shall be 500 feet. Public streets, quasi-public streets, and/or fire lanes may be used to obtain this required block length.
2. Streetscape:
 - a. Along Wynwood Dr., Wynhurst Dr., Wyngate Blvd., Wynview Dr., and required named quasi-public streets, sidewalks with a minimum width of six feet shall be placed no more than six feet from back of curb. Street trees shall be provided at a rate of one tree per 50 linear feet of street.
 - b. Outdoor patio and sidewalk dining, as well as other public seating areas, are permitted within public rights-of-way provided accessible pathways are maintained.

Ordinance No. 2013-6-17 (cont'd)

3. **Quasi-Public Streets definition:** Quasi-public streets are privately owned and maintained drives open to public access. A quasi-public street easement shall be dedicated for all quasi-public streets, and a fire lane shall be located within all quasi-public streets easements. On-street parking and sidewalks provided along quasi-public streets shall be located within the quasi-public street easement, if provided. Lots may derive required street frontage from quasi-public streets and may be platted to the centerline of quasi-public streets.
4. **Building Design:**
 - a. Nonresidential buildings, except for parking garages, shall have a minimum of 40% of the ground floor comprised of window area. Buildings fronting S. H. 190 frontage road, Renner Rd., and Shiloh Rd. are exempt from this requirement. For the purposes of this standard, ground floor is defined as that portion of a building from the street-level finish floor elevation and extending 12.5 feet above the street-level finish floor elevation.
 - b. Canopies, balconies, stoops, bay windows, awnings, and other building projections may encroach up to five feet into the public right-of-way and quasi-public street easements provided accessible pathways are maintained.
5. **Landscaping and Open Space:**
 - a. Except as stated in standard 5.b. below, landscaping shall be provided per Section 3.1200 (Landscaping Requirements) and Section 4.700 (190 Tollway/Plano Parkway Overlay District) except as follows:
 - i. No landscape edge is required along Wynwood Dr., Wynhurst Dr., Wyngate Blvd., Wynview Dr., and required named quasi-public streets, except for lots located within Tract 1.
 - ii. Landscape edge width may be reduced to 10 feet along Shiloh Rd., north of Wynview Dr.
 - b. A minimum five-foot landscape edge shall be provided between all surface parking lots and public and quasi-public streets, except for lots located within Tract 1. Street trees shall be provided at a rate of one tree per 50 linear feet of street.
 - c. A minimum of two acres of open space shall be provided and shall be open to the public at all times. Open space shall have a minimum dimension of 80 feet.
6. **Screening:**
 - a. The rear and service sides of nonresidential buildings oriented toward residential use or open space shall be screened as provided in Section 3.1000 (Screening, Fence, and Wall Regulations).
 - b. Refuse and recycling containers shall not be located within 30 feet of a public or quasi-public street, unless internal to the building, and shall be screened from view from streets and open space in accordance with Section 3.1000 (Screening, Fence, and Wall Regulations).
7. **Fencing:** For residential use only, fencing is allowed in the front yard setback up to eight feet in height. Fencing must be a minimum of 50% open.
8. **Signage:**
 - a. For buildings fronting S.H. 190 frontage road, Renner Rd., and Shiloh Rd., signage must comply with Section 3.1600 (Sign Regulations) and Section 4.700 (190 Tollway/Plano Parkway Overlay District).

Ordinance No. 2013-6-17 (cont'd)

- b. Signage for all other buildings must comply with Area A standards within Subsection 3.1605 (Downtown Sign District). Additionally, freestanding, single tenant buildings may have monument signs per Section 4.700 (190 Tollway/Plano Parkway Overlay District).

Multifamily Residential Development Standards

1. Maximum Number of Dwelling Units: 1,200 units
2. Minimum Density: 35 dwelling units per acre
3. Multifamily development shall be exempt from the supplemental regulations of Subsection 3.104 (Multifamily Residence).

Standards Specific to Tract 1

Tract 1 shall be developed in accordance with Retail (R) zoning district area, yard and bulk requirements.

1. Uses:
 - a. Regional theater use is permitted.
 - b. Car wash use is prohibited.

Standards Specific to Tract 2

1. Uses:
 - a. Regional theater use is permitted.
 - b. Car wash use is prohibited.
2. Building Design:
 - a. Buildings fronting to Renner Rd.
 - i. Minimum front yard setback: 30 feet
 - ii. Maximum front yard setback: None
 - b. Buildings fronting to Wyngate Blvd. or Wynview Dr.:
 - i. Minimum front yard setback: None
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the right-of-way line unless restricted by easements. ~~When~~ Where easements are present, a minimum of 60% of each facade must be built to the easement line.

Standards Specific to Tract 3

1. Uses:
 - a. Regional theater use is permitted.
 - b. Car wash use is prohibited.
2. Building Design:
 - a. Buildings fronting to Wynwood Dr., or Wynhurst Dr:
 - i. Minimum Front Yard Setback: None

Ordinance No. 2013-6-17 (cont'd)

- ii. Buildings shall be constructed such that a minimum of 50% of the facade falls within 30 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 50% of each facade must be built to the easement line. The 30 feet distance may be increased to a maximum of 100 feet if parking or drive aisles are located between the building face and the street.
- b. Buildings fronting ~~required named~~ quasi-public streets:
 - i. Front yard setbacks are measured from the street easement line.
 - ii. Minimum Front Yard Setback: None
 - iii. ~~Minimum Front Yard Setback:~~ Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the street easement line unless restricted by easements. If other easements are present required in addition to the street easement, then 60% of; the facade must be built to the additional easement line.

Standards Specific to Tract 4

- 1. Uses:
 - a. Multifamily use is permitted.
 - b. Car wash use is prohibited.
 - c. Office, retail, service and restaurant uses may only occupy space within the first floor of multi-story residential buildings. Free standing office, retail, service and restaurant buildings are prohibited.
- 2. Street Pattern: Tract 4 shall be bisected by a named quasi-public street and shall comply with the streetscape requirements as stated in 'Design Standards 2. Streetscape' above.
- 3. Building Design:
 - a. Buildings fronting to Wynwood Dr., Wynhurst Dr., Wyngate Blvd., or Wynview Dr.:
 - i. Minimum Front Yard Setback: None
 - ii. Buildings shall be constructed such that a minimum of 50% of the facade falls within 30 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 50% of each facade must be built to the easement line. The 30 feet distance may be increased to a maximum of 100 feet if parking or drive aisles are located between the building face and the street.
 - b. Buildings fronting ~~required named~~ quasi-public streets:
 - i. Front yard setbacks are measured from the street easement line.
 - ii. Minimum Front Yard Setback: None
 - iii. ~~The maximum front yard setback~~ Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the street easement line unless restricted by easements. If other easements are present required in addition to the street easement, then 60% of; the facade must be built to the additional easement line.

Ordinance No. 2013-6-17 (cont'd)

Standards Specific to Tracts 5 & 7

1. Uses:
 - a. Multifamily use is permitted.
 - b. Car wash use is prohibited.
 - c. Retail, service and restaurant uses are prohibited.
2. Building Design:
 - a. Buildings fronting to Wynwood Dr.:
 - i. Minimum Front Yard Setback: None
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line.
 - b. Buildings fronting ~~required named~~ quasi-public streets:
 - i. Front yard setbacks are measured from the street easement line.
 - ii. Minimum Front Yard Setback: None
 - iii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the street easement line. If other easements are required in addition to the street easement, then 60% of the facade must be built to the additional easement line.

Standards Specific to Tracts 6, 8, 9 & 10

1. Uses: Car wash use is prohibited.
2. Building Design:
 - a. Buildings fronting to Renner Rd. or Shiloh Rd.:
 - i. The minimum front yard setback shall be 10 feet.
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 30 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line. The 30 feet distance may be increased to a maximum of 85 feet if parking or drive aisles are located between the building face and the street.
 - b. Buildings fronting to Wyngate Blvd. or Wynview Dr.:
 - i. Minimum Front Yard Setback: None
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line.
 - c. Buildings fronting ~~required named~~ quasi-public streets:
 - i. Front yard setbacks are measured from the street easement line.
 - ii. Minimum Front Yard Setback: None
 - iii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the street easement line. If other easements are required in addition to the street easement, then 60% of the facade must be built to the additional easement line.

Ordinance No. 2013-6-17 (cont'd)

Mayor LaRosiliere opened the Public Hearing. No one spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 8-0 to amend Planned Development-207-Retail on 119.9± acres of land located at the northwest corner of Shiloh Road and Renner Road, in the City of Plano, Collin County, Texas, in order to modify the development standards, including but not limited to building setback and parking ratio requirements; as requested in Zoning Case 2013-09 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2013-6-17.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 7:15 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Diane Zucco, City Secretary