

PLANO CITY COUNCIL
October 28, 2013

COUNCIL MEMBERS PRESENT

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

COUNCIL MEMBERS ABSENT

Jim Duggan

STAFF PRESENT

Bruce Glasscock, City Manager
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, October 28, 2013, at 7:03 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Pastor Bob Rice of Northeast Bible Church led the invocation and Cub Scout Pack 18 of Saigling Elementary led the Pledge of Allegiance.

Mayor LaRosiliere recognized Pancreatic Cancer Month, Arbor Day and Animal Shelter Appreciation Week. He further administered oaths of office to incoming board and commission members and presented certificates of appreciation to those leaving office.

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 7-0 to approve and adopt all items on the consent agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item "A")
October 14, 2013

Approval of Expenditures

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

Bid No. 2013-338-B for the purchase of Oak Point Recreation Center Exterior Weatherproofing Repair to Western Waterproofing Company of America in the amount of \$135,500 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Bid No. 2013-221-C for an annual contract with three (3) City optional renewals for EMS Medical Supplies for the Fire Department to Bound Tree Medical, LLC, Henry Schein, Inc. and MMS - A Medical Supply Company in the total estimated annual amount of \$ 122,083 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Rejection of Bid No. 2013-385-B for Chisholm Trail Drainage Improvements at Spring Creek Parkway, Project No. 6295, from all bidders. (Consent Agenda Item "D")

Approval of Contract Modification

To approve and authorize Contract Modification No. 2 for the addition of a collections program from Redflex Traffic Systems, Inc. and the establishment of an escrow account in the amount of \$185,000 and to authorize the City Manager to execute all related documents. (Consent Agenda Item "E")

Approval of Change Order

To Jerusalem Corporation, increasing the contract by \$182,555 for the 2011-12 Residential Concrete Pavement Rehab Zone I10 & J9, Project No. 6211, Change Order No. 1, Bid No. 2012-269-B, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

To Jim Bowman Construction, LP, increasing the contract by \$309,880 for the 2011-12 Residential Concrete Pavement Rehab, Zone J3, Project No. 6229, Change Order No. 1, Bid No. 2013-40-B, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "G")

Approval of Expenditure

To approve the purchase of maintenance support for public safety system software from the sole source supplier, Colossus, Incorporated d/b/a InterAct Public Safety Systems, in the amount of \$50,313 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 "H")

Adoption of Strategic Vision

To adopt the City Council Strategic Vision for Excellence for Fiscal Year 2013-14. (Consent Agenda Item "I")

Adoption of Resolutions

Resolution No. 2013-10-17(R): To adopt an Amended Legislative Program for the City of Plano, Texas; directing the City Manager or his designee to act with regard to the City's Legislative Program; and providing an effective date. (Consent Agenda Item "J")

Adoption of Ordinances

Ordinance No. 2013-10-18: To amend Section 12-12(b) of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas, repealing one-way traffic flow at all times on Midcrest Drive and Rockbrook Drive within the corporate limits of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item "K")

Ordinance No. 2013-10-19: To amend Section 12-101 of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to allow the stopping, standing, or parking of motor vehicles on certain sections of Midcrest Drive, Rockbrook Drive, Winterplace Circle, and Winterstone Drive within the city limits of the City of Plano; declaring it lawful to park motor vehicles upon such sections of such roadway within the limits herein defined; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item "L")

Ordinance No. 2013-10-20: 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 certain sections of Bronze Leaf Drive, 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; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a penalty clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item "M")

Ordinance No. 2013-10-21: To repeal Section III of Ordinance No. 2000-10-5 codified as Section 14-109, Environmental Assessments, of Article VII, Chapter 14 of the Code of Ordinances of the City of Plano, Texas; and providing a repealer clause, a severability clause, a savings clause, and an effective date. (Consent Agenda Item "N")

Ordinance No. 2013-10-22: To repeal Ordinance No. 2011-4-15, codified as Article II, Fire Code, of Chapter 8 of the Code of Ordinances of the City; adopting the 2012 Edition of the International Fire Code, with certain revised additions, deletions, and amendments as the Fire Code of the City of Plano; 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. 2013-10-23: To adopt a new Article III, Section 8-19 of Chapter 8, Fire Prevention and Protection, of the City of Plano Code of Ordinances, to establish the Fire Inspection Program and authorize the Fire Department to conduct inspection of commercial or industrial businesses in Plano for fire hazards and compliance with the International Fire Code; and providing a repealer clause, a severability clause, a savings clause, and an effective date. (Consent Agenda Item "P")

Ordinance No. 2013-10-24: To repeal in its entirety City of Plano Ordinance No. 2011-1-7, codified as Article II, Building Code, of Chapter 6 of the Code of Ordinances; and adopting the 2012 Edition of the International Building Code, with certain additions, deletions, and amendments, as the Building Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “Q”)

Ordinance No. 2013-10-25: To partially repeal City of Plano Ordinance No. 2011-1-13 codified as Article XX, Residential Code, of Chapter 6 of the Code of Ordinances; and adopting the 2012 Edition of the International Residential Code with certain additions, deletions, and amendments, as the Residential Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “R”)

Ordinance No. 2013-10-26: To repeal in its entirety City of Plano Ordinance No. 2011-1-8, codified as Division 2, Plumbing Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances; and adopting the 2012 Edition of the International Plumbing Code, with certain additions, deletions and amendments, as the Plumbing Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “S”)

Ordinance No. 2013-10-27: To repeal in its entirety City of Plano Ordinance No. 2011-1-9, codified as Division 3, Mechanical Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances of the City; and adopting the 2012 Edition of the International Mechanical Code, with certain additions, deletions, and amendments, as the Mechanical Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “T”)

Ordinance No. 2013-10-28: To repeal in its entirety City of Plano Ordinance No. 2011-1-10, codified as Article XIX, Fuel Gas Code, of Chapter 6 of the Code of Ordinances; and adopting the 2012 Edition of the International Fuel Gas Code, with certain additions, deletions, and amendments, as the Fuel Gas Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “U”)

Ordinance No. 2013-10-29: To repeal in its entirety City of Plano Ordinance No. 2011-1-11, codified as Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances; and adopting the 2012 Edition of the International Energy Conservation Code, with certain additions, deletions and amendments, as the Energy Conservation Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “V”)

Ordinance No. 2013-10-30: To repeal in its entirety City of Plano Ordinance Nos. 2004-9-30; 2010-2-16; 2011-1-14; and 2012-12-12, codified as Divisions 1 and 2 of Article III, Property Maintenance Code, of Chapter 6 of the Code of Ordinances; and adopting the 2012 Edition of the International Property Maintenance Code, with certain additions, deletions, and amendments, as the Property Maintenance Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “W”)

Ordinance No. 2013-10-31: To repeal Ordinance No. 2013-9-32; establishing a certification pay plan for classified members of the Plano Fire and Police Departments; establishing an assignment pay plan for members of the Plano Fire Department serving in the capacity of paramedic; establishing a Paramedic Preceptor pay plan for members of the Plano Fire Department; establishing an assignment pay plan for members of the Plano Police Department serving in the capacity of Field Training Officers; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item “X”)

END OF CONSENT

Ordinance No. 2013-10-32 - To amend Ordinance No. 2013-1-4 codified as Section 21-147, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano to increase the water rate schedules for residential and non-residential customers for services rendered on or after December 1, 2013, and providing a repealer clause, a severability clause, a savings clause, and an effective date. (Regular Agenda Item “1”)

Director of Budget and Research Rhodes-Whitley advised that following a review of rates and receipt of final figures from the North Texas Municipal Water District, the ordinance proposes an 8% increase in water rates and no increase in sewer rates. She advised that the sewer fund currently subsidizes the water fund. Ms. Rhodes-Whitley advised that the district projects increases of 10% for water and 2% on waste water and that under the take or pay contract, the City used 21.2 billion gallons resulting in a loss of \$9.5 million. She advised that a credit was received for near \$2 million, but that additional contract costs will be \$4.8 million. Ms. Rhodes-Whitley spoke to district increases tied to costs associated with a pipeline running from Lake Texoma to the Wylie plant in order to address the zebra mussel infestation. She further advised that projections assume the City will be in Stage 3 watering conditions through 2013-14 and reviewed usage rates, future district rate increases, and the rates of other member cities.

Upon a motion made by Council Member Miner and seconded by Council Member Davidson, the Council voted 7-0 to amend Ordinance No. 2013-1-4, codified as Section 21-147, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano to increase the water rate schedules for residential and non-residential customers for services rendered on or after December 1, 2013; and further to adopt Ordinance No. 2013-10-32.

Public Hearing and adoption of Ordinance No. 2013-10-33 as requested in Zoning Case 2013-13 to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses), Subsection 2.821 (BG – Downtown Business/Government) and Subsection 2.829 (UMU - Urban Mixed-Use) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses), and Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to establish regulations for mid-rise multifamily residential development; 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 Agenda Item “2”)

Director of Planning Jarrell advised that mid-rise development (5-12 stories in height) is an option for properties located along major expressway corridors where land should primarily be reserved for economic development purposes. She spoke to these structures requiring non-combustible construction of steel and concrete increasing rent/purchase costs and typically including structured parking. Ms. Jarrell advised that due to larger unit sizes, developments may not achieve a desired density level of 40 units per acre. She advised that the development may be appropriate in some, but not all locations within major corridors and mixed-use developments and will require a specific use permit unless they are within a district which already allows taller residential structures. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as follows. (additions are shown as underlined text; deletions are shown as strike-through text):

Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to add the following term and definition for mid-rise residential, such portion of section to read as follows:

1.600 (Definitions)

Mid-Rise Residential - Buildings containing not less than five floors designed for residential occupancy, and including accessory uses including but not limited to parking garages, recreational amenities, meeting space, storage, and personal services. A mid-rise residential development may include a mix of residential and nonresidential uses in the same structure.

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow mid-rise residential in the following zoning districts:

Mid-rise residential development is allowed in the Corridor Commercial (CC), Regional Commercial (RC), Regional Employment (RE) and Commercial Employment (CE) zoning districts by specific use permit, and in the Urban Mixed-Use (UMU) and Downtown Business/Government (BG) zoning districts by right.

Ordinance No. 2013-10-33 (cont'd)

2.502 (Schedule of Permitted Uses)

Nonresidential Zoning Districts

Permitted Uses	Category														
		O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial	UMU - Urban Mixed-Use
<u>Mid-Rise Residential</u>	Primary Residential				P		S				S	S		S	P

Amend Subsection 2.821 (BG - Downtown Business/Government) 5. (Special District Requirements) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), such portion of subsection to read as follows:

2.821.5 (Special District Requirements)

g. Special Regulations for Multifamily Residences

iii. Minimum Density: 40 dwelling units per acre, except mid-rise residential (See Subsection 3.118)

Amend Subsection 2.829 (UMU - Urban Mixed-Use) 9. (Additional Use Regulations) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), such portion of subsection to read as follows:

2.829.9 (Additional Use Regulations)

b. An average residential density of 40 dwelling units per acre must be maintained within a UMU district. The average shall be computed based on the actual and effective residential density of units built and under construction (building permit issued). The reservation and allocation of residential units shall be managed by the governance association. Phased development shall have a minimum average residential density of 40 dwelling units per acre.

Ordinance No. 2013-10-33 (cont'd)

However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for the overall UMU district. No individual phase may be constructed at a residential density less than 30 units per acre, with the exception of single-family attached uses. This requirement does not apply to mid-rise residential developments (see Subsection 3.118).

Amend Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) to establish regulations pertaining to mid-rise residential uses, such portion of section to read as follows:

3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses)

3.118 - Mid-Rise Residential Development

Purpose - Mid-rise residential development is intended as a complementary use to large-scale commercial districts and corridors. It should be used to diversify land use, increase pedestrian activity, and reduce auto dependency. Mid-rise residential development should be integrated with other land uses and amenities conducive to a residential environment.

1. Lot Coverage - Maximum 100% lot coverage
2. Minimum Density - Mid-rise residential development is exempt from the minimum densities for multifamily development in the Urban Mixed-Use and Downtown Business/Government districts.

Amend Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) to establish parking requirements for mid-rise residential uses, such portion of subsection to read as follows:

3.1107 (Schedule of Off-Street Parking)

<u>Mid-Rise Residential</u>	<u>One bedroom or less - One parking space per unit</u>
	<u>Two bedrooms - 1.5 parking spaces per unit</u>
	<u>Three bedrooms or more - Two parking spaces per unit</u>

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

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to amend Section 1.600 of Article 1, Subsection 2.502 of Section 2.500, Subsection 2.821 and Subsection 2.829 of Section 2.800 of Article 2, Section 3.100 and Section 3.1100 of Article 3 and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2013-13; and further to adopt Ordinance No. 2013-10-33.

Public Hearing and adoption of Ordinance No. 2013-10-34 as requested in Zoning Case 2013-29 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended; amending Heritage Resource Designation No. H-1 to allow a minimum 16-foot front yard building setback from Gardengrove Court, located at the southeast corner of West 15th Street and Pitman Drive, and being more particularly described as Lot 1, Block A, Ammie Wilson Addition, an addition to the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-9 with Heritage Resource Designation H-1; directing a change accordingly in the official Zoning Map of the City; and providing a penalty clause, a repealer clause, a savings clause, a publication clause, a severability clause, and an effective date. Applicant: Heritage Farmstead Museum (Regular Agenda Item “3”)

Planner Mittal spoke to the process of heritage resource designation and advised the site was designated as such in 1982 with the Young House relocated to the location in 2001. He advised that the request is for a reduced setback to allow for reconstruction of an addition that once existed on the rear of the home. Mr. Mittal stated that the addition would include accessible restrooms, be minimally visible from the south side of Gardengrove Court and that both the Heritage and Planning and Zoning Commissions recommended approval.

Mayor LaRosiliere opened the Public Hearing. M’Lou Hyttinen, representing the applicant, requested approval of the request and advised that it would contain a kitchen, as did the original addition. She further stated that removed trees would be replanted. Citizens Antoinette Degan, Chloe Frohock and Don Gates spoke in support of the request.

Upon a motion made by Council Member Downs and seconded by Council Member Davidson, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended; amending Heritage Resource Designation No. H-1 to allow a minimum 16-foot front yard building setback from Gardengrove Court, located at the southeast corner of West 15th Street and Pitman Drive as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2013-29; and further to adopt Ordinance No. 2013-10-34.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 8:03 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Diane Zucco, City Secretary